

2004-2005

**HOUSE INTERIM
COMMITTEE ON
STREET GANG
PREVENTION**

MINUTES



**North Carolina General Assembly
Legislative Services Office**

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December 6, 2004

The Honorable Phillip Frye, Co-Chair
House Select Committee on Street Gang Prevention
North Carolina House of Representatives
16 West Jones Street, Room 1019
Raleigh, NC 27601-1096

Dear Representative Frye:

I congratulate you on your appointment as Co-Chair of the House Select Committee on Street Gang Prevention.

I have asked Ms. Susan Sitze, Mr. Hal Pell, and Ms. Drupti Chauhan, staff attorneys with the Research Division; and Mr. Doug Holbrook, a fiscal analyst with the Fiscal Research Division, to serve as staff to that Committee. In accordance with the Committee's directions as expressed through the Co-Chairs, they will aid in all aspects of the Committee's work, including the arrangement of meetings and preparations of a tentative budget and the Committee's report. A list of the membership of your Committee is also attached.

Should you wish to contact Ms. Sitze, Mr. Pell or Ms. Chauhan, they may be reached by telephone at (919) 733-2578; Mr. Holbrook may be reached by telephone at (919) 733-4910.

My best wishes go to the Committee in conducting its work. If I may be of any service to you or the Committee, please contact me.

Yours truly,

Terrence D. Sullivan
Director of Research

TDS/lba

Enclosure

c. Hon. James B. Black, Speaker
Hon. Richard T. Morgan, Speaker
Hon. Mickey Michaux, Jr., Co-Chair
Jim Johnson
Susan Sitze

Hal Pell
Drupti Chauhan
Doug Holbrook
Brian Peck



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(919) 733-2578

December 6, 2004

The Honorable Mickey Michaux, Jr., Co-Chair
House Select Committee on Street Gang Prevention
North Carolina House of Representatives
16 West Jones Street, Room 1227
Raleigh, NC 27601-1096

Dear Representative Michaux:

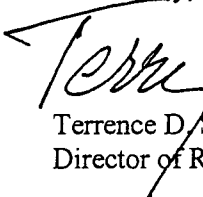
I congratulate you on your appointment as Co-Chair of the House Select Committee on Street Gang Prevention.

I have asked Ms. Susan Sitze, Mr. Hal Pell, and Ms. Drupti Chauhan, staff attorneys with the Research Division; and Mr. Doug Holbrook, a fiscal analyst with the Fiscal Research Division, to serve as staff to that Committee. In accordance with the Committee's directions as expressed through the Co-Chairs, they will aid in all aspects of the Committee's work, including the arrangement of meetings and preparations of a tentative budget and the Committee's report. A list of the membership of your Committee is also attached.

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Yours truly,


Terrence D. Sullivan
Director of Research

TDS/lba

Enclosure

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Hon. Richard T. Morgan, Speaker
Hon. Phillip Frye, Co-Chair
Jim Johnson
Susan Sitze

Hal Pell
Drupti Chauhan
Doug Holbrook
Brian Peck

House Select Committee on Street Gang Prevention Member List

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ATTENDANCE

NAME	12/21	1/4	1/5	1/18	1/19		
Representative Phillip Frye Co-Chair	✓	✓	✓	✓	✓		
Representative Mickey Michaux Co-Chair	✓	✓	✓	✓	✓		
Representative Alma Adams		✓		✓			
Representative Curtis Blackwood	✓	✓	✓	✓	✓		
Representative Becky Carney		✓	✓	✓	✓		
Representative Debbie Clary		✓	✓		✓		
Representative Nelson Cole	✓	✓	✓	✓	✓		
Representative Margaret Dickson	✓	✓	✓	✓	✓		
Representative Rick Eddins	✓	✓	✓	✓	✓		
Representative Earl Jones	✓	✓	✓	✓	✓		
Representative Mitchell Setzer	✓	✓	✓				
Representative Tracy Walker	✓	✓	✓	✓	✓		
Staff Attorneys							
Hall Pell		✓	✓	✓	✓		
Susan Sitze	✓	✓	✓	✓	✓		
Drupti Chauhan	✓	✓	✓	✓	✓		
Fiscal Research							
Douglas Holbrook	✓	✓	✓	✓	✓		
Committee Assistant							
Mary Hayes	✓	✓	✓	✓	✓		

March 27, 2003

H 732. STREET GANG TERRORISM PREVENTION ACT. TO ENACT THE NORTH CAROLINA STREET GANG TERRORISM AND PREVENTION ACT OF 2003. Enacts new GS Ch. 14, Art. 13A, making the following activities related to criminal street gangs (as defined by act) and patterns of criminal gang activity (as defined by act) unlawful: (1) participation by a person employed or associated with a criminal street gang in a criminal street gang through a pattern of criminal gang activity (class E felony); (2) acquiring or maintaining through a pattern of criminal gang activity or proceeds derived there from any interest in or control of real property, personal property, or money (class E felony); (3) engaging or conspiring to engage in a pattern of criminal gang activity by an organizer, supervisor, or manager of a criminal street gang (10 year sentence served consecutively to any other sentence imposed by law); (4) causing, encouraging, soliciting, or coercing another to participate in a criminal street gang (class G felony); (5) communicating certain threats with the intent of deterring a person from assisting the withdrawal of a member or associate from a criminal street gang (class G felony); (6) communicating certain threats with the intent to punish or retaliate against a person for having withdrawn from a criminal street gang (class G felony). Provides for seizure and forfeiture as contraband of property that is directly or indirectly used or intended for use in facilitating violation of this article and any property constituting or derived from gross profits or proceeds obtained from violating this article. Declares real property used by criminal street gangs to be a public nuisance. Effective Dec. 1, 2003; applies to offenses committed on or after effective date.

Intro. by Michaux.

Ref. to Judiciary III	GS 14

April 15, 2003

H 732. STREET GANG TERRORISM PREVENTION ACT. Intro. 3/27/03. House committee substitute makes the following changes to 1st edition. Amends GS 14-50.17(2) to provide that at least one offense shall occur after Dec. 1, 2003 (was, July 1, 2003). Amends GS 14-50.18(g)(2) to provide that a person who violates subsections (a), (b), (d), (e), or (f) of sec., and also violates subsection (c), shall be punished by imprisonment for an additional 10 years. Amends GS 14-50.21 to clarify that if property is owned by non-member of gang, sec. shall apply only if person has knowledge of criminal gang activity. Makes technical changes.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 732
Committee Substitute Favorable 4/15/03

Short Title: Street Gang Terrorism Prevention Act.

(Public)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED
AN ACT TO ENACT THE NORTH CAROLINA STREET GANG TERRORISM
AND PREVENTION ACT OF 2003.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a new Article to read:

"Article 13A.

"North Carolina Street Gang and Terrorism Prevention Act.

"§ 14-50.15. Short title.

This Article shall be known and may be cited as the "North Carolina Street Gang Terrorism and Prevention Act".

"§ 14-50.16. Legislative findings and intent.

(a) The General Assembly finds and declares that it is the right of every person to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Article to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The General Assembly recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to associate lawfully with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

(b) The General Assembly, however, further finds that the State of North Carolina is in a state of crisis that has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected.

(c) The General Assembly finds that there are criminal street gangs operating in North Carolina and that the number of gang-related murders is increasing. It is the intent of the General Assembly in enacting this Article to seek the eradication of criminal

1 activity by street gangs by focusing upon patterns of criminal gang activity and upon the
2 organized nature of street gangs which together are the chief source of terror created by
3 street gangs.

4 (d) The General Assembly further finds that an effective means of punishing and
5 detering the criminal activities of street gangs is through forfeiture of the profits,
6 proceeds, and instrumentalities acquired, accumulated, or used by street gangs.

7 **"§ 14-50.17. Definitions.**

8 The following definitions apply in this Article:

9 (1) "Criminal street gang" means any organization, association, or group
10 of three or more persons associated in fact, whether formal or
11 informal, which engages in a pattern of criminal gang activity as
12 defined in subdivision (2) of this section. The existence of the
13 organization, association, or group of individuals associated in fact
14 may be established by evidence of a common name or common
15 identifying signs, symbols, tattoos, graffiti, or attire or other
16 distinguishing characteristics.

17 (2) "Pattern of criminal gang activity" means the commission, attempted
18 commission, conspiracy to commit, or solicitation, coercion, or
19 intimidation of another person to commit at least two of the following
20 offenses, provided that at least one of these offenses occurred after
21 December 1, 2003, and the last of the offenses occurred within three
22 years, excluding any periods of imprisonment, of prior criminal gang
23 activity:

24 a. Any offense under G.S. 75D-3.

25 b. Any offense under G.S. 14-277.3 (Stalking).

26 c. Any offense under Article 7A of Chapter 14 of the General
27 Statutes (Rape or Other Sex Offenses).

28 d. Any offense under G.S. 14-239 (Allowing prisoners to escape;
29 punishment), G.S. 148-45 (Escaping or attempting escape from
30 State prison system; failure of conditionally and temporarily
31 released prisoners and certain youthful offenders to return to
32 custody of Department of Correction), or Article 33 of Chapter
33 14 of the General Statutes (Prison Breach and Prisoners).

34 e. Any offense under Article 35 (Offenses Against the Public
35 Peace), 52A (Sale of Weapons in Certain Counties), 54A (The
36 Felony Firearms Act), or 54B (Concealed Handgun Permit) of
37 Chapter 14 of the General Statutes.

38 f. Any offense under G.S. 14-316.1 (Contributing to delinquency
39 and neglect by parents and others).

40 **"§ 14-50.18. Participation in criminal street gang activity prohibited.**

41 (a) It is unlawful for any person employed by or associated with a criminal street
42 gang to conduct or participate in the criminal street gang through a pattern of criminal
43 gang activity.

1 (b) It is unlawful for any person to acquire or maintain, directly or indirectly,
2 through a pattern of criminal gang activity or proceeds derived therefrom any interest in
3 or control of any real or personal property of any nature, including money.

4 (c) It is unlawful for any person who occupies a position of organizer,
5 supervisory position, or any other position of management with regard to a criminal
6 street gang to engage in, directly or indirectly, or conspire to engage in a pattern of
7 criminal gang activity.

8 (d) It is unlawful for any person to cause, encourage, solicit, or coerce another to
9 participate in a criminal street gang.

10 (e) It is unlawful for any person to communicate, directly or indirectly, with
11 another any threat of injury or damage to the person or property of the other person or to
12 any associate or relative of the other person with the intent to deter the person from
13 assisting a member or associate of a criminal street gang to withdraw from such
14 criminal street gang.

15 (f) It is unlawful for any person to communicate, directly or indirectly, with
16 another any threat of injury or damage to the person or property of the other person or to
17 any associate or relative of the other person with the intent to punish or retaliate against
18 the person for having withdrawn from a criminal street gang.

19 (g) Any person who violates this section shall be punished as follows:

20 (1) A person who violates subsection (a) or (b) of this section shall, in
21 addition to any other penalty imposed by law, be punished as a Class E
22 felon.

23 (2) A person who violates subsection (a), (b), (d), (e), or (f) of this section
24 may, if the person also violates subsection (c) of this section in the
25 same course of conduct, in addition to any other penalty provided by
26 law, be punished by imprisonment for an additional 10 years which
27 shall be served consecutively to any other sentence imposed on the
28 person by law.

29 (3) A person who violates subsection (d), (e), or (f) of this section shall, in
30 addition to any other penalty provided by law, be punished as a Class
31 G felon.

32 (h) Any crime committed in violation of this section shall be considered a
33 separate offense.

34 **"§ 14-50.19. Contraband, seizure, and forfeiture.**

35 (a) All of the following are declared to be contraband, and no person shall have a
36 property interest in them:

37 (1) All property that is directly or indirectly used or intended for use in
38 any manner to facilitate a violation of this Article.

39 (2) Any property constituting or derived from gross profits or other
40 proceeds obtained from a violation of this Article.

41 (b) In any action under this section, the court may enter a restraining order in
42 connection with any interest that is subject to forfeiture.

1 (c) Within 60 days of the date of the seizure of contraband pursuant to this
2 section, the district attorney or the Attorney General shall initiate a forfeiture
3 proceeding as provided in G.S. 14-2.3.

4 **"§ 14-50.20. Local ordinances not preempted by State law.**

5 Nothing in this Article shall prevent a local governing body from adopting and
6 enforcing ordinances relating to gangs and gang violence that are consistent with this
7 Article. Where local laws duplicate or supplement the provisions of this Article, this
8 Article shall be construed as providing alternative remedies and not as preempting the
9 field.

10 **"§ 14-50.21. Real property used by criminal street gangs declared a public**
11 **nuisance; abatement; persons injured by gangs entitled to treble**
12 **damages.**

13 Any real property that is erected, established, maintained, owned, leased, or used by
14 any criminal street gang for the purpose of conducting criminal gang activity shall
15 constitute a public nuisance and may be abated as provided by Article 1 of Chapter 19
16 of the General Statutes. If the property is owned by a person who is not a member of the
17 criminal street gang, this section shall apply only if the person has knowledge of the
18 criminal gang activity.

19 **"§ 14-50.22. Matters proved in criminal trial court.**

20 A conviction of an offense defined as criminal gang activity shall stop the defendant
21 in any subsequent civil action or proceeding as to matters proved in the criminal
22 proceeding."

23 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
24 offenses committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 732

Short Title: Street Gang Terrorism Prevention Act.

(Public)

Sponsors: Representative Michaux.

Referred to: Judiciary III.

March 27, 2003

A BILL TO BE ENTITLED
AN ACT TO ENACT THE NORTH CAROLINA STREET GANG TERRORISM
AND PREVENTION ACT OF 2003.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a
new Article to read:

"Article 13A.

"North Carolina Street Gang and Terrorism Prevention Act.

"§ 14-50.15. Short title.

This Article shall be known and may be cited as the "North Carolina Street Gang
Terrorism and Prevention Act".

"§ 14-50.16. Legislative findings and intent.

(a) The General Assembly finds and declares that it is the right of every person to
be secure and protected from fear, intimidation, and physical harm caused by the
activities of violent groups and individuals. It is not the intent of this Article to interfere
with the exercise of the constitutionally protected rights of freedom of expression and
association. The General Assembly recognizes the constitutional right of every citizen
to harbor and express beliefs on any lawful subject whatsoever, to associate lawfully
with others who share similar beliefs, to petition lawfully constituted authority for a
redress of perceived grievances, and to participate in the electoral process.

(b) The General Assembly, however, further finds that the State of North
Carolina is in a state of crisis that has been caused by violent street gangs whose
members threaten, terrorize, and commit a multitude of crimes against the peaceful
citizens of their neighborhoods. These activities, both individually and collectively,
present a clear and present danger to public order and safety and are not constitutionally
protected.

(c) The General Assembly finds that there are criminal street gangs operating in
North Carolina and that the number of gang-related murders is increasing. It is the intent
of the General Assembly in enacting this Article to seek the eradication of criminal

1 activity by street gangs by focusing upon patterns of criminal gang activity and upon the
2 organized nature of street gangs which together are the chief source of terror created by
3 street gangs.

4 (d) The General Assembly further finds that an effective means of punishing and
5 detering the criminal activities of street gangs is through forfeiture of the profits,
6 proceeds, and instrumentalities acquired, accumulated, or used by street gangs.

7 **"§ 14-50.17. Definitions.**

8 The following definitions apply in this Article:

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10 of three or more persons associated in fact, whether formal or
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12 defined in subdivision (2) of this section. The existence of the
13 organization, association, or group of individuals associated in fact
14 may be established by evidence of a common name or common
15 identifying signs, symbols, tattoos, graffiti, or attire or other
16 distinguishing characteristics.

17 (2) "Pattern of criminal gang activity" means the commission, attempted
18 commission, conspiracy to commit, or solicitation, coercion, or
19 intimidation of another person to commit at least two of the following
20 offenses, provided that at least one of these offenses occurred after
21 July 1, 2003, and the last of the offenses occurred within three years,
22 excluding any periods of imprisonment, of prior criminal gang
23 activity:

24 a. Any offense under G.S. 75D-3.

25 b. Any offense under G.S. 14-277.3 (Stalking).

26 c. Any offense under Article 7A of Chapter 14 of the General
27 Statutes (Rape or Other Sex Offenses).

28 d. Any offense under G.S. 14-239 (Allowing prisoners to escape;
29 punishment), G.S. 148-45 (Escaping or attempting escape from
30 State prison system; failure of conditionally and temporarily
31 released prisoners and certain youthful offenders to return to
32 custody of Department of Correction), or Article 33 of Chapter
33 14 of the General Statutes (Prison Breach and Prisoners).

34 e. Any offense under Article 35 (Offenses Against the Public
35 Peace), 52A (Sale of Weapons in Certain Counties), 54A (The
36 Felony Firearms Act), or 54B (Concealed Handgun Permit) of
37 Chapter 14 of the General Statutes.

38 f. Any offense under G.S. 14-316.1 (Contributing to delinquency
39 and neglect by parents and others).

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41 (a) It is unlawful for any person employed by or associated with a criminal street
42 gang to conduct or participate in the criminal street gang through a pattern of criminal
43 gang activity.

1 (b) It is unlawful for any person to acquire or maintain, directly or indirectly,
2 through a pattern of criminal gang activity or proceeds derived therefrom any interest in
3 or control of any real or personal property of any nature, including money.

4 (c) It is unlawful for any person who occupies a position of organizer,
5 supervisory position, or any other position of management with regard to a criminal
6 street gang to engage in, directly or indirectly, or conspire to engage in a pattern of
7 criminal gang activity.

8 (d) It is unlawful for any person to cause, encourage, solicit, or coerce another to
9 participate in a criminal street gang.

10 (e) It is unlawful for any person to communicate, directly or indirectly, with
11 another any threat of injury or damage to the person or property of the other person or to
12 any associate or relative of the other person with the intent to deter the person from
13 assisting a member or associate of a criminal street gang to withdraw from such
14 criminal street gang.

15 (f) It is unlawful for any person to communicate, directly or indirectly, with
16 another any threat of injury or damage to the person or property of the other person or to
17 any associate or relative of the other person with the intent to punish or retaliate against
18 the person for having withdrawn from a criminal street gang.

19 (g) Any person who violates this section shall be punished as follows:

20 (1) A person who violates subsection (a) or (b) of this section shall, in
21 addition to any other penalty imposed by law, be punished as a Class E
22 felon.

23 (2) A person who violates subsection (c) of this section may, in addition to
24 any other penalty provided by law, be punished by imprisonment for
25 an additional 10 years which shall be served consecutively to any other
26 sentence imposed on the person by law.

27 (3) A person who violates subsection (d), (e), or (f) of this section shall, in
28 addition to any other penalty provided by law, be punished as a Class
29 G felon.

30 (h) Any crime committed in violation of this section shall be considered a
31 separate offense.

32 **"§ 14-50.19. Contraband, seizure, and forfeiture.**

33 (a) All of the following are declared to be contraband, and no person shall have a
34 property interest in them:

35 (1) All property that is directly or indirectly used or intended for use in
36 any manner to facilitate a violation of this Article.

37 (2) Any property constituting or derived from gross profits or other
38 proceeds obtained from a violation of this Article.

39 (b) In any action under this section, the court may enter a restraining order or
40 take other appropriate action, including acceptance of performance bonds, in connection
41 with any interest that is subject to forfeiture.

42 (c) Within 60 days of the date of the seizure of contraband pursuant to this
43 section, the district attorney or the Attorney General shall initiate a forfeiture
44 proceeding as provided in G.S. 14-2.3.

1 **"§ 14-50.20. Local ordinances not preempted by State law.**

2 Nothing in this Article shall prevent a local governing body from adopting and
3 enforcing ordinances relating to gangs and gang violence that are consistent with this
4 Article. Where local laws duplicate or supplement the provisions of this Article, this
5 Article shall be construed as providing alternative remedies and not as preempting the
6 field.

7 **"§ 14-50.21. Real property used by criminal street gangs declared a public**
8 **nuisance; abatement; persons injured by gangs entitled to treble**
9 **damages.**

10 Any real property that is erected, established, maintained, owned, leased, or used by
11 any criminal street gang for the purpose of conducting criminal gang activity shall
12 constitute a public nuisance and may be abated as provided by Article 1 of Chapter 19
13 of the General Statutes.

14 **"§ 14-50.22. Matters proved in criminal trial court.**

15 A conviction of an offense defined as criminal gang activity shall estop the
16 defendant in any subsequent civil action or proceeding as to matters proved in the
17 criminal proceeding."

18 **SECTION 2.** This act becomes effective December 1, 2003, and applies to
19 offenses committed on or after that date.

MINUTES

House Interim Committee on Street Gang Prevention

**Tuesday, December 21, 2004
Room 1425, Legislative Building**

The House Interim Committee on Street Gang Prevention met on Tuesday, December 21, 2004 at 10 a.m. in Room 1425 of the Legislative Building. Representatives Frye, Michaux, Blackwood, Cole, Dickson, Eddins, Jones, Setzer and Walker attended.

Representative Frye presided. He welcomed the Committee members, staff and guests to the first meeting of the Committee.

Representative Michaux explained HB 732. He explained that HB 732 was not brought up for a vote in the last session because of a shortage of money. He stated gang problems are not only in the city but now rural areas are becoming infested with gangs. Representative Michaux said we need to work on prevention and defining what a "gang" is. He stated there is a program in Durham that has been very good at preventing people from joining gangs.

Representative Frye introduced Secretary George Sweat from the Department of Juvenile Justice. Secretary Sweat informed the committee that gangs come from all backgrounds, all economic structures and are not confined to males only. People joining a gang are looking for an identity, if they can't get it at home. Gangs take on a protective attitude for members. He told the Committee Members the Boys and Girls Club work with gangs and has a lot of experience. He recommended the Committee ask them to present a program. They are not afraid to go after youth in gangs for intervention and also put teachers on alert of gang activity. He said resources are needed at the right spot so we can detect the problems early.

Secretary Sweat recognized Donya Perry from the Department of Juvenile Justice. Mr. Perry distributed packets to the members showing examples of gang legislation from other states and the National Report of Rural Gangs in America. Mr. Perry informed us the Governor's office is coming out with a new report on gangs in January. He stated there are children as young as four and six already in gangs; they are brought up in gang families and that is all they know.

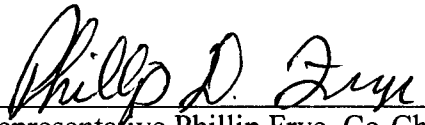
Representative Jones expressed concern about criminal charges not being the same for African Americans and others; ex: users of cocaine powder receive a slap on the wrist and crack cocaine users receive a sentence of 8-10 years. People of lower income buy crack cocaine. This is one reason the prison population is out of balance. Representative Michaux stated if a black or white got caught with powder cocaine, both would receive the same prison sentence. Representative Rick Eddins replied he would support Representative Jones all the way in introducing legislation to tighten the gap in these sentences.

The Committee members discussed questions they would like to have answered are:

1. How do you weigh marijuana?
2. What school problems do we have related to gangs?
3. How are large and small schools handling gang problems?
4. What programs are available out there now?
5. How do you define a gang?
6. How does the Committee define "gang activity?"
7. What are health issues from sexual activity in gangs?

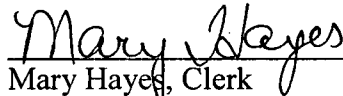
It was suggested the Committee also invite Dr. James C. (Buddy) Howell from the National Youth Gang Center and Detective Ernest Cuthbertson from the North Carolina Gang Investigators Association, Greensboro, NC to make presentations and help answer some of these questions for the Committee.

The Committee Adjourned at 11:40 a.m.



Representative Phillip Frye, Co-Chair

Representative Mickey Michaux, Co-Chair



Mary Hayes, Clerk

MINUTES

House Interim Committee on Street Gang Prevention

**Tuesday, January 4, 2005
Room 1425, Legislative Building**

The House Interim Committee on Street Gang Prevention met on Tuesday and Wednesday, January 4-5, 2004 at 10 am in Room 1425. Representatives Frye, Michaux, Adams, Blackwood, Carney, Clary, Cole, Dickson, Eddins, Jones, Setzer and Walker attended.

Representative Michaux called the meeting to order and the minutes were approved. He then introduced the first presenter Dr. Howell from the National Youth Gang Center.

Dr. Howell spoke to the committee about the programs now in existence that prevent and reduce gang activity. He said the main problem is how to integrate prevention and intervention with suppression programs. Gangs grow from the cracks of our society and steps need to be implemented to make the communities have ownership of the gang problem (attachment #1)

Representative Dickson stated she has spent time with the members of the Sheriff's Department Gang Unit from her area. They told her two things should be decided; one is what defines gang membership and the other is law enforcement needs a state registry for gang membership. These are needed for prosecution. Representative Dickson said she had also heard it said the schools may not recognize the problem of gang activity. Dr. Howell agreed totally with Representative Dickson

Representative Michaux recognized Marguerite Peebles from Department of Public Instruction to speak. Ms. Peebles said gang activity has been going on for some time but has just been highlighted by the media. Ms. Peebles told the committee that No Child Left Behind requires schools to report violence and gang activity to local law enforcement agencies. Research tells us that when students are not being fulfilled at home or school they will seek out other avenues and they are often illegal. Often gangs provide emotional support that is lacking at home. Children with high self-esteem are not the children that get involved in gangs. (see attachment #2)

Representative Michaux recognized John Phillips, District Attorney of Durham County. Mr. Phillips stated a big problem is the denial of the gang's existence. North Carolina lags behind a lot of other states in having any statute, which allows the prosecutors to represent the people of North Carolina against these criminals. North Carolina is becoming a gang magnet because they know they will not get in much trouble in here. He stated it is very important for us to get a Gang Net database to assist law enforcement officers. He also stated in many cases people are so intimidated by the gangs they would rather go to jail than testify because they are afraid they will be killed or their house burned. Mr. Phillips stated the laws need to be more uniform. He gave an example of

someone shooting out from a bus and not hitting anyone he is charged with a misdemeanor but if someone shoots back at him into the bus he is charged with a felony because he is shooting into an occupied vehicle. That makes it hard to prosecute the person that started the shooting (see attachment #3).

Representative Earl Jones asked Mr. Phillips how to tell the difference between a street gang and the mafia. Mr. Phillips explained at times street gangs could rise to the level of mafia by buying other businesses and laundering money through them or by infiltrating power centers in society.

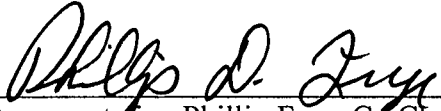
Representative Michaux recognized Mr. Chuck Brady, Senior Director from the Boys and Girls Club to speak. Mr. Brady stated the problem continues to grow. Gang Members typically range from 12-24 years old and come from all backgrounds. Studies show gangs are made up of 47% Hispanics, 31% African Americans, 13% Caucasian and 7% Asian. There are lots of reasons kids are joining gangs today. Some are for protection, respect, peer pressure, status, family tradition, excitement, a sense of belonging and a source of survival. One of the main jobs of a gang member is to recruit new members. We need to cut their supply by reaching the kids early before they join a gang. A study was done in Virginia by going to the juvenile centers and talking to kids in these centers. Almost every one of the kids interviewed said they got in trouble because there was nothing better to do in the community. Gangs are everywhere now not just in the big city. Boys and Girls Club work to prevent the problem. Last year there were 133 Boys and Girls Clubs in North Carolina that allowed them to serve over 99,000 young people. He told the committee they have been around since 1860 with a time tested mission helping disadvantaged kids reach their full potential. They know how to provide the services needed for gang prevention and intervention. They provide a safe place for children during critical times of the day, provide caring relationships for the children, and provide kids with hope and opportunity. Boys and Girls Clubs have a program that works (see attachment #4)

Representative Jones voiced concern that normal adolescent behavior is being treated as criminal behavior since the law enforcement officers have been placed in schools. How does the school system separate criminal gang behavior from adolescent behavior? Douglas Holbrooke stated criminal charges have gone up since officers have been placed in the schools.

Representative Michaux told the committee Speaker Black wants this legislation to be one of the first pieces of legislation to be presented when session starts. The committee needs to craft the definition of a gang first, then find out the applicability of crimes, and then work on the intervention and prevention phase. All of this will cost money and needs to be in early because of the money involved. Representative Michaux recognized Susan Sitze, Staff Attorney to explain HB 732 that was introduced in the last session but not voted on. The bill dealt with criminal offenses related to gangs and added a ten-year enhancement to penalty. This has a rather large fiscal note attached to it. Ms Sitze then explained the current North Carolina Statutes (see attachment #5).

Representative Nelson Cole asked Ms. Peebles if organizations like the Boys and Girls Clubs and Boy Scouts and Girls Scouts are allowed to have access to the children at schools. Mrs. Peebles stated this is a local issue and it depends on the Clubs relationships with the local LEA's.

Meeting adjourned to reconvene on January 5, 2005



Representative Phillip Frye, Co Chair

Representative Mickey Michaux

Mary Hayes, Committee Clerk

MINUTES

House Interim Committee on Street Gang Prevention

**Wednesday, January 5, 2005
Room 1425, Legislative Building**

The House Interim Committee on Street Gang Prevention met on Wednesday, January 5, 2005 at 10 a.m. in Room 1425 of the Legislative Building. Representatives Frye, Michaux, Blackwood, Carney, Cole, Dickson, Eddins, Jones, Setzer and Walker attended.

Representative Frye called the meeting to order and recognized Susan Sitze, Staff Attorney, to explain the two draft bills the staff has prepared. Ms. Sitze explained the draft bill, which include the definition of a gang and the enhanced penalties for gang activity. One of the advantages of the enhanced sentences for gang activity is it will save the state the cost of a jury trial in many cases because gang members are afraid to go to trial because of the enhanced sentences. Ms. Sitze said the fiscal note will be a huge amount for this. She then explained the bond draft bill. This draft is worded almost like it is for drug trafficking. The current law would apply that only a district or superior court judge could make the call to let the person out on bail and back in the community. A magistrate will not be able to make the decision on bail (attachment #6).

Douglas Holbrook discussed the cost to the state to implement Gang Net. It will provide a database to all law enforcement of gang members that have been convicted of a crime. The cost of the license for the state will be approximately \$150,000. There will be a cost to local law enforcement departments and at this time we don't know how much that will be. There will be a database available in the next one to two years that will be coming from federal funds to provide a data base of these criminals. Doug said hopefully the two will be able to work together. He then explained the memo about At-Risk Children Funding. The Department of Public Instruction provides \$186 million to local schools for at-risk student services. These funds are used for students that are at-risk of failure or dropping out of school. The Department of Juvenile Justice is another key agency that is dealing with at-risk youth. The bulk of their funds are targeted to kids that are already court involved. These funds are not specifically targeted at gang suppression, but are targeted at the risk factors that often lead to gang involvement. Alternative schools are also a great option for at-risk kids rather than suspending or expelling students (attachment #7).

Speaker Black addressed the committee as to the importance of implementing legislation to do something about this growing problem. He told the Committee that he and Speaker Morgan are really focused on this. We have to do something about this growing cancer. It is a very dangerous thing for our society and for North Carolina.

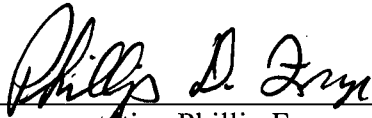
There was discussion among the Members about how the money should be directed. It was suggested that some of the funds be targeted for pilot programs in gang "hot spots." There was also discussion about what grades to start trying to reach these At-Risk

Children. Most members agreed it needs to be started in Elementary School. Representative Dickson stated that earmarking money for street gang prevention also handles the problem of denial. If we earmark money for this we are showing we recognize there is a problem.

After the committee discussed in detail the draft bills it was decided that the car jacking part would be introduced as a stand alone bill. Representative Nelson Cole had been working on introducing a car jacking bill in a previous session that was never introduced. It was decided that if he decides to introduce this bill the committee members will support this bill separate from the gang prevention bill.

Susan told the committee member's staff would work on presenting several drafts of the bill for their review before the next meeting.

Meeting was adjourned at 1:50pm


Representative Phillip Frye

Representative Mickey Michaux

Mary Hayes
Committee Clerk

Attachment #1	Dr. Howell, Senior Research Associate, National Youth Gang Center
Attachment #2	Marguerite Peebles – Section Chief, Alternative/Safe Schools Department of Public Instruction
Attachment #3	John Phillips, District Attorney, Durham County
Attachment #4	Chuck Brady, Senior Director, Boys and Girls Clubs of America
Attachment #5	Susan Sitze, Staff Attorney, Current North Carolina Statutes
Attachment #6	Susan Sitze, Draft Legislation of Street Gangs and Bond on Gang-related Offenses
Attachment #7	Douglas Holbrook, Fiscal Analyst, At-risk Children Funding

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114-5

Resource Materials on Gangs
North Carolina State Legislature
House Committee on Street Gang Prevention

James C. (Buddy) Howell, Ph.D.
January 4, 2004

Risk Factors for Gang Involvement

Key family risk factors for gang membership include broken homes, family poverty, and poor family management. Gang members typically are alienated from their families, positive peer groups, and community agencies and institutions, and they spend a lot of unsupervised time with friends. Association with peers who engage in delinquency is one of the strongest risk factors for gang membership, particularly for boys. By the time youths enter high school, most of the risk factors affecting gang involvement have long been established, and gangs tend to thrive in high-crime, socially disorganized neighborhoods.

In general, youths who are on a path of worsening antisocial behavior, beginning with conduct disorders in the first grade, are most likely to join gangs. Early childhood aggression and disruptive behaviors in school, and truancy following school entry are products of dysfunctional families, particularly in disadvantaged communities. Sexual activity and drug/alcohol use at an early age are among the strongest predictors of gang involvement. The strongest school-related risk factor for gang membership may well be low achievement in elementary school, and future gang members have a low degree of commitment to and involvement in school, and low attachment to teachers. Truancy and suspensions from school are also important factors. In addition to alienating students from schools and teachers, thus weakening the student-school bond, suspension and expulsions practices that release youths from adult supervision during the day and after school expose them to deviant influences on the streets, particularly associations with active delinquents and gang members.

As can be seen in this brief overview, no single response can be expected to effectively combat gangs, because gang involvement develops over time during childhood and adolescence. Moreover, youngsters with deficits in multiple risk factor domains are most likely to join gangs. Thus, a continuum of programs and services needs to be created, beginning with troubled families and children at least as early as the elementary school period.

Promising and Effective Gang Programs and Strategies

No one has yet discovered an effective strategy for preventing the formation of youth gangs. They normally develop out of neighborhood-based child and adolescent play groups that eventually take on the characteristic features of youth gangs through conflict with other adolescent groups in the neighborhood and at school. They grow in the cracks

of our society and local communities. The overwhelming majority of youth gangs are homegrown, and gangs have an enormous appeal to youths who are alienated from key social institutions such as families and schools. In addition, children and adolescents are attracted to gangs because other family members or friends are in gangs and encourage them to join; also, because of their desire for protection from personal victimization, and for the fun or social action of gang life.

Preventing youths from joining gangs is also a formidable task. Based on early risk factors for gang involvement, prevention efforts must begin in the early childhood years. Prevention and early intervention measures must include a variety of programs and policies aimed at reducing early problem behaviors, school failure, child delinquency, and later gang membership. Treatment or rehabilitation services, used in combination with graduated sanctions, should be used for adolescents who have progressed further along the pathway of gang involvement and serious and violent delinquency. Gang suppression strategies are used when prevention and intervention efforts fail, and to prevent existing gangs from providing more opportunities for youngsters to become involved in gang life.

The Comprehensive Gang, Prevention, Intervention, and Suppression Model is a strategic framework, complete with planning and implementation tools that guide communities in addressing their gang problem. It incorporates a problem-solving approach to gang-related crime by engaging police departments in participating sites in an analysis of crime trends involving gang members, identification of hot spots, and the targeting of high rate gang offenders and violent gangs. An assessment protocol is available, that any community can use to assess its gang problem and guide its development of a continuum of gang prevention, intervention, and suppression programs and strategies (National Youth Gang Center, 2002a). Implementation of this framework is managed by a Steering Committee of policy or decision makers from organizations or agencies that have an interest in or responsibility for addressing the community's gang problem.

The first step is acknowledgement of an apparent gang problem. Community stakeholders must then resolve to work together in addressing the potential problem, and undertake a thorough, objective assessment of it before developing an action plan. The Intervention Team is a linchpin in any community continuum. Focused on providing supervision, sanctions, and services for active gang members, it is staffed by several core agencies, including police, adult and juvenile probation, community-based youth agencies, and street outreach workers. Resource materials that assist communities in developing an integrated action plan to implement the comprehensive gang model are also available (National Youth Gang Center, 2002b) at the NYGC web site:

<http://www.iir.com/nygc/acgp/default.htm>

Community agencies need a small amount of funding to establish the infrastructure that is needed to develop and implement their comprehensive gang prevention, intervention, and suppression continuum and the intervention team. Agency budgets typically do not cover interagency collaboration, thus funding must be provided to support collaboration activities, a Project Coordinator, and at least one street outreach worker.

Numerous promising and effective programs are briefly described below. Several of these should be in the continuum of every urban community. Gang Resistance Education and Training (G.R.E.A.T.) is an effective, federally supported, school-based gang prevention curriculum for all girls and boys in elementary and middle schools. Boys & Girls Clubs of America has developed two programs specifically for gang members or youth at risk of gang involvement. The B&GC Gang Prevention Through Targeted Outreach program targets youth who are identified as being at risk and recruited through direct outreach and referrals from school personnel, social service agencies, and police and probation personnel. The B&GC Gang Intervention Through Targeted Outreach program is a community-wide gang prevention program that attempts to intervene with youths in the "wannabe" stage or current gang members. Gang renunciation is a primary goal.

Low-cost after school programs can be put in place in every school across the state. Many such programs already exist, under the Department of Juvenile Justice and Delinquency Prevention's Support Our Students (SOS) program. These programs are vitally important because both juvenile delinquency and gang violence peak during the after school hours.

Other programs and strategies described below should also be considered for inclusion in a community's continuum. This listing is not exhaustive, and it should be noted that many more programs are effective in preventing juvenile delinquency. Because delinquency involvement almost always precedes gang participation, community prevention and delinquency reduction programs can make an important contribution to gang reduction.

Gang Prevention Programs

The **Montreal Preventive Treatment Program** was designed to prevent antisocial behavior among boys ages 7-9 of low socioeconomic status who had previously displayed disruptive problem behavior in kindergarten. This program demonstrated that a combination of parent training and childhood skills development can steer children away from gangs. At age 15, those receiving the treatment program were less likely than untreated boys to report gang involvement.

Gang Resistance Education and Training (G.R.E.A.T.) is an effective school-based gang prevention program for girls and boys. G.R.E.A.T. is a low-intensity program that is currently delivered to public middle school students in a curriculum that is taught in entire classrooms by uniformed law enforcement officers during a 13-week course. In addition to information on the dangers of gang involvement, the lesson content places considerable emphasis on cognitive-behavioral training, social skills development, refusal skills training, and conflict resolution skills. Positive outcomes include reduced victimization, more negative views about gangs, more favorable attitudes toward police, more peers involved in pro-social activities, and lower levels of involvement in risk seeking. Modified curricula have been developed for fifth/sixth graders and third/fourth graders.

The **Gang Prevention Through Targeted Outreach** program developed by the Boys & Girls Clubs of America targets youth who are identified as being at risk and recruited through direct outreach and referrals from school personnel, social service agencies, and police and probation personnel. Local implementation of this program begins with mobilizing community leaders and club staff, who discuss local gang issues and clarify their roles as they design a strategy to prevent gang involvement. Police departments, schools, social service agencies, and community organizations recruit at-risk youth into club programs in a non-stigmatizing way through direct outreach efforts and a referral network that links local Clubs with courts. Once in the Boys & Girls Club, youth participate in programs based on their individual interests and needs.

The **BUILD after school program** (Project Broader Urban Involvement and Leadership Development) offers alternatives to gang involvement for youths in seven Chicago neighborhoods by involving them in sports activities in which youths from different gangs play together on the sports field. BUILD staff provides counseling, community education, and work readiness training in four program formats: 1) preventing youths from drug use and gang life, 2) intervention with gang members in drug abuse education, referrals, and counseling, 3) providing adult mentoring relationships with gang members, and 4) a rehabilitation program that intervenes with adjudicated youth in the Cook County Juvenile Temporary Detention Center in order to reduce recidivism.

The **Safe Schools Unit of the San Diego County, CA Office of Education** operates a comprehensive school safety program that includes a Violence Prevention/Intervention (VPI) team. The VPI team operates a Rapid Response Unit that will assist any school during a crisis situation. Schools are assisted in the development of comprehensive safety plans. In addition to school safety policies, procedures, and crisis response protocols, these plans include providing gang and violence training for teachers, students and parents.

Gang Intervention Programs

The **Chronic Truancy Initiative** in a Weed and Seed target area in a mid-western urban community is a low-cost program for reducing truancy among chronic truants. It was developed by practitioners, including a steering committee of principals, the truant officer, representatives from a child and family services agency, a mental health agency and the juvenile court. The goal of the initiative was to address poor attendance and other problems within families of identified chronic truants. Practical graduated sanction steps are taken with students who missed 20% or more of school days during the specified time period.

Gang Intervention Through Targeted Outreach (GITTO), operated by Boys & Girls Clubs of America, is a community-wide gang prevention program that attempts to intervene with youths in the "wannabe" stage or current gang members. Targeted Outreach incorporates four objectives: community mobilization, recruitment, mainstreaming/programming, and case management. Local implementation of this

program begins with mobilizing community leaders and club staff, who discuss local gang issues and clarify their roles as they design a strategy to offer youth alternatives to the gang lifestyle. Gang renunciation is a primary goal.

The **Lifeskills'95** aftercare program was a treatment and supervision program for youthful offenders released from the California Youth Authority. The treatment regimen consists of 13 counseling modules, each of which represents a 3-hour program of lecture and group discussion. Participants are exposed to a series of lifestyle choices designed to restore self-control of their lives and initiate a positive decision-making process geared toward success. Reduce the individual's need for gang participation and affiliation as a support mechanism is a key component.

Aggression Replacement Training (ART) is a 10-week, 30-hour cognitive-behavioral program that is administered to groups of 8 to 12 juvenile offenders three times per week. In the juvenile court setting, ART can be implemented by court probation staff or private contractors, after they receive formal ART training. A juvenile offender is eligible for ART if it is determined--from the results of a formal assessment tool administered by juvenile court staff--the youth has a moderate to high risk for re-offense and has a problem with aggression or lacks skills in pro-social functioning. ART has been successfully implemented in probation departments and detention centers in 28 counties throughout the State of Washington, where it reduced felony recidivism rates up to 24%.

Jobs for a Future is an employment referral and job training center which provides and seeks gainful employment for gang-involved youth in the Boyle Heights community of Los Angeles. Former enemies, once at war with each other, work side by side, producing products and services of which they can be proud. The Jobs for a Future program provides alternatives to gang life for gang members—jobs that can give them an escape route from gangs—for youth that choose to renounce gang life.

An **Intensive Supervision Juvenile Probation Program** in Peoria County, IL targeted juvenile offenders placed on probation for known gang-related behavior and/or substance abuse. The program consists of several essential elements for effective intensive supervision probation, including small caseloads, frequent contacts with probationers, distinct graduated sanctions phases to structure movement through the program, substance abuse assessments, rehabilitation programs, and behavioral controls, such as electronic monitoring, curfews, home confinement, and random drug testing.

The **Neutral Zone and No Gang Contracts** are management innovations in the Santa Cruz County Juvenile Hall (SCJH), which is a juvenile detention center. Members of two violent gangs previously had been housed in separate units in the SCJH, yet this did not stop the violence. The very act of housing and classifying residents by gang affiliation gave undue recognition to the gangs, which served to exacerbate the violence between them. The SCJH was declared a "Neutral Zone," and "No Gang" contracts were developed that the youth signed at intake. By signing this renunciation contract, each resident agreed to give up all gang-related behavior. Any violations of the agreement

resulted in severe restrictions of a youth's regimen. Conversely, anyone able to get along with other residents earned full access to SCJH programs and privileges.

Gang Suppression Programs

The **Dallas Anti-gang Initiative** targeted five geographical areas that were home to seven of the city's most violent gangs. Three main suppression strategies were employed:

- Saturation patrols/high-visibility patrols in target areas. These patrols stopped and frisked suspected gang members and made appropriate arrests.
- Aggressive curfew enforcement. Ordinances were strictly enforced whenever suspected gang members were encountered.
- Aggressive enforcement of truancy laws and regulations. Police worked in conjunction with school districts to curb truancy.

Gang unit officers teamed with community policing officers to carry out selected strategies in each of the five geographical areas. The larger decrease in gang-related violence in targeted areas was attributed to the use of two combined strategies: aggressive enforcement of curfew and truancy laws and regulations. Traditional (undirected) saturation patrol did not produce significant reductions when used as the main suppression strategy.

The **Hardcore Gang Investigations Unit**, a prosecutorial gang suppression program, was created by the Los Angeles District Attorney's Office in 1979 and is still operating today. It targets habitual gang offenders county-wide and prosecutes them either in juvenile or criminal courts. Its predecessor unit, Operation Hardcore, was the first prosecution program to target serious and violent juvenile gang-related offenses. The Hardcore Gang Investigations Unit's distinctive features include vertical prosecution (the prosecutor who files the case remains with it throughout the prosecution process), reduced caseloads, additional investigative support, and resources for assisting victims.

The **Tri-Agency Resource Gang Enforcement Team (TARGET)** in Orange County, California, represents a multi-agency approach to targeting current gang members with suppression measures while also targeting entire gangs with police suppression. Each team in the TARGET program consists of gang investigators, a probation officer, a deputy district attorney, and a district attorney investigator. This program uses a three-pronged strategy: 1) selective incarceration of the most violent and repeat older gang offenders in the most violent gangs, 2) enforcement of probation controls (graduated sanctions and intensive supervision) on younger, less violent gang offenders, and 3) arrests of gang leaders in "hot spots" of gang activity.

Illinois Gang-Free Prison--In 1996, the Illinois Department of Correction created a gang-free prison environment at the Taylorville Correctional Center. Admission to the facility requires inmates to have no documented history of security threat group membership or activity. Strong disciplinary sanctions are employed for any inmate identified as participating in any security threat group activity including transfer, loss of

good time, disciplinary segregation and loss of privileges. An evaluation found a decrease in filed disciplinary reports, good-time revocations, and inmate grievances.

In **Connecticut's gang renunciation program**, suspected gang members are given a chance to present evidence to show they do not belong to a group in a 'court-like' proceeding before a hearing officer, provided they have passed initial screening conducted by correctional staff. An inmate with gang ties will be placed in "close monitoring" if he does not have status in a security threat group and if officials do not believe he will pose a threat to facilities, inmates and staff. "Close custody" for those who want to remain gang members, like other states, includes 23 hours a day of lock down with one hour for recreation. Within the "close custody" program for inmates who do want to renounce gang membership, there is a three-phase program and inmates have to pledge to participate and follow the rules and regulations that allow them to complete the renunciation process.

Problem-Oriented Policing--"Problem-oriented" or "problem-solving" policing involves analyzing crime data and using that information in designing strategies and tactics, and engaging community representatives and others in the analysis and planning process. In **Boston's Operation Ceasefire** a multi-agency task force of Boston police officers and others suppressed youth and adult gang violence and gun use. Targeting high-rate violent offenders, suppression tactics included "pulling levers" to impose costs on offenders related to their chronic offending by serving warrants, enforcing probation restrictions, and deploying Federal enforcement powers. Police and probation officers, working in teams, made nightly visits to the homes of youth on probation to ensure that they are complying with the terms and conditions of their probation. This helped target tough enforcement efforts against gang leaders. City "street workers" (outreach workers, gang prevention and mediation specialists) also worked in tandem with police and probation officers, helping resolve conflicts and linking youth who wanted help with needed services.

Los Angeles Operation Ceasefire-- Modeled after the successful Boston Operation Ceasefire, the Los Angeles Operation Ceasefire engaged decentralized criminal justice agencies to concentrate their resources in a single geographic area. Unlike Boston's Operation Ceasefire, which had a broad geographic scope, the Los Angeles Operation Ceasefire targeted specific rival gangs in the Boyle Heights community, because this was the area of the most intense gang rivalries and of the majority of violent crimes. As in Boston, the Boyle Heights project group designed an intervention based on a model of "collective accountability" — one seeking to hold all members of a gang accountable for the act of any single member. The evaluation showed that the project was successful in reducing crime committed by the two warring gangs and suggested that focused law enforcement against two gangs helped to quell the activities of their rivals in other areas as well. However, the project failed to integrate prevention and intervention services.

The **Chicago Alternative Policing Strategy (CAPS)** is a community-based policing strategy. It was field-tested in five experimental districts in Chicago. In the CAPS program, officers in all districts and on all beats were instructed to work with

neighborhood residents to identify chronic local crime problems and to devise solutions for them. The views of the local residents were expressed through district-level advisory committees and monthly public meetings. The evaluators gave an “excellent” rating to 4 of the 15 beats. Another 5 were found to be reasonably successful programs. The ratings were based on success in problem-solving practices, efforts to involve the community, and adherence to a clear plan of action. A manual is available that other communities can use in implementing programs based on the CAPS model (Skogan et al., 2000).

Comprehensive Gang Prevention, Intervention, and Suppression Programs

Although the results to date are mixed, when it was well-implemented, the **Comprehensive Gang Prevention, Intervention, and Suppression Model** has proved to be effective to communities in developing services and strategies that reduced gang violence and drug-related offenses. General deterrence effects (at the project area level) were not as strong as the program effects at the individual youth level, nevertheless the two projects described below (in Chicago and Riverside, CA) were successful in integrating police suppression with service-oriented strategies. Further, there is strong evidence in the evaluation of the **Chicago Little Village Project** that a balanced approach at the individual gang member level contributed to a clear reduction of violence arrests at the gang and community levels, and also in the perception of residents. These results suggest that the Comprehensive Gang Model holds more promise than single-focus police suppression programs.

The **Little Village (Chicago) Gang Violence Reduction Program** targeted mainly older members (ages 17 to 24) of two of Chicago’s most violent Hispanic gangs. The program integrated two coordinated strategies: graduated sanctions and intensive interventions. Violent or potentially violent youth gang offenders were targeted for graduated sanctions, which were imposed by the probation department and the police. At the same time, a wide range of social services and opportunities were provided for targeted youth, to encourage their transition to legitimate behavior through education, jobs, job training, family support, and brief counseling. The program was staffed by tactical police officers, probation officers, community youth workers from the target neighborhood, and workers from Neighbors Against Gang Violence, a new community organization established to support the project. The results of an evaluation of the program were positive.

Riverside’s (CA) Building Resources for the Intervention and Deterrence of Gang Engagement (Project B.R.I.D.G.E.) is a collaborative effort between the Department of Human Resources, the Department of Juvenile Probation, the Riverside Police Department, and the University of California at Riverside. The program is guided by steering committee, which consists of public, private, grassroots, and faith-based organizations. Reducing incidents of youth gang violence is the main program goal. Gang-involved youth between the ages of 12 and 22 years were targeted in two communities for intervention. An Intervention Team is a key to the success of the program. It consists of several core members, including the project coordinator, police, probation, parole, the outreach worker, the social service provider, and others.

Durham Project Safe Neighborhood/Turning Points Committee—[To be completed with information I hope to get from Rob Faggart, PSN/TP coordinator]

References

National Youth Gang Center. (2002a). Assessing Your Community's Youth Gang Problem. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

National Youth Gang Center. (2002b). OJJDP Comprehensive Gang Model: Planning for Implementation. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Skogan, W. G., Hartnett, S. M., DuBois, J., Comey, J. T., Kaiser, M., & Loving, J. H. (2000). Problem solving in practice: Implementing community policing in Chicago. Washington, DC: National Institute of Justice.

Promising and Effective Gang Programs and Strategies

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Resident: Pinehurst, NC**

Promising and Effective Youth Gang Prevention Programs

Montreal Preventive Treatment Program

Gang Resistance Education and Training

Gang Prevention through Targeted Outreach

BUILD after school program

Safe Schools Unit of San Diego County

Promising and Effective Youth Gang Intervention Programs

Chronic Truancy Initiative

Gang Intervention Through Targeted Outreach

Lifeskills'95 Aftercare Program

Aggression Replacement Training

Intervention Programs, cont'd.

Jobs for a Future (includes older gang members)

Intensive Juvenile Probation with Services

Neutral Zone & No Gang Contracts

Promising and Effective Youth Gang Suppression Programs

Dallas Anti-Gang Initiative

Hardcore Gang Investigations Unit*

Tri-Agency Resource Gang Enforcement Team*

Illinois Gang-Free Prison*

Connecticut's Gang Renunciation Program in Prison*

*Targets older gang members

Suppression Programs, cont'd.

Problem-Oriented Policing*

Boston Operation Ceasefire*

Los Angeles Operation Ceasefire*

Chicago Alternative Policing Strategy*

*Targets older gang members

Comprehensive Gang Prevention, Intervention, & Suppression Programs

Little Village (Chicago) Gang Violence Reduction Program*

Riverside Building Resources for the Intervention and Deterrence
of Gang Engagement (Project B.R.I.D.G.E.)

Durham Project Safe Neighborhood/Turning Points Committee*

*Targets older gang members

Key Features of the Comprehensive Gang Prevention, Intervention, & Suppression Model

Linking Prevention, Intervention, & Suppression

Risk and Protective Factors

Family	School	Peer Group	Individual Characteristics	Community

Age 3

Age 6

Age 9

Age 12

Age 15

Age 18

Conduct Problems

Elementary School Failure

Child Delinquency

Gang Member

Serious and Violent Delinquency

Prevention

Intervention

Suppression

Source: Howell, J.C. 2003. Preventing and Reducing Juvenile Delinquency: A Comprehensive Framework. Sage Publications.

www.iir.com/nycgc

Goals of the Comprehensive Gang Model

- Reduce gang violence to restore community safety
- Improve the capacity of the community, its institutions, and organizations to prevent gang involvement, intervene with gang members, and suppress violent youth gangs

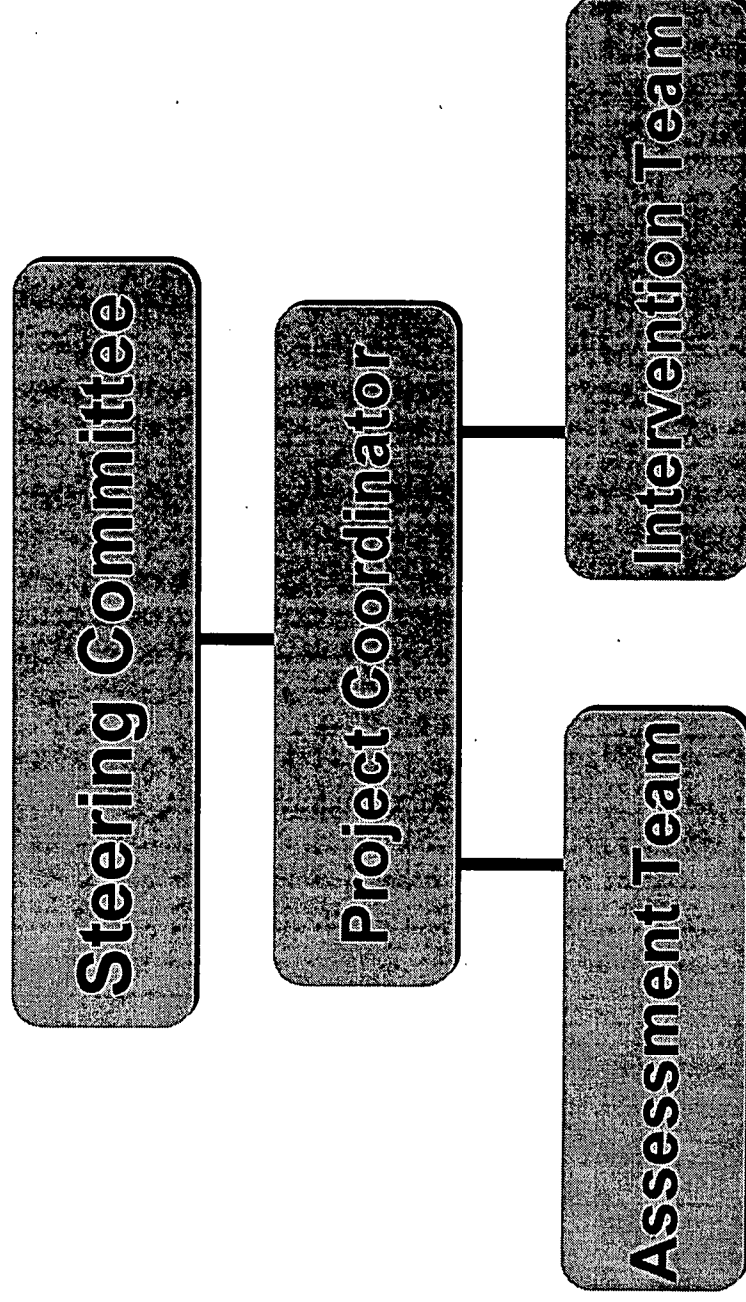
Implementation Steps

1. Acknowledge the gang problem
2. Agree among stakeholders to work together in addressing the problem, community-wide
3. Form a Steering Committee, an Assessment Team, and hire a Project Coordinator to empower the community
4. Conduct an objective assessment of the potential gang problem, and existing and needed resources
5. Set goals and objectives
6. Develop and integrate effective services and strategies

Who Should Be Involved?

- Decision/policy makers (Steering Committee)
- Key agencies (Intervention Team)
 - Law enforcement (police, county, and school)
 - Probation/parole (juvenile and adult)
 - Corrections
 - Schools
 - Social service agencies & prevention agencies
- Line staff who understand data and have access to the information (Assessment Team)

Key Staff & Leadership



Why Conduct an Assessment?

- Compile a picture of the problem which is unique to the community
- Justify taking action
- Take actions most likely to be successful
- Ensure the best allocation of resources
- Establish a baseline for measuring impact
- Create long-lasting solutions

Assessment Team

- **Members**
 - Project Coordinator
 - Representatives of key agencies
- **Duties**
 - Gather data
 - Analyze data
 - Format/present data
 - Inform Steering Committee throughout process
 - Prepare Assessment Report

Role of Steering Committee—Assessment and Planning Phases

- Review data/findings of assessment
- Determine extent of gang violence
- Identify
 - Target area(s)
 - Target population(s)
 - Target gang(s)
- Prioritize problems
- Prepare implementation plan

Project Coordinator

- Key staff position
- Staffs Steering Committee
- Coordinates work of Intervention Team
- Facilitates Intervention Team meetings
- Coordinates/monitors ongoing data collection
- Provides publicity about the project

Intervention Team

- Core members—project coordinator, police, probation, outreach worker, social service providers, schools, and others
- Team shares information that provides opportunities for intervention with project youth
- Case management—team develops plan for each youth
- Daily communication among team members

Two manuals that guide implementation of the Comprehensive Gang Model:

1. A Guide to Assessing Your Community's Youth Gang Problem
2. Planning for Implementation

These guides are available online: www.iir.com/nygc

NC resource for selected communities in strategic planning & partnership building:

Comprehensive Community Safety Planning Initiative at the
Center for Community Safety in Winston-Salem

For additional Information on youth gangs

National Youth Gang Center

Institute for Intergovernmental Research

Tallahassee, FL

Tel.: 850-385-0600

Web site: www.iir.com/nygc

www.iir.com/nygc

2003-2004 Annual Report on School Crime and Violence

Executive Summary

The statistical findings in this year's Annual Report on School Crime and Violence Report (ARSV) were submitted on disk by individual schools to the central office and verified by the superintendent in June and again in August of 2004 before being sent to the Department of Public Instruction for inclusion into this report. The acts included in this document represent only the seventeen reportable offenses that schools and LEAs are required to report to law enforcement as outlined in G.S. 115C-288. According to Public School Law, all reports are due to the State Board of Education by June 30 of each year. (refer to the appendix).

Background Information

The following chart reflects trend data for the total number of acts reported.

Annual Reporting Year	Total Acts	Acts Per 1000 Students**
Fourteen Reportable Acts		
1997-98	7,543	6.343
1998-99	7,539	6.237
1999-00	7,229	5.980
2000-01	7,563	6.083
Seventeen Reportable Acts		
2001-02*	9,921	7.709
2002-03	8,548	6.581
2003-04	9,800	7.371

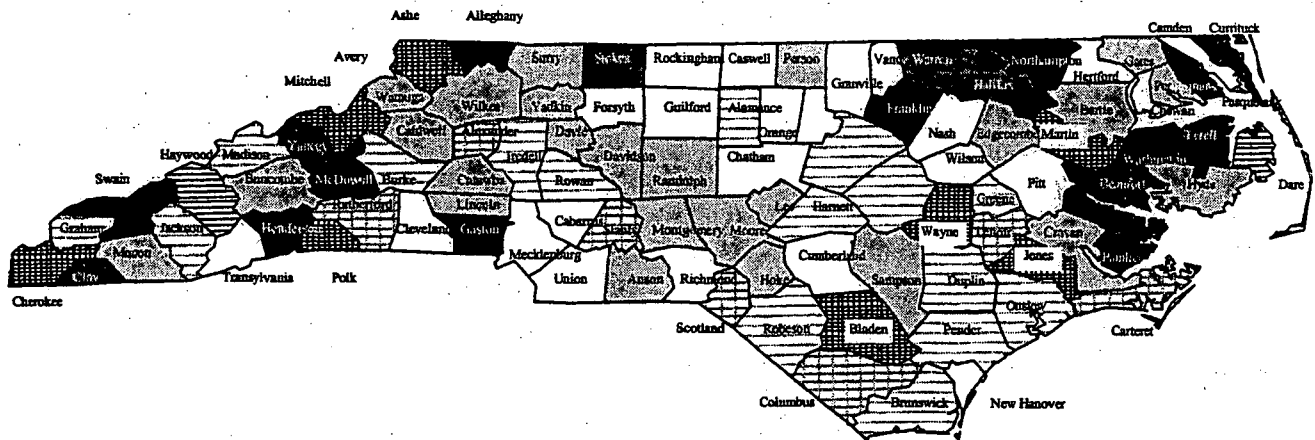
*The 1997-2001 data represent fourteen reportable offenses/acts. Beginning in year 2001-02, baseline data include reports for the three new offenses, totaling seventeen.

**Based on the seventh month average daily membership for each year including charter schools.

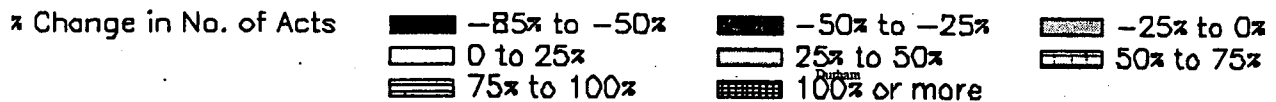
Year 2000-2001 represented an increase in the total number of acts over the past three years. A total of 2,210 schools submitted data on the fourteen reportable offenses, totaling 7,563 reports of acts. Of those 2,210 schools, 1,347 reported one or more acts. In year 2001-2002, there were 1,871 schools reporting acts of crime and violence. This was the initial year for collecting data on the newly approved acts which included bomb threats, possession of alcoholic beverages and burning of school buildings. Thus, an increase in the total number of occurrences from 8,728 for the fourteen reportable offenses/acts to 9,921 for the seventeen was noted.

The total number of acts reported increased to 9,800 in 2003-04 from 8,548 in 2002-03. These levels are lower than the 9,921 reported acts in 2001-02. In evaluating these changes, it is important to note that locations differ in both the extent of reporting (number of acts) and student population (i.e. Average Daily Membership), among other characteristics. The map below illustrates the variation in county/LEA acts reported (see Figure x1).

Figure x1. Percent Change in Number of Acts Reported



Between 2002-03 and 2003-04 by County/LEA*

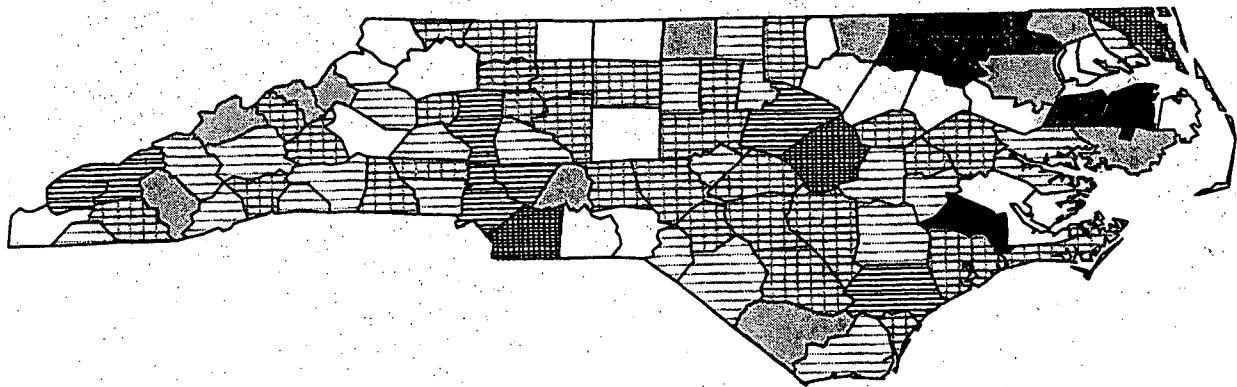


*For the 17 reportable acts. Maps do not include Charter Schools or City LEA units which are listed at the end of the executive summary.

As the map above suggests, counties varied greatly in the degree of change in acts reported from 2002-03 to 2003-04 (standard deviation=82.1). About 40% of all LEAs witnessed declines, 3 LEAs witnessed no change and the remaining 57% of LEAs witnessed increases in total number of acts reported. The median percentage change in reported acts was roughly 9.78% while the average county witnessed a 24.57% increase in acts reported. As the map suggests, this variation is due to a small number of counties with extremely large percentage changes in the number of reportings.

Figure x2 shows the percentage change in student population based on seventh month Average Daily Membership (ADM) totals for each LEA. The map suggests that, relative to one another, LEAs varied little from 2002-03 to 2003-04 in the percent change in student population (STD=2.43). About 63% noticed an increase in ADM while the remaining 37% of all LEAs noted a decrease in ADM. The median LEA experienced an increase of .76% students while the average LEA witnessed a .66% increase in student membership.

**Figure x2. Percent Change in Student Population
Between 2002-03 and 2003-04 by County/LEA***

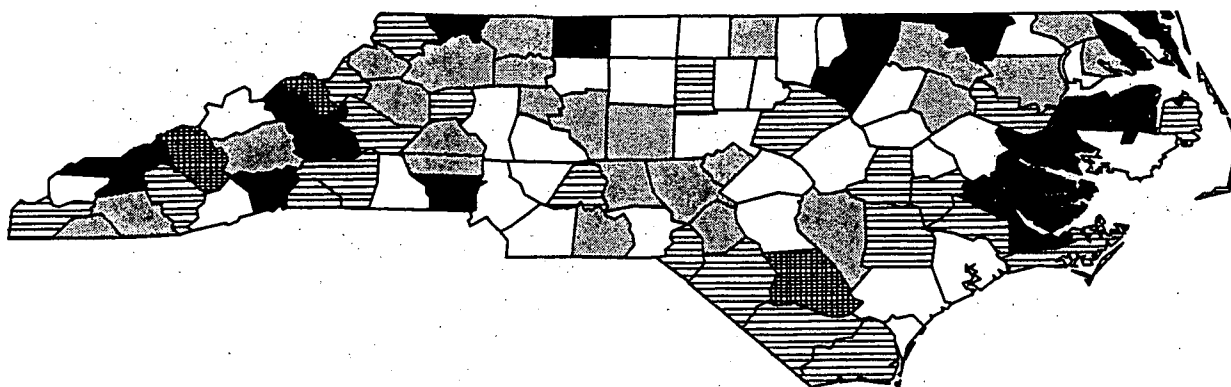


x Change in Student Population	■ -7% to -5%	■ -5% to -3%	■ -3% to -1%
	□ -1% to 0%	□ 0% to 1%	▨ 1% to 3%
	▨ 3% to 5%	▨ 5% to 10%	

*Based on seventh month Average Daily Membership totals for each LEA.
Does not include Charter Schools or City LEA units which are listed at the end of the executive summary.

Differences in student populations across LEAs should be considered in evaluating reported acts for each LEA. Figure x3 shows the total change in the number of acts reported per 1000 students for each LEA between 2002-03 and 2003-04. About 42% of all LEAs witnessed a decrease in the number of acts per 1000 students while 58% witnessed an increase. The median change in the number of acts per 1000 students was roughly 0.54 while the average LEA witnessed an increase of about 0.35 acts per 1000 students (or 4 acts per 100 students).

**Figure x3. Change in Number of Acts Reported Per 1000 Students
Between 2002-03 and 2003-04 by County/LEA***



Change in Number of Acts Per 1000 Students



*Based on the 17 reportable acts and seventh month Average Daily Membership totals for each LEA. Does not include Charter Schools or City LEA units which are listed at the end of the executive summary.

**Percent Change in Reported Acts, Average Daily Membership (ADM), and
Change in Number of Acts Reported for City Units and Charter Schools
from 2002-03 to 2003-04**

LEA	LEA Name	% Change in Reported Acts ¹	% Change in ADM	Change in # Acts Per 1000 Students
111	ASHEVILLE CITY	72.41	-2.52	5.80
132	KANNAPOLIS CITY	10.34	2.68	0.50
181	HICKORY CITY	-25.93	2.44	-1.72
182	NEWTON-CONOVER	-45.45	0.04	-5.41
231	KINGS MOUNTAIN	-4.17	0.94	-0.27
232	SHELBY CITY	-12.50	-3.49	-0.24
241	WHITEVILLE CITY	18.75	-0.94	1.19
291	LEXINGTON CITY	-31.25	-4.72	-2.77
292	THOMASVILLE CITY	7.69	3.39	0.22
421	ROANOKE RAPIDS CITY	-40.00	-0.57	-2.67
422	WELDON CITY	75.00	-1.84	2.88
491	MOORESVILLE CITY	16.67	1.57	0.85
681	CHAPEL HILL-CARRBORO	21.74	2.42	1.25
761	ASHEBORO CITY	100.00	1.13	6.34
821	CLINTON CITY	333.33	3.77	7.11
861	ELKIN CITY	0.00	4.07	-0.07
862	MOUNT AIRY CITY	23.08	-2.68	1.81
LEA	Charter School			
01A	LAKESIDE SCHOOL	0.00	31.03	-40.83
01B	RIVER MILL ACADEMY	No change	17.69	0.00
01C	CLOVER GARDEN	-	9.25	0.00
01D	NEW CENTURY CHARTER	NA	-7.34	9.90
06A	GRANDFATHER ACADEMY	-	-6.82	0.00
06B	CROSSNORE ACADEMY	-	0.00	0.00
07A	WASHINGTON MONTESSOR	NA	27.97	5.46
10A	CHARTER DAY SCHOOL	-	50.99	0.00
11A	EVERGREEN CMTY CHART	-	28.91	0.00
11B	ARTSPACE CHARTER	-	10.80	0.00
11K	F DELANY NEW SCHOOL	-	3.73	0.00
12A	THE NEW DIMENSIONS	-	7.69	0.00
16A	CAPE LOOKOUT HIGH	-50.00	45.05	-14.40

- 1) "NA" = Undefined due to division by zero acts reported in the previous year.
 "-" = No percentage change in reported acts due to zero acts reported both this and last year.
 "0.00" = Same number of acts reported both this and last year.

LEA	Charter School	% Change in Reported Acts ¹	% Change in ADM	Change in # Acts Per 1000 Students
16B	TILLER SCHOOL	-	6.67	0.00
18B	ENGELMANN SCH OF ART	NA	-41.38	14.71
19A	CHATHAM CHARTER	-	8.11	0.00
19B	WOODS CHARTER	-	17.93	0.00
20A	THE LEARNING CENTER	NA	8.45	12.99
26B	ALPHA ACADEMY	NA	-21.92	35.09
32A	MAUREEN JOY CHARTER	-100.00	4.65	-5.81
32B	HEALTHY START ACADEM	-100.00	10.60	-4.61
32C	CARTER COMMUNITY	-100.00	-10.34	-13.79
32D	KESTREL HEIGHTS SCH	-	13.43	0.00
32G	OMUTEKO GWAMAZIIMA	-	-8.24	0.00
32H	RESEARCH TRI CHARTER	-	27.74	0.00
32J	ANN ATWATER CMTY	NA	9.76	66.67
34B	QUALITY EDUC ACADEMY	-	-8.33	0.00
34C	DOWNTOWN MIDDLE	-50.00	-6.64	-3.09
34D	WOODSON SCH OF CHAL	-	26.60	0.00
34E	THE E WINSTON PRIM	-	-13.64	0.00
34F	FORSYTH ACADEMIES	-	-0.33	0.00
34G	ARTS BASED ELEM	-100.00	139.68	-15.87
35A	A CHILD'S GARDEN SCH	-	30.51	0.00
36A	HIGHLAND CHARTER	-100.00	24.18	-10.99
36B	PIEDMONT COMMTY CHAR	-	46.86	0.00
41A	IMANI INSTITUTE	NA	10.92	7.58
41B	GREENSBORO ACADEMY	-	3.02	0.00
41C	GUILFORD CHARTER	NA	-27.91	8.06
41D	PHOENIX ACADEMY INC	-	-4.22	0.00
45A	THE MOUNTAIN CMTY SC	-	0.00	0.00
49A	AMERICAN RENAISSANCE	-	-4.53	0.00
49B	AM RENAISSANCE MID	-	-0.60	0.00
49D	SUCCESS INSTITUTE	NA	15.28	12.05
50A	SUMMIT CHARTER	-	1.21	0.00
53A	PROVISIONS ACADEMY	-100.00	9.09	-25.97
54A	CHILDREN'S VILLAGE	0.00	2.73	-0.24
55A	LINCOLN CHARTER	-	17.88	0.00
60A	COMMUNITY CHARTER SC	-	-9.20	0.00
60B	SUGAR CREEK CHARTER	NA	-3.98	10.92
60C	KENNEDY CHARTER	NA	47.62	16.13
60D	LAKE NORMAN CHARTER	-	13.54	0.00

1) "NA" = Undefined due to division by zero acts reported in the previous year.

"-" = No percentage change in reported acts due to zero acts reported both this and last year.

"0.00" = Same number of acts reported both this and last year.

LEA	Charter School	% Change in Reported Acts ¹	% Change in ADM	Change in # Acts Per 1000 Students
60F	METROLINA REG SCH AC	-	13.87	0.00
60G	QUEEN'S GRANT CMTY	-	19.10	0.00
60H	CROSSROADS CHARTER	-40.00	-8.85	-8.90
63A	ACAD OF MOORE CNTY	-	#DIV/0!	#DIV/0!
63B	STARS CHARTER	-	8.85	0.00
64A	ROCKY MOUNT PREP	-	7.37	0.00
65A	CAPE FEAR CTR INQUIR	-	17.16	0.00
66A	GASTON COLLEGE PREP	-	61.06	0.00
68A	ORANGE CHARTER	-100.00	0.00	-16.67
69A	ARAPAHOE CHARTER	-	-1.97	0.00
73A	BETHEL HILL CHARTER	-	11.19	0.00
78A	CIS ACADEMY	-	-2.00	0.00
79A	BETHANY CMTY MIDDLE	NA	-27.13	170.21
80A	ROWAN ACADEMY	-	-25.97	0.00
81A	THOMAS JEFFERSON ACA	100.00	22.40	2.54
83A	LAURINBURG CHARTER	-100.00	-14.62	-7.69
83B	LAURINBURG HOMEWORK	0.00	13.43	-5.30
84B	GRAY STONE DAY	NA	72.73	52.63
86A	MILLENNIUM CHARTER	NA	-6.19	5.08
87A	MOUNTAIN DISCOVERY	-100.00	1.43	-14.29
88A	BREVARD ACADEMY	-	5.43	0.00
90A	UNION ACADEMY	-	17.62	0.00
91A	VANCE CHARTER SCHOOL	-	6.94	0.00
92B	EXPLORIS	-	4.14	0.00
92C	BAKER CHARTER HIGH	-	72.41	0.00
92D	MAGELLAN CHARTER	-	0.31	0.00
92E	STERLING MONTESSORI	-	-4.27	0.00
92F	FRANKLIN ACADEMY	-	13.03	0.00
92G	EAST WAKE ACADEMY	-100.00	16.07	-2.40
92I	SPARC ACADEMY	NA	-14.86	15.87
92K	RALEIGH CHARTER HIGH	NA	3.10	2.15
92L	TORCHLIGHT ACADEMY	-	80.33	0.00
92M	PREEMINENT CHARTER	-	22.81	0.00
92N	QUEST ACADEMY	-	9.48	0.00
92P	COMMUNITY PARTNERS	33.33	-3.36	9.57
92Q	HOPE ELEMENTARY	-	0.00	0.00
93A	HALIWA-SAPONI TRIBAL	-100.00	12.73	-9.09

1) "NA" = Undefined due to division by zero acts reported in the previous year.

"-" = No percentage change in reported acts due to zero acts reported both this and last year.

"0.00" = Same number of acts reported both this and last year.

LEA	Charter School	% Change in Reported Acts ¹	% Change in ADM	Change in # Acts Per 1000 Students
96C	DILLARD ACADEMY	-	-17.24	0.00
97D	BRIDGES CHARTER SCH	-	0.00	0.00
98A	SALLIE B HOWARD SCH	-55.56	2.62	-9.55

1) "NA" = Undefined due to division by zero acts reported in the previous year.

"-" = No percentage change in reported acts due to zero acts reported both this and last year.

"0.00" = Same number of acts reported both this and last year.

2003-2004 Major Findings of Reporting Data

The 2003-2004 School Crime and Violence data are based on 100% of traditional LEAs and 96% of charter schools reporting. Two verification forms were included in the reporting process. The first required acknowledgement that the data had been reviewed for accuracy and content and was submitted with the June 30 data; the second form was added after tables 6B and 6C were mailed to superintendents for review. Thus, this year's data reflect a continued effort to improve the quality and efficiency of this report. The increased level of collaboration with the LEAs/schools and the Department of Public Instruction was apparent when reviewing the data and was reflected in the improved quality of the way the discipline data were submitted.

It is important to note that North Carolina State Law, G.S.115C-288 (g) requires schools to report certain acts of crime and violence to law enforcement. G.S. 115C-12 (21) states that the State Board of Education has the duty to monitor acts of crime and violence and to compile an annual report on the acts of violence in the public schools. G.S.115C-47 (36) charges the Local Board of Education to report all acts of school violence to the State Board of Education in accordance with G.S. 115C-12(21) (see appendix). An act represents the actual number of offenses occurring on a school property or under school supervision. In order to understand the numbers being presented in this report, it is critical to keep in mind that one incident of crime and violence may yield numerous acts. Thus the number of acts reported may be greater than the number of incidents occurring at a particular school. It is also important to note that the word "acts", "occurrences", and "offenses" are often used interchangeably. The variety reflects the varying terms used by schools systems; however, each word has the same meaning.

In the traditional grade spans PK-5 there were 1,043 acts reported during 2003-2004, in grades 6-8 there were 2,587 acts, and in grades 9-12 there were 5,121 acts reported. In the non-traditional combination elementary/middle grades there were 491, in middle/high there were 393, and for all other combination grades reporting there were 165 acts, thus, totaling 9,800 reports of acts that were submitted by all combinations of schools.

Of the seventeen reportable offenses, the following showed an absolute decrease in the total number of occurrences:

- assault on school personnel not resulting in serious injury,
- assault resulting in serious injury,
- bomb threat,
- sexual assault not involving rape or sexual offense,
- sexual offense,
- robbery without a dangerous weapon,
- burning of a school building,
- taking indecent liberties with a minor,
- robbery with a dangerous weapon and
- rape.

Of the total 9,800 acts reported, based on a population of over 1.2 million students, the top five offenses are listed below in order (refer to Table 1):

1. Possession of a controlled substance in violation of law received with 3,848 acts.
2. Possession of a weapon excluding firearms and powerful explosives with 3,402 acts.
3. Possession of alcoholic beverage with 841 acts.
4. Assault on school personnel not resulting in serious injury with 834 acts.
5. Assault resulting in serious injury with 192 acts.

Based on a comparison of the average number of acts per school level reported in 2003-2004, this section will provide a sample of acts with the highest increases and largest decreases for each traditional grade span (refer to Table 7A) for this year:

- Of the 1,163 traditional K-5 elementary schools reporting, no acts were reported for the following four: kidnapping, robbery with a dangerous weapon, rape, and taking indecent liberties with a minor. Of the reportable offenses, possession of an alcoholic beverage, assault resulting in serious injury and robbery without a dangerous weapon showed increases over the previous year. Sexual offense saw a substantial decrease of 53.33%. Overall, there was a decrease of 9.15% in the number of offenses for grades K-5.
- Of the 395 traditional middle schools 6-8, zero occurrences were reported for three acts (death by other than natural causes, robbery with a dangerous weapon and rape); robbery with a dangerous weapon showed a 100% decrease. The act showing the greatest increase was an assault involving a weapon with a 0.089 average per school level. Burning of a school building reported a significant decrease and an average number of 0.01 offenses per middle school.
- Of the 349 traditional high schools (9-12), seven offenses showed a decrease in the average number of acts between 2002-2003 and 2003-2004. The highest average number of acts per school was seen in possession of a controlled substance. Taking indecent liberties with a minor decreased by 80% over the previous year, averaging 0.003 offenses per high school grades 9-12.

Conclusion

Based on the findings for year 2003-2004, it is obvious that the schools of North Carolina are continuing to establish safe, orderly and caring learning environments for the students and staff. The decreases in most areas reflect a continued emphasis to develop and maintain safety techniques and strategies that facilitate progress.

We commend the schools for their efforts to develop strong Safe Schools Plans, Crisis Plans and School Improvement Plans. These strategies show evidence of notable decreases in the rate of assault. Although we acknowledge the reduction in the number of assaults, we sincerely believe that North Carolina's schools should continue to focus on issues of school safety and on providing a learning environment that is free of crime and violence. Thus, we encourage the following practices:

- School personnel shall continue to evaluate School Safety Plans, School Improvement Plans and Crisis Plans based on the needs identified in the Need Assessment.
- Administrators shall continue to inform the staff and community of the definitions and consequences associated with the seventeen reportable offenses.
- Schools shall maintain safe, orderly and caring learning environments.
- Schools shall continue to implement policies that ensure the welfare of all students and staff and will adhere to the "Unsafe School Policy" required by *No Child Left Behind*.
- Schools shall accurately and promptly report all acts of crime and violence to law enforcement and document such acts on the Uniform System of Collecting Data (USDDC).
- School and central office staffs shall submit discipline data to NCDPI by June 30 of each year and with an understanding that all data are monitored and verified for accuracy by the superintendent prior to submission on the of June 30.
- There continues to be concern about the timeliness of verification form submissions. Thus, the Department of Public Instruction shall begin (with the 2004-05 report) publishing a list of those LEAs not meeting submission requirements for the August verification deadline.
- The Department of Public Instruction will identify those LEAs with the highest increases in acts and provide technical assistance.
- The Department of Public Instruction will work with LEAs to develop an Action Plan to address the increases reported in 2003-2004.

2003-2004 Results and Trends

Elementary Schools

For elementary schools (PK- grade 5) the following numbers of acts were reported:

- Possession of a weapon excluding firearms and powerful explosives received the highest number (690) for the third year in a row.
- Assault on school personnel not resulting in serious injury received the second highest number of reports with 240 for the second year.
- Possession of a controlled substance in violation of the law received a total of 35 this year, decreasing for the third straight year.

The following acts were ranked highest over the past three years. **All three categories reflect an absolute decrease.**

Act	2001-2002	2002-2003	% Change	2002-2003	2003-2004	% Change
Possession of a Weapon	868	692	-20.28	692	690	-0.29
Assault on School Personnel	457	325	-28.88	325	240	-26.15
Possession of a Controlled Substance in Violation of the Law	51	39	-23.53	39	35	-10.26

A minus (-) denotes a decrease over the previous year. A plus (+) denotes an increase.

Middle Schools

Of the 2,587 total reportable acts for middle schools (grades 6-8), the following were reported:

- Possession of a weapon excluding firearms and powerful explosives ranked highest for the second year with 1,046 total acts reported.
- Possession of controlled substance in violation of law received the second highest total with 795 acts reported.
- Assault on school personnel not resulting in serious injury received 243 total reported.

The three most frequently reported acts remained the same for the past three years. **All three categories reflect an absolute increase in the totals.**

Act	2001-2002	2002-2003	% Change	2002-2003	2003-2004	% Change
Possession of a Weapon	749	838	+11.88	838	1,046	+24.82
Possession of a Controlled Substance in Violation of the Law	819	709	-13.43	709	795	+12.13
Assault on School Personnel	319	202	-36.68	202	243	+20.30

A minus (-) denotes a decrease over the previous year. A plus (+) denotes an increase.

High Schools

Of the 5,121 total reportable acts for high schools (grades 9-12), the following acts are noted:

- Possession of a controlled substance in violation of the law ranked the highest with 2,672 total acts reported.
- Possession of a weapon excluding firearms and powerful explosives received 1,248 reports.
- Possession of alcoholic beverages received 553 total reports.

The three most frequently reported acts remained the same for the past three years. Absolute totals **increased in all three categories**.

Act	2001-2002	2002-2003	% Change	2002-2003	2003-2004	% Change
Possession of a Controlled Substance in Violation of the Law	2,170	2,224	+2.49	2,224	2,672	+20.14
Possession of a Weapon	966	903	-6.52	903	1,248	+38.21
Possession of Alcoholic Beverage	723	453	-37.34	453	553	+22.08

A minus (-) denotes a decrease over the previous year. A plus (+) denotes an increase.

Long-Term Suspension and Expulsions

Based on the work of an internal/external partnership group that explored reducing the rate of suspension and expulsions in North Carolina schools, the following recommendations are being made for consideration:

1. Identify strategies (i.e. Service Learning, Work-Study Programs, etc.) that will help LEAs and schools reduce the rate of suspension and expulsion and place the strategies in a *Best Practices Manual* that can be distributed to all of the LEAs and Charter Schools throughout the state. The Alternative and Safe Schools/Instructional Support Section, in collaboration with the HMCUC, will complete this task by June 2005.
2. Require all Local Education Agencies to establish measurable goals and objectives related to the suspension and expulsion of students and incorporate them in school and district School Improvement and Safe Schools Alternative Education Plans.
3. Provide training to LEAs and staff who work with students with behavioral and academic problems on topics such as, diversity, classroom management, conflict resolution, instructional practices, and SSMT (Student Services Management) programs.
4. Require each LEA to identify a contact person who will attend training offered or approved by the Agency.
5. Strongly encourage all Local Education Agencies to establish programs, including a strong counseling element, designed to address the needs of the suspended and expelled students.
6. Recognize schools that have data reflective of a decrease in the rate of suspension and expulsion and that is based on successful program implementation.
7. Encourage the General Assembly to set aside funds specifically allocated for programs designed to reduce the rates of suspension and expulsion of students and to support suspended and expelled students.
8. Utilize the information being gathered by the nine Community Service Program Projects and Historically Minority Colleges and Universities Consortium (HMCUC) Partnership sites to share the strategies in which community resources can be utilized to assist with reducing the rate of suspension and expulsion.
9. Establish a code similar to the Student Information Management Systems (SIMS) code for students who are being suspended and/or transferred to an alternative setting from a traditional school setting, e.g. S-A, T-A, W-A (Suspended to an Alternative Setting, Transferred to an Alternative Setting or Withdrawn to an Alternative Setting). The code is to be implemented when NC WISE is statewide.
10. Encourage collaboration with community and faith-based groups (i.e. Communities in Schools, various church groups) in an effort to reduce the rate of suspension and expulsion and bring awareness to the issues associated with not educating all of the children of North Carolina.

PUBLIC SCHOOLS OF NORTH CAROLINA

Gang Behavior and the Schools

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Presentation Overview

- Gang-Related Research
- Department of Public Instruction/School-Based Initiatives
- Local Education Agency (LEA)-Based Program Overviews
- Questions and Answers

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WHAT DOES RESEARCH TELL US?

- Gang membership and violence in schools are not new phenomena, but have been highlighted by newspapers and television as a result of tragic events (Barnard, 1998, Dickson 1998, Becker 1998)
- It is generally acknowledged that students with high levels of self-esteem are not likely to become members of gangs (Knox, 1991)

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WHAT DOES RESEARCH TELL US?

- Gangs often provide the emotional support that is lacking at home (Lyon, Henggeler, and Hall, 1992) Thus, gangs may serve as substitutes for the family structure.
- Within the gang, unwritten rules inform members of appropriate norms and behaviors expected among the gang, e.g. colors and attire; roles and duties, ownership of turf and which gangs are rivals (Kennedy & Baron, 1993)

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WHAT DOES RESEARCH TELL US?

- When avenues to legitimate sources of fulfillment are blocked or are less than adequate, young people turn to gang membership or other illegal activities to gain the acceptance of their peers, or to teach their peers a lesson on who is truly powerful (Knox 1998).
- Many of the young people who have been involved in recent school tragedies have been encouraged by a friend or harassed by peers (*The Characteristics of Gangs and Gang Members*).

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The Response of Schools to Gang and Violence

- It is difficult to separate community problems from the school, as gang activity often spills onto the school campus (Covey, Menard & Franzese, 1997).

Implications for School Administrators

- School staffs (certified and classified) must receive training on how to develop and implement effective proactive plans, develop supportive policies and procedures for implementing strategies to work with students in gangs, as well as other students displaying inappropriate behavior.

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The Response of Schools to Crime and Violence

LEAs are currently required to have and to monitor the following:

- Safe Schools Plans & Crisis Plans
- Personalized Education Plans (PEPs)
- Individual Education Plans (IEPs)
- Career Plans
- Anti-Harassment, Bullying and Discrimination Policy
- Staff Development Plans that may include Conflict Resolution, Peer Mediation, Diversity and Student Services Management Teams or Student Assistance Program (SAP) training

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The Response of Schools to Crime and Violence

- Disciplinary Data Collection Documentation on reportable and non-reportable acts of crime and violence (USDDC) & suspensions and expulsions
- House Bill 1354 Anti-Violence/Domestic Violence Recommendations
- Long-Term Suspension Recommendations
- Senate Bill 71 Short-Term Suspension

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Department of Public Instruction Initiatives

- Safe and Drug Free Schools and Communities Programs
- 21st Century Community Learning Centers Afterschool Programs
- Community Service Collaborative Programs for Long-Term Suspended and Expelled Students
- Principals and SRO Meetings
- Alternative Learning Schools and Program Options
- Healthy and Safe Schools and Mentoring Program Grants (USDOE)
- Statewide Annual Safe Schools/Character Education Conference (February 17-18, 2005)
- Collaborations with schools, community, law enforcement and other agencies to implement strategies for concentrating on gang-related issues

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Types of School-Based Interventions and Prevention Activities

- Researched-Based Programs
- Mentoring Programs
- Character Education Programs
- School & Community Collaboration Advisory Group Developed Programs
- Student Services Management Teams
- Safe and Drug Free Schools Programs
- Community Service Programs
- Various Trainings (Gang Awareness and Identification, Diversity Training, Mentoring and Conflict Management)

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LEA-Based Program Overview (Representatives will share information)

- Cumberland County
- Durham County
- Wake County
- Wilson County

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Resources

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Questions

?

Annual Study of Suspensions and Expulsions:

2002-03

March 2004



Public Schools of North Carolina
State Board of Education/Department of Public Instruction
Office of Curriculum and School Reform Services
and
Office of Accountability and Technology Services, Division of Accountability Services

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Summary and Key Findings

In last year's *Annual Study of Suspensions and Expulsions: 2001-02* (NCDPI, 2003), the results indicated that the number of suspensions and expulsions rose between 1999-00 and 2001-02, both overall and for various student subgroups. The current installment of this annual report shows that these trends are probably continuing, and in some cases even accelerating.

Between 2001-02 and 2002-03, the number of short-term suspensions given to North Carolina public school students increased from 264,287 to 283,823 - a 7% increase. This increase was also evident among a variety of student subgroups. As in past years, Male students (particularly Black males), American Indian students, students in grades six through nine, and students receiving special education services are among the groups that continued to be disproportionately represented among short-term suspended students in 2002-03.

Similar patterns are seen with respect to long-term suspensions. The number of long-term suspensions rose for the third consecutive year in 2002-03, from 3,484 to 3,987 - a 14% increase. With the exception of students receiving special education services, the same subgroups mentioned previously as being overrepresented among short-term suspended students are overrepresented in the long-term counts as well. Interestingly, suspensions (both short and long-term) declined in charter schools in 2002-03 while other public schools continued to experience an increase.

Perhaps the most notable trend evident in these data is the rise in the number of expulsions reported - from 256 in 2001-02 to 381 in 2002-03. An examination of expulsions among student subgroups again reveals the same basic patterns cited above for short-term and long-term suspensions.

The characteristics of students served in alternative learning programs (ALPs) in 2002-03 are similar to previous years, but overall enrollments appear to be rising again after a one-year decline in 2001-02. Demographically, ALP students tend to reflect the same student subgroups that are prominent among the suspended and expelled student population.

Clearly, more and more North Carolina public school students are spending more and more time out of their home school environments because of suspensions and expulsions. Approximately one out of every nine public school students in North Carolina was suspended from school at least once in 2002-03. In addition, the 287,810 suspensions handed out in 2002-03 totaled *over 1,000,000 instructional days*, which represents a significant loss of opportunity for both students and teachers in their quest to meet high standards. It is of even greater concern that these behavioral consequences continue to accrue disproportionately to certain subgroups of students. Not surprisingly, these are often the same subgroups that have the most difficulty meeting academic proficiency standards. Behavioral prevention and intervention efforts designed to keep schools and students safe - particularly if those efforts involve removing a child from his/her normal school environment - must be complemented by ongoing, appropriate and comprehensive support for those at-risk students to ensure that they are not left behind academically and socially.

Introduction

Background

Legislative Charge

The State Board of Education shall report annually to the Joint Legislative Education Oversight Committee and the Commission on Improving the Academic Achievement of Minority and At-Risk Students on the numbers of students who have dropped out of school, been suspended, been expelled, or been placed in an alternative program. The data shall be reported in a disaggregated manner and be readily available to the public [G.S. 115C-12(27) and SL 2001-424 Sec. 28.30(f)]

The Annual Study of Suspensions and Expulsions for the 2002-03 school year was designed to address the requirements specified in the legislation cited above¹. Because no standardized mechanism exists within the state's Student Information Management System for the reporting of data on suspended and expelled students or for students placed in alternative programs, the data contained in this report had to be gathered from traditional and charter public schools as well as alternative schools/programs via electronic surveys during the 2002-03 school year. The reporting of these data was therefore a logistical challenge.

Legislation Related to the Education of Suspended and Expelled Students

In *In re Jackson*, 84 NC App.167 167, 352 SE2d 449 (1987) it was ruled that "*The public schools have no affirmative duty to provide an alternate educational program for suspended students, in the absence of a legislative mandate.*"

Further in the *State v. Davis*, --NC App.--, 485 2E 2d 329 (1997), it was ruled that "*The primary goal of suspension and expulsion is the protection of the student body.*"

Session Law 1998-220 states that "*The superintendent makes decisions concerning suspension or expulsion of students.*"

GS 115C-47, Section (32a), which refers to appropriate services to students who drop out of school, states that "*Local boards of education are encouraged to establish alternative learning programs (ALPs)...when feasible and appropriate, for students who are subject to long-term suspension or expulsion...Upon adoption of guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under GS 115C-105.47.*"

¹ This report does not, however, cover the legislative provision cited above with respect to dropouts. Dropout data has historically been gathered by NCDPI through a separate data collection mechanism and were reported for 2002-03 in a separate document.

Thus, legislation has evolved from a more exclusive focus on the protection of the larger student body to include concern for the continued education of suspended and expelled students as appropriate.

Definitions of Suspension and Expulsion

There is not a uniform, statewide Student Code of Conduct. Therefore, within legal limits, specific behaviors constituting misconduct and the definitions of those behaviors vary across LEAs and schools. Local school boards are responsible for translating school laws into policies for each LEA but there are no standards for the development of local discipline codes. Requirements for student conduct, along with consequences for breaking the rules, are described in policies and procedures and are communicated to students, parents, and the public in each LEA's local Student Code of Conduct. In all discipline cases, students identified to receive services in programs for Exceptional Children and other special status categories are entitled to all protections provided by those laws. The law does require that

All schools must have plans, policies, and procedures for dealing with disorderly and disruptive students. All schools and school units must have effective measures for assisting students who are at risk of academic failure or of engaging in disruptive and disorderly behavior. (1997-443, s. 8.29 (r)(1).)

Short-term suspensions. Lesser offenses committed by students are often dealt with using short-term suspensions, which can last up to ten days. Principals usually make decisions about whether to suspend a student short-term, about the duration of that suspension, and about whether the short-term suspension is to be served in or out of school. In-school suspensions are usually served in an *in-school suspension classroom*. When a school does not have an in-school suspension program or when offenses are more serious or chronic, they may be dealt with through short-term, out-of-school suspensions. In either case, a student may have multiple, short-term suspensions throughout the year such that the cumulative days suspended includes a significant portion of the student's academic year. Time out of school almost always has a negative impact on achievement and progress (e.g., NCDPI, 2002c). Without effective intervention, behavior problems that lead to an out-of-school suspension may get worse.

Long-term suspensions. More serious offenses are usually dealt with using long-term suspensions as a consequence. Long-term suspensions last from eleven days up to the remainder of the school year. It is possible for a student to receive more than one long-term suspension during the year. When a student is long-term suspended, the student may not return to their regular program in their home school for the duration of the suspension. Districts may allow long-term suspended students to attend an alternative learning program or alternative school (ALP) during their long-term suspension. However, certain very serious offenses may result in the student not being allowed to enroll in any school or program for the remainder of the calendar year or being suspended for an entire school year, which is called a *365-day suspension*. Usually superintendents and/or local boards of education, upon recommendation of principals, make decisions on a case-by-case basis about long-term suspensions (including 365-day suspensions), the length of those suspensions, and whether an ALP placement is provided. If the student is not admitted to an ALP, the student is out of school for the duration of the suspension,

often unsupervised. The student may then become more at-risk of academic failure and may become involved in health-risk behaviors or delinquent behaviors.

Expulsion. When a student is expelled from school, the student cannot return to their home school or any school, ever. As with long-term suspensions, the superintendent and/or the local board of education, upon the recommendation of the principal, make decisions about student expulsions on a case-by-case basis. An expulsion is usually reserved for cases where the student is at least 14 years of age and presents a clear threat of danger to self or others. The acts do not have to occur on school premises for the superintendent and/or school board to expel a student. The law allows districts to permit some expelled students to enroll in ALPs to complete their education. If not, the students are out of school, and, like long-term suspended students, often go unsupervised, and therefore are at increased risk of more serious problems.

Alternative Learning Programs Defined

Alternative learning programs (ALPs) operate with a range of missions and primary target populations. In addition to students who are enrolled because of academic, attendance, and life problems (pregnancy, parenting, work), some ALPs also enroll students with mild, moderate, or severe discipline problems, including suspended or expelled students, on a case-by-case basis. Some ALPs are programs within a regular school and some are official stand-alone schools. Usually, both alternative schools and alternative programs serve students from other regular schools in the school district.

The State Board of Education, as required by GS 115C-12 (24) amended by HB 168 of the 1999 Session of the General Assembly, adopted a definition of what constitutes an alternative school or program. Basic differences between an alternative school and an alternative program usually have to do with size, management, and accountability. The following definition is described in SBE policy HSP-Q-001, in the broader policy having to do with school dropouts:

Alternative Learning Programs - Alternative Learning Programs are defined as services for students at risk of truancy, academic failure, behavior problems, and/or dropping out of school. These services should be designed to better meet the needs of students who have not been successful in the regular public school setting. Alternative learning programs serve students at any level who are

- *suspended and/or expelled,*
- *at risk of participation in juvenile crime,*
- *have dropped out and desire to return to school,*
- *have a history of truancy,*
- *are returning from juvenile justice settings or psychiatric hospitals,*
- *whose learning styles are better served in an alternative setting.*

Alternative learning programs provide individualized programs outside of a standard classroom setting in a caring atmosphere in which students learn the skills necessary to redirect their lives. An alternative learning program must

- *provide the primary instruction for selected at-risk students*

- *enroll students for a designated period of time, usually a minimum of one academic grading period, and*
- *offer course credit or grade-level promotion credit in core academic areas.*

Alternative learning programs may also

- *address behavioral or emotional problems that interfere with adjustment to or benefiting from the regular education classroom,*
- *provide smaller classes and/or student/teacher ratios,*
- *provide instruction beyond regular school hours,*
- *provide flexible scheduling, and/or*
- *assist students in meeting graduation requirements other than course credits.*

Alternative learning programs for at-risk students typically serve students in an alternative school or alternative program within the regular school.

An Alternative School is one option for an alternative learning program. It serves at-risk students and has an organizational designation based on the DPI assignment of an official school code. An alternative school is different from a regular public school and provides choices of routes to completion of school. For the majority of students, the goal is to return to the regular public school. Alternative schools may vary from other schools in such areas as teaching methods, hours, curriculum, or sites, and they are intended to meet particular learning needs.

An ALP is a program that serves students at any level, serves suspended and expelled students, serves students whose learning styles are better served in an alternative learning program, or provides individualized programs outside of a standard classroom setting in a caring atmosphere in which students learn the skills necessary to redirect their lives. They also

- *Are for students at risk of school failure, dropping out of school, or involvement in juvenile crime;*
- *Provide primary instruction for students enrolled;*
- *Offer course credit or grade-level promotion credit in core academic areas;*
- *Are for designated periods of time (not drop in);*
- *Assist students in meeting requirements for graduation.*

Availability of ALPs for Suspended and Expelled Students

Suspended and expelled students in North Carolina are sometimes placed in ALPs on a case-by-case basis, based on processes and procedures developed by each of the 117 Local Education Agencies (LEAs) and the nearly 100 charter schools. Legislation requires that, unless granted a waiver by the State Board of Education (SBE), every district was to have an ALP by July 1, 2000. As of November 2001, every LEA either had an ALP or had requested a waiver

(NCDPI, 2001a). Even so, not every suspended or expelled student will get an ALP placement, for reasons including the following:

- The ALP that currently exists may not serve all age/grade levels resulting in a lack of service for suspended or expelled students at other grade levels.
- The student enrollment of the ALP may be at its capacity.
- The nature of the student's offense may mean that ALP placement would jeopardize the safety of others enrolled in the ALP.
- ALP staff may not have the skills to manage the student and meet the student's needs.

Study Methodology

Contents of this Report

The first sections of this report contain disaggregated data for suspensions and expulsions collected from all non-charter public schools in North Carolina. The next sections of this report include similar data for charter schools. The final section presents data on students served in alternative schools and alternative learning programs. The survey instruments used to gather the data in 2002-03 were basically identical to those used in 2001-02, and are included in Appendices A and B. Disaggregated suspension and expulsion data for the 2002-03 school year are displayed by LEA/charter school in Appendix C.

Cautions Regarding Interpretation of Data

In the course of collecting these data in past years and conducting training, NCDPI discovered that some schools and LEAs consider a student placed in an ALP as being suspended or expelled, while others do not. This discrepancy is likely related to both local policies and to the inability of the state's Student Information Management System (SIMS) to record a student as being (a) both suspended and enrolled in an ALP or as (b) both expelled and enrolled in an ALP. Therefore, the statewide suspension and expulsion data in this report are likely to be an underestimate of the true numbers of students who are suspended or expelled from their home schools. However, unless this discrepancy affects the data for certain subgroups of students more than others (which is not very likely), then the relative comparisons of subgroup differences and trends over time detailed in this report should not be significantly affected.

For the purposes of this study, a student was considered to be suspended or expelled if the LEA reported them to be suspended out-of-school or expelled. Although this may seem obvious and inconsequential, it is not. The aforementioned absence of a statewide Student Code of Conduct, the implementation of "zero tolerance" policies in various forms in many LEAs, and differing definitions of the term "suspension" across LEAs means that comparing counts or even rates of suspension between different LEAs will likely be an invalid measurement of the relative dispensation of disciplinary consequences. Therefore, the disaggregated LEA-level data in Appendix C are most useful for within-LEA comparisons of suspension and expulsion rates

between subgroups and should *not* be used to characterize the disciplinary environment of any LEA or set of LEAs against others.

Currently, statewide student membership data are combined for Black and Multi-racial ethnic groups. Therefore, when comparisons of suspension and expulsion data are made to the statewide student population throughout this report, these two subgroups are usually combined as well. Multi-racial students comprise one percent or less of the total student membership at the state level; thus, the state data provide a reasonable reference point for Black students.

It is also possible that the LEA counts listed in Appendix C may differ slightly from the counts LEAs themselves may report locally. LEAs often identify discrepancies in the numbers reported in Appendix C of this report but are not always able to fully reconcile them with their own numbers. Some school systems have multiple data collection mechanisms for gathering and reporting disciplinary information that may not produce exactly the same counts, and that may have contributed to those discrepancies. Although many such discrepancies were cleared up when these data were released in December 2003 via the state report card website (<http://www.ncreportcards.com>) in the form of suspension and expulsion rates by school, undoubtedly there are other discrepancies that went unidentified. In addition, contractors working on the data collection for this report did implement many data quality control procedures that resulted in the alteration of some records that appeared to be incorrect, which may also result in discrepancies between what is reported here and what an individual LEA may report in another context. Training and standardization efforts have been underway over the past few years and are continuously ongoing in an effort to ameliorate these kinds of difficulties and to ensure that the data underlying this report are as accurate and complete as possible.

Critical Issues

The Use of Data to Stereotype Students

The data in this report indicate that suspensions and expulsions continue to increase overall, and that certain subgroups of students are disproportionately represented in those events. However, these data should not be used to label or stereotype any student. The fact remains that the majority of students – of any age, gender, or ethnicity – will never commit an offense resulting in suspension or expulsion from school. Rather, these data should be used by schools and districts as an impetus to examine disciplinary policies for equity, to target prevention efforts on vulnerable subgroups, to study ways to provide earlier intervention, and to explore a broader array of services for disciplined students, including those provided by community groups and agencies, that address both academic and non-academic needs.

The Need for Comprehensive, Prevention-Oriented Solutions

Schools have the primary responsibility in our society for educating children and youth. However, schools are often distracted from that mission when a child's behavior jeopardizes the safety and learning of her/himself and the other students in the school. Surveys and polls covering educational issues consistently show that school safety is one of the public's primary

concerns. At the same time, policymakers, business leaders, and the community at large are demanding increased academic performance and higher standards for all students. Schools therefore have the daunting task of addressing the learning needs of an increasingly diverse student population while also ensuring safety and order in their buildings.

While improving the school environment greatly enhances the safety of students, there are limits on the extent to which schools can shape and influence students' behavior. School-age children typically spend only 17-20% of their waking hours in school during a given calendar year. Consequently, many of the factors that shape student behavior emanate from sources outside of school, as well as from early experiences children have prior to entering school. Suspensions and expulsions often result from behaviors ranging from "lesser" problems such as bullying, fist fights, name-calling, and many forms of harassment, to more "extreme" problems involving criminal behaviors such as substance abuse, assault, carrying weapons to school, or murder. These issues may be rooted in the need to learn better self-control and assume personal responsibility, educational approaches that do not match students' needs, problematic environments (in or out of school), family and personal issues, or combinations of these and other factors. Efforts to prevent behavioral problems in schools will therefore be most effective when (a) there is a comprehensive focus on the full range of students' needs - academic, behavioral, and other; (b) when there is efficient and focused collaboration between schools, families, and other community agencies that are charged with serving students who are at risk for behavioral problems; and (c) when these efforts begin as early as possible in children's lives, before they enter school and before patterns of negative behavior have the chance to take root.

The Protection of Others Versus the Rehabilitation of Offenders

Each year, for a variety of reasons, thousands of students are suspended and expelled from North Carolina's schools. Reasons range from truancy to disruptive behavior, chronic discipline problems, violence, and criminal acts. Sometimes discipline problems are rooted in academic problems or problems outside of school that impact learning such as family problems, substance abuse, or domestic abuse. According to a previous DPI study, about three-quarters of students who were long-term suspended or expelled in 1999-00 had the opportunity to attend alternative learning programs (NCDPI, 2001b). Those who are suspended and/or expelled and not placed in these or other programs, however, may go unsupervised and unserved. This may in turn result in negative academic consequences and may place those students at risk for crime and delinquency problems.

Although removing a student from school may create a better learning environment for others whose education was being disrupted by that student's actions, the removed student does not typically benefit from removal, nor does simply removing the student from school address the cause of the student's misbehavior in any way. The more time a student spends out of school, the more her/his academic progress will likely suffer. As these students fall further behind in their academic progress, it increases the probability that they will not catch up with their schoolwork, or worse, that they may never return to school. Alternative strategies to serve the academic and behavioral needs of suspended and expelled students are necessary to prevent at-risk students from becoming "repeat offenders" after they return to their home school, and to ensure that their difficulties do not escalate to the point where more serious behavioral events occur or where students drop out of school altogether. Although suspensions and expulsions are

legitimate and reasonable means to ensure a safe, orderly and caring school climate, that alone should not be the end goal of student discipline. Significant remediation efforts need to take place to ensure that those students who are removed from school for purposes of ensuring safety and order get the help they need to return the regular school environment and be successful, both behaviorally and academically.

In addition, it is critically important that high numbers of suspensions and expulsions in any one school or LEA not necessarily be viewed as indicative of an unsafe school environment. High numbers of suspensions and expulsions may in fact be a reflection of school environments where student misbehavior is not tolerated, where offenders are routinely identified and sanctioned, and/or where schools are diligent about recording and reporting accurate data on disciplinary events. In essence, the disciplinary data in this report represents only the numbers of students who "got caught". Students whose misbehavior goes undiscovered or unpunished, or whose data do not get recorded for whatever reason, are not included in these figures. If it was possible to count all of those events and append them to the data reported here, the overall numbers as well as the relative distribution of the figures across years, across student subgroups, and across schools and LEAs might change.

Data that only measure negative events – and in this case, only those for which school staff were actually able to identify a student perpetrator – also do not fully capture the range of factors that affect safety. Support systems and processes in place for students who misbehave, the extent to which students feel that school staff are concerned and vigilant about maintaining safety, and the regularity with which disciplinary events are dealt with in a fair, consistent, and timely manner are but a few of the positive indicators of safety which often go unmeasured, yet they are equally if not more important to cultivating a safe, orderly, and healthy school environment than are the data reported in this document.

Section 1.1: LEA Short-Term Suspensions

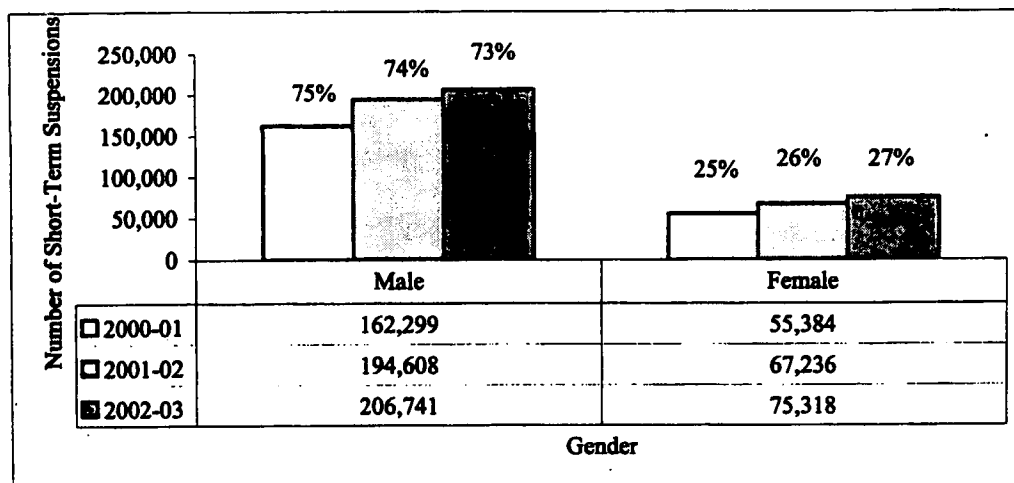
Short-Term Suspensions

This section reports data for students who were suspended for 10 days or less from the 117 LEAs across North Carolina. The data here reflect short-term suspensions that may include multiple suspensions per student. In addition to displaying numbers and percentages of suspensions given to different subgroups of students, charts are also presented showing suspension rates for selected subgroups. Calculating *rates* of suspension (e.g., the number of suspensions per 10 students enrolled) is one way to compare the extent of representation across groups more accurately than simple percentages, particularly when the groups vary widely in size. Rates can fluctuate greatly from year to year when the number of students is small, however; therefore, rates reported for small subgroups of students in this and subsequent sections of the report should be interpreted cautiously.

It should be noted that these numbers include students who were suspended out-of-school as well as some who may have been suspended and subsequently sent to alternative programs. It should also be noted that some students receive multiple short-term suspensions each year; therefore, these charts represent numbers of suspensions, not numbers of unique students.

Data for Black/Multi-racial students are reported as one group in this report in most instances, because the NCDPI combines these students when reporting the size of the overall student population by ethnicity. Therefore, the calculation of suspension rates (e.g., Figures 4 & 5) and analyses of suspensions of Black/Multi-racial students relative to their overall representation in the public schools (e.g., Table 1) cannot be made separately. However, since Multi-racial students are estimated to represent less than 1% of the total student population, these data still provide a fairly clear picture of suspensions of Black students.

Short-Term Suspensions by Gender



Note: Gender was not reported for 75 short-term suspensions in 2000-01, 136 in 2001-02, and 181 in 2002-03. The numbers in parentheses indicate the percentage of suspensions in each gender.

Figure 1. Number of Short-Term Suspensions by Gender.

- A total of 282,240 suspensions for ten days or less occurred in 2002-03. This represents an 8% increase from the previous year (261,980).
- The 282,240 short-term suspensions in 2002-03 were given to 139,818 different students (i.e., some students were suspended more than once), for an average of approximately 2 short-term suspensions per suspended student.
- These 282,240 short-term suspensions totaled 817,523 school days, or an average of 2.9 days per suspension.
- As in previous years, the majority of short-term suspensions in 2002-03 were given to male students.

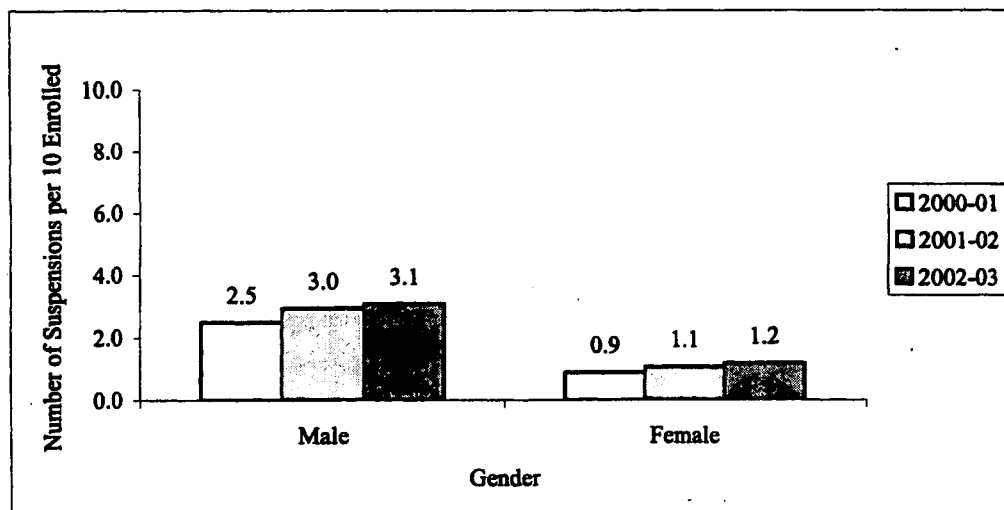
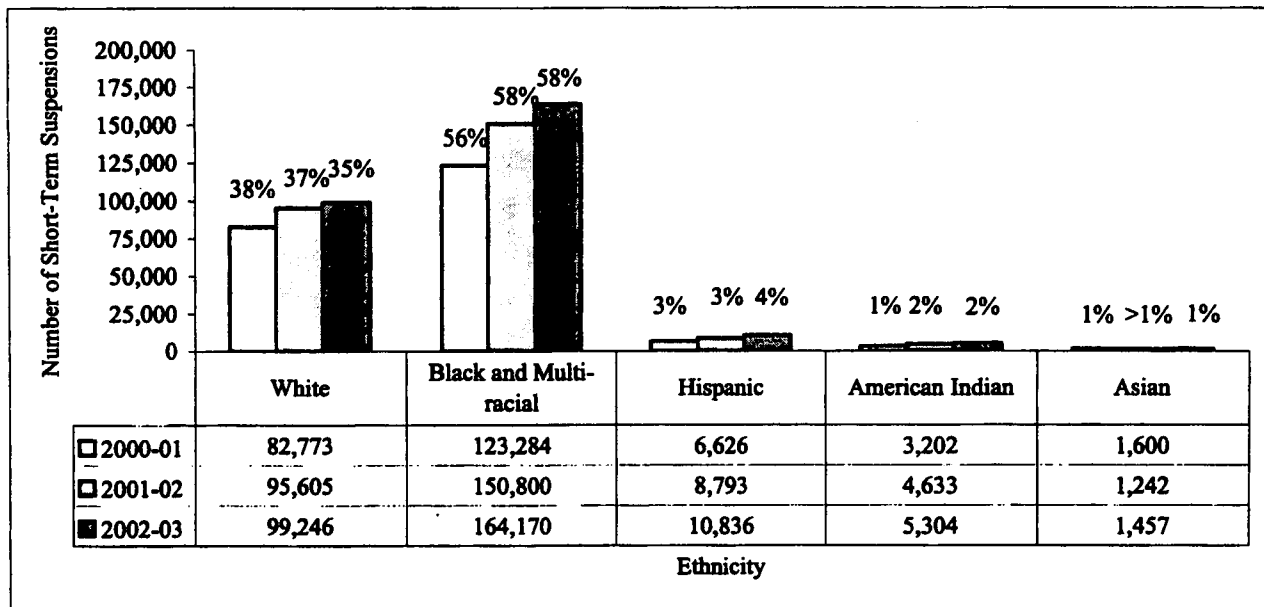


Figure 2. Short-Term Suspension Rates by Gender.

- Rates of short-term suspension increased for both males and females in 2002-03.
- The rate of short-term suspensions for male students in both 2000-01 and 2001-02 was nearly 3 times higher than for females. In 2002-03, this rate was approximately 2.5 times higher.

Short-Term Suspensions by Ethnicity



Note: Ethnicity was not reported or was reported as "Other" for 273 short-term suspensions given in 2000-01, 907 in 2001-02, and 1,227 in 2002-03. The percentages in the chart represent the percentages of short-term suspensions in each ethnicity.

Figure 3. Number of Short-Term Suspensions by Ethnicity.

- White and Black/Multi-racial students accounted for the vast majority of short-term suspensions each year since 2000-01.
- Over half of all of the short-term suspensions given each year since 2000-01 were given to Black/Multi-racial students.
- There was an increase in the number of short-term suspensions given across all ethnic groups in 2002-03.

Short-Term Suspensions by Ethnicity and Gender

Ethnicity/Gender	# of Short-Term Suspensions			% of Short-Term Suspensions			% of Statewide Membership		
	2000-01	2001-02	2002-03	2000-01	2001-02	2002-03	2000-01	2001-02	2002-03
Asian Males	1,279	952	1,113	1	<1	<1	1	1	1
Asian Females	321	289	344	<1	<1	<1	1	1	1
Black/Multi-Racial Males	88,298	107,954	116,114	41	41	41	16	16	16
Black/Multi-Racial Females	34,974	42,845	48,034	16	16	17	15	15	15
Hispanic Males	5,135	6,880	8,242	2	3	3	2	3	3
Hispanic Females	1,490	1,913	2,589	1	1	1	2	3	3
American Indian Males	2,409	3,407	3,830	1	1	1	1	1	1
American Indian Females	793	1,226	1,474	<1	<1	<1	1	1	1
White Males	65,035	74,829	76,672	30	29	27	31	31	31
White Females	17,727	20,770	22,539	8	8	8	30	29	29
Total Number	217,461	261,065	280,951				1,268,422	1,286,931	1,304,325

Note: Ethnicity and/or gender was not reported or was reported as "Other" for 297 short-term suspensions in 2000-01, for 1,370 in 2001-02, and for 1,289 in 2002-03. Percentages may not add to exactly 100 due to rounding.

Table 1. Short-Term Suspensions by Ethnicity and Gender.

- As in previous years, the percentage of short-term suspensions given to males in 2002-03 was higher than that for females within every ethnic group.
- In each of the past three years, Black/Multi-racial males represented approximately 16% of the overall student population. However, they accounted for 41% of the short-term suspensions given during those same years.
- In each of the past three years, Black/Multi-racial females accounted for a percentage of short-term suspensions that was roughly equal to their representation in the overall student population. In contrast, White females during those same years represented 29-30% of the overall student population, but they accounted for only 8% of short-term suspensions.

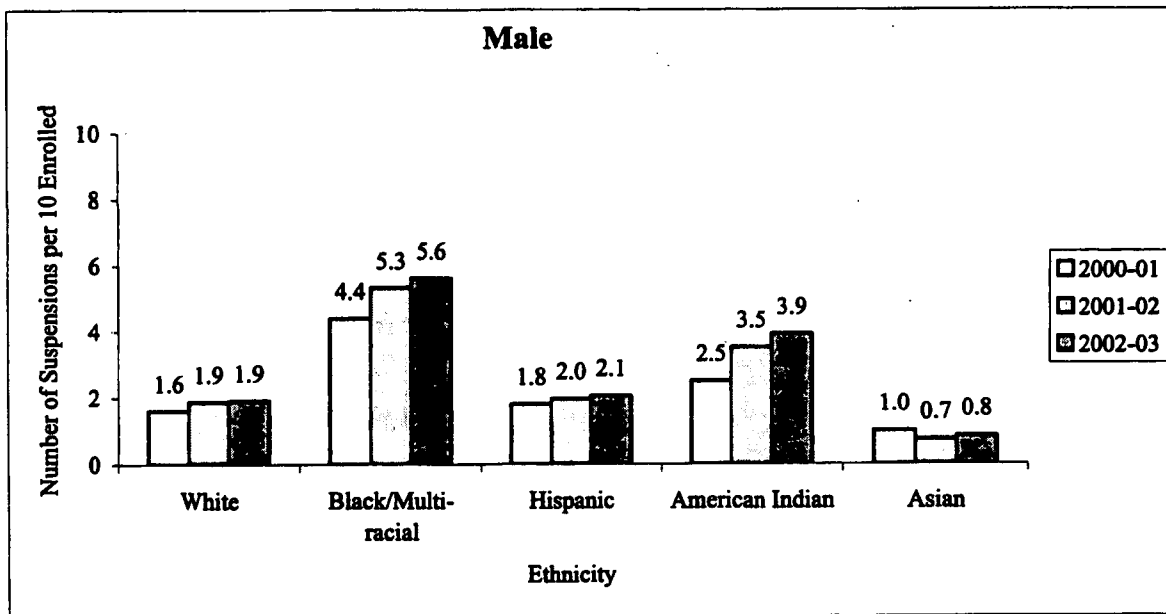


Figure 4. Male Short-Term Suspension Rates by Ethnicity.

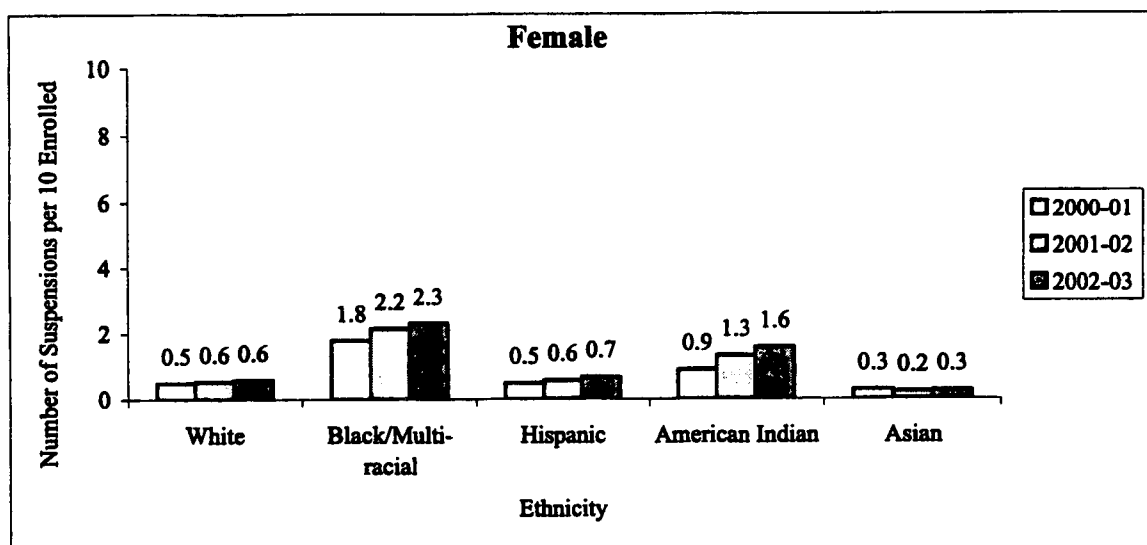
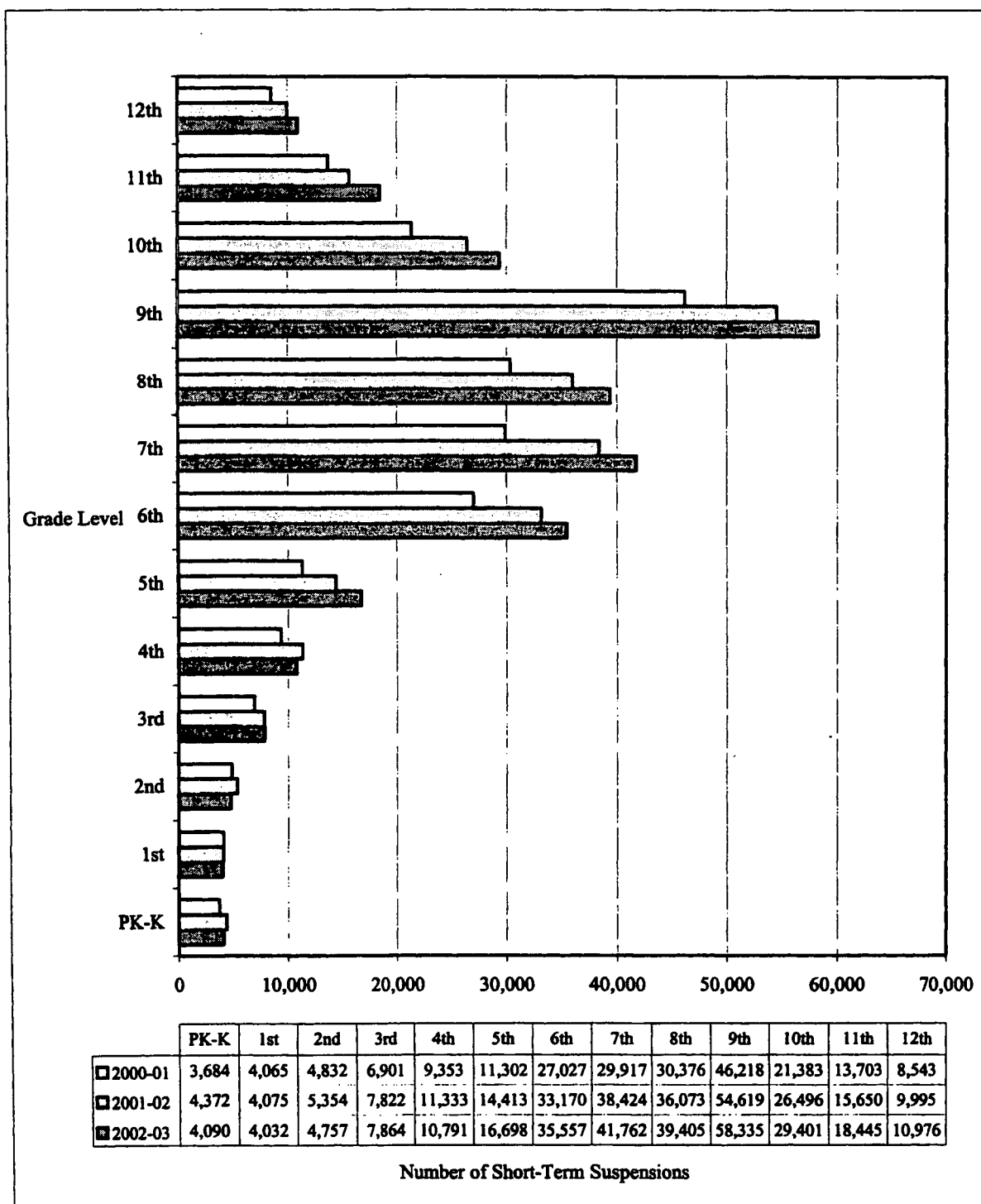


Figure 5. Female Short-Term Suspension Rates by Ethnicity.

- Each year since 2000-01, among both males and females, Black/Multi-racial students had the highest rate of short-term suspensions, followed by American Indian students.
- The largest rate increases for each gender in 2002-03 were also among Black/Multi-racial and American Indian students. This was also true in 2001-02.

Short-Term Suspensions by Grade Level

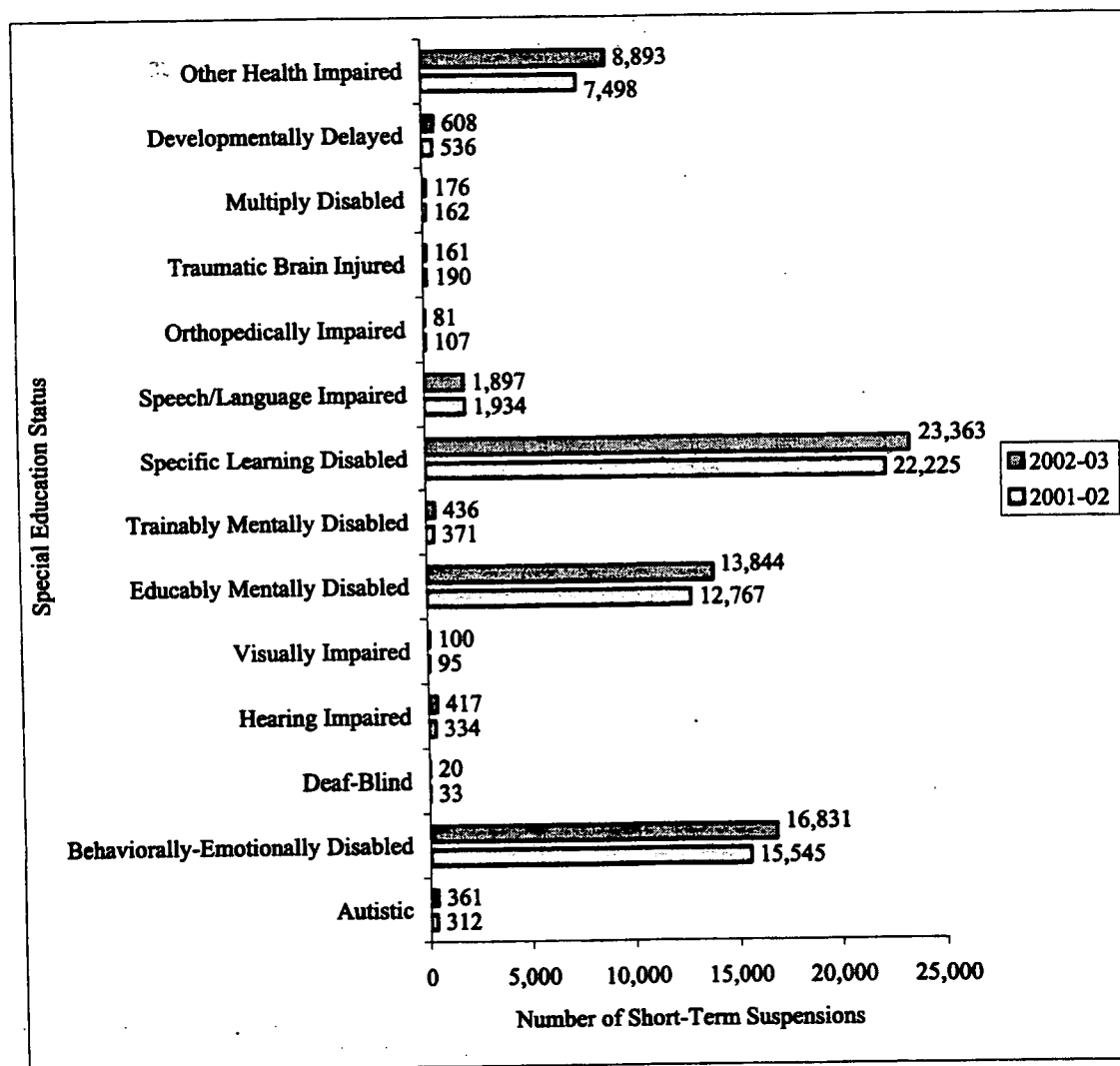


Note: Grade level was not reported for 454 short-term suspensions given in 2000-01, 184 in 2001-02, and 127 in 2002-03.

Figure 6. Number of Short-Term Suspensions by Grade Level.

- The most common grade level for short-term suspensions each year has been the ninth grade (21% each year).
- The incidence of short-term suspensions in each year rose dramatically in the middle grades up through grade nine, then steadily declined in grades ten through twelve.
- Compared to 2001-02, the number of short-term suspensions generally increased in grades 5-12, but generally declined below grade 5.
- The largest increases between 2001-02 and 2002-03 were in 11th grade (18% increase), 5th grade (16%), and 10th grade (11%).

Short-Term Suspensions for Students Receiving Special Education Services



Note: Special education status was not reported for 245 short-term suspensions given in 2001-02 and 1,358 in 2002-03.

Figure 7. Number of Short-Term Suspensions by Special Education Status.

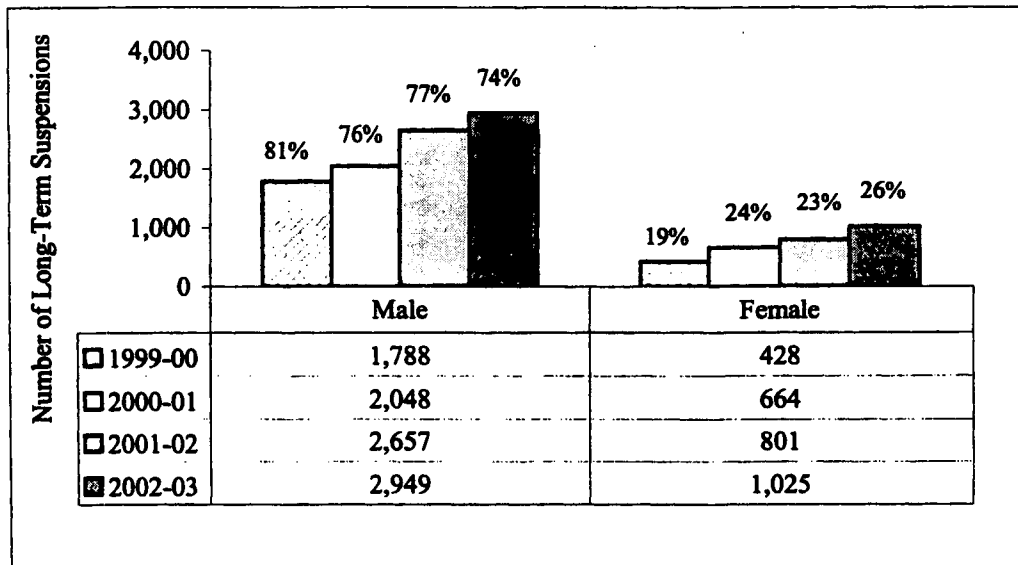
- In 2002-03, students receiving special education services received approximately 24% of all short-term suspensions, despite the fact that they constitute only 14% of the overall school population. This finding is consistent with results from 2001-02 and 2000-01 as well (NCDPI, 2003).
- The majority of short-term suspensions given to students receiving special education services in both 2001-02 and 2002-03 were given to those whose primary service category was either specific learning-disabled, behaviorally-emotionally disabled, educably mentally disabled, or other health impaired.

Section 1.2: LEA Long-Term Suspensions

This section reports data for students who were suspended for 11 or more days. The data here reflect long-term suspensions (LTSs) that may include multiple suspensions per student. In addition to displaying numbers and percentages of suspended students, charts are also presented showing suspension rates for selected subgroups of students. Calculating *rates* of suspension (e.g., the number of students suspended per 100,000 enrolled) is one way to compare the extent of representation across groups more accurately than simple percentages, particularly when the groups vary widely in size.

It should be noted that these data include students who were suspended out-of-school as well as some who may have been suspended and subsequently sent to alternative programs. It should also be noted that some students receive multiple long-term suspensions during any given year; therefore, these charts represent numbers of suspensions, not unique students.

Long-Term Suspensions by Gender



Note: The numbers in the chart indicate the percentage of suspensions in each gender. Gender was not recorded for one long-term suspension in 2001-02.

Figure 8. Number of Long-Term Suspensions by Gender.

- The number of long-term suspensions increased by approximately 15% between 2001-02 and 2002-03.
- Similar to previous years, the majority of long-term suspensions in 2002-03 were given to male students. However, the percentage being given to female students has generally increased since 1999-00.
- The 3,974 long-term suspensions in 2002-03 were given to 3,850 different students (i.e., a small number of students were long-term suspended more than once).
- Long-term suspensions in 2002-03 totaled 267,785 school days, or an average of approximately 67 school days per suspension.²

² These calculations do not include 125 yearlong suspensions (i.e., 365-day suspensions) for which the total number of suspended days corresponding *specifically* to the 2002-03 school year could not be accurately calculated. Therefore, had those been included, these calculations would have been slightly different.

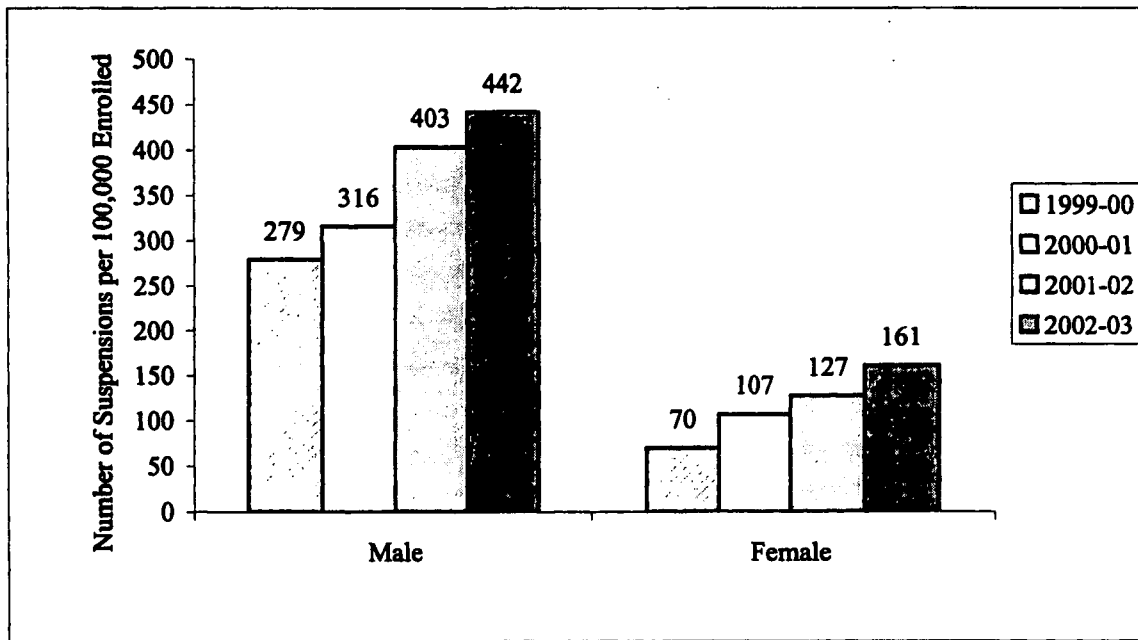
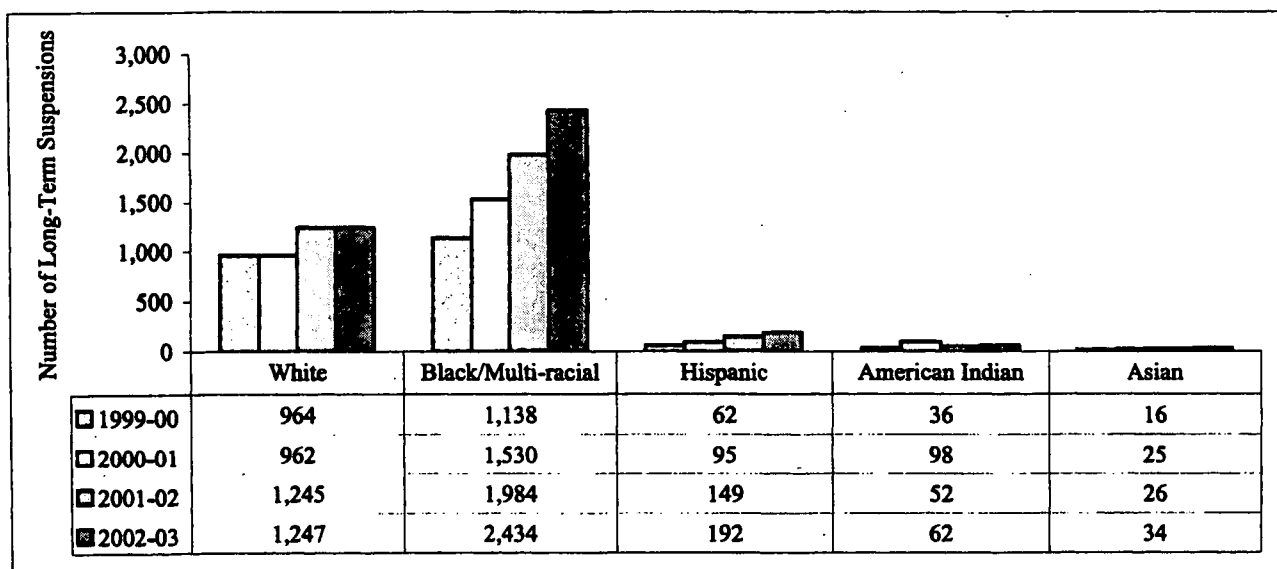


Figure 9. Long-Term Suspension Rates by Gender.

- The rate of long-term suspensions for male students increased 13%, 28%, and 10% over the past three years, respectively. The corresponding rate increases for females were 53%, 19%, and 27%.
- In 1999-00, the long-term suspension rate among males was 4 times the rate for females. In 2002-03, the rate for males was 2.75 times the female rate.

Long-Term Suspensions by Ethnicity



Note: Ethnicity was not reported or was reported as "Other" for a small number of long-term suspensions each year.

Figure 10. Number of Long-Term Suspensions by Ethnicity.

- White and Black students have accounted for the vast majority of long-term suspensions each year since 1999-00.
- The number of long-term suspensions given to students in each ethnic group increased in 2002-03.
- The number of long-term suspensions given to Asian and to Black/Multi-racial students has more than doubled since 1999-00. The number given to Hispanic students has more than tripled over that same time span.
- Since 1999-00, Black/Multi-racial students have accounted for an increasing percentage of long-term suspensions (51% in 1999-00 to 61% in 2002-03), while the percentage given to White students during that same time period has declined (44% in 1999-00 to 31% in 2002-03).

Long-Term Suspensions by Ethnicity and Gender

Ethnicity/Gender	# of Long-Term Suspensions				% of Long-Term Suspensions				% of Statewide Membership			
	99-00	00-01	01-02	02-03	99-00	00-01	01-02	02-03	99-00	00-01	01-02	02-03
Asian Males	14	16	23	24	1	1	1	1	1	1	1	1
Asian Females	2	9	3	10	<1	<1	<1	<1	1	1	1	1
Black and Multi-Racial Males	867	1,123	1,498	1,757	39	41	43	44	16	16	16	16
Black and Multi-Racial Females	271	407	486	677	12	15	14	17	15	15	15	15
Hispanic Males	55	77	127	154	2	3	4	4	2	2	3	3
Hispanic Females	7	18	22	38	<1	1	1	1	2	2	3	3
American Indian Males	32	67	40	47	1	2	1	1	1	1	1	1
American Indian Females	4	31	12	15	<1	1	<1	<1	1	1	1	1
White Males	820	763	968	964	37	28	28	24	32	31	31	31
White Females	144	199	277	283	7	7	8	7	30	30	29	29
Total Number	2,216	2,710	3,456	3,974								

Note: Ethnicity and/or gender was not reported or was reported as "Other" for a small number of long-term suspensions each year.

Table 2. Long-Term Suspensions by Ethnicity and Gender.

- The percentage of long-term suspensions given to males was higher than that for females in every ethnic group across all four years.
- Black/Multi-racial males represented approximately 16% of the overall student population over the past four years. However, they have accounted for 39-44% of the long-term suspensions given during those same years.
- The percentage of long-term suspensions given to White males declined between 1999-00 and 2002-03.
- Over the past four years, Black/Multi-racial females accounted for a percentage of long-term suspensions that was roughly equal to their representation in the overall student population. In contrast, White females represented approximately 29-30% of the overall student population, but they accounted for only 7-8% of long-term suspensions.

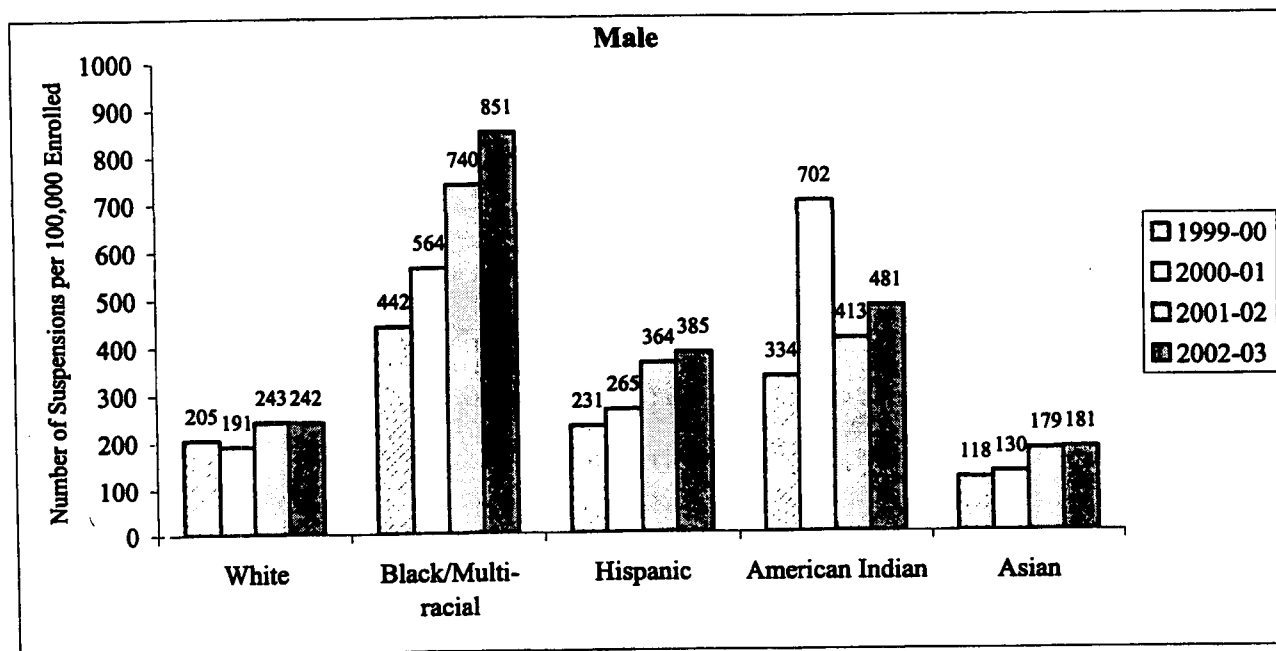


Figure 11. Male Long-Term Suspension Rates by Ethnicity.

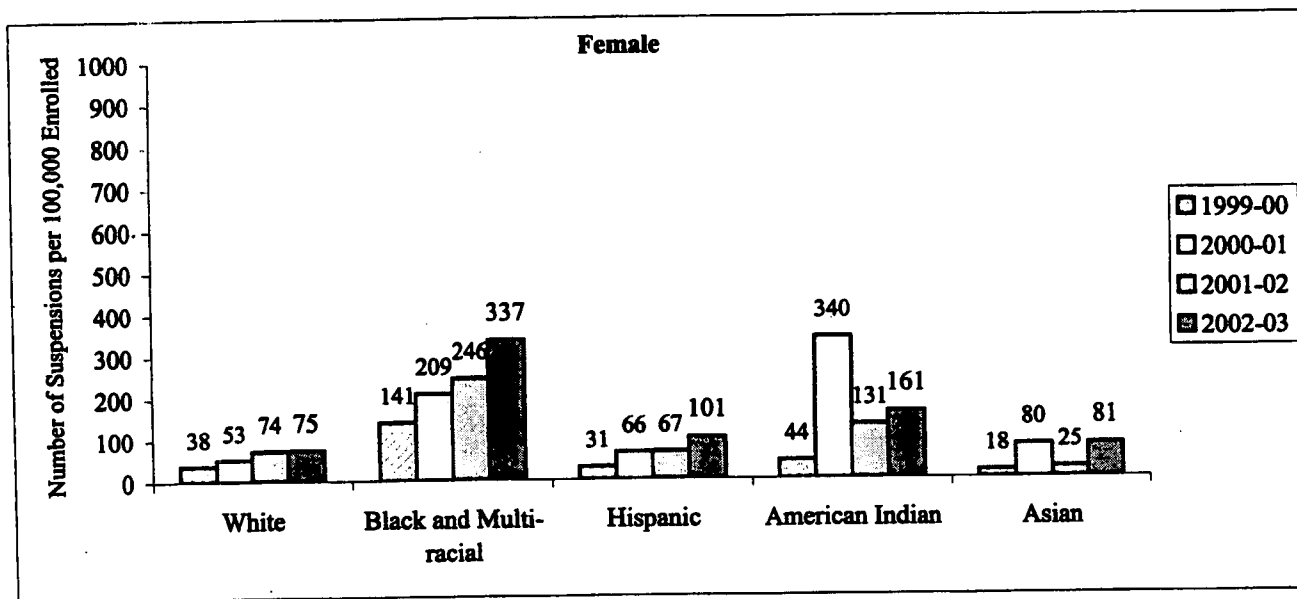
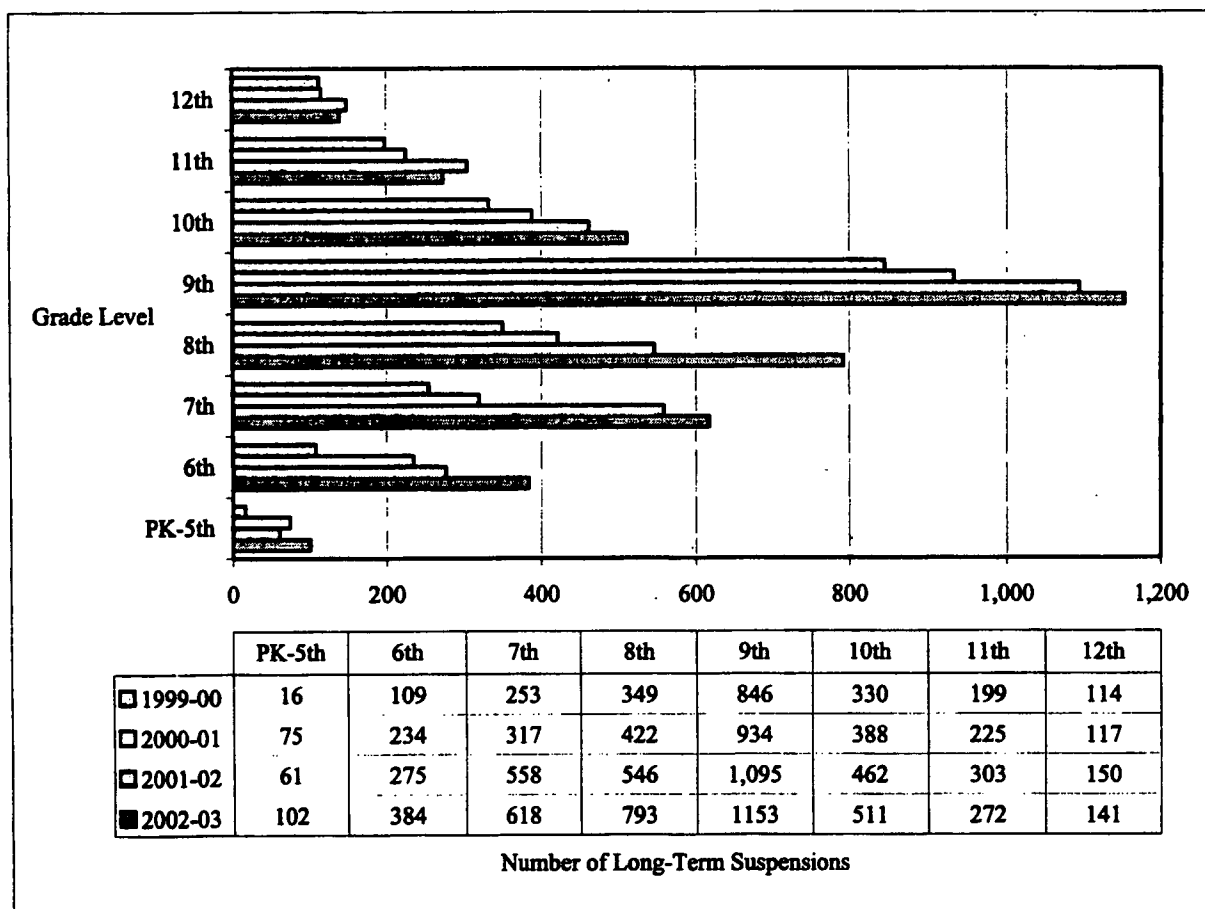


Figure 12. Female Long-Term Suspension Rates by Ethnicity.

- A comparison of Figures 11 and 12 reveals that long-term suspensions were given to males at a much higher rate than females for all ethnic groups each of the last four years.
- Long-term suspension rates increased in 2002-03 for all subgroups except White males.

Long-Term Suspensions by Grade Level

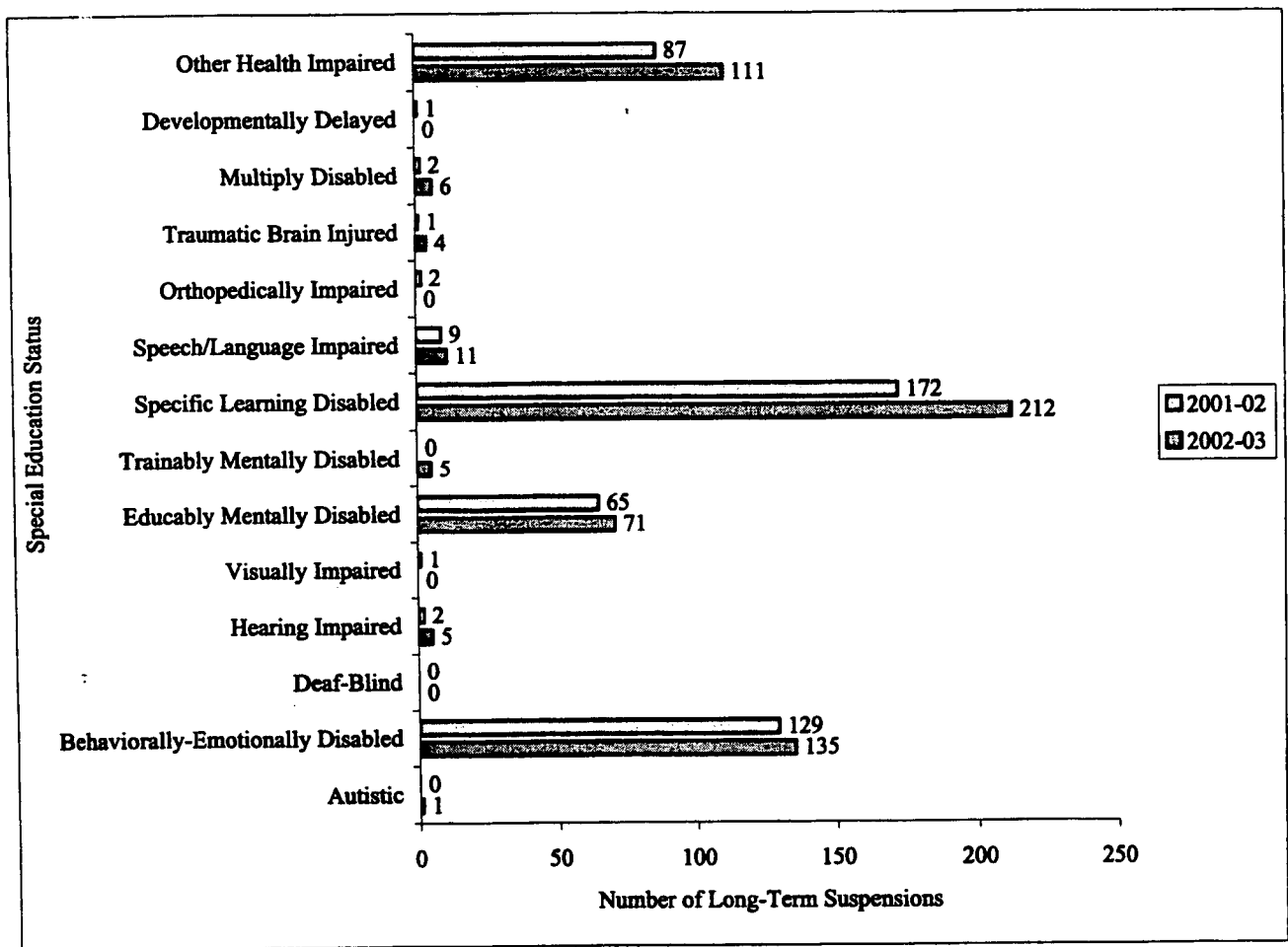


Note: Grade level was not provided for nine long-term suspensions in 2001-02.

Figure 13. Number of Long-Term Suspensions by Grade Level.

- Over the past four years, very few long-term suspensions were given to students in grades K through five in either year. Starting in grade six, the number of long-term suspensions begins to increase and peaks at grade nine.
- The number of long-term suspensions increased between 2001-02 and 2002-03 at every grade level except grades 11 and 12. The largest increases were in PreK-5 (67%), grade 8 (45%), and grade 6 (40%).
- Approximately one-third of all long-term suspensions over the past four years were given to 9th grade students.
- Similar to the pattern seen for short-term suspensions, the incidence of long-term suspensions increases throughout the middle grades, peaks at grade nine, then steadily declines in grades ten through twelve.

Long-Term Suspensions for Students Receiving Special Education Services



Note: Special education status was not recorded for 20 long-term suspensions in 2001-02.

Figure 14. Number of Long-Term Suspensions by Special Education Status.

- The general trend of increases in numbers of long-term suspensions in the overall student population is also evident among students receiving special education services.
- In 2002-03, students receiving special education services accounted for 14% of all long-term suspensions. In 2001-02 they also accounted for approximately 14%, down from 18% in 2000-01.
- The majority of long-term suspensions given to students receiving special education services in both 2001-02 and 2002-03 were given to students whose primary service category was either specific learning-disabled, behaviorally-emotionally disabled, other health impaired, or educably mentally disabled.

Multiple Suspensions

This section reports data for students who were suspended on multiple occasions during 2002-03. Data are shown separately for students receiving multiple short-term suspensions (i.e., multiple suspensions of less than 11 days each) and for students receiving multiple long-term suspensions (i.e., multiple suspensions of 11 days or more each).

Multiple Short-Term Suspensions

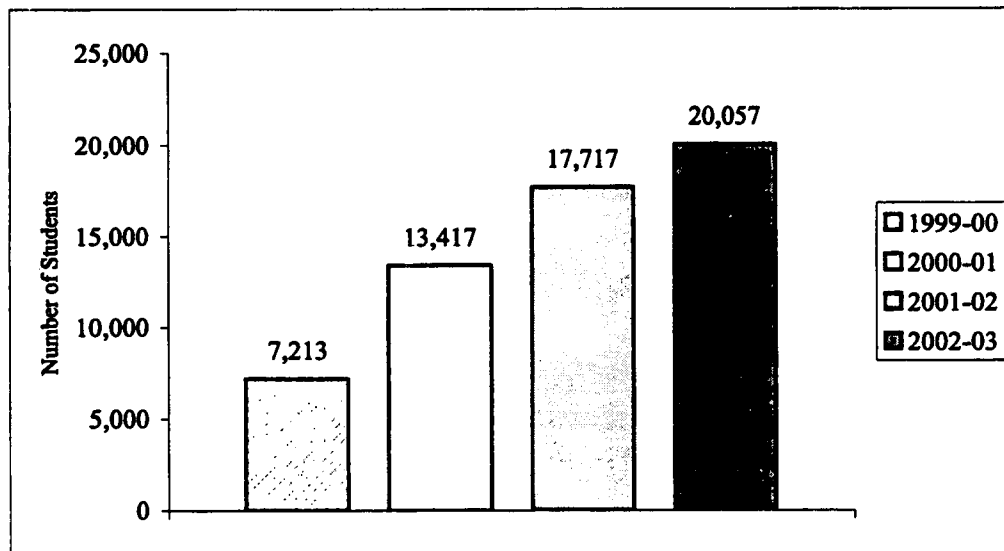


Figure 15. Number of Students with Multiple Short-Term Suspensions that when Added Together Equal More than 10 Days.

- 20,057 students were short-term suspended multiple times totaling more than 11 days in 2002-03. This represents a 13% increase compared to the 2001-02 school year. *(Note that in 1999-00, only 92 of the 117 LEAs responded to this question, therefore the 1999-00 figure of 7,213 may be artificially low.)*

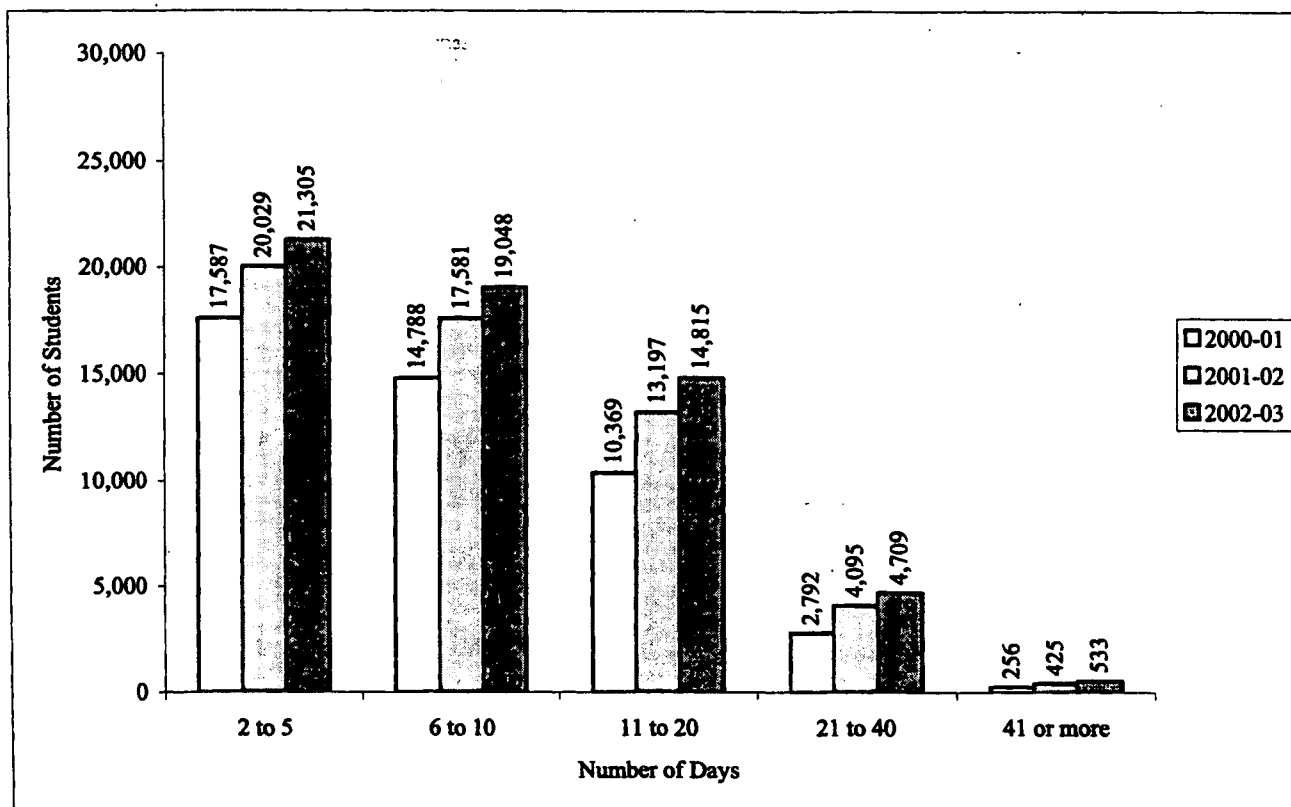


Figure 16. Duration of Multiple Short-Term Suspensions Given to Students.

- The total number of students receiving multiple short-term suspensions of any length in 2002-03 was 60,410, up from 55,327 in 2001-02. Of those, 40,353 students had multiple short-term suspensions that totaled 10 days or less.

Multiple Long-Term Suspensions

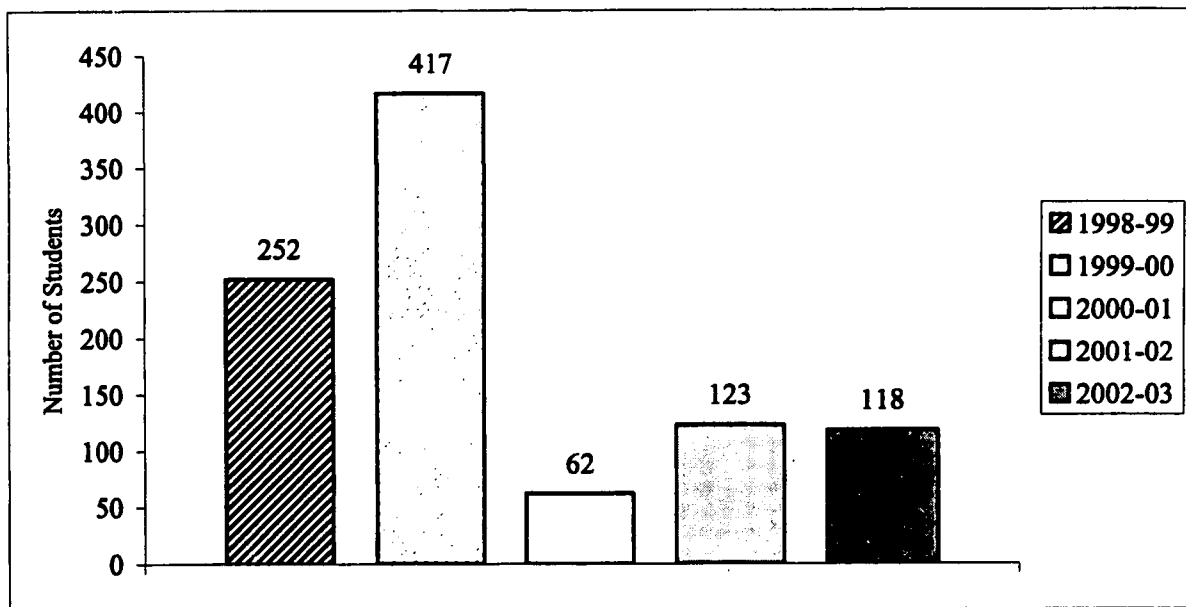


Figure 17. Number of Students with Multiple Long-Term Suspensions.

- The number of students who received multiple long-term suspensions dropped slightly between 2001-02 and 2002-03.

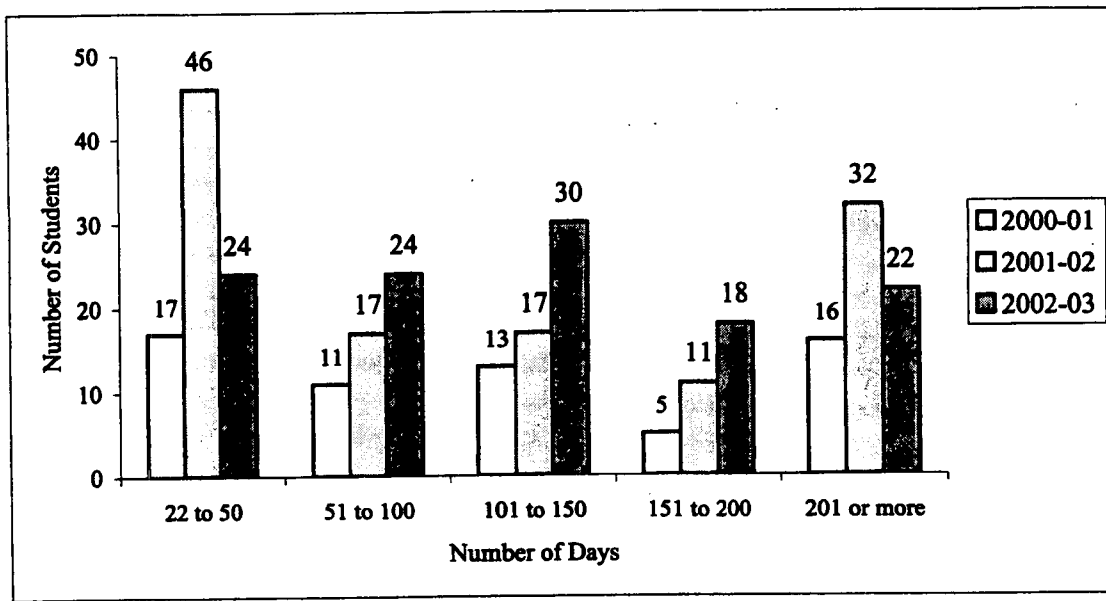


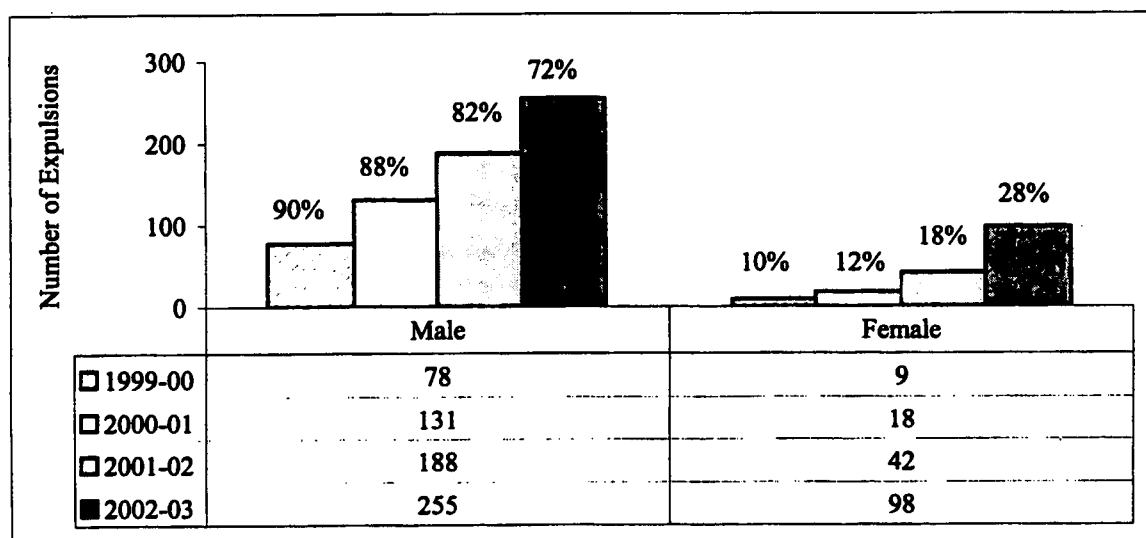
Figure 18. Duration of Multiple Long-Term Suspensions Given to Students.

- In 2002-03, 70 of the 118 students who received multiple long-term suspensions were suspended for more than 100 days.

Section 1.3: LEA Expulsions

This section reports data for students who were expelled from school during the 2002-03 school year. Students who are expelled from school in North Carolina are never allowed to return to the North Carolina public schools again, although many are subsequently served in alternative learning programs (NCDPI, 2001b). In addition to displaying numbers and percentages of expelled students, charts are also presented showing expulsion rates for selected subgroups of students. Calculating *rates* of expulsion (e.g., the number of students expelled per 100,000 enrolled) is one way to compare the extent of representation across groups more accurately than simple percentages, particularly when the groups vary widely in size.

Expulsions by Gender

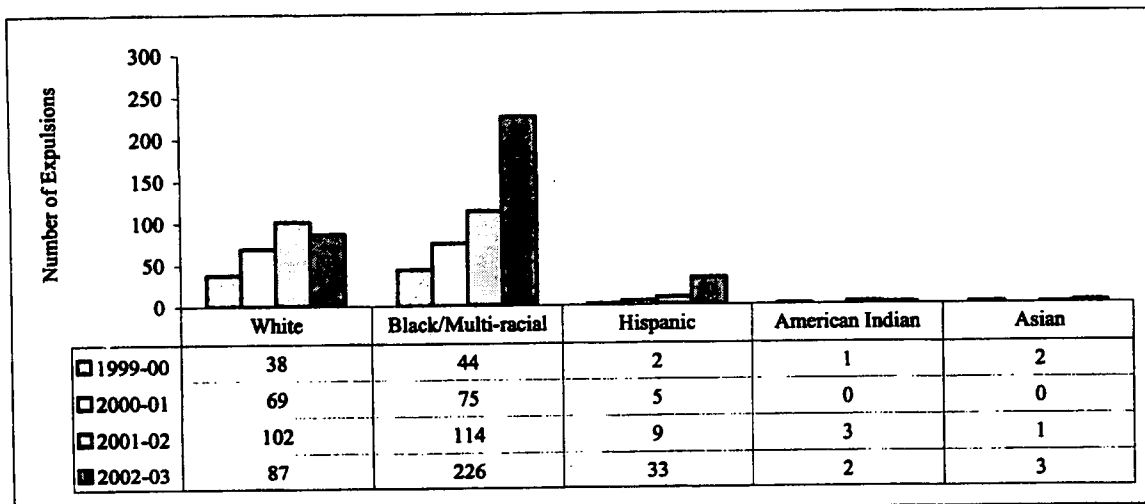


Note: The numbers in parentheses indicate the percentage of expulsions by gender.

Figure 19. Number of Expulsions by Gender.

- In 2002-03, 353 students were expelled. This represents a 53% increase from 2001-02.
- The percentage of expulsions accounted for by females has nearly tripled in the past four years.

Expulsions by Ethnicity



Note: Ethnicity was recorded as "Other" for one expulsion in 2001-02.

Figure 20. Number of Expulsions by Ethnicity.

- Compared to 2001-02, expulsions increased in 2002-03 among Black/Multi-racial, Hispanic, and Asian students.
- In particular, the number of Black/Multi-racial students expelled from school almost doubled between 2001-02 and 2002-03, while the number of Hispanic students expelled more than tripled.
- As previous years, the vast majority of expelled students in 2002-03 were either Black/Multi-racial or White.

Expulsions by Ethnicity and Gender

Ethnicity/Gender	# of Expulsions				% of Expulsions				% of Statewide Membership			
	99-00	00-01	01-02	02-03	99-00	00-01	01-02	02-03	99-00	00-01	01-02	02-03
Asian Males	1	0	1	3	1	0	<1	1	1	1	1	1
Asian Females	1	0	0	0	1	0	0	0	1	1	1	1
Black/Multi-Racial Males	41	66	98	154	47	44	43	44	16	16	16	16
Black/Multi-Racial Females	3	9	16	72	4	6	7	21	15	15	15	15
Hispanic Males	2	5	8	30	2	3	3	9	2	2	3	3
Hispanic Females	0	0	1	3	0	0	<1	1	2	2	3	3
American Indian Males	1	0	2	2	1	0	1	1	1	1	1	1
American Indian Females	0	0	1	0	0	0	<1	0	1	1	1	1
White Males	33	60	78	64	38	40	34	18	32	31	31	31
White Females	5	9	24	23	6	6	10	7	30	30	29	29
Total Number	87	149	229	351								

Note: Ethnicity was recorded as "Other" for one expulsion in 2001-02 and two in 2002-03.

Table 3. Expulsions by Ethnicity and Gender.

- Prior to 2002-03, White and Black/Multi-racial males accounted for most of the expelled students. In 2002-03, however, Black females accounted for more suspensions than did White males.
- Black/Multi-racial males made up 44% of the expelled students in 2002-03, despite the fact that they accounted for only 16% of the overall student population. Black/Multi-racial Females and Hispanic Males are also over-represented among expelled students relative to their presence in the general student population.
- White males were also over-represented among expelled students relative to their presence in the overall student population until 2002-03.

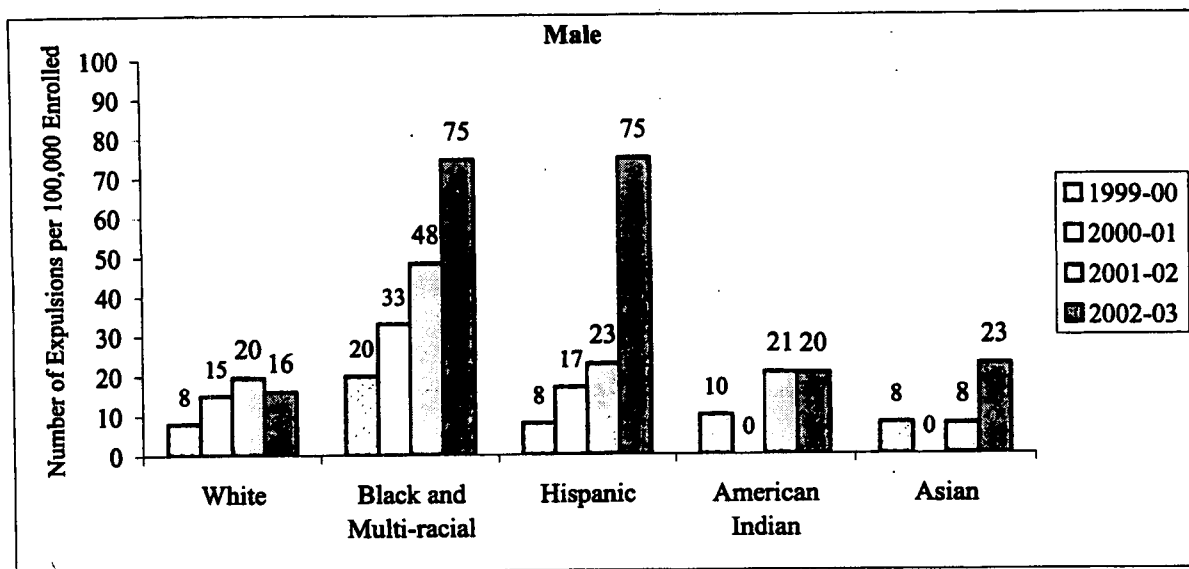


Figure 21. Male Expulsion Rates by Ethnicity.

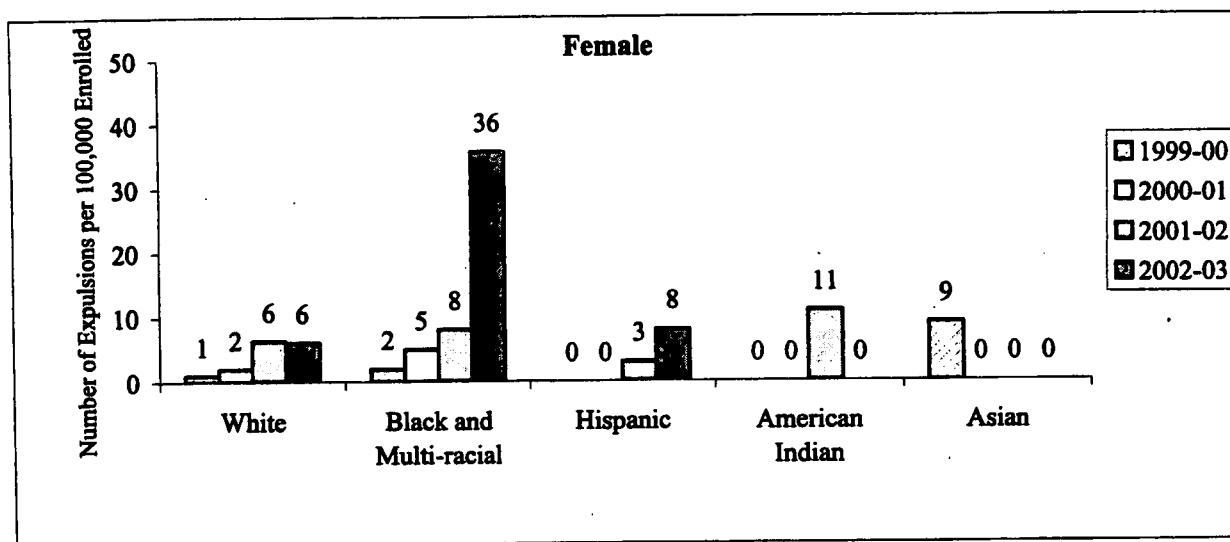


Figure 22. Female Expulsion Rates by Ethnicity.

- In 2002-03, expulsion rates increased most dramatically among Hispanic and Black/Multi-racial students of both genders, as well as Asian males. Expulsion rates among all other subgroups either remained level or dropped.

Expulsions by Grade Level

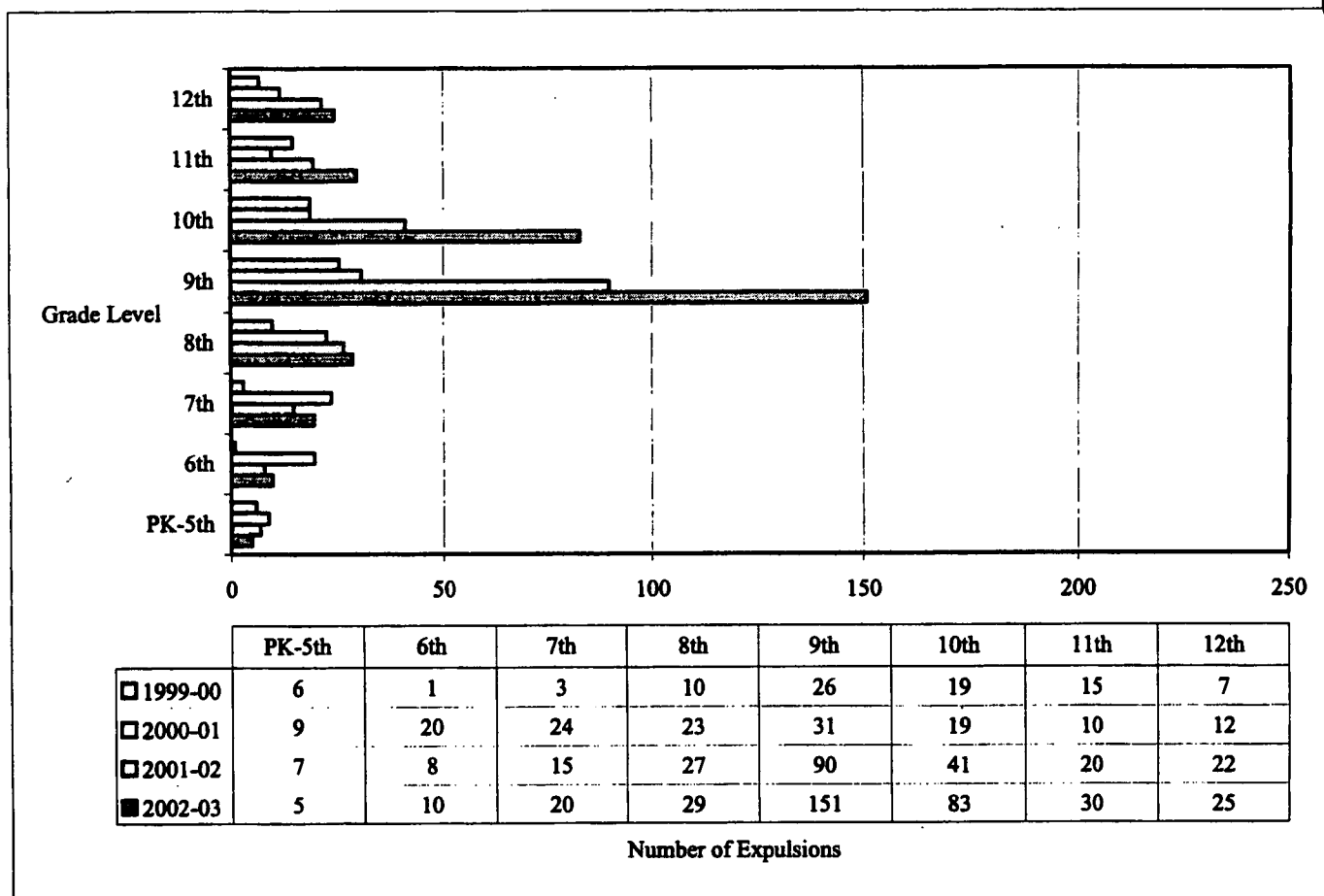


Figure 23. Number of Expulsions by Grade Level.

- In 2002-03, expulsions increased at all grade levels from 6 to 12, with particularly large increases in grade 10 (102%) and grade 9 (68%).
- In each of the past four years, 9th grade has been the most common grade for expulsions.
- Similar to the pattern seen for short- and long-term suspensions, expulsions increase throughout the middle grades, peak at grade nine, then decline in grades ten through twelve.

Expulsions for Students Receiving Special Education Services

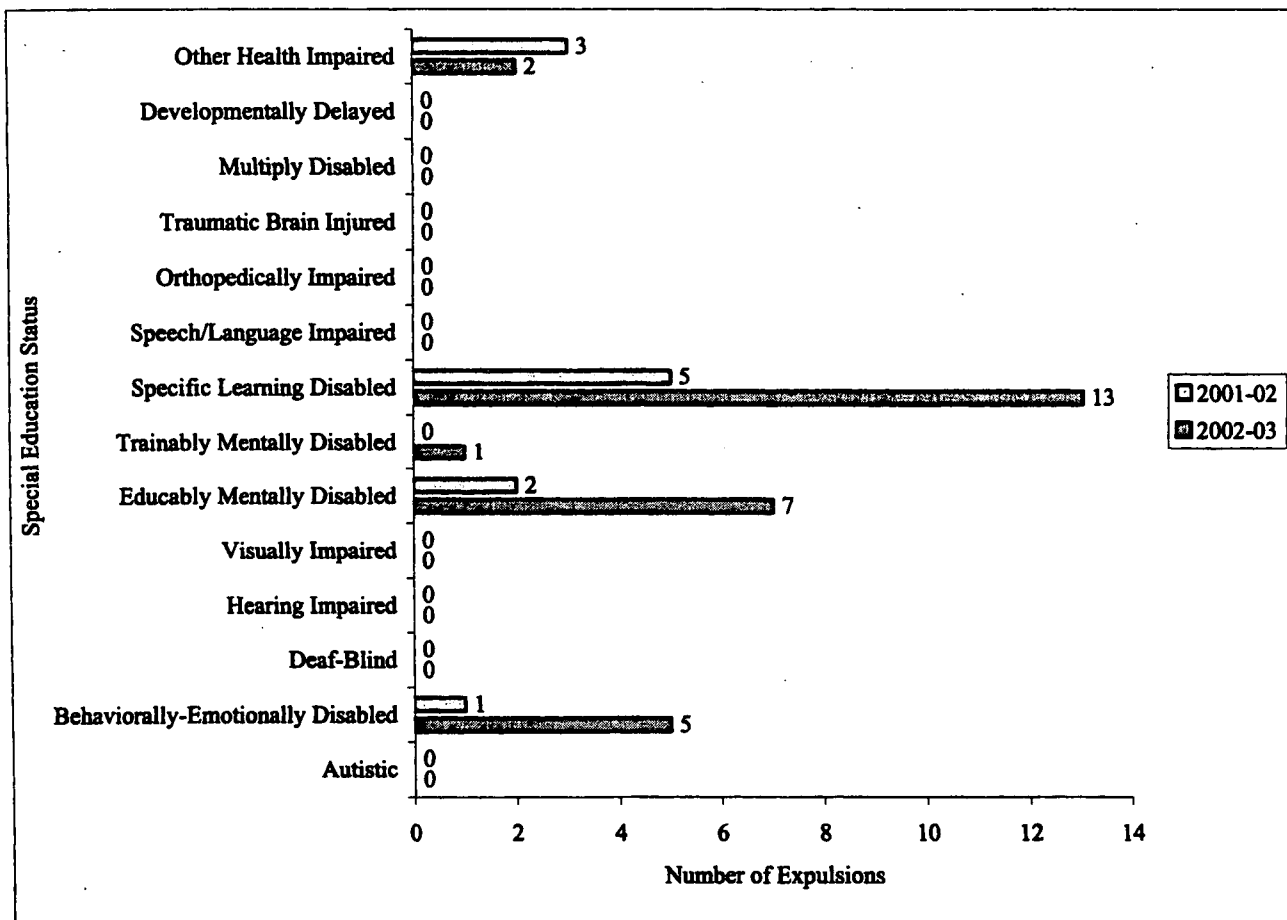


Figure 24. Number of Expulsions by Special Education Status.

- Approximately 8% of expelled students in 2002-03 were receiving special education services. This figure is up from 5% in 2001-02, but still much lower than the figure in 1999-00 (19%).
- Similar to patterns of suspensions, students whose primary service category is specific learning disabled, behaviorally-emotionally disabled, educably mentally disabled, or other health impaired account for almost all expulsions among students receiving special education services.

Section 2.1: Charter School Short-Term Suspensions

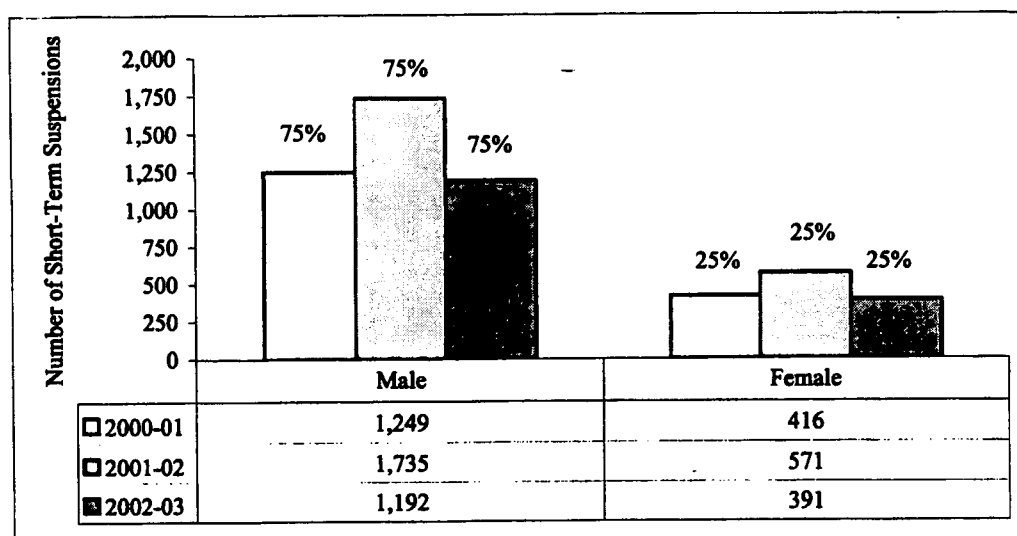
Data on charter school suspensions and expulsions have been collected for the past four years. Sections 2.1 through 2.3 of this report presents some similar tables and charts to those presented in previous sections for other LEAs (a charter school is technically considered to be both a school and an LEA in North Carolina). However, because the numbers are quite small, and since most of the long-term suspensions and expulsions each year are accounted for by only one or two schools, caution should be used in making broad generalizations about charter schools based on these data. Small changes in numbers could change the picture dramatically.

In 1999-00, 69 of 75 charter schools (92%) returned the suspension/expulsion survey. Only about one-third of the 69 schools reported any long-term suspensions, for a total of 153 LTS students. Two schools (Laurinburg Homework Center - 62%, Wayne County Technical Academy - 13%) accounted for three-fourths of all charter school LTSs in 1999-2000. These two schools are dedicated specifically to working with high-risk students, many of whom have been suspended or expelled from other public schools or were otherwise previously unsuccessful in school.

In 2000-01, 70 of 86 charter schools (81%) returned the survey. Only 8 of the 70 schools reported any long-term suspensions, for a total of 24 long-term suspensions. One school (Laurinburg Homework) again accounted for 50% of all charter school long-term suspensions in 2000-01. For 2001-02 and 2002-03, all charter schools submitted data.

Because the number of charter school suspensions and expulsions are relatively small, some graphs and tables depicted for LEAs in previous sections are not reproduced for charter schools. Specifically, data regarding multiple long-term suspensions and rates of long-term suspensions and expulsions are not included due to small counts.

Charter School Short-Term Suspensions by Gender



Note: The numbers in parentheses indicate the percentage of suspensions in each gender. No gender information was recorded for one short-term suspension in 2001-02.

Figure 25. Charter School Short-Term Suspensions by Gender.

- A total of 1,583 suspensions from charter schools for ten days or less occurred in 2002-03, which represents a 31% decrease compared to 2001-02. These suspensions were given to 982 different students (i.e., some students were suspended more than once), for an average of 1.6 short-term suspensions per suspended student.
- These 1,583 short-term suspensions in 2002-03 totaled 3,703 school days, or an average of 2.3 days per suspension.
- In each of the past three years, the majority (75%) of short-term suspensions from charter schools were given to male students.

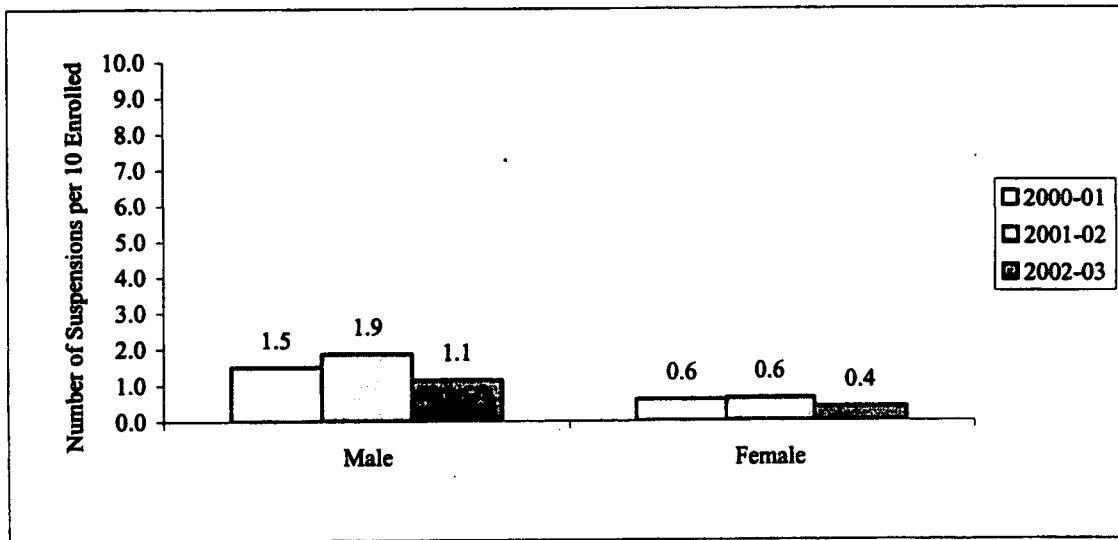
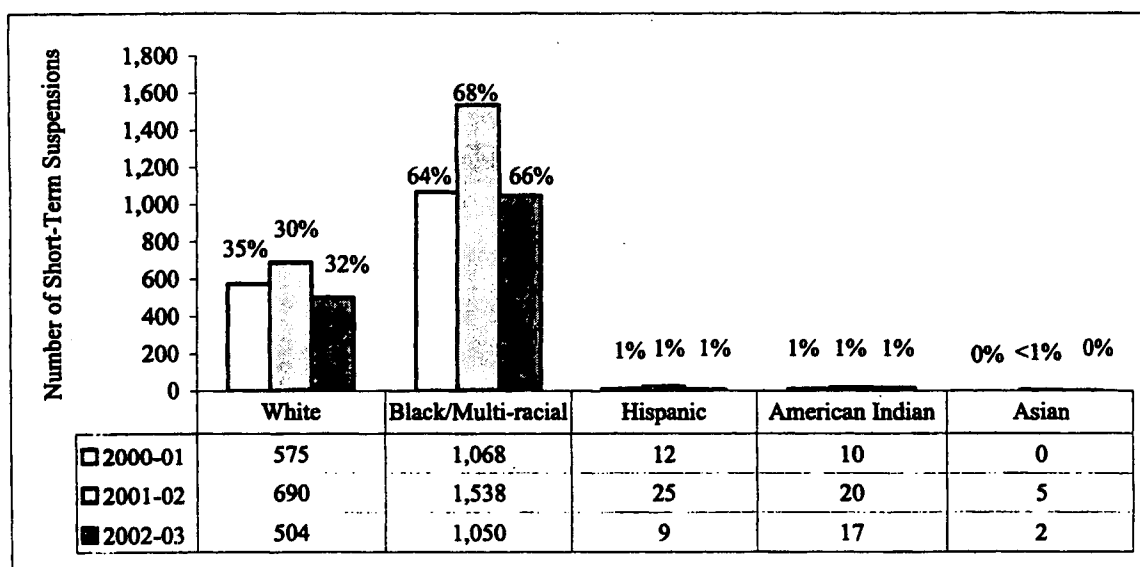


Figure 26. Charter School Short-Term Suspension Rates by Gender.

- Rates of short-term suspension for both males and females dropped between 2001-02 and 2002-03.
- The rate of short-term suspensions for male students in charter schools during 2002-03 was approximately 3 times higher than the corresponding rate for females.

Charter School Short-Term Suspensions by Ethnicity



Note: The numbers in parentheses are the percentage of short-term suspensions for each category. Ethnicity was not recorded or was recorded as "Other" for 29 short-term suspensions in 2001-02 and one in 2002-03.

Figure 27. Charter School Short-Term Suspensions by Ethnicity.

- White and Black/Multi-racial students accounted for the almost all charter school short-term suspensions in each of the past three years. Approximately two-thirds of charter school short-term suspensions were given to Black/Multi-racial students.
- The number of short-term suspensions decreased in 2002-03 among all ethnic groups.

Charter School Short-Term Suspensions by Ethnicity and Gender

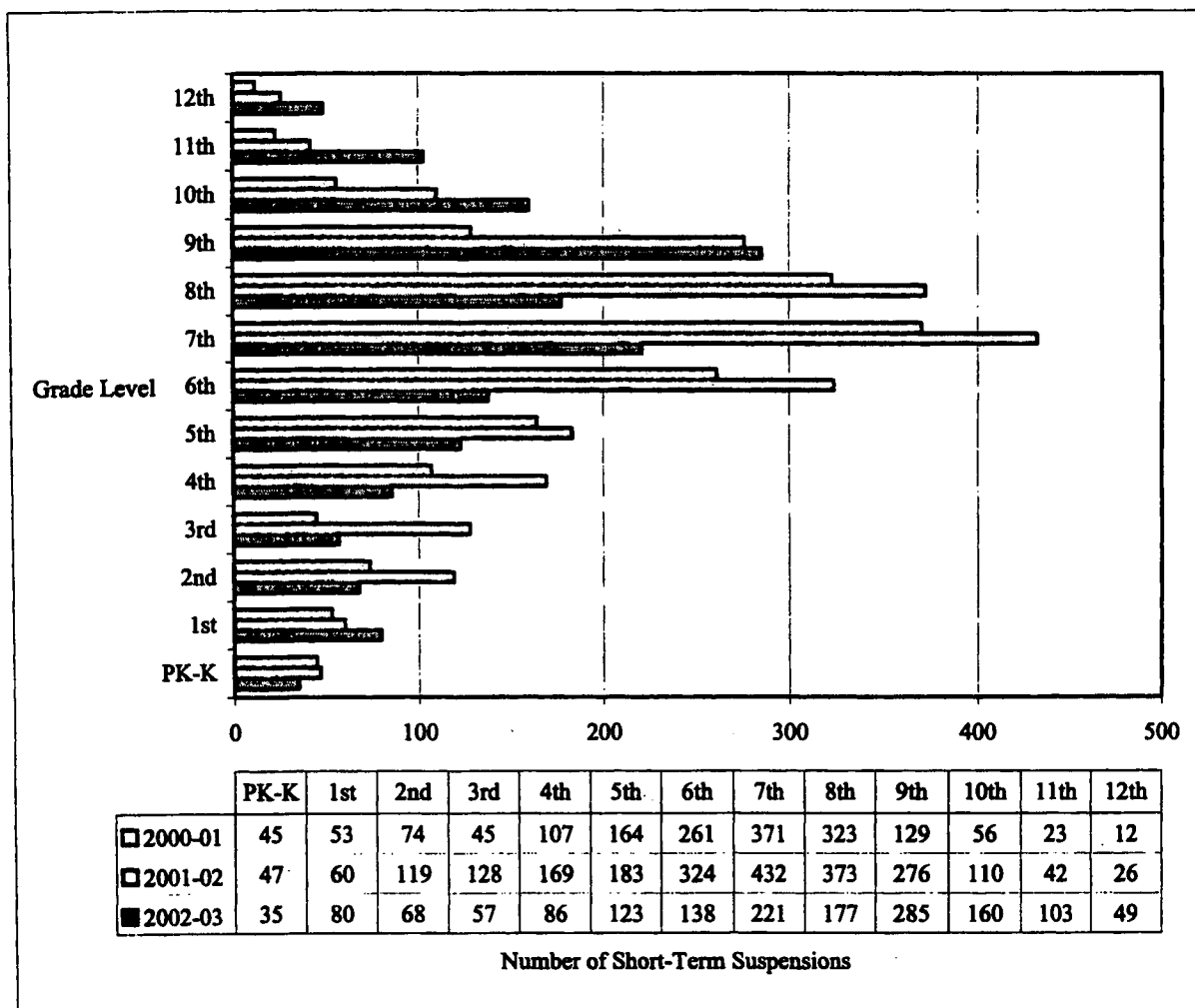
Ethnicity/Gender	# of Short-Term Suspensions			% of Short-Term Suspensions			% of Statewide Membership		
	2000-01	2001-02	2002-03	2000-01	2001-02	2002-03	2000-01	2001-02	2002-03
Asian Males	0	5	1	0	<1	<1	<1	1	1
Asian Females	0	0	1	0	0	<1	<1	1	<1
Black/Multi-Racial Males	796	1,176	791	48	52	50	23	21	20
Black/Multi-Racial Females	272	361	259	16	16	16	20	19	18
Hispanic Males	9	17	6	1	1	<1	1	1	1
Hispanic Females	3	8	3	<1	<1	<1	1	1	1
American Indian Males	7	15	11	<1	1	1	1	1	1
American Indian Females	3	5	6	<1	<1	<1	1	1	1
White Males	437	498	382	26	22	24	27	28	29
White Females	138	192	122	8	8	8	26	28	29
Total Number	1,665	2,277	1,582				15,523	18,200	20,366

Note: Percentages may not add to exactly 100 due to rounding. Ethnicity and/or gender were not recorded for 30 short-term suspensions in 2001-02 and one in 2002-03.

Table 4. Charter School Short-Term Suspensions by Ethnicity and Gender.

- The percentage of short-term suspensions given to males was higher than that for females in most ethnic groups in each of the past three years.
- Black/Multi-racial males represented approximately 20% of the overall charter school student population in 2002-03. However, they accounted for 50% of the short-term suspensions given during that same year. A similar pattern was evident in 2000-01 and 2001-02.
- All ethnic-gender groups other than Black/Multi-racial males were either underrepresented or proportionally represented among short-term suspended students in charter schools in 2002-03.

Charter School Short-Term Suspensions by Grade Level

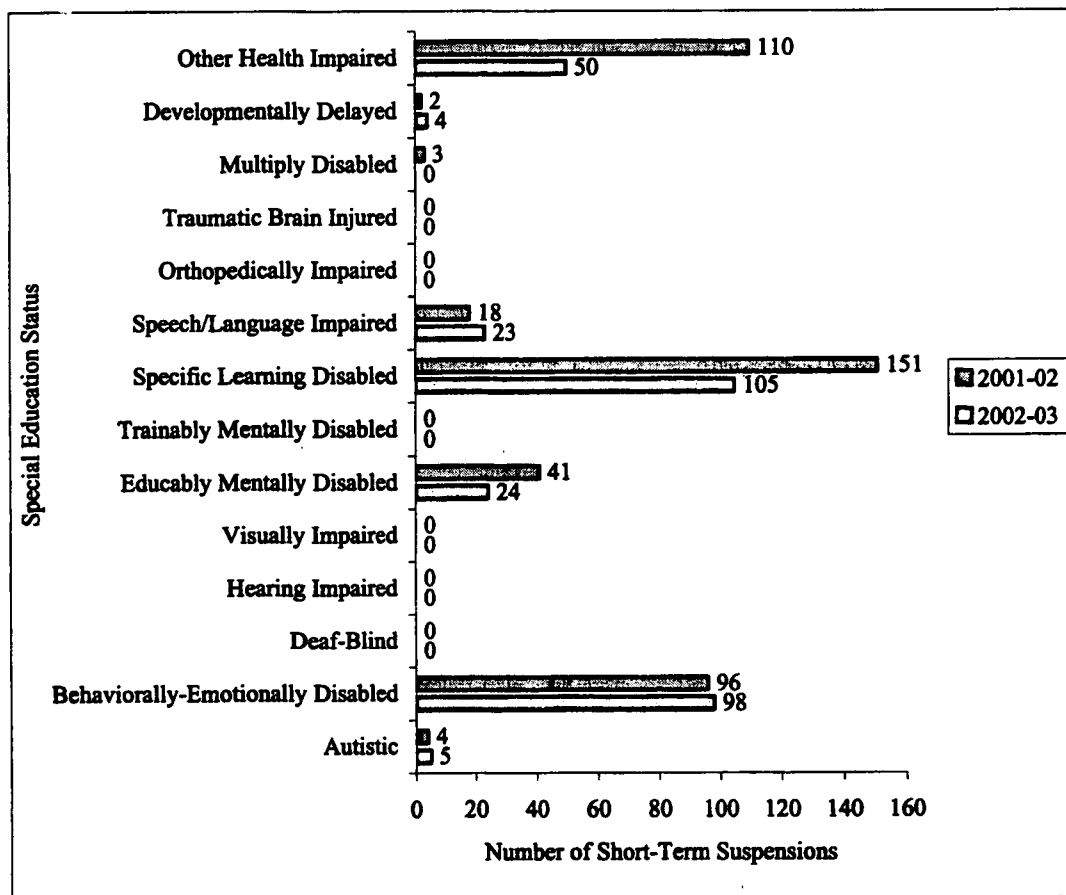


Note: Grade level was not reported for 18 short-term suspensions in 2000-01 and 2001-02, and one in 2002-03.

Figure 28. Charter School Short-Term Suspensions by Grade Level.

- As in past years, the incidence of short-term suspensions in charter schools in 2002-03 generally increased from kindergarten through seventh grade then steadily declined in grades eight through twelve.
- The most common grade levels for charter school short-term suspensions are grades six through eight.
- Charter school short-term suspensions decreased across most grade levels between 2001-02 and 2002-03; however, short-term suspensions increased in grade 1 as well as grades 9-12.

Charter School Short-Term Suspensions for Students Receiving Special Education Services



Note: Special education status was not recorded for 29 suspended students in 2001-02.

Figure 29. Charter School Short-Term Suspensions by Special Education Status.

- Although they represented only approximately 14% of the charter school student population in 2002-03, students receiving special education services received 20% of all short-term suspensions given to charter school students. This finding is consistent with past years' findings as well (NCDPI, 2003).
- The majority of short-term suspensions given to charter school students receiving special education services in 2002-03 were given to students whose primary service category was either specific learning-disabled, behaviorally-emotionally disabled, or other health impaired.

Section 2.2: Charter School Long-Term Suspensions

Charter School Long-Term Suspensions by Gender

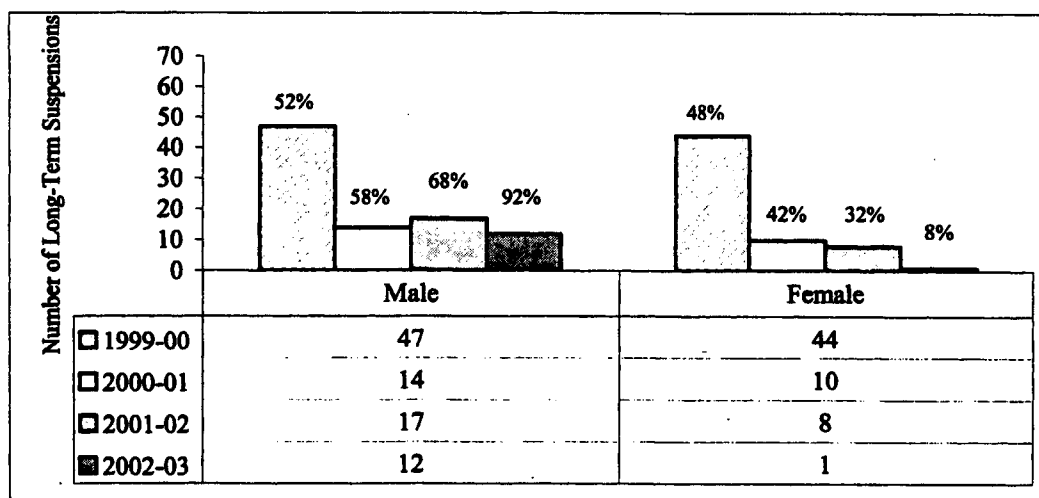


Figure 30. Charter School Long-Term Suspensions by Gender.

- The total number of long-term suspensions reported by charter schools has decreased significantly since 1999-00.
- The percentage of long-term suspensions given to male students in charter schools has increased gradually since 1999-00.
- The 13 long-term suspensions in 2002-03 were given to 13 different students. Five of these were 365-day suspensions.
- Charter school long-term suspensions totaled 252 school days, or an average of 19 school days per long-term suspension in 2002-03. This figure does not include the 5 yearlong suspensions (i.e., 365 days).

Charter School Long-Term Suspensions by Ethnicity

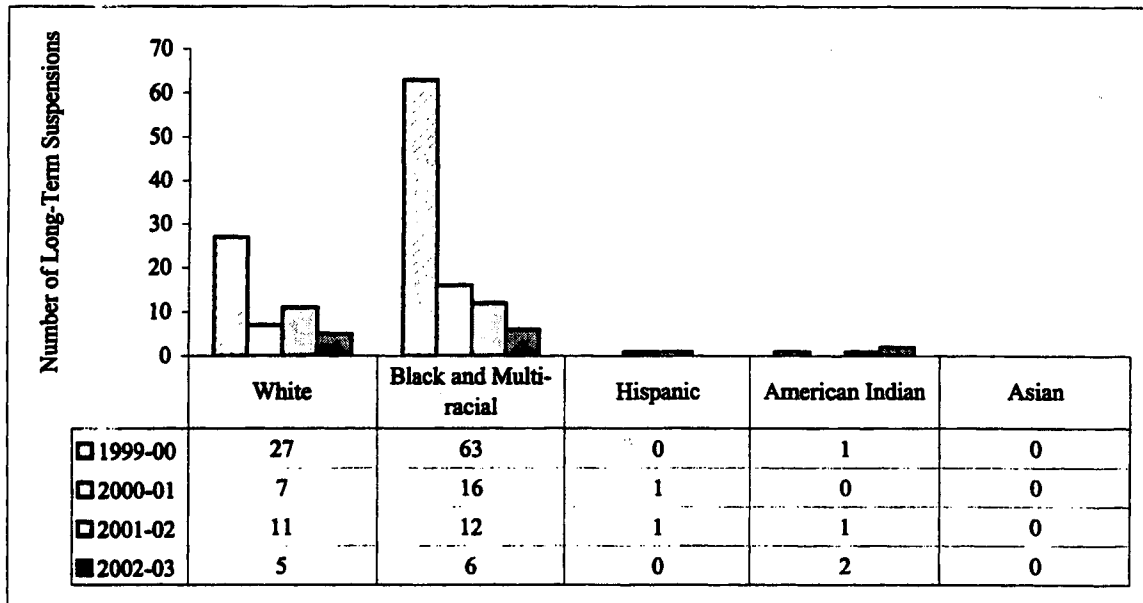


Figure 31. Charter School Long-Term Suspensions by Ethnicity.

- In each of the past four years, Black/Multi-racial students accounted for the most LTSs in charter schools, followed by White students.

- **Charter School Long-Term Suspensions by Grade Level**

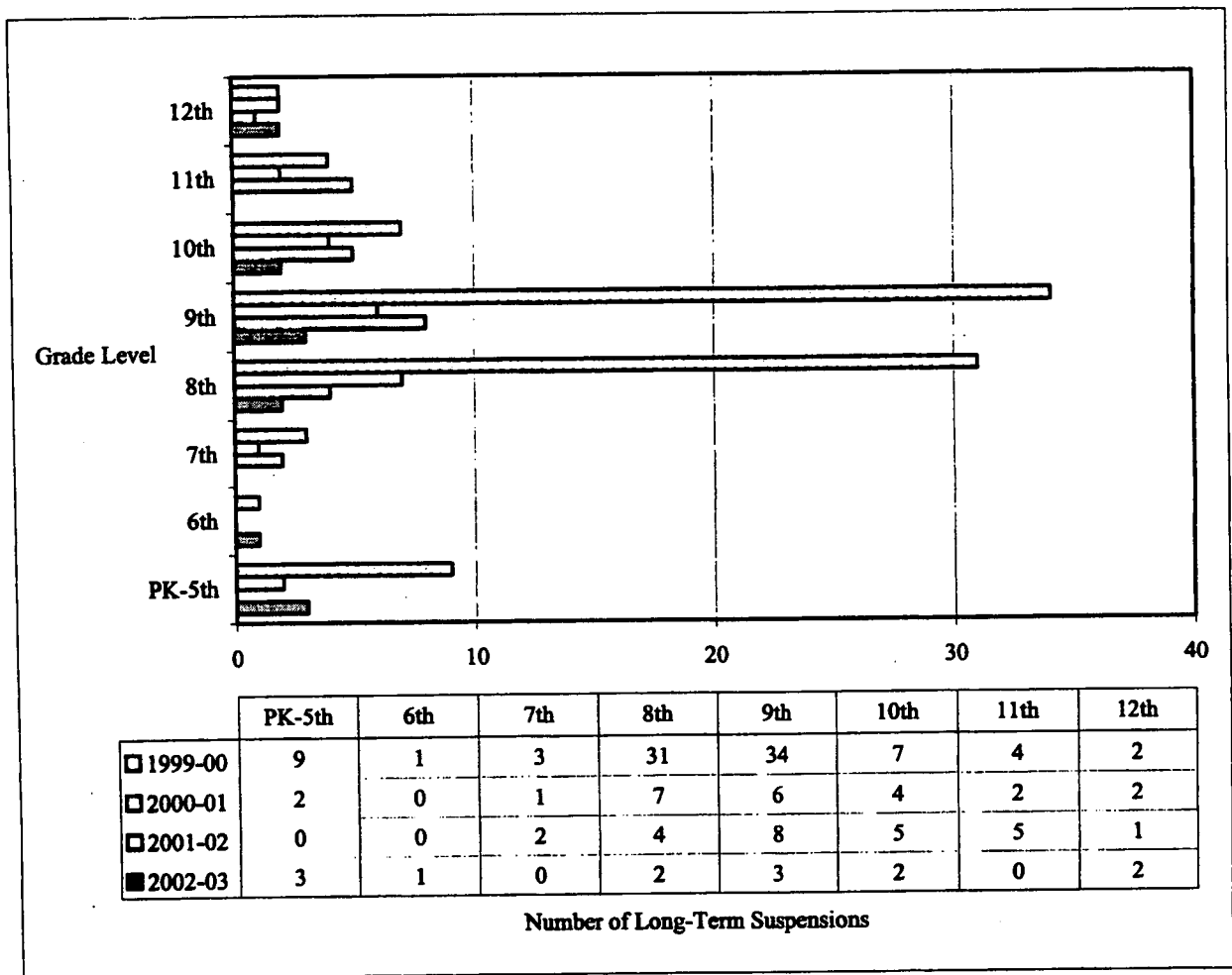


Figure 32. Charter School Long-Term Suspensions by Grade Level.

- Over the past four years, the majority of LTSS in charter schools were given to students in grades 8 through 11.

Multiple Suspensions

This section reports data for charter school students who were suspended on multiple occasions during the same school year. Data are shown for students receiving multiple short-term suspensions (suspensions of less than 11 days). Because only 1 charter school student received multiple long-term suspensions (suspension of 11 days or more) over the past two years, no graph is included to depict multiple long-term suspensions.

Multiple Short-Term Suspensions

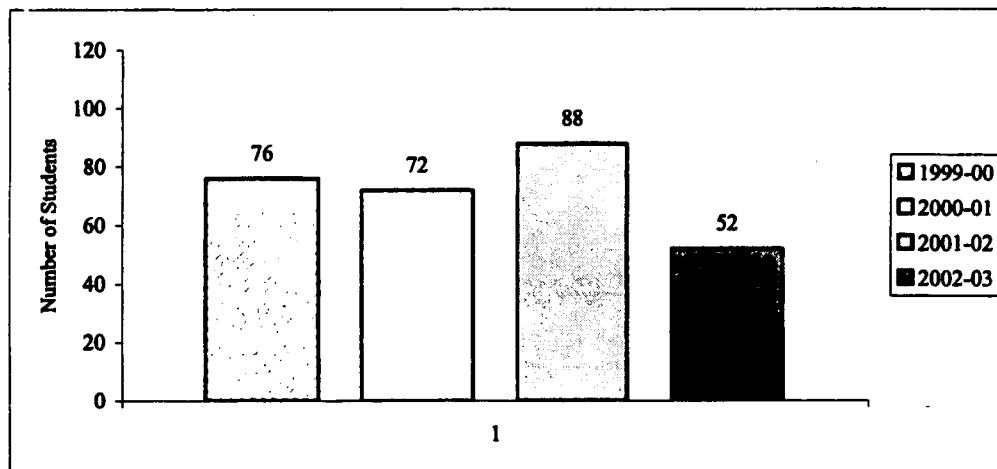


Figure 33. Number of Charter School Students with Multiple Short-Term Suspensions that when Added Together Equal More than 10 Days.

- Fifty-two charter school students were short-term suspended multiple times totaling more than 11 days in 2002-03, a decrease of 41% from 2001-02.
- No charter schools reported any students with multiple long-term suspensions in 2002-03.

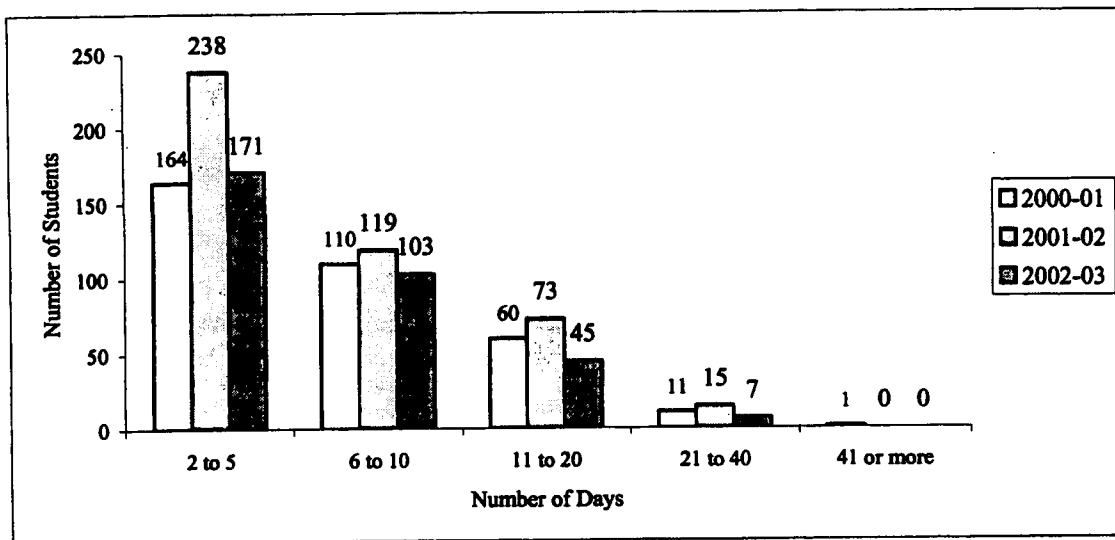


Figure 34. Duration of Multiple Short-Term Suspensions Given to Charter School Students.

- The total number of charter school students receiving multiple short-term suspensions that totaled 10 days or less decreased for the second consecutive year in 2002-03.
- Over half of multiple short-term suspended charter school students in 2002-03 were suspended for a total of 5 days or less.

Section 2.3: Charter School Expulsions

In 2002-03, three charter schools - Crossroads Charter High School, Sallie B. Howard, and Laurinburg Homework Center - accounted for 21 (75%) of the 28 expulsions reported by charter schools. Because the numbers of expulsions for charter schools each year are so small, changes even in one number can shift the percentages dramatically. Patterns and percentages should be interpreted cautiously, due to the fact that the majority of charter school expulsions traditionally come from a small number of schools (NCDPI, 2003), and because not all charter schools reported data in earlier years. Therefore, the extent to which these data can be interpreted in terms of trends or generalized to all charter schools is questionable.

Charter School Expulsions by Gender

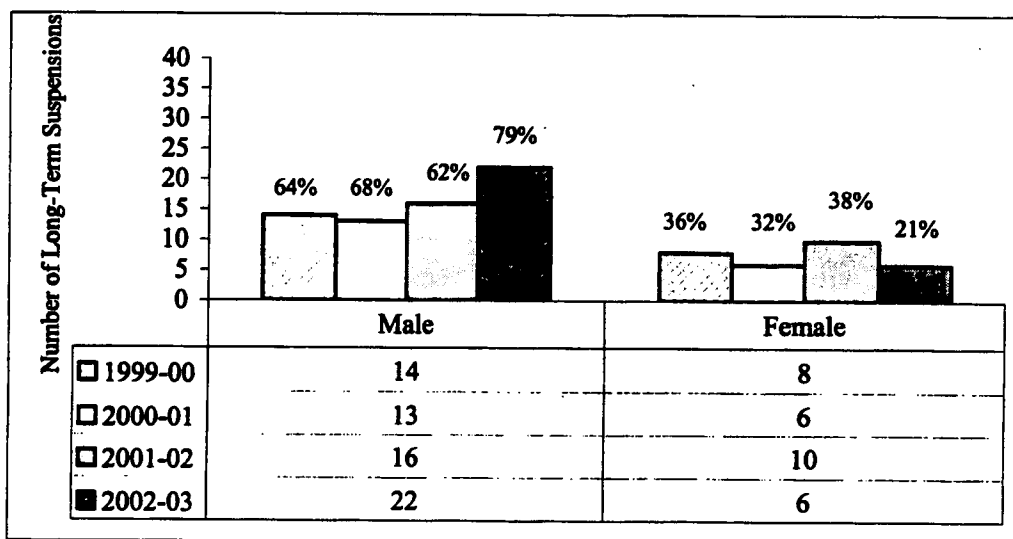


Figure 35. Charter School Expulsions by Gender.

- The number of expulsions from charter schools increased for the second consecutive year in 2002-03.
- Males were more likely than females to be expelled from charter schools in each of the past four years.

Charter School Expulsions by Ethnicity

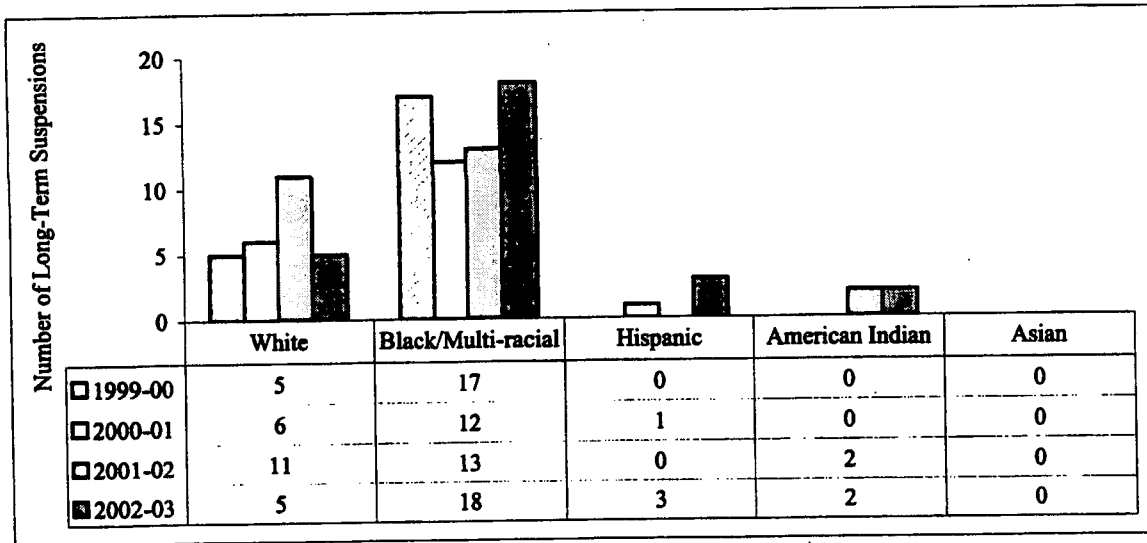


Figure 36. Charter School Expulsions by Ethnicity.

- Most of the students expelled from charter schools over the past four years were Black/Multi-racial. Most other students expelled from charter schools in over that time were White.

Charter School Expulsions by Grade Level

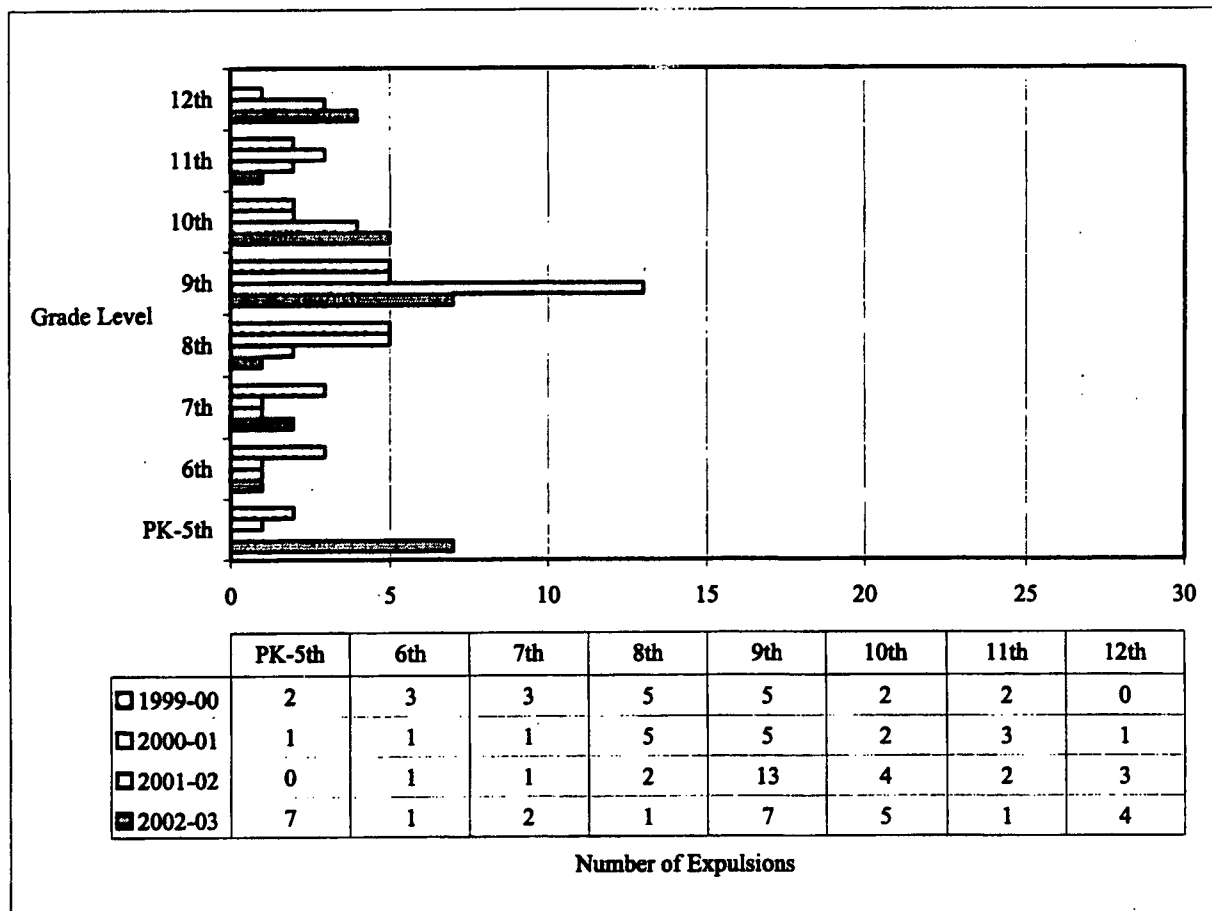


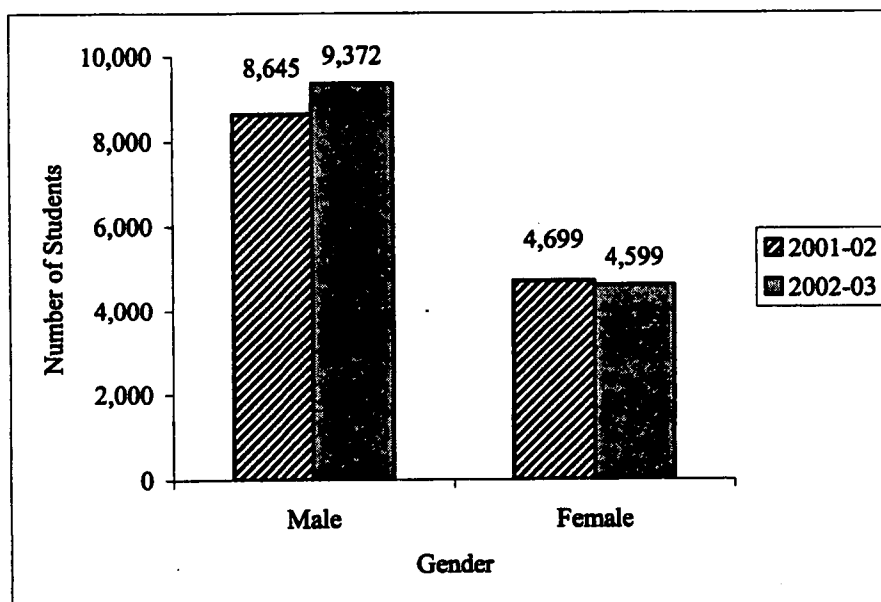
Figure 37. Charter School Expulsions by Grade Level.

- Similar to the pattern seen in long-term suspensions, grades 8 through 12 have been the most common grades for expulsions in charter schools.
- The number of expulsions in charter schools in 2002-03 increased substantially in grades K-5 and decreased substantially in grade 9.

Section 3.1: Alternative Learning Program Students

In 2002-03, there were 185 alternative schools and programs (ALPs) in operation in North Carolina. Students are often placed in ALPs for disciplinary reasons, sometimes after being expelled or suspended from their home schools. However, not all ALPs serve suspended and/or expelled students (NCDPI, 2001c). Data for ALP students from the 117 LEAs and all charter schools were included together in this section, largely due to the fact that few charter schools actually refer students to ALPs (NCDPI, 2002b). **The data presented here are from only 143 of the 185 identified ALPs (77%); the remaining 42 ALPs did not submit data to NCDPI for 2002-03. Therefore, the actual number of students served in these programs in 2002-03 was likely higher than what is presented here.**

ALP Students by Gender

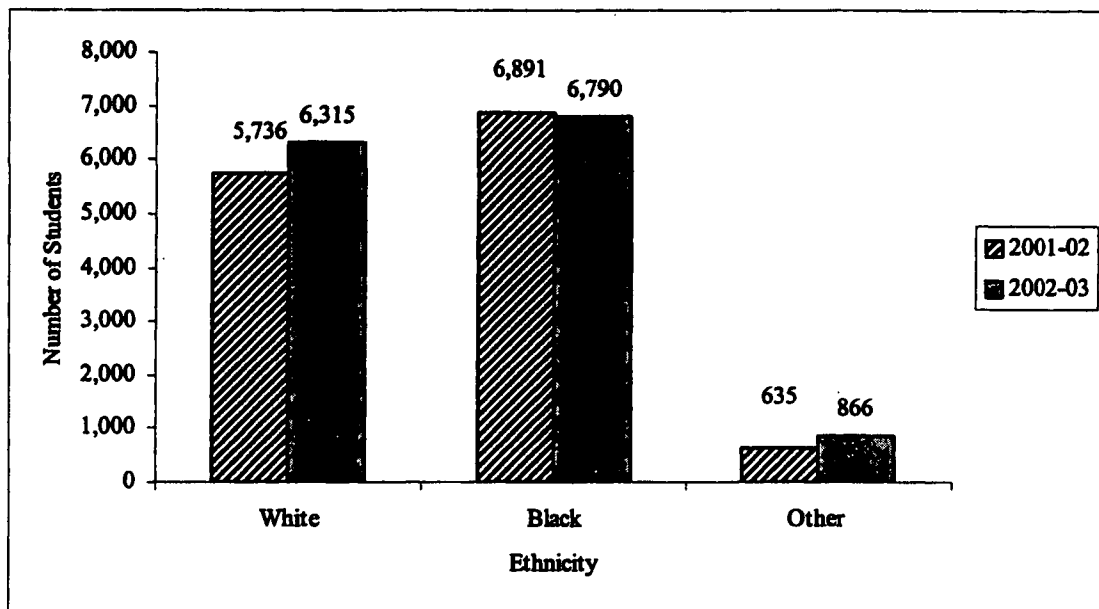


Note: Gender was not provided for 382 students served in ALPs in 2001-02.

Figure 38. Number of ALP Students by Gender.

- A total of 13,971 students were enrolled in ALPs during 2002-03. This number represents a slight increase from 2001-02, but is still lower than previous years (NCDPI, 2002a). These 13,971 enrollments were accounted for by 12,696 unique students (i.e., some students enrolled more than once during the year).
- Similar to previous years, the number of male students served in ALPs in 2002-03 was almost double that of female students (67% vs. 33%).
- The average number of days an ALP student was enrolled in an ALP during the 2002-03 school year was 78 days.

ALP Students by Ethnicity



Note: Ethnicity was not provided for 464 ALP students in 2001-02.

Figure 39. Number of ALP Students by Ethnicity.

- Similar to previous years (NCDPI, 2002a), the majority of students enrolling in ALPs in 2002-03 were Black (49%) or White (45%).

ALP Placements by Ethnicity and Gender

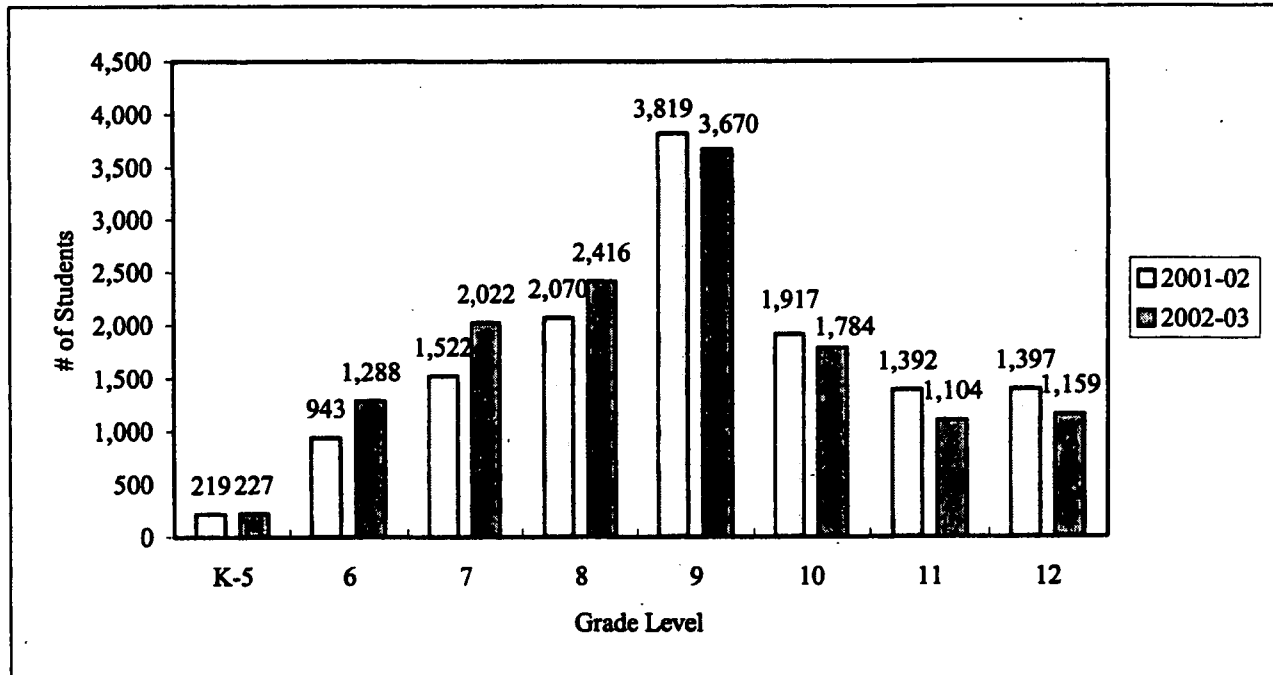
Ethnicity/Gender	# ALP Students 2001-02	# ALP Students 2002-03	% ALP Students 2001-02	% ALP Students 2002-03	% Statewide Enrollment, 2002-03
Black Males	4,343	4,267	33	31	16
Black Females	2,539	2,389	19	17	15
White Males	3,826	4,123	29	30	31
White Females	1,908	2,069	14	15	29
Other Males	423	532	3	4	5
Other Females	210	310	2	2	5
Total Number	13,249	13,690			1,304,325

Note: Gender and/or ethnicity information was not provided for 477 ALP students in 2001-02 and 281 in 2002-03. Statewide percentages for Black males and females include Multi-racial students.

Table 5. ALP Students by Ethnicity and Gender.

- Among all ethnic-gender groups, Black males accounted for the largest percentage of ALP students in both 2001-02 and 2002-03. White males are the second largest ethnic-gender group represented in ALPs. These percentages are similar to those reported for previous years (NCDPI, 2002a).
- The percentage of females in ALPs is lower than for males within each ethnic-gender group.
- Black males and Black females are overrepresented in ALPs relative to their presence in the overall statewide student population, while White males are represented proportionally. Students of other ethnic-gender groups are, on the whole, underrepresented in ALPs. This finding is also consistent with previous years (NCDPI, 2002a).

ALP Placements by Grade Level

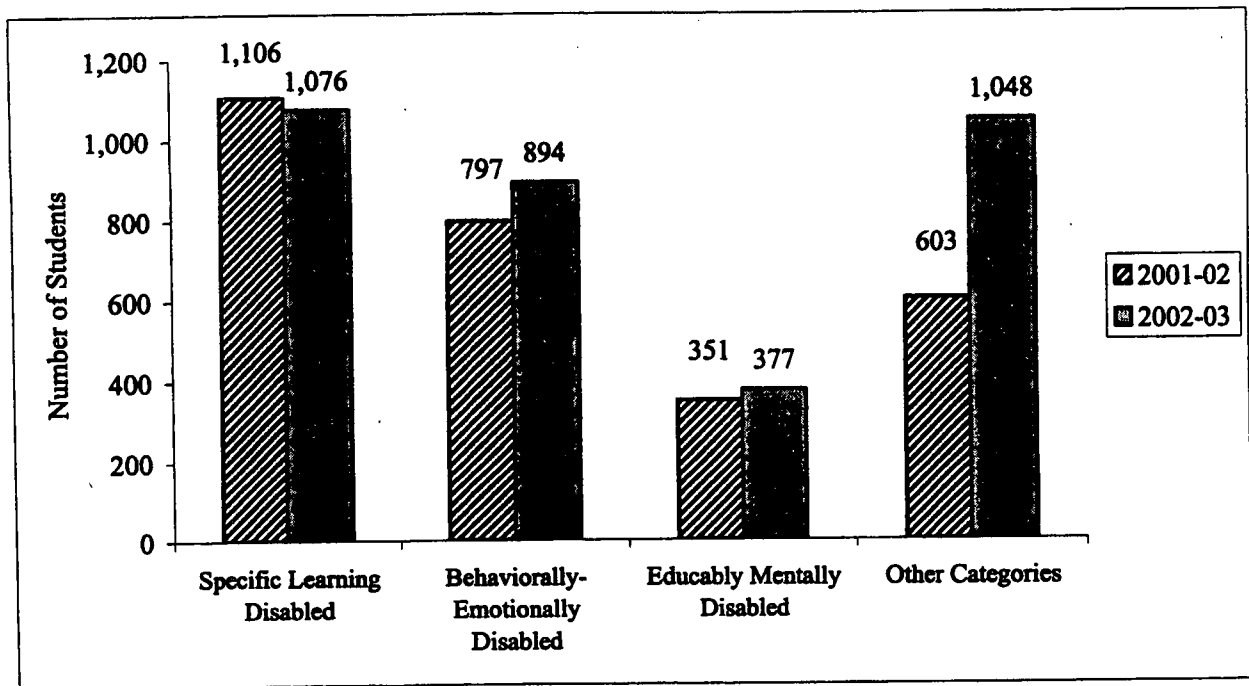


Note: Grade level was not provided for 447 ALP students in 2001-02 and 301 in 2002-03.

Figure 40. Number of ALP Students by Grade Level.

- Prior to 2001-02, the percentage of ALP students who were enrolled in the middle grades (grades 6-8) had been increasing, from 29% in 1996-97 to approximately 39% in 2000-01 (NCDPI, 2002a). In 2001-02, this percentage dipped to 34%. In 2002-03, however, this percentage increased again to 42%.
- Only about 2% of ALP students in 2001-02 and 2002-03 were enrolled in grades K through 5. Starting in grade six, the number of placements increases, peaking at grade 9. This pattern is reminiscent of the pattern seen with suspensions and expulsions.
- About 27% of all ALP students in 2002-03 were 9th graders. This figure is consistent with ALP enrollment patterns over the past several years (NCDPI, 2002a).

ALP Placements for Students Receiving Special Education Services



Note: Information was only collected on a subset of special education categories in previous years. Special education status data were not recorded for 2,419 ALP students in 2001-02.

Figure 41. Number of ALP Students by Special Education Status.

- Approximately 24% of students in ALPs in 2002-03 were eligible for special education services. This percentage is similar to figures from previous years (NCDPI, 2002a).
- In 2002-03, students that were classified as specific learning disabled accounted for approximately 8% of the overall ALP population, while students classified as behaviorally-emotionally disabled accounted for an additional 6%. These figures are similar to those for 2001-02 (NCDPI, 2002a).

References

- North Carolina Department of Public Instruction. (2001a). *Alternative school and program directory: 2000-2001*. Raleigh, NC: Author. Available online at <http://www.ncpublicschools.org/accountability/evaluation/alternative/alp.htm>
- North Carolina Department of Public Instruction. (2001b). *Three-year trends of long-term suspended and expelled students (1997-2000)*. Raleigh, NC: Author. Available online at <http://www.ncpublicschools.org/accountability/evaluation/legislative/report.htm>
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- North Carolina Department of Public Instruction. (2003). *Annual study of suspensions and expulsions: 2001-02*. Raleigh, NC: Author. Available online at <http://www.ncpublicschools.org/accountability/evaluation/legislative/report.htm>

Appendix A

Disciplinary Data Collection Form, 2002-03

1000

School Code:

Name of Person Completing This Form:

Phone Number:

- Select each column heading below for a description of that field

- See the instructions for completing the form

(located on the worksheet behind this one) for a list of codes to be used for each field and their descriptions

[illegible]

Instructions for Completing the North Carolina 2002-03 Disciplinary Data Collection Form

(revised 5/15/03)

What's New for 2002-03

The 2002-03 Disciplinary Data Collection Form is identical to the 2001-02 form, which was redesigned in the summer of 2001 to replace two data collection forms that have been required by DPI in the past. A few cosmetic changes have been made to provide for ease and accuracy of data entry. These include:

- the addition of drop-down menus for most fields to allow for "point-and-click" data entry;
- the addition of pop-up error messages that will inform the user when he/she has entered invalid data (e.g., entering data other than an M or F in the Gender field, etc.);
- the addition of field descriptions that can be accessed by clicking on the column headings.

The most significant change for the 2002-03 school year is the requirement that **all schools must submit electronic data**, either using the Microsoft Excel version of the Form that is available on DPI's website (<http://www.ncpublicschools.org/Accountability/evaluation/ddcf/index.htm>) or another software program that can produce an electronic Excel-compatible file analogous to that Excel file – same fields in the same order using the same coding rubric. Allowable formats include dBase, Lotus 1-2-3, Quattro Pro, and others. Questions about compatibility for LEAs and schools using other software for data collection should be directed to one of the DPI contact persons listed below. Please note that this change does not prohibit schools from recording their data on paper throughout the year; the data just need to be entered into an electronic file before being submitted at the end of the year.

When to Use this Form

Every time a legally-reportable offense, an out-of-school suspension³ (short- or long-term), or an expulsion occurs at your school during the 2002-03 school year, a record should be entered on this form. Less serious incidents (such as those resulting in detentions, in-school suspensions and the like) do not need to be reported on this form, unless those incidents involve a legally-reportable offense, an out-of-school suspension, or an expulsion.

What to Enter on this Form

Using the instructions beginning on page 3, please provide all required information for each offender each time he/she commits any act that (a) must be reported to law enforcement or (b)

³ In-school suspensions should only be recorded on this form if they are incurred as a result of one of the 17 offenses that schools are required to report to law enforcement (see page 4 for a list of these).

results in a student offender being suspended out-of-school or expelled. Thus, an offender who re-commits a particular act or receives these disciplinary consequences on more than one occasion during the year should be listed each time any of these events occur. Be sure to document legally-reportable offenses that occur on school property⁴ after normal or usual school operating hours, even if the offenders are unknown or known to be non-students. Also note as you read these instructions that some of the columns on the form apply only to student offenders, and therefore do not have to be completed if the offender is not a student.

How to Record Data

Data may be entered directly into the Microsoft Excel file provided on the aforementioned website. Data may also be recorded in another fashion as long as a Microsoft Excel-compatible datafile can be produced at the end of the year that conforms to the format of the file on the enclosed diskette (data fields in the same order, same codes used for each field, etc.). Schools are strongly encouraged to save a copy of their data before submitting it at the end of the year in the event that the data get lost or corrupted after they are submitted.

How to Submit Data

Please note that the submission of data to DPI on paper forms, which schools were allowed to do in past years, is no longer acceptable. All data must be submitted through the LEA Superintendent's office (or, in the case of charter schools, through the Director/Principal's office). LEA Superintendents and Charter School Directors/Principals must send a signed copy of the Verification Form (see page 10) along with the data to certify that the data are complete and accurate. Data need to be submitted to the contact person listed below at the end of the school year.

NOTE: For schools that have no out-of-school suspensions, expulsions, or legally reportable incidents, a simple written statement should be submitted along with the data from the other schools in the LEA that lists the names and 6-digit school codes of the schools that had no incidents. That way, we can separate schools whose data were not submitted from those who simply had no data to report.

The data will be collected and compiled for the agency by our contractors at NC State University. Please submit data files, along with the completed Verification Form, no later than June 30, 2003 to:

Marguerite Peebles
Alternative and Safe Schools/Instructional Support Section
NC Department of Public Instruction
6350 Mail Service Center
Raleigh, NC 27699-6350

Submitting data by emailing files is **not** recommended, due to the fact that individually-identifiable student information of a sensitive nature is involved. We suggest that data be

⁴ "School property" includes school grounds, school buses, and the location of any school-sponsored event.

submitted on CD, floppy disk, or other medium via a carrier that can track the package (FedEx, UPS, registered mail, etc).

Use the instructions on the following pages to record data on the form. If you have questions about how to complete the form or about submitting your data, please contact:

Marguerite Peebles
DPI, Alternative and Safe Schools Section
Phone: 919-807-3940 email: mpeebles@dpi.state.nc.us

or

Brad McMillen
DPI, Division of Accountability Services
Phone: 919-807-3808 email: bmcmlle@dpi.state.nc.us

<u>Column on Form</u>	<u>What to Enter</u>
Incident #	Incident number. Number the first incident that occurs at your school during the 2002-03 school year with a '1', and count upward from there as subsequent incidents occur at your school. If more than one offender is involved in the same incident, enter the required information <u>for each offender</u> on separate rows <u>using the same incident number</u> (see the examples on page 11 for an illustration of how this should be done.) If an incident occurs at a school where the student offender(s) are not members, the school where the incident occurred must report the incident on its form.
Date Incident Occurred	The date on which the specified incident occurred, in MM/DD/YY format (e.g., 12/10/01, 9/6/01, etc.)
Offender Identity	Identity of the person committing the offense(s) during the incident (NOTE: If the offender is not a student, you can skip to the "Offense #1" column <u>after</u> completing this column): 1 = Student from the school where the incident occurred 2 = Staff 3 = Parent/Caregiver 4 = Student from another school 5 = Unidentified offender 6 = Other (enter a brief explanation in Other/Comments column)
SSN or Student ID Number	Social Security Number or other ID number of the offender, if the offender is a student. Enter this number <u>without</u> the hyphens (e.g., 241568456, <u>not</u> 241-56-8456).
Gender – Student Offender	Gender of student offender. NOTE: Must be entered as a capitalized letter – entries of 'm' or 'f' will result in an error message. M = Male F = Female
Ethnicity – Student Offender	Ethnicity of student offender. NOTE: Must be entered as a capitalized letter – entries of lower case letters will result in an error message. A = Asian-American B = Black/African-American H = Hispanic I = American Indian/Native American M = Multi-racial W = White O = Other ethnicity (enter a brief explanation in Other/Comments column)

Age – Student Offender	Age in years of student offender.
Grade Level – Student Offender	Grade level of student offender. Even if the student offender is from another school, this information should be entered if at all possible.
EC Status – Student Offender	Offender's Exceptional Children status at the time of the incident, if the offender is a student. <i>(NOTE: Use "1" for non-exceptional students, do <u>not</u> just leave the column blank):</i> 1 = Not exceptional/non-disabled 2 = Autistic 3 = Behaviorally-Emotionally Disabled 4 = Deaf-Blind 5 = Hearing Impaired 6 = Visually Impaired 7 = Educably Mentally Disabled 8 = Trainably Mentally Disabled 9 = Specific Learning Disabled 10 = Speech/Language Impaired 11 = Orthopedically Impaired 12 = Traumatic Brain Injured 13 = Multihandicapped/Multiply Disabled 14 = Developmentally Delayed 15 = Other Health Impaired
Offense #1 and Offense #2	Nature of the offense(s) that resulted in the disciplinary action(s) for the offender. Enter the appropriate code for the offense committed under "Offense #1". If there was a second offense committed concurrently, enter the code for that offense in the "Offense #2" column. Otherwise, leave the Offense #2 column blank. Specific definitions for each of these offenses are found on pages 7-9 of this document. 1 = Assault resulting in serious injury 2 = Assault involving use of a weapon 3 = Assault on school personnel (<u>not</u> resulting in serious injury) 4 = Bomb threat 5 = Burning of a school building 6 = Death by other than natural causes 7 = Kidnapping 8 = Possession of alcoholic beverage 9 = Possession of controlled substance in violation of law 10 = Possession of a firearm or powerful explosive 11 = Possession of a weapon (excluding firearms and powerful explosives) 12 = Rape 13 = Robbery with a dangerous weapon 14 = Robbery without a dangerous weapon 15 = Sexual assault (not involving rape or sexual offense) 16 = Sexual offense 17 = Taking indecent liberties with a minor 18 = Other offense resulting in an out-of-school suspension or expulsion

#1 – Reported to Law Enf. and #2 – Reported to Law Enf.	Indicate whether Offense #1 and/or Offense #2 were reported to law enforcement. NOTE: Must be entered as a capitalized letter – entries of ‘y’ or ‘n’ will result in an error message. Y = Yes N = No
Weapon Used/Possessed	Type of weapon used or possessed by the offender, if any. If neither the primary nor the secondary offense involved a weapon, leave this column blank. 1 = Handgun 2 = Rifle 3 = Shotgun 4 = Other firearm 5 = Knife 6 = Box cutter 7 = Razor 8 = Other (<i>enter a brief explanation in Other/Comments column</i>)
Consequence – 1 and Consequence – 2 and Consequence – 3	Type of consequence(s) incurred for the offense(s) committed. Use these columns to record up to 3 types of consequences incurred by the offender (NOTE: codes 9-11 apply <u>only</u> to exceptional students): 1 = Detention (during or after school) 2 = Privileges taken away 3 = In-school suspension (ISS; use <u>only</u> in conjunction with offense codes 1 through 17) 4 = Out-of-school suspension (OSS) 5 = Expulsion 6 = Student placed in an Alternative School 7 = Student placed in an Alternative Learning Program 8 = Offender referred to a treatment program 9 = Unilateral change in placement (EC students only) 10 = Hearing held, resulting in no change in placement (EC students only) 11 = Change in placement due to determination of a Hearing Officer (EC students only) 12 = Student placed in homebound instructional program 13 = Community legal/court system action or decision pending 14 = Other (<i>enter a brief explanation in Other/Comments column</i>)
If OSS - Number of Days and If ISS - Number of Days	These columns only need to be completed if the offender is a student and if OSS or ISS are used as consequences for the offense(s) recorded (i.e., if a 3 or 4 is coded in one of the Consequence columns). If OSS and/or ISS are used as a consequence, use these columns to record the total number of school days (<u>not</u> calendar days) the student is suspended. For example, if one of the consequences for an offense was a one-week OSS, you would record a 5 in the “OSS - Number of Days” column for that student. An exception to this is a mandatory “365-day” suspension, which is recorded as calendar days.

Victim Type - 1 and Victim Type - 2 and Victim Type - 3	Identity of victim affected by the offense(s) committed. Use these three columns to record up to 3 different types of victims involved. If there is no victim associated with the offense(s), leave these columns blank. 1 = Student from the school where the incident occurred 2 = Staff 3 = Parent/Caregiver 4 = Student from another school 5 = Other (<i>enter a brief explanation in Other/Comments column</i>)
Other/Comments	Use this field to explain any uses of the "Other" codes for the previous fields, or to document any other clarifications or explanations associated with the data recorded for the particular offense(s).

Definitions of Offenses Required to be Reported for the 2002-03 Disciplinary Data Collection

- 1. Assault Resulting in Serious Injury.** An intentional physical attack causing the victim obvious severe or aggravated bodily injury involving (a) broken bones, loss of teeth, possible internal injuries; severe lacerations and bleeding; or loss of consciousness; and/or (b) requiring emergency medical services by trained school personnel or other health professionals (e.g. EMS) and/or hospitalization. If the offender used a weapon in an assault resulting in serious injury, report both Assault Resulting in Serious Injury and Assault Involving Use of a Weapon. Fights or affrays, where no weapon was used, resulting in no apparent or serious injuries are not required by state law to be reported, even if the incident resulted in suspensions or expulsion for the student. Local School Board policy may require reporting of fights or affrays to law enforcement. (State law G.S. 115C-391 requires that local boards of education remove to an alternative educational setting any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel. If no appropriate alternative education setting is available, then the board shall suspend for no less than 300 days but no more than 365 days any student who is at least 13 and who physically assaults and seriously injures a teacher or other school personnel.)
- 2. Assault Involving Use of a Weapon.** An assault by one person against another where the attacker either uses a weapon or displays a weapon in a threatening manner. Weapon is defined as: Any firearm or explosive device; force-impacting device; knife or sharp-edged or sharp-pointed utensil, device or tool; or any article, instrument or substance which can or is likely to produce death or great bodily harm. If a firearm or other weapon is used in the commission of any offense, the type of weapon must be identified in the WEAPON USED/POSSESSED column of the Data Collection Form.
- 3. Assault on School Personnel.** An assault is an intentional physical attack by one person on another. An assault is either the actual intentional striking of another person, or an attempt to physically strike another by an intentional show of force or menace of violence sufficient to put a reasonable person in fear of immediate physical injury. This offense includes assaults on school personnel that do not involve use of a weapon and do not result in apparent serious injury. If apparent serious injury to school personnel results from the assault, report as Assault Resulting in Serious Injury. If the assault involves use of a weapon report as Assault Involving Use of a Weapon. Victims included in this category are school administrators, education professionals (e.g. teachers), classified staff members (e.g. custodial, clerical), and adult volunteers. Acts which would not be reported are things such as unintentional pushing and jostling, as in a crowd; a school staff member who is accidentally struck while attempting to break up a fight or affray; or a volunteer who is knocked down by a student carelessly rushing through a door. Verbal threats to physically attack are not included unless they are accompanied by an act that is an intentional show of force or menace of violence sufficient to put a reasonable person in fear of immediate physical injury.

4. **Bomb Threat⁵** (See G.S. 14-69.1 and 14-69.2). Making or communicating a false bomb threat in any form, including a computer message; or perpetrating a bomb threat hoax by bringing a fake explosive device, whether openly or concealed, onto school property or to school-sponsored events (both are considered Class H felonies by G.S. 14-69.1 and G.S. 14-69.2).
5. **Burning of a School Building** (See G.S. 14-60). Any person who maliciously and willfully sets fire to, burns or causes to be burned (i.e. aids, directs or procures the burning of) any school building owned, leased or used by the public schools (considered a Class F felony by G.S. 14-60).
6. **Death By Other Than Natural Causes.** The killing of a living person, done either by another or by suicide. Acts to be reported under this category include murder, manslaughter, death by vehicle, killing in self-defense, killing done by an insane person, accidental killing and suicide. Killing is to be reported if either the death or the act causing it occurred on school property, and regardless of whether the victim is associated with the school. Examples of incidents to be reported are the accidental death of a child in a school bus accident, or a victim on school property shot by someone located on or off school property.
7. **Kidnapping.** Confining, restraining or removing from one place to another a person, without his/her or the victim's or a minor victim's parents' consent, for the purpose of committing a felony; or holding a victim as hostage or for ransom, or for use as a shield. A parent taking a child in violation of a court order, although it may be a crime, is not kidnapping for this purpose.
8. **Possession of Alcoholic Beverage⁶** (See G.S. 18B-300 to 302). Any underage person who purchases, provides or sells to another, possesses or has in his/her immediate custody or control, or consumes malt beverages, fortified or unfortified wine, or spirituous liquor, in any amount or form, on school property owned or leased by the local board of education, or at school-sponsored events (comparable to a misdemeanor violation by G.S. 18B-102 and G.S. 18B-300, 301 and 302).
9. **Possession of Controlled Substance in Violation of Law.** Possession of narcotic drugs on or in the immediate control of the person. Narcotic drugs include any form of cocaine, marijuana, heroin, LSD, methamphetamine, and all drugs listed in the North Carolina Controlled Substances Act. Possession of any amount in any form must be reported. Unauthorized possession of a prescription drug (e.g., Ritalin) is included in this category. The principal should confer with law enforcement personnel when in doubt as to whether a drug is a controlled substance. Alcohol possession should be reported as Possession of Alcoholic Beverage.
10. **Possession of a Firearm or Powerful Explosive.⁷** Any unauthorized person possessing on their person or within their custody or control, or storing, or carrying, whether openly or concealed, locked or unlocked, any firearm or powerful explosive, whether operable or inoperable, on school property; or bringing such a device onto school property.

⁵ Because this definition is a summary of lengthy and detailed legislation, users of the definition should consult their school board attorney or the <http://www.ncga.state.nc.us/statutes/toc-1.html> website for further details or clarifications regarding its use.

⁶ Because this definition is a summary of lengthy and detailed legislation, users of the definition should consult their school board attorney or the <http://www.ncga.state.nc.us/statutes/toc-1.html> website for further details or clarifications regarding its use.

⁷ Because "Bomb Possession" involves the G.S. 14-269.2 definition of a bomb or "powerful explosive" as a felony-level weapon (G.S. 14-269.2 (b1)), as differentiated from a felony "firearm" weapon (G.S. 14-269.2 (b)), former definitions of "possession of a firearm" and "possession of a (misdemeanor) weapon" have been revised.

Persons authorized to carry weapons on school property are law enforcement officers, firefighters, and emergency service personnel *when discharging their official duties* (State law G.S. 115C-391 requires that local boards of education suspend for 365 days any student who brings a "weapon" onto school property. Weapons are defined as any gun, rifle, pistol, or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or other powerful explosive, as defined in G.S. 14-284.1; and this does not apply to fireworks. Superintendents may modify the suspension on a case-by-case basis, but a written explanation for the decision must be included with the school's Annual Report on School Crime and Violence). The type of any firearm(s) that is/are involved must be identified in the WEAPON USED/POSSESSED column of the Data Collection Form.

11. **Possession of a Weapon.** Possessing on their person or within their custody or control, storing, or carrying, by any unauthorized person, whether openly or concealed, a weapon, excluding firearms and powerful explosives, defined as follows: Any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, any sharp pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. This category covers possession of all weapons, other than firearms and powerful explosives, which the law prohibits on educational property (N.C.G.S. § 14-269.2). Persons authorized to possess such weapons are law enforcement officers, firefighters and emergency service personnel when discharging their official duties. Report type of weapon unlawfully possessed in the WEAPON USED/POSSESSED column of the Data Collection Form.¹
12. **Rape.** Rape may be statutory or forcible. Forcible Rape is vaginal intercourse committed by force and without the consent of the victim, regardless of age. Statutory Rape is vaginal intercourse committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented. Consensual vaginal intercourse between a 13, 14 or 15 year old girl or boy and a 16 year old girl or boy is not a crime; statutory rape requires at least four years between birthdays of the victim and perpetrator. Some examples of incidents which must be reported under this category are consensual intercourse between a 19-year old and a 15-year old; consensual intercourse with a person who is mentally handicapped or incapacitated, or physically helpless, regardless of whether the victim consented; or intercourse with an intoxicated or drugged victim who is too incapacitated to give consent.
13. **Robbery With a Dangerous Weapon (Armed Robbery).** Theft or attempted theft of anything of value from the person of another, or from the area under the immediate bodily control of the other, by using a dangerous weapon or by an act threatening use of a dangerous weapon. A dangerous weapon is any article, instrument or substance that is likely to produce death or great bodily harm. Forcible theft or attempted theft from a person without the use of a dangerous weapon should be reported under Robbery Without a Dangerous Weapon. Report type of weapon used in the WEAPON USED/POSSESSED column of the Data Collection Form.

- 14. Robbery Without a Dangerous Weapon.** The taking or attempting to take anything of value from another's person, by force, or by an act threatening force or violence, which puts a victim in fear, without the use of a weapon. The stealing of someone's property without the use of force or from a source other than the victim's person is not included in this offense. If the taking from the person involves use of a dangerous weapon the incident is reported under Robbery With a Dangerous Weapon.
- 15. Sexual Assault (Not Involving Rape or Sexual Offense).** An assault of a sexual nature. An unauthorized and unwanted, intentional, or forcible touching of a sex organ of a person of the opposite sex. Sex organs are the breasts of females and genital areas of males and females. This category includes forcibly and intentionally grabbing the clothed or unclothed breast or genitals of a person of the opposite sex, without the consent of the victim. Report attempted rape and attempted sexual offense under this category. The difference between Sexual Assault and Sexual Offense is that Sexual Assault involves forcible and intentional touching without penetration of a sex organ, and Sexual Offense involves penetration of a sex organ or anus by any object, or touching another's mouth or anus by the male sex organ.
- 16. Sexual Offense.** Sexual Offense may be forcible or statutory. Forcible Sexual Offense is actual oral-genital contact, or penile-anal penetration, or insertion of any object, including a finger, into the genital or anal opening of another person's body, committed by force and without the consent of the victim. Statutory Sexual Offense is any of the above acts committed on a child under the age of 16 by a person who is at least 12 years old and at least 4 years older than the victim, regardless of whether the victim consented. Statutory Sexual Offense is also any of the above acts committed on a person who is mentally handicapped or incapacitated or physically helpless, regardless of whether the victim consented. The difference between Rape and Sexual Offense is that Rape involves vaginal intercourse only, and Sexual Offense involves oral-genital contact, penile-anal penetration, or genital or anal penetration by any object.
- 17. Taking Indecent Liberties With A Minor.** Committing a sexual act with or in the presence of a child under the age of 16 years, by a person at least age 16 and at least five years older than the child, for sexual gratification, regardless of whether force was used, or whether the victim consented. Examples of acts to be reported under this category are intentional exposure of genitals in front of a child; showing a child pornography, secretly or in the child's presence; or photographing girls changing clothes or using toilets, if these acts are done for sexual gratification.

2002-03 Discipline Data Collection

Verification Form

LEA or Charter School Name: _____

I certify that these data are accurate and complete.

Signature of LEA Superintendent or Charter School Director/Principal

Please include this form with the submission of your data for the 2002-03 school year.

Examples of How to Record Incidents Using the DDCF

Here are four hypothetical incidents occurring at a school during the 2002-03 school year. The table below shows how these incidents would be recorded on the Disciplinary Data Collection Form.

Example Incident #1

On September 28, a seventeen year-old 11th grade White male student was suspended out-of-school for one week (five school days) for hitting his teacher.

Example Incident #2

On October 4, a sixteen year-old White male and a fifteen year-old White male, both of whom are in the 10th grade, get into a fight in the cafeteria. Both are suspended out-of-school for three days. The principal decides not to report the fight to law enforcement.

Example Incident #3

On October 19, a fifteen year-old Hispanic female and a sixteen year-old White female, both of whom are in the 10th grade, are suspended out-of-school for three weeks (15 school days) after being caught smoking marijuana in the bathroom.

Example Incident #4

A football game is held on the school grounds on the night of October 25. A Black female student from the "home" school attends the game, and is sexually assaulted in the stands by a Black male student from the "visiting" school. He is eighteen years old and is in the 12th grade. He is also found to be in possession of alcohol at the time. He is expelled from school and is referred to an alcohol abuse treatment program.

Incident #	Date Incident Occurred	Offender Identity	Student SSN or Student ID Number	Gender - Student Offender	Ethnicity - Student Offender	Age - Student Offender	Grade Level - Student Offender	EC Status - Student Offender	Offense #1	#1 - Reported to Law Enf.?	Offense #2	#2 - Reported to Law Enf.?	Weapon Used/Possessed	Consequence - 1	Consequence - 2	Consequence - 3	If OSS - Number of Days	If ISS - Number of Days	Victim Type - 1	Victim Type - 2	Victim Type - 3	Other/Comments
1	9/28/02	1	123238765	M	W	17	11	1	3	Y				4			5		2			
2	10/04/02	1	124671122	M	W	16	10	1	18	N				4			3					
2	10/04/02	1	128665109	M	W	15	10	1	18	N				4			3					
3	10/19/02	1	116438891	F	H	15	10	1	9	Y				4			15					
3	10/19/02	1	122414311	F	W	16	10	1	9	Y				4			15					
4	10/25/02	4	189723341	M	B	18	12	1	15	Y	8	Y		5	8				1			

Appendix B

Alternative Learning Programs Student Data Roster, 2002-03

LEA: _____
 School/Program Name _____
 Name of Person Completing This Form: _____
 Phone Number: _____

LEA: _____
 School/Program Name _____
 Name of Person Completing This Form: _____
 Phone Number: _____

[illegible]

Alternative Learning Program Student Data Roster Instruction Sheet for the 2002-2003 School Year

Please fill out all information for each student as they enter the program.

A student that re-enrolls during the year should be listed again on the roster each time they re-enter.

Please complete one roster for the 2002-03 school year, NOT one roster for each semester.

The following codes should be used to complete the Alternative Learning Program Student Data Roster:

<u>Field</u>	<u>Information</u>
Last Name	Student's last name.
First Name	Student's first name.
SSN or Other Student ID Number	Social security number, SIMS ID, NCWISE ID, or other student ID number.
Date of entry	Enrollment date, in MM/DD/YY format (e.g., 10/4/02). If the student began the school year in your program, enter the first day of school as the date of entry.
Gender	M = Male F = Female
Ethnicity	A = Asian B = Black H = Hispanic/Latino I = American Indian M = Multi-racial O = Other W = White
Birthdate	Student's date of birth, in MM/DD/YY format (e.g., 12/13/87).
Grade level	PK, K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, or 12
EC Status	1 = Not exceptional/non-disabled 2 = Autistic 3 = Behaviorally-Emotionally Disabled 4 = Deaf-Blind 5 = Hearing Impaired 6 = Visually Impaired 7 = Educably Mentally Disabled 8 = Trainably Mentally Disabled 9 = Specific Learning Disabled 10 = Speech/Language Impaired 11 = Orthopedically Impaired 12 = Traumatic Brain Injured 13 = Multihandicapped/ Multiply Disabled 14 = Developmentally Delayed 15 = Other Health Impaired

(over)

**Free/Reduced
Price Lunch**

Is the student eligible for free or reduced price lunch?

N = No
Y = Yes

LEP

Is the student designated as Limited English Proficient?

N = No
Y = Yes

Home School Code

Enter the student's six digit home school code. The first three digits are the LEA number and the last three digits are the school number.

Residence

With whom does the student currently live?

1 = with parent(s)
2 = with other relatives
3 = foster care arrangement
4 = residential/group care setting
5 = other

Adjudicated

Has the student been adjudicated by the court?

N = No
Y = Yes

Why in

What is the primary reason that the student entered the program?

1 = Academic difficulty	8 = Aggressive behavior (e.g. fighting, threats)
2 = Academic acceleration	9 = Personal/family problems
3 = Disruptive behavior	10 = Emotional problems (e.g. depression, abuse)
4 = Attendance/truancy	11 = Student/Parent Choice
5 = Work/job	12 = Deemed serious threat to self or others
6 = Pregnancy	13 = Returning dropout
7 = Substance abuse	14 = Other

**Disciplinary
Action**

If the student is enrolled because of a disciplinary action by the regular school, which most accurately describes the placement? *Leave blank if none of these apply.*

1 = ALP placement is the only consequence
2 = ALP placement is combined with short-term suspension (less than 10 days)
3 = ALP placement is combined with long-term suspension (10 days or longer)
4 = ALP placement is combined with expulsion

Re-enrollment

Has this student been served in this program at an earlier point during this school year?

N = No (i.e., this student is attending for the first time this year)
Y = Yes (i.e., the student has been here at least once already this year)

**Number days
enrolled**

Total number of school days student is enrolled in the ALP for this placement.

**Number days
absent**

Number of days absent from the ALP during this placement.

(over)

Student Status

Indicate each student's status upon exit from the ALP or their status at the end of the school year, whichever comes first. For students enrolled in the ALP more than once during the year, list each enrollment separately and record their status each time they leave.

1 = Still enrolled in ALP and remained in same grade	8 = Dropped out of school (other than transferred to community college or ABE program)
2 = Still enrolled in ALP and promoted to next grade	9 = In training school, juvenile detention center, or jail
3 = Returned to home/regular school and remained in same grade	10 = Long-term suspension
4 = Returned to home/regular school and promoted to next grade	11 = Expelled from school
5 = Graduated from high school	12 = Left school for employment prior to graduation
6 = Transferred to another school district	13 = Left school for hospital or therapeutic residential facility
7 = Transferred to community college, GED program or Adult Basic Education (ABE) prior to graduation	14 = Deceased
	15 = Other

Thank you for your assistance.

If you have any questions concerning this form please contact Amity Crowther at (919) 962-7069 or crowther@email.unc.edu

Return the Student Data Roster by US Mail no later than June 14, 2003 to:

**Ms. Amity Crowther
Center for Developmental Science CB #8115
University of North Carolina-Chapel Hill
Chapel Hill, NC 27699-8115**

Remember to retain a copy of the completed data for your records. Please put the name of your ALP and LEA on the diskette if you are submitting a diskette.

Appendix C

**LEA and Charter School Totals of Suspensions and
Expulsions by Ethnicity and Gender: 2002-03**

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Alamance-Burlington (010)	Female	Am Indian	2	0		0
	Female	Asian	4	0		0
	Female	Black	605	0	2	0
	Female	Hispanic	82	0		0
	Female	Multi	21	0		0
	Female	White	578	1		0
	Male	Am Indian	1	0		0
	Male	Asian	13	0		0
	Male	Black	1548	5	2	0
	Male	Hispanic	295	1	4	0
	Male	Multi	40	0	1	0
	Male	Other	2	0		0
	Male	Unspecified	0	0	1	0
	Male	White	1729	11	3	0
	Unspecified	Hispanic	1	0		0
Alexander (020)	Female	Black	21	0		0
	Female	Hispanic	9	0		0
	Female	White	123	1		0
	Male	Am Indian	1	0		0
	Male	Asian	4	0		0
	Male	Black	103	1		0
	Male	Hispanic	40	0		1
	Male	Multi	5	0		0
	Male	White	457	3		0
Alleghany (030)	Female	White	7	0		0
	Male	Black	1	0		0
	Male	White	24	1		0
Anson (040)	Female	Am Indian	1	0		0
	Female	Asian	1	0		0
	Female	Black	603	3		0
	Female	Hispanic	2	0		0
	Female	White	53	1		0
	Male	Am Indian	1	0		0
	Male	Asian	3	0		0
	Male	Black	1303	9		0
	Male	Hispanic	10	0		0
	Male	Multi	4	0		0
	Male	White	193	4		0
Ashe (050)	Female	White	36	0		0
	Male	Hispanic	6	0		0
	Male	White	148	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Avery (060)	Female	White	17	0		0
	Male	Asian	1	0		0
	Male	Black	1	0		0
	Male	White	95	0		0
Beaufort (070)	Female	Black	378	0		0
	Female	Hispanic	4	0		0
	Female	Multi	2	0		0
	Female	White	128	0		0
	Male	Black	954	0		1
	Male	Hispanic	29	0		0
	Male	Multi	12	0		0
	Male	Unspecified	1	0		0
	Male	White	475	0		0
Bertie (080)	Female	Black	80	0		1
	Female	White	6	0		0
	Male	Asian	1	0		0
	Male	Black	341	0		0
	Male	White	35	0		0
Bladen (090)	Female	Black	37	0		0
	Female	Multi	1	0		0
	Female	White	16	0		0
	Male	Black	85	0		0
	Male	Multi	2	0		0
	Male	White	126	0		0
Brunswick (100)	Female	Am Indian	10	0		0
	Female	Black	249	0		0
	Female	Hispanic	14	0		0
	Female	Other	11	0		0
	Female	White	365	2		0
	Male	Am Indian	21	0		0
	Male	Asian	10	0	1	0
	Male	Black	629	0	3	0
	Male	Hispanic	49	0		0
	Male	Multi	3	0		0
	Male	Other	17	0		0
	Male	White	1144	6	4	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Buncombe (110)	Female	Am Indian	3	1		0
	Female	Asian	1	0		0
	Female	Black	125	3		0
	Female	Hispanic	15	0		0
	Female	Multi	13	1		0
	Female	Other	1	0		0
	Female	Unspecified	2	0		0
	Female	White	722	19		2
	Male	Am Indian	15	0		0
	Male	Asian	11	0		0
	Male	Black	336	15		0
	Male	Hispanic	120	4		0
	Male	Multi	58	0		0
	Male	Unspecified	2	0		0
	Male	White	2281	63		0
	Unspecified	White	1	0		0
Asheville City (111)	Female	Am Indian	1	0		0
	Female	Black	330	4		0
	Female	Hispanic	9	0		0
	Female	Multi	9	0		0
	Female	White	107	0		0
	Male	Am Indian	1	0		0
	Male	Black	606	5	2	0
	Male	Hispanic	19	0		0
	Male	Multi	32	0		0
	Male	Other	1	0		0
	Male	White	282	5		0
Burke (120)	Female	Asian	14	0		0
	Female	Black	73	0		0
	Female	Hispanic	17	0		0
	Female	Other	11	0		0
	Female	White	316	0	2	0
	Male	Asian	71	0	1	0
	Male	Black	138	0		0
	Male	Hispanic	48	0		0
	Male	Multi	4	0		0
	Male	Other	29	0		1
	Male	Unspecified	1	0		0
	Male	White	1058	2	6	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Cabarrus (130)	Female	Am Indian	1	0		0
	Female	Asian	2	0		0
	Female	Black	385	24		0
	Female	Hispanic	62	3		0
	Female	Multi	19	0		0
	Female	Unspecified	2	0		0
	Female	White	628	19	2	0
	Male	Am Indian	7	0		0
	Male	Asian	4	0		0
	Male	Black	957	41	4	2
	Male	Hispanic	165	4		0
	Male	Multi	48	0		0
	Male	White	1644	61	4	0
	Unspecified	White	1	0		0
Kannapolis City (132)	Female	Black	153	0		0
	Female	Hispanic	12	0		0
	Female	Multi	7	0		0
	Female	White	83	2	1	0
	Male	Am Indian	1	0		0
	Male	Asian	9	2		0
	Male	Black	393	10		0
	Male	Hispanic	71	0		0
	Male	Multi	16	0		0
	Male	White	323	1		0
Caldwell (140)	Female	Black	58	1		0
	Female	Hispanic	2	0		0
	Female	Multi	8	0		0
	Female	White	253	8		0
	Male	Black	168	2		0
	Male	Hispanic	21	0		0
	Male	Multi	21	1		0
	Male	White	825	23	1	0
Camden (150)	Female	Black	9	0		0
	Female	White	29	1		0
	Male	Asian	1	0		0
	Male	Black	46	0	2	1
	Male	White	98	0	2	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Carteret (160)	Female	Black	45	2		0
	Female	Hispanic	21	0		0
	Female	Multi	5	0		0
	Female	White	210	2		0
	Male	Am Indian	3	0		0
	Male	Asian	2	0		0
	Male	Black	245	3		1
	Male	Hispanic	18	0		0
	Male	Multi	59	0		0
	Male	White	987	7		0
Caswell (170)	Female	Black	222	0		0
	Female	Hispanic	12	0		0
	Female	Multi	1	0		0
	Female	White	93	0		0
	Male	Asian	2	0		0
	Male	Black	496	0		0
	Male	Hispanic	13	0		0
	Male	Multi	2	0		0
	Male	White	395	0	1	0
Catawba (180)	Female	Asian	10	0		0
	Female	Black	78	0		0
	Female	Hispanic	8	0		0
	Female	Multi	4	0		0
	Female	White	274	0	1	0
	Male	Am Indian	1	0		0
	Male	Asian	23	0		0
	Male	Black	196	0		0
	Male	Hispanic	45	0		0
	Male	Multi	15	0		0
	Male	White	972	0	1	0
Hickory City (181)	Female	Am Indian	2	0		0
	Female	Asian	5	0		0
	Female	Black	294	9		0
	Female	Hispanic	44	0		0
	Female	Multi	9	0	1	0
	Female	White	155	0		0
	Male	Asian	15	0		0
	Male	Black	535	17	2	1
	Male	Hispanic	95	0		0
	Male	Multi	21	0		0
	Male	White	388	3		2

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Newton-Conover City (182)	Female	Asian	3	0		0
	Female	Black	67	0		0
	Female	Hispanic	28	0		0
	Female	Multi	14	0		0
	Female	White	76	0		0
	Male	Asian	23	0		0
	Male	Black	115	0		0
	Male	Hispanic	37	0		0
	Male	Multi	12	0		0
	Male	White	229	0		0
Chatham (190)	Female	Am Indian	1	1		0
	Female	Asian	1	0		0
	Female	Black	102	1		0
	Female	Hispanic	20	0		0
	Female	Multi	3	0		0
	Female	White	101	3		0
	Male	Am Indian	3	0		0
	Male	Asian	4	0		0
	Male	Black	388	6	1	1
	Male	Hispanic	58	0		0
	Male	Multi	30	0		0
	Male	White	448	7	2	0
Cherokee (200)	Female	Multi	1	0		0
	Female	White	59	1	1	0
	Male	Black	5	0		0
	Male	Hispanic	2	0		0
	Male	Multi	2	0		0
	Male	White	174	2	9	0
Edenton/Chowan (210)	Female	Black	102	4		0
	Female	White	27	0		0
	Male	Am Indian	2	0		0
	Male	Asian	1	0		0
	Male	Black	240	5		0
	Male	Multi	2	0		0
	Male	White	112	5		0
Clay (220)	Female	White	6	0		0
	Male	Black	1	0		0
	Male	White	5	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Cleveland (230)	Female	Black	207	1	1	1
	Female	Hispanic	4	0		0
	Female	Other	12	0		0
	Female	White	326	0	1	0
	Male	Black	568	0	1	0
	Male	Hispanic	20	0		0
	Male	Other	24	0		0
	Male	White	944	2	5	1
Kings Mountain City (231)	Female	Asian	1	0		0
	Female	Black	168	1		0
	Female	Hispanic	2	0		0
	Female	Other	7	0	1	0
	Female	White	248	1	2	0
	Male	Am Indian	1	0		0
	Male	Asian	7	0		0
	Male	Black	447	0	2	0
	Male	Hispanic	5	0		0
	Male	Other	8	0		0
	Male	White	738	0	5	4
Shelby City (232)	Female	Black	289	0	3	0
	Female	Other	6	0		0
	Female	White	28	0		0
	Male	Black	475	2	3	0
	Male	Hispanic	13	0		0
	Male	Other	10	0		0
	Male	White	73	0		0
Columbus (240)	Female	Am Indian	2	0		0
	Female	Black	229	0		0
	Female	Hispanic	1	0		0
	Female	White	48	0		0
	Male	Am Indian	31	0		0
	Male	Black	457	2		2
	Male	Hispanic	16	0		0
	Male	Multi	3	0		0
	Male	White	196	0		1

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Whiteville City (241)	Female	Am Indian	1	0		0
	Female	Black	122	0		0
	Female	Hispanic	4	0		0
	Female	White	43	0		0
	Male	Black	300	2	2	1
	Male	Hispanic	1	0		0
	Male	Multi	13	0		0
	Male	White	120	0		0
Craven (250)	Female	Am Indian	1	0		0
	Female	Asian	3	0		0
	Female	Black	607	7	1	2
	Female	Hispanic	6	1		0
	Female	Other	21	0		0
	Female	White	274	0	2	0
	Male	Am Indian	5	0		0
	Male	Asian	11	0	1	0
	Male	Black	1383	17	1	5
	Male	Hispanic	46	3		1
	Male	Multi	1	0		0
	Male	Other	28	1		0
	Male	White	951	7	6	1
Cumberland (260)	Female	Am Indian	43	6		0
	Female	Asian	18	2		0
	Female	Black	1952	159	3	0
	Female	Hispanic	92	13		0
	Female	Multi	62	4		0
	Female	Other	5	0		0
	Female	White	592	60		0
	Male	Am Indian	138	16		0
	Male	Asian	49	6		0
	Male	Black	4761	370	4	0
	Male	Hispanic	258	23		0
	Male	Multi	107	6		0
	Male	Other	7	0		0
	Male	Unspecified	1	0		0
	Male	White	1751	124	3	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Currituck (270)	Female	Black	28	0		0
	Female	Multi	1	0		0
	Female	White	184	1		0
	Male	Am Indian	3	0		0
	Male	Black	48	0		0
	Male	Hispanic	8	0		0
	Male	Multi	1	0		0
	Male	White	381	4		0
Dare (280)	Female	Black	10	0		0
	Female	Hispanic	2	0		0
	Female	White	71	1		0
	Male	Black	19	0		0
	Male	Hispanic	5	0		0
	Male	Multi	1	0		0
	Male	White	246	6		0
Davidson (290)	Female	Am Indian	3	0		0
	Female	Asian	4	0		0
	Female	Black	33	1		0
	Female	Hispanic	16	0		0
	Female	Multi	5	0		0
	Female	White	780	8		0
	Male	Am Indian	16	0		0
	Male	Asian	9	1		0
	Male	Black	117	0		0
	Male	Hispanic	14	0		0
	Male	Multi	14	0		0
	Male	Other	1	0		0
	Male	White	2798	16		0
Lexington City (291)	Female	Asian	13	0		0
	Female	Black	223	0		2
	Female	Hispanic	38	0		1
	Female	Other	12	0		0
	Female	White	100	0	1	0
	Male	Am Indian	34	0		1
	Male	Asian	71	0		1
	Male	Black	597	1	1	3
	Male	Hispanic	84	0	1	0
	Male	Other	18	0		0
	Male	White	358	1	1	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Thomasville City (292)	Female	Am Indian	2	0		0
	Female	Black	142	0		0
	Female	Hispanic	32	0		0
	Female	Multi	1	0		0
	Female	Other	3	0		0
	Female	Unspecified	3	0		0
	Female	White	130	0		1
	Male	Black	490	0	3	0
	Male	Hispanic	48	1		0
	Male	Multi	10	0		0
	Male	Other	3	0		0
	Male	Unspecified	4	0		0
	Male	White	283	0		0
Davie (300)	Female	Black	37	0		0
	Female	Hispanic	4	0		0
	Female	White	63	0		0
	Male	Am Indian	1	0		0
	Male	Black	72	0		0
	Male	Hispanic	25	0		0
	Male	Multi	4	0		0
	Male	White	252	0		0
Duplin (310)	Female	Am Indian	5	0		0
	Female	Black	572	0	2	0
	Female	Hispanic	102	0		0
	Female	Multi	2	0		0
	Female	White	133	0		0
	Male	Am Indian	2	0		0
	Male	Black	1499	3	3	0
	Male	Hispanic	238	1		0
	Male	Multi	1	0		0
	Male	White	569	1		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Durham (320)	Female	Am Indian	2	0		0
	Female	Asian	3	0		0
	Female	Black	1952	13		0
	Female	Hispanic	64	0		0
	Female	Multi	42	0		0
	Female	White	133	1		0
	Male	Am Indian	7	0		0
	Male	Asian	20	0		0
	Male	Black	5245	40	1	0
	Male	Hispanic	293	2		0
	Male	Multi	124	3		0
	Male	White	546	14		0
Edgecombe (330)	Female	Black	699	3		0
	Female	Hispanic	4	0		0
	Female	Multi	3	0		0
	Female	Other	1	0		0
	Female	White	136	0		0
	Male	Asian	1	0		0
	Male	Black	1949	9		3
	Male	Hispanic	35	0		0
	Male	Multi	7	0		0
	Male	Other	1	0		0
	Male	White	666	5		1
Winston-Salem/Forsyth (340)	Female	Am Indian	16	0		0
	Female	Asian	9	0		0
	Female	Black	2758	3	16	0
	Female	Hispanic	146	0		0
	Female	Multi	54	0	1	0
	Female	White	713	1	2	5
	Male	Am Indian	24	0		0
	Male	Asian	38	0		0
	Male	Black	6233	8	29	19
	Male	Hispanic	676	0	1	1
	Male	Multi	176	0		0
	Male	White	2150	4	7	12

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Franklin (350)	Female	Am Indian	1	0		0
	Female	Black	223	1	1	0
	Female	Hispanic	15	0		0
	Female	Multi	2	0		0
	Female	White	79	2		0
	Male	Black	505	2	5	0
	Male	Hispanic	35	0		0
	Male	Multi	23	0		0
	Male	White	415	11	4	1
Gaston (360)	Female	Asian	9	1		0
	Female	Black	998	8	3	1
	Female	Hispanic	46	1		0
	Female	Other	18	1		0
	Female	White	1412	7	7	1
	Male	Am Indian	27	0		0
	Male	Asian	27	0		0
	Male	Black	2162	17	10	0
	Male	Hispanic	167	2		5
	Male	Other	54	0		0
	Male	White	3860	26	10	0
Gates (370)	Female	Black	56	1		0
	Female	Multi	2	0		0
	Female	White	68	2		0
	Male	Black	153	0		1
	Male	Hispanic	7	0		0
	Male	Multi	2	0		0
	Male	White	135	0		0
Graham (380)	Female	White	1	0		0
	Male	White	4	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Granville (390)	Female	Am Indian	1	0		0
	Female	Asian	1	0		0
	Female	Black	178	3		0
	Female	Hispanic	3	0		0
	Female	Multi	3	0		0
	Female	White	122	1		0
	Male	Asian	7	0		0
	Male	Black	629	10		0
	Male	Hispanic	17	0		0
	Male	Multi	4	0		0
	Male	Other	1	0		0
	Male	Unspecified	1	0		0
	Male	White	433	8	1	0
Greene (400)	Female	Black	184	0		0
	Female	Hispanic	9	0		0
	Female	White	28	0		0
	Male	Asian	1	0		0
	Male	Black	618	1	2	0
	Male	Hispanic	37	0		0
	Male	White	154	0		0
Guilford (410)	Female	Am Indian	22	2		0
	Female	Asian	57	1		0
	Female	Black	2946	114	4	0
	Female	Hispanic	77	2		0
	Female	Multi	93	2		0
	Female	White	590	23	1	0
	Male	Am Indian	41	2		0
	Male	Asian	119	5		0
	Male	Black	6857	322	6	0
	Male	Hispanic	189	5	2	0
	Male	Multi	204	7		0
	Male	Other	1	0		0
	Male	White	2325	80	1	0
Halifax (420)	Female	Am Indian	15	0		0
	Female	Asian	1	0		0
	Female	Black	217	0		0
	Female	White	11	0		0
	Male	Am Indian	46	1		0
	Male	Black	726	10		0
	Male	Multi	7	0		0
	Male	Other	1	0		0
	Male	White	32	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Roanoke Rapids City (421)	Female	Asian	8	0		0
	Female	Black	64	0		0
	Female	Hispanic	1	0		0
	Female	White	140	1		0
	Male	Black	182	0	1	0
	Male	Hispanic	1	0		0
	Male	White	341	0	1	0
Weldon City (422)	Female	Black	90	0	1	0
	Female	White	2	0		0
	Male	Asian	1	0		0
	Male	Black	261	0		0
	Male	Hispanic	1	0		0
	Male	Other	1	0		0
	Male	White	2	0		0
Hamett (430)	Female	Am Indian	3	0		0
	Female	Asian	3	0		0
	Female	Black	430	2	1	0
	Female	Hispanic	45	1		0
	Female	Multi	33	1		0
	Female	White	249	1		0
	Male	Am Indian	21	0		0
	Male	Black	1012	15		0
	Male	Hispanic	142	3		0
	Male	Multi	32	1		0
	Male	White	775	9		0
Haywood (440)	Female	Am Indian	4	1		0
	Female	Black	5	0		0
	Female	Hispanic	6	0		0
	Female	White	238	2	1	0
	Male	Am Indian	4	0	1	0
	Male	Asian	2	0		0
	Male	Black	24	0		0
	Male	Hispanic	16	0		0
	Male	Multi	4	0		0
	Male	White	595	11	1	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Henderson (450)	Female	Black	31	1	1	0
	Female	Hispanic	24	0		0
	Female	Multi	6	1		0
	Female	Other	2	0		0
	Female	White	206	7	1	0
	Male	Am Indian	1	0		0
	Male	Asian	5	1		0
	Male	Black	157	5	1	0
	Male	Hispanic	93	4		3
	Male	Multi	12	0		0
	Male	Other	6	0		0
	Male	White	728	12	3	0
Hertford (460)	Female	Am Indian	2	0		0
	Female	Black	475	0		0
	Female	Multi	2	0		0
	Female	White	38	0		0
	Male	Am Indian	9	0		0
	Male	Black	943	3		1
	Male	Hispanic	2	0		0
	Male	Multi	5	0		0
	Male	White	74	0		0
Hoke (470)	Female	Am Indian	79	1	4	0
	Female	Asian	5	0		0
	Female	Black	297	11	12	0
	Female	Hispanic	10	0		0
	Female	Multi	6	0		0
	Female	White	50	1		0
	Male	Am Indian	237	8	2	0
	Male	Asian	11	0		0
	Male	Black	731	29	19	1
	Male	Hispanic	31	1	1	0
	Male	Multi	20	1		0
	Male	White	227	13	8	0
Hyde (480)	Female	Black	59	0		0
	Female	White	10	0		0
	Male	Black	131	0		0
	Male	Hispanic	4	0		0
	Male	White	33	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Iredell-Statesville (490)	Female	Am Indian	3	0		0
	Female	Asian	1	0		0
	Female	Black	612	0		0
	Female	Hispanic	46	0		0
	Female	Multi	22	0		0
	Female	White	525	0		1
	Male	Am Indian	3	0		0
	Male	Asian	29	0		0
	Male	Black	1360	1		0
	Male	Hispanic	194	0		0
	Male	Multi	34	0		0
	Male	White	1931	1		0
Mooresville City (491)	Female	Am Indian	1	0		0
	Female	Asian	2	0		0
	Female	Black	62	0		0
	Female	Multi	2	0		0
	Female	Other	1	0		0
	Female	White	57	0	1	0
	Male	Asian	4	0		0
	Male	Black	267	0	1	0
	Male	Other	1	0		0
	Male	White	366	3		0
Jackson (500)	Female	Am Indian	15	0		0
	Female	Multi	1	0		0
	Female	White	92	0		0
	Male	Am Indian	50	1		1
	Male	Black	14	0		0
	Male	Hispanic	4	0		0
	Male	Multi	1	0		0
	Male	White	269	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Johnston (510)	Female	Am Indian	5	0		0
	Female	Asian	1	0		0
	Female	Black	699	13	1	0
	Female	Hispanic	111	1		0
	Female	Multi	15	0		0
	Female	White	564	9	1	0
	Male	Am Indian	10	0		0
	Male	Asian	9	1		0
	Male	Black	2070	33	2	0
	Male	Hispanic	435	5		0
	Male	Multi	55	1		0
	Male	Other	5	0		0
	Male	White	2404	25		0
Jones (520)	Female	Black	18	0		0
	Female	Multi	1	0		0
	Female	White	5	0		0
	Male	Black	54	8		3
	Male	Multi	2	0		0
	Male	Unspecified	1	0		0
	Male	White	21	0		1
Lee (530)	Female	Asian	2	0		0
	Female	Black	175	2		0
	Female	Hispanic	50	2		0
	Female	White	119	4		1
	Male	Am Indian	10	0		0
	Male	Asian	2	0		0
	Male	Black	604	8		1
	Male	Hispanic	214	22	1	1
	Male	Multi	35	1		0
	Male	White	515	9		1
	Unspecified	Black	2	0		0
	Unspecified	Hispanic	1	0		0
	Unspecified	White	1	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Lenoir (540)	Female	Black	753	0	3	0
	Female	Hispanic	21	0		0
	Female	Multi	5	0		0
	Female	White	124	0		0
	Male	Asian	3	0		0
	Male	Black	1627	1	2	0
	Male	Hispanic	61	0		0
	Male	Multi	9	0		0
	Male	Unspecified	2	0		0
	Male	White	449	1		0
Lincoln (550)	Female	Am Indian	2	0		0
	Female	Asian	1	0		0
	Female	Black	108	0	1	1
	Female	Hispanic	12	0	1	0
	Female	Multi	1	0		0
	Female	White	311	0		0
	Male	Am Indian	1	0		0
	Male	Black	146	3		3
	Male	Hispanic	57	0		0
	Male	Multi	20	1		1
	Male	Other	7	0		0
	Male	Unspecified	4	0		0
	Male	White	1111	2	7	0
Macon (560)	Female	White	69	0		0
	Male	Black	2	0		0
	Male	Hispanic	5	0		0
	Male	White	188	1		0
Madison (570)	Female	Hispanic	1	0		0
	Female	White	62	0		0
	Male	Hispanic	1	0		0
	Male	Multi	1	0		0
	Male	White	241	1		1
Martin (580)	Female	Black	287	0		0
	Female	Hispanic	4	0		0
	Female	White	34	0		0
	Male	Am Indian	1	0		0
	Male	Black	743	2		0
	Male	Hispanic	11	0		0
	Male	Other	5	0		0
	Male	White	149	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
McDowell (590)	Female	Black	6	1		0
	Female	Hispanic	1	0		0
	Female	White	161	5		0
	Male	Black	25	0		0
	Male	Hispanic	3	0		0
	Male	Multi	1	0		0
	Male	White	343	11		3
Charlotte-Mecklenburg (600)	Female	Am Indian	42	0		0
	Female	Asian	67	4	1	0
	Female	Black	7532	110	2	49
	Female	Hispanic	389	4	1	1
	Female	Multi	52	3		0
	Female	Other	84	1		0
	Female	Unspecified	11	0		0
	Female	White	1213	10	3	4
	Male	Am Indian	98	1	1	0
	Male	Asian	226	2		2
	Male	Black	16679	154	25	83
	Male	Hispanic	929	11	2	14
	Male	Multi	138	0		0
	Male	Other	189	0	1	1
	Male	Unspecified	29	0		0
	Male	White	3280	29	8	9
Mitchell (610)	Female	Asian	9	0		0
	Female	Black	112	0		0
	Female	Hispanic	41	0		0
	Female	Multi	1	0		0
	Female	White	129	0	1	0
	Male	Am Indian	1	0		0
	Male	Asian	6	0		0
	Male	Black	280	0	1	0
	Male	Hispanic	79	0		0
	Male	White	449	2	3	0
Montgomery (620)	Female	Asian	9	0		0
	Female	Black	141	0		0
	Female	Hispanic	61	0		0
	Female	Multi	1	0		0
	Female	White	135	0		0
	Male	Am Indian	2	0		0
	Male	Asian	6	0		0
	Male	Black	325	0	1	0
	Male	Hispanic	134	0		0
	Male	White	500	0	1	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Moore (630)	Female	Am Indian	2	0		0
	Female	Asian	1	0		0
	Female	Black	145	0	2	0
	Female	Hispanic	4	0		0
	Female	Multi	3	0		0
	Female	White	73	0		0
	Male	Am Indian	10	0		0
	Male	Asian	2	0		0
	Male	Black	390	2	3	0
	Male	Hispanic	27	0		0
	Male	Multi	14	0		0
	Male	Other	1	0		0
	Male	White	386	0	2	0
	Unspecified	Black	8	0		0
	Unspecified	Multi	1	0		0
	Unspecified	White	14	0		0
Nash-Rocky Mount (640)	Female	Am Indian	1	0		0
	Female	Black	876	2		0
	Female	Hispanic	18	0		0
	Female	Multi	9	0		0
	Female	Unspecified	10	0		0
	Female	White	100	1		0
	Male	Asian	17	0	1	0
	Male	Black	2131	4	1	0
	Male	Hispanic	60	0		1
	Male	Multi	12	0		0
	Male	Unspecified	11	0		0
	Male	White	501	1	1	0
New Hanover (650)	Female	Am Indian	5	0		0
	Female	Asian	3	0		0
	Female	Black	1143	2	7	0
	Female	Hispanic	22	0		0
	Female	Multi	2	0		0
	Female	Other	41	0	1	0
	Female	White	512	1	2	0
	Male	Am Indian	12	0		0
	Male	Asian	9	0		0
	Male	Black	1833	2	8	0
	Male	Hispanic	54	0	1	0
	Male	Multi	9	0		0
	Male	Other	79	0		0
	Male	White	1457	3	6	2

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Northampton (660)	Female	Black	201	0		0
	Female	Multi	5	0		0
	Female	White	17	0		0
	Male	Black	572	1	6	0
	Male	White	69	0	4	0
Onslow (670)	Female	Am Indian	8	0		0
	Female	Asian	2	0		0
	Female	Black	243	0		0
	Female	Hispanic	23	0		0
	Female	Multi	28	0		0
	Female	White	197	0		0
	Male	Am Indian	9	0		0
	Male	Asian	11	0	1	0
	Male	Black	758	0		0
	Male	Hispanic	71	0		0
	Male	Multi	108	0		0
	Male	Other	8	0		0
	Male	Unspecified	1	0		0
	Male	White	966	0		0
Orange (680)	Female	Am Indian	1	0		0
	Female	Black	162	0		2
	Female	Hispanic	2	0		0
	Female	Multi	7	0		0
	Female	White	127	0		0
	Male	Am Indian	2	0		0
	Male	Asian	1	0		0
	Male	Black	355	0	1	2
	Male	Hispanic	16	0		0
	Male	Multi	15	0		0
	Male	White	433	1	3	2
Chapel Hill-Carboro (681)	Female	Asian	1	0		0
	Female	Black	49	1		0
	Female	Hispanic	8	0		0
	Female	Multi	1	0		0
	Female	White	18	0		0
	Male	Asian	8	0		0
	Male	Black	179	0		0
	Male	Hispanic	23	0	1	0
	Male	Multi	6	0		0
	Male	White	143	4		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Pamlico (690)	Female	Black	66	0		0
	Female	Hispanic	1	0		0
	Female	White	50	1		0
	Male	Black	172	1		0
	Male	Multi	2	0		0
	Male	White	181	1		0
Elizabeth City-Pasq. (700)	Female	Am Indian	2	0		0
	Female	Black	356	1		0
	Female	Multi	8	0		0
	Female	White	149	0		0
	Male	Am Indian	8	0		0
	Male	Asian	4	0		0
	Male	Black	1151	6		0
	Male	Hispanic	12	0		0
	Male	Multi	15	0		0
	Male	White	429	2		0
Pender (710)	Female	Black	209	1	8	0
	Female	Hispanic	11	0		0
	Female	Multi	2	0		0
	Female	Other	1	0	1	0
	Female	White	126	0	1	0
	Male	Am Indian	2	0		0
	Male	Asian	1	0		0
	Male	Black	585	0	12	1
	Male	Hispanic	32	0		0
	Male	Multi	13	0		0
	Male	Other	5	0		0
	Male	White	608	4	21	2
	Unspecified	Other	101	0	2	0
Perquimans (720)	Female	Black	26	1		0
	Female	White	42	0		0
	Male	Am Indian	3	0		0
	Male	Black	123	2		0
	Male	Multi	1	0		0
	Male	White	126	1		1
Person (730)	Female	Black	222	1	1	0
	Female	Hispanic	1	0		0
	Female	White	72	0	3	1
	Male	Black	478	2		0
	Male	Hispanic	6	0		0
	Male	Multi	6	0		0
	Male	Other	1	0		0
	Male	White	243	0	2	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Pitt (740)	Female	Asian	4	0		0
	Female	Black	2105	11	1	0
	Female	Hispanic	29	0		0
	Female	Multi	27	0		0
	Female	White	349	2		0
	Male	Am Indian	2	0		0
	Male	Asian	7	0		0
	Male	Black	4666	37	4	3
	Male	Hispanic	100	2		1
	Male	Multi	32	0		0
	Male	Other	4	0		0
	Male	White	1217	10		0
Polk (750)	Female	Black	8	0		0
	Female	Hispanic	1	0		0
	Female	White	54	0		0
	Male	Black	17	0		0
	Male	Hispanic	4	0		0
	Male	White	122	0		0
Randolph (760)	Female	Am Indian	1	0		0
	Female	Asian	6	0		0
	Female	Black	15	1		0
	Female	Hispanic	2	0		0
	Female	Multi	13	1		0
	Female	White	210	3		0
	Male	Am Indian	16	1		0
	Male	Asian	2	0		0
	Male	Black	98	2		0
	Male	Hispanic	50	2		0
	Male	Multi	15	0		0
	Male	White	861	41		0
Asheboro City (761)	Female	Am Indian	1	0		0
	Female	Black	62	0		0
	Female	Hispanic	16	0		0
	Female	Multi	1	0		0
	Female	White	54	0		0
	Male	Asian	2	0		0
	Male	Black	145	0		0
	Male	Hispanic	68	0		0
	Male	Multi	9	0		0
	Male	Other	2	0		0
	Male	White	190	1		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Richmond (770)	Female	Am Indian	3	0		0
	Female	Black	261	3	1	0
	Female	Hispanic	1	0		0
	Female	Multi	3	0		0
	Female	White	120	2		0
	Male	Am Indian	33	1		0
	Male	Asian	1	0		0
	Male	Black	648	7		0
	Male	Hispanic	22	0		0
	Male	Multi	8	0		0
	Male	Other	1	0		0
	Male	White	421	4		0
Robeson (780)	Female	Am Indian	1033	3		0
	Female	Asian	2	0		0
	Female	Black	814	1		0
	Female	Hispanic	30	0		0
	Female	Multi	9	0		0
	Female	White	230	0		0
	Male	Am Indian	2500	14		0
	Male	Asian	5	0		0
	Male	Black	2242	19		0
	Male	Hispanic	130	1		0
	Male	Multi	54	0		0
	Male	White	769	18		0
Rockingham (790)	Female	Am Indian	3	0		0
	Female	Asian	2	0		0
	Female	Black	307	1		3
	Female	Hispanic	22	0		1
	Female	Other	6	0		0
	Female	White	376	1	1	0
	Male	Am Indian	4	0		0
	Male	Asian	2	0		0
	Male	Black	796	1		2
	Male	Hispanic	62	0		1
	Male	Multi	7	0		0
	Male	Other	23	0	1	0
	Male	Unspecified	2	0		0
	Male	White	1312	2	3	2

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Rowan-Salisbury (800)	Female	Am Indian	3	0		0
	Female	Asian	8	0		0
	Female	Black	891	3	3	8
	Female	Hispanic	53	0		0
	Female	Multi	20	0		0
	Female	White	777	2		4
	Male	Am Indian	5	0	1	0
	Male	Asian	17	0		0
	Male	Black	1953	6	5	9
	Male	Hispanic	123	0	1	0
	Male	Multi	52	0		0
	Male	Unspecified	1	0		0
	Male	White	2226	7	1	10
	Unspecified	Black	9	0		0
	Unspecified	Hispanic	3	0		0
	Unspecified	Multi	2	0		0
	Unspecified	White	18	0		0
Rutherford (810)	Female	Black	86	0		0
	Female	Hispanic	6	1		0
	Female	Multi	2	0		0
	Female	White	214	7		0
	Male	Black	288	0		0
	Male	Hispanic	16	1		0
	Male	Multi	10	0		0
	Male	White	802	6	1	0
Sampson (820)	Female	Am Indian	2	0		0
	Female	Black	168	0		0
	Female	Hispanic	20	0		0
	Female	Multi	5	0		0
	Female	White	99	0		0
	Male	Am Indian	12	0		0
	Male	Asian	1	0		0
	Male	Black	612	0	1	0
	Male	Hispanic	132	0		0
	Male	Multi	19	0		0
	Male	Unspecified	1	0		0
	Male	White	456	1	1	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Clinton City (821)	Female	Black	29	0		0
	Female	Hispanic	1	0		0
	Male	Am Indian	2	0		0
	Male	Black	71	0		0
	Male	Hispanic	4	0		0
	Male	Other	3	0		0
	Male	White	18	0		0
Scotland (830)	Female	Am Indian	81	0	1	0
	Female	Black	539	0		0
	Female	Hispanic	1	0		0
	Female	Multi	1	0		0
	Female	Other	4	0		0
	Female	White	138	0		0
	Male	Am Indian	213	0		0
	Male	Black	1195	2		0
	Male	Hispanic	3	0		0
	Male	Other	5	0		0
	Male	White	368	0		0
Stanly (840)	Female	Am Indian	1	0		0
	Female	Asian	9	0		0
	Female	Black	286	0		0
	Female	Hispanic	6	0		0
	Female	Multi	17	0		0
	Female	Unspecified	1	0		0
	Female	White	298	0		0
	Male	Asian	26	0		0
	Male	Black	683	0	1	0
	Male	Hispanic	41	0		0
	Male	Multi	44	0		0
	Male	Unspecified	2	0		0
	Male	White	1381	2	3	1
Stokes (850)	Female	Black	13	0		0
	Female	Hispanic	1	0		0
	Female	White	145	2		0
	Male	Black	51	0		0
	Male	Hispanic	2	0		0
	Male	Multi	7	1		0
	Male	White	479	3		1

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions 2002-03
Surry (860)	Female	Am Indian	1	0		0
	Female	Black	9	1		0
	Female	Hispanic	6	0		0
	Female	Multi	1	0		0
	Female	White	202	2		0
	Male	Asian	4	0		0
	Male	Black	50	1		0
	Male	Hispanic	62	1		0
	Male	Multi	5	0		0
	Male	White	801	19		0
Elkin City (861)	Female	Black	2	0		0
	Female	Hispanic	1	0		0
	Female	White	8	0		0
	Male	Black	3	0		0
	Male	Hispanic	3	0		0
	Male	White	16	0	1	0
Mount Airy City (861)	Female	Black	1	0		0
	Female	Hispanic	1	0		0
	Female	White	10	0		0
	Male	Black	5	0		0
	Male	Hispanic	3	0		0
	Male	Multi	1	0		0
	Male	White	18	0		0
Swain (870)	Female	Am Indian	13	0		0
	Female	Black	1	0		0
	Female	Multi	1	0		0
	Female	White	53	0		0
	Male	Am Indian	50	0		0
	Male	Black	1	0		0
	Male	Hispanic	2	0		0
	Male	Multi	3	0		0
	Male	White	104	0		0
Transylvania (880)	Female	Black	1	0		0
	Female	Multi	3	0		0
	Female	White	20	0		0
	Male	Am Indian	2	0		0
	Male	Black	9	0		0
	Male	Multi	6	0		0
	Male	White	160	2	2	0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Tyrrell (890)	Female	Black	61	2		0
	Female	White	18	0		0
	Male	Black	141	8		0
	Male	Hispanic	1	0		0
	Male	White	53	2		0
Union (900)	Female	Am Indian	8	0		0
	Female	Asian	2	0		0
	Female	Black	561	7		1
	Female	Hispanic	84	0		0
	Female	Other	22	0		0
	Female	White	448	12	1	0
	Male	Am Indian	22	0		0
	Male	Asian	6	0		0
	Male	Black	1335	32	4	0
	Male	Hispanic	219	9		0
	Male	Other	50	1		0
	Male	White	1825	33	2	1
Vance (910)	Female	Am Indian	1	0		0
	Female	Black	817	6		1
	Female	Hispanic	23	0		0
	Female	Other	4	0		0
	Female	White	128	2		0
	Male	Am Indian	3	1		0
	Male	Black	2303	34	1	0
	Male	Hispanic	56	2		0
	Male	Other	19	0		0
	Male	White	365	4	1	0
Wake (920)	Female	Am Indian	7	0		0
	Female	Asian	32	2		0
	Female	Black	3264	90		0
	Female	Hispanic	243	8		0
	Female	Multi	96	2		0
	Female	White	999	31		0
	Male	Am Indian	27	0		0
	Male	Asian	105	6		0
	Male	Black	7745	293		2
	Male	Hispanic	728	40		1
	Male	Multi	231	9		0
	Male	White	3960	126		2

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Warren (930)	Female	Am Indian	6	0		0
	Female	Black	160	5		0
	Female	Hispanic	1	0		0
	Female	Multi	1	0		0
	Female	White	14	0		0
	Male	Am Indian	5	1		0
	Male	Black	406	11	2	0
	Male	Hispanic	7	0		0
	Male	Multi	6	1		0
	Male	White	75	0		0
Washington (940)	Female	Asian	1	0		0
	Female	Black	230	0		0
	Female	White	11	0		0
	Male	Black	448	0		0
	Male	Multi	4	0		0
	Male	Other	1	0		0
	Male	White	92	0		0
Watauga (950)	Female	Black	5	0		0
	Female	White	78	3		0
	Male	Asian	1	0		0
	Male	Black	7	0		0
	Male	Hispanic	3	0		0
	Male	Multi	1	0		0
	Male	White	235	7		0
	Female	Asian	3	0		0
Wayne (960)	Female	Black	1393	2	6	0
	Female	Hispanic	71	1		0
	Female	Other	36	0		0
	Female	White	418	1	1	0
	Male	Am Indian	6	0		0
	Male	Asian	14	0		0
	Male	Black	3640	17	7	0
	Male	Hispanic	188	0	5	0
	Male	Other	79	1		0
	Male	White	1530	6	4	0
	Unspecified	Other	17	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Wilkes (970)	Female	Black	17	0	1	0
	Female	Hispanic	3	0	1	0
	Female	White	100	0		3
	Male	Black	42	0		1
	Male	Hispanic	14	0	3	0
	Male	Multi	5	0	3	0
	Male	Other	2	0		0
	Male	White	423	2	6	2
	Unspecified	Unspecified	1	0		0
Wilson (980)	Female	Black	614	14	2	0
	Female	Hispanic	20	0		0
	Female	Multi	9	0		0
	Female	White	94	2		0
	Male	Asian	5	0		0
	Male	Black	1802	37		0
	Male	Hispanic	68	4		0
	Male	Multi	16	0		0
	Male	Other	3	0		0
	Male	White	459	7	1	0
Yadkin (990)	Female	Black	5	0		0
	Female	Hispanic	5	0		0
	Female	White	50	0		0
	Male	Am Indian	1	0		0
	Male	Black	13	0		0
	Male	Hispanic	32	0		0
	Male	Other	0	0	1	0
	Male	White	207	0	1	0
Yancey (995)	Female	Hispanic	1	0		0
	Female	White	27	0		0
	Male	Hispanic	3	0		0
	Male	Multi	1	0		0
	Male	White	170	1		0
Lakeside School (010801)	Female	Black	8	0		0
	Female	White	3	0		0
	Male	Black	12	0		0
	Male	White	3	0		0
Crossnore Academy (060802)	Female	Asian	1	0		0
	Female	Black	2	0		0
	Female	White	4	0		0
	Male	Black	2	0		0
	Male	White	22	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Wash. Montessori (070801)	Male	White	1	0		0
Evergreen Comm. (110801)	Female	Black	3	0		0
	Female	White	6	0		0
	Male	Black	10	0		0
	Male	Multi	1	0		0
	Male	White	55	0		0
ArtSpace (110802)	Male	White	1	0		0
Francine Delany (110801)	Female	Black	1	0		0
	Male	Black	18	0		0
	Male	White	8	0		0
Cape Lookout (160801)	Female	Black	7	0		0
	Female	White	11	0		0
	Male	Black	15	0		0
	Male	White	39	0		0
Tiller School (160802)	Female	White	1	0		0
	Male	White	2	0		0
Engelmann (180802)	Male	Black	3	0		0
Chatham Charter (190801)	Female	Black	2	0		0
	Male	Black	2	0		0
	Male	White	2	1		0
Woods Charter (190802)	Female	White	10	0		0
	Male	Asian	1	0		0
	Male	Black	3	0		0
	Male	White	10	1		0
Alpha Academy (260802)	Female	Black	11	0		0
	Female	Multi	6	0		0
	Female	White	1	0		0
	Male	Black	19	0		0
	Male	Hispanic	2	0		0
	Male	White	8	0		0
Maureen Joy Charter (320801)	Female	Black	7	0		1
	Male	Black	57	0		0
	Male	White	1	0		0
Healthy Start Acad. (320802)	Female	Black	6	0		0
	Male	Black	19	1		0
	Male	Multi	1	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Carter Comm. Charter (320803)	Female	Black	3	0		0
	Male	Black	13	0		0
Omuteko Gwamaz. (320807)	Female	Black	5	0		0
	Male	Black	10	0		1
Quality Educ. Acad. (340802)	Female	Black	1	0		0
	Male	Black	8	0		0
Downtown Middle (340803)	Female	Black	1	0		0
	Female	White	1	0		0
	Male	White	2	1		0
Arts Based Elem. (340807)	Male	Black	1	0		0
Highland Charter (360801)	Male	Black	1	0		0
Guilford Charter (410803)	Female	Black	20	0		0
	Male	Black	133	1		0
	Male	Other	1	0		0
	Male	White	10	0		0
Provisions Academy (530801)	Male	Black	0	0	1	0
	Male	White	0	0	1	0
Children's Village (540801)	Female	Black	6	0		0
	Male	Black	13	0		0
Community Charter (600801)	Female	White	1	0		0
	Male	Black	10	0		0
Sugar Creek Charter (600802)	Female	Black	27	0		0
	Male	Black	85	0		0
Kennedy Charter (600803)	Female	Black	16	0		0
	Female	White	1	0		0
	Male	Am Indian	9	0		0
	Male	Black	50	0		0
	Male	White	22	0		0
Lake Norman Charter (600804)	Female	White	10	0		0
	Male	Black	3	0		0
	Male	White	12	0		0

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Crossroads Charter (600808)	Female	Black	79	0		0
	Female	Hispanic	3	0		0
	Male	Black	167	0		9
	Male	Hispanic	1	0		0
	Male	White	2	0		0
MAST (630801)	Female	Black	2	0		0
	Male	Black	2	0		0
	Male	White	2	0		0
STARS (630802)	Male	Black	2	0		0
Cape Fear Ctr. For Inq. (650801)	Female	Black	4	0		0
	Female	White	1	0		0
	Male	Black	6	0		0
	Male	White	13	0		0
Orange Charter (680801)	Female	Multi	1	0		0
	Female	White	12	0		0
	Male	Black	9	0		0
	Male	Multi	3	0		0
	Male	White	0	0		0
New Century Charter (680802)	Female	White	3	0		1
	Male	Black	0	1		1
	Male	White	1	0		0
Arapahoe Charter (690801)	Female	White	3	0		0
	Male	White	9	0		0
TJ Classical Acad. (810801)	Female	White	7	0		1
	Male	Black	1	0		0
	Male	Hispanic	2	0		0
	Male	White	33	1		1
Laurinburg Charter (830801)	Female	Black	6	0		0
	Male	Black	7	0	1	0
Laurinburg Hwk. Ctr. (830802)	Female	Am Indian	6	0		0
	Female	Black	15	1		1
	Female	White	18	0		0
	Male	Am Indian	2	2		2
	Male	Black	26	1		1
	Male	White	24	1		1

LEA	Gender	Ethnicity	# Short-Term Suspensions, 2002-03	# Long-Term Suspensions, 2002-03	# Suspensions of Unspecified Duration, 2002-03	# Expulsions, 2002-03
Gray Stone Day (840802)	Male	White	1	0		0
Millennium Charter (860801)	Female	White	2	0		0
	Male	Black	1	0		0
Mountain Discovery (870801)	Male	White	9	0		0
Vance Charter (910801)	Female	Black	1	0		0
	Female	White	7	0		0
	Male	Black	1	0		0
	Male	White	34	0		0
Sterling Montessori (920805)	Female	White	0	0		1
East Wake Academy (920807)	Female	Black	7	0		0
	Female	White	7	0		0
	Male	Black	22	0		0
	Male	Multi	1	0		0
	Male	White	25	0		0
Community Partners (920816)	Female	Black	3	0		0
	Female	White	13	0		0
	Male	Black	3	0		0
	Male	Multi	2	0		0
	Male	White	19	0		0
Sallie B. Howard (980801)	Female	Black	8	0		1
	Female	Multi	1	0		0
	Male	Black	48	1		3
	Male	Hispanic	1	0		3

SPECIAL TOPICS SERIES



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Prosecuting Gang Cases

What Local Prosecutors
Need to Know



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Prosecuting Gang Cases

What Local Prosecutors
Need to Know

April 2004

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FORWARD

Few things evoke fear in a community like the incursion of gang activity. Senseless violence, turf battles and ubiquitous graffiti signal the arrival of gangs. The law enforcement community also dreads the prospect of confronting gang-driven crime. They know that with gangs come drugs, guns, retaliatory killings and recriminations. The investigation and prosecution of these crimes present a host of difficult problems, including recanting witnesses, intimidated bystanders and unsympathetic victims.

Nowhere are these problems more apparent and deep seated than in Los Angeles, California. Gangs, some many generations old, dominate parts of the city. In response, the law enforcement community has adopted specific strategies designed to address the gang problem. Special units within the police department are dedicated to nothing but the investigation and policing of gang activity. The Los Angeles County District Attorney's Office has followed suit, forming the Hardcore Gang Division in 1979. Charged with prosecuting crimes committed by some of the country's most notorious gangs, the unit of 50 prosecutors makes extensive use of the California Street Terrorism Enforcement and Prevention Act. This legislation was borne of California's exasperation with its escalating gang problem. As the preamble states, "the Legislature...finds that the State of California is in a state of crisis which has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods." Armed with this law providing for enhanced punishments for gang-related crimes, prosecutors may now introduce evidence once considered inadmissible. Proof of gang membership is allowable to show motive, intent, and accomplice liability. Experts chronicling gang culture and mores now are called on behalf of the prosecution. Other states have followed California's example and enacted gang legislation. (See footnote 2, *infra*.)

The author of this monograph, Alan Jackson, joined the Los Angeles District Attorney's Office as a deputy district attorney in 1995. Since 1999, he has prosecuted LA's most violent offenders in the Hardcore Gang Division, specializing in the vertical prosecution of violent gang

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

members. He has also served as a gang prosecution instructor for the Los Angeles District Attorney's Office and the American Prosecutors Research Institute (APRI).

Perhaps the most chilling bit of advice Mr. Jackson gives to prosecutors is to "ready yourself." Gangs are spreading; they are on your doorstep even if you don't realize it. The goal of this monograph is to provide practical trial strategies for prosecutors engaged in combating gang violence and ready prosecutors who will inevitably confront the problem.

Andrew Wright
Senior Attorney
American Prosecutors Research Institute

AUTHOR'S ACKNOWLEDGEMENTS

Modern successful gang prosecutions in Los Angeles County are the product of many years of work, the way being cleanly paved by bright and dedicated prosecutors. I count myself among the many beneficiaries of those prosecutors. Special thanks go to Janet Moore, director, Bureau of Specialized Prosecutions, Los Angeles County District Attorney's Office, and Greg Dohi, deputy district attorney, Hardcore Gang Division, Los Angeles County District Attorney's Office, whose writings have both inspired and informed the thoughts, concepts and ideas set forth in this monograph.

Finally, for her sharp eye and smooth pen stroke, I owe a debt to Melanie Spuches of the American Prosecutors Research Institute, who deftly edited and polished this work.

INTRODUCTION

Trying a gang case is one of the most difficult undertakings a prosecutor can face. Reluctant witnesses, perjurious testimony, and hostile and intimidating courtroom crowds are but a few of the myriad problems a gang prosecutor can expect in trial. And sadly, we're talking about the prosecutor's own case-in-chief. Indeed, the trademark characteristic of a gang case is the difficult witness. Some witnesses are uncooperative and openly hostile—those community members who fear for their lives and, therefore, actively duck service of process, ignore subpoenas and either refuse to testify or lie on the witness stand. Other witnesses, however, may be cooperative, but extremely unsympathetic because they have been granted leniency or immunity in exchange for testimony. The prosecutor may, therefore, be in the unenviable position of arguing in the same case that the “elderly-neighbor-down-the-street-witness” lied on the stand, and that the “co-conspirator-crook-in-handcuffs-witness” should be believed. On top of all this, the prosecutor is faced with the very real concern of simply keeping these witnesses alive.

Moreover, gang cases present unique challenges in terms of explaining motive and complex theories of liability. The gang culture is rife with idiosyncratic mores that define individual gangs and sub-cliques. These customs often define the motive underlying the crime, how the crime is carried out, and the identity of the perpetrator. It becomes incumbent upon the prosecutor to educate the jury about gang culture and habits, and to buttress that explanation with the proper theory of liability, such as conspiracy, aiding and abetting, or vicarious liability.

This monograph seeks to address various pre-trial and trial issues in the context of gang evidence. Hypothetical examples are used for illustrative purposes. Additionally, this presentation includes references to California's Street Terrorism Enforcement and Protection (STEP) Act,¹ which has

¹ Cal. Penal Code § 186.21, *et. seq.* (See Appendix A).

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

spearheaded the country's state legislatures' answer to the growing national epidemic known as gang crime.²

² Many states have followed California's example and enacted laws specifically designed to address gangs and gang activity. A useful listing of these laws can be found at the Institute for Intergovernmental Research's website located at www.iir.com/nygc/gang-legis/. These laws typically require additional elements of proof, which necessarily expands the definition of what is admissible evidence.

OVERVIEW OF A GANG CASE: GETTING JURORS OUT OF THE COURTROOM

The first question to come to the prosecutor's mind is, "why use gang evidence in the first place?" After all, prosecutors can expect that the defense bar will cry foul at the first mention of gangs. For their part, judges—especially those who have been ill-prepared to address issues concerning gangs—will often have a knee-jerk reaction to side with the defendant in his claims that gang evidence is overly prejudicial. Finally, police officers may be hesitant to testify about gangs because they have never been qualified as an expert. Wouldn't it simply be easier to leave the gang aspect of the trial alone?

Is it easier? Maybe. Is it a better trial technique? Never.

Successful prosecutors do not try their cases in the antiseptic environment of a courtroom. Crimes are not committed within the confines of mahogany walls adorned with the great seal of the state. Rather, they are committed on the streets of the city, in darkened alleyways and abandoned buildings. Good prosecutors seek to transport their juries to those streets, alleys, and buildings. Gang evidence is one of the most powerful tools in the government's arsenal to accomplish that goal.

Gang evidence is highly probative in explaining what takes place on the streets because it gives deep insight into the conduct of both defendants and witnesses. While courts have determined that gang evidence is admissible only for specific purposes, they have recently been broadening the scope of those purposes. Today, a prosecutor can successfully argue the admissibility of gang evidence for a range of purposes, including proving intent, motive, and identity, establishing a theory of liability, explaining witnesses' demeanor, and explaining gang culture. Gang evidence can set the tone for the trial and, at the same time, educate the jury. Gang experts can explain the inexplicable, define the indefinable, and can add rich color to an otherwise pale fact pattern. In other words, if the crime includes gang evidence, use it.

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

Faced with the prospect of defending a case involving gang evidence, defense attorneys cower. Understanding the power of such evidence, the defense bar will try almost anything to prevent a prosecutor from admitting gang evidence against their client. The first and most clamorous cry is always the same: "Objection! Gang evidence is prejudicial." The prosecutor's response should be equally strident: "Of course it is! That's the point!"

No court in the land disallows evidence against the defendant solely because it is prejudicial. Indeed, every word a prosecutor speaks in a courtroom and every item of evidence submitted is, or should be, prejudicial to the defendant. The question is not whether the evidence is prejudicial, but whether it is substantially more prejudicial than probative.³ Given the extraordinary probative value of most gang evidence, prosecutors should rarely give in on this point. In arguing for its admissibility, it is incumbent upon the prosecutor to steer the court toward the proper use of gang evidence.

What Gang Evidence Can Prove: The Tip of the Iceberg

Every day, courts are sanctioning broader uses for gang evidence. Nothing requires that prosecutors allege a gang enhancement or charge a gang crime in order to properly use gang evidence to prove their case. Indeed, the vast majority of cases in which gang evidence is applicable include no specific gang allegation. In those cases, the prosecutor must focus the court's attention on the reason for its admission. It is important to remember, however, that the proper use of gang evidence is expanding. The following illustrations merely scratch the surface.

To Prove Intent

As any prosecutor can attest, one of the most difficult elements to prove in a criminal trial is intent. Prosecutors rely largely on circumstantial evidence to prove the defendant's purpose in committing the crime at hand; gang evidence provides that circumstantial evidence.

³ See, e.g. Cal. Evid. Code § 352 (2004), stating that, "The court . . . may exclude evidence if its probative value is *substantially outweighed* by the probability . . . of undue prejudice." (emphasis supplied).

OVERVIEW OF A GANG CASE

Look at a hypothetical set of facts as told in two different ways, one without the use of the underlying gang evidence, and the second enriched with gang facts. The same question will be posed for each set of facts.

In the first set of facts, we find the following: the victim is attending a late-night party at a residence. During the night, the defendant drives up in a car, stops and opens the car door. The defendant then points and fires a gun at the victim, who is standing in the front yard. The victim is struck, but lives. The question is, was the crime an assault with a firearm or an attempted murder?

Now assume the same facts, but include the following gang evidence: the victim's late-night party is in Compton Varrío Grape Street gang's claimed neighborhood. The defendant is a known Florencia-13 gang member. Grape Street and Florencia have been at war for several years over their respective territory and drug trade. Three weeks before the shooting at the party, a known Florencia-13 gangster was shot and killed by a known Grape Street gangster. The gang expert testifies during the trial that in the gang culture, when a gang is victimized, the expected reaction is to strike back with equal or more violence. That is, if a gang member is murdered, the usual reaction is retaliatory murder. Again, the question is, was the crime an assault with a firearm or an attempted murder? With the admission of the highly probative gang evidence, the answer becomes clear. Gang evidence of rivalry and violence is admissible to establish that the intent harbored by the defendant was the intent to kill.

To Prove Motive

Seldom, if ever, is a prosecutor legally required to prove motive in a criminal trial. Motive is not normally an element of a charged offense. Nevertheless, prosecutors should *always* attempt to prove motive in trial. Jurors will ask the "why" question, if not of the prosecutor, at the very least of each other. If it is not answered to their satisfaction, the jury will see it as the prosecutor's failing. For that reason, motive evidence is always relevant.

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

Gang evidence is properly admitted to prove motive. The motives for a gang crime can include payback and rivalries, as outlined in the example above. Additionally, motivations can be derived from more arcane sources. Drug sales, weapons transactions and extortion can all be at the root of violent gang crimes, all of which are permissible subject matter for a gang expert. Moreover, gang evidence that explains the history of rivalries and violence between and among hostile gangs is admissible. Therefore, gang experts can testify to violent acts committed by the defendant's fellow gang members. A useful technique for arguing the admissibility of such evidence is to accede to a limiting instruction by the court.

Of course, nothing will befuddle a jury—and oftentimes a prosecutor—more than the proverbial “random act of violence.” Rarely, however, is a gang crime truly random. Gang experts can shed a bright light on the murky corners of gang life. What appears to be, at first blush, an amorphous act with little in the way of rhyme or reason will take shape when the gang expert explains the concept of *respect* in the gang culture. Consider the following:

A 40-year-old man stands at a gas station filling the tank of his car. A young gangster rides up on a bicycle and fires a bullet into the man's head, killing him. There is no connection between the two. Jurors yearn for an explanation; the gang expert provides one. The expert will explain that in the most violent gangs, recruits must show loyalty to their brethren by committing murder. Only then will they be considered a true member. With few exceptions, the victim is a stranger to the killer. When the act is complete, the new member is said to have earned the “respect” of his fellow gang members.

While prosecutors often bear no legal burden to prove motive, its power when properly presented to a jury should never be overlooked or underestimated.

To Prove Identity

Unlike classic criminals of old who sought secrecy above all else, modern gang members publicize their identities for all to see. The explanation is simple: terrorism.

OVERVIEW OF A GANG CASE

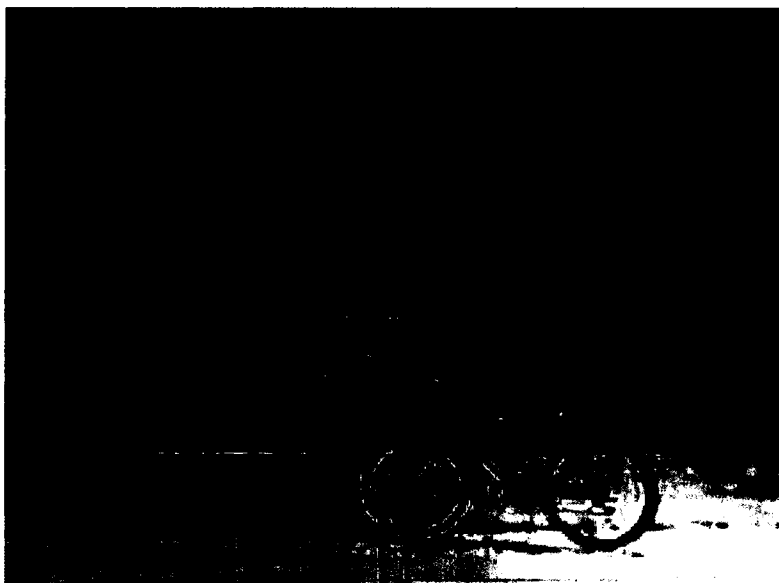
Terrorism is alive and well in our streets. Instead of the bomb, the gangsters' weapon of choice is the drive-by shooting. Instead of camouflage, their uniform includes baggy pants and knee-high socks. Instead of flying a flag to show their allegiance, they carry bandanas and throw hand signs. While they don't call themselves terrorists, the effect is just the same—every day, innocent people are killed in the streets, often in broad daylight.

Just like terrorists, gang members thrive on fear. The more fear they can instill in the communities and their enemies, the greater the freedom they enjoy while dealing in their dirty business of guns, drugs, and extortion. That fear is implanted by taking credit for the violence they perpetrate.

Gang members, therefore, often sign their crime, either figuratively or literally. Witnesses to a gang crime recite incredible tales of suspects walking up to enemy gang members in broad daylight and stating, "This is Midget from Tortilla Flats [street gang]," just before shooting the rival. While juries may be dumbfounded by such brashness, gang experts can explain that such conduct is commonplace among gangs. First, committing the crime with such audacity sends a message to rivals that they are not safe, day or night. Second, when Midget exclaims his name before the crime, he shows individual fearlessness, and, therefore, enhances his reputation among his own peers. That reputation may further be bolstered by graffiti that claims responsibility for the crime, and gives credit to Midget for his accomplishment.

Such evidence is ripe for gang experts to explain. Although members of the community may be reluctant to identify the perpetrator of the shooting for fear of retaliation, the expert can circumstantially support identity using statements made at the crime scene ("This is Midget"), the subsequent graffiti ("T-Flats" & "Midget" spray painted on the walls), and the defendant's prior identification as Midget in gang files. Such evidence can robustly corroborate a single identification witness, which many gang prosecutors would be lucky to find.

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW



To Prove Criminal Liability

Successful field marshals approach their battles with a clearly defined plan. So should prosecutors approach their trials. Defining a cogent theory of liability enables the prosecutor to choreograph the presentation of evidence in a simple, logical and persuasive manner. Gang evidence can aid in defining tightly reasoned theories on which to build a solid case.

Gang members are, by nature, social creatures. Seldom will a gang member commit an assault, a drive-by shooting or a drug transaction by himself. The gang prosecutor will, therefore, often be faced with deciding whether one gangster, two or twenty are legally liable for the crime. Take, for instance, the back seat passenger in a drive-by shooting. Following the filing of murder charges, his lawyer will surely inform the prosecutor that his client cannot be liable for murder, as he fired no weapon and possessed no gun.

However, through properly admitted gang evidence, the prosecutor can establish that merely throwing a hand sign or calling out a gang name from the back seat of the car shows complicity in the crime. The gang

expert can testify that a drive-by shooting takes on a special significance when accompanied by the signature of the offending gang. That is, the gang's reputation in the community for violence is secured when witnesses hear, "This is Farm Town Crips" through the gunfire of a violent attack. Thus, the back seat passenger who throws a sign or yells a gang name may be prosecuted as an aider and abettor, and therefore is liable to the same extent as the driver and the shooter.

Additionally, the prosecutor may wish to take another approach. Drive-by shootings are rarely the product of a spur-of-the-moment decision. More often, drive-bys can be traced to plans that were hatched hours or even days before, when the car was stolen or the guns were secured. The players in the conspiracy may range from the O.G. (original gangster) who supplied the weapons or ammunition, to the graffiti tagger who warned the victim gang of the impending violence. A close look at the facts of the case, along with in-depth consultation with the expert, can, in some instances, form the basis for a conspiracy charge.

To Explain Witnesses' Conduct

There are only two sorts of gang prosecutors: those who have had witnesses recant their statements during testimony, and those who *will* have witnesses do so. As mentioned in the introduction, one defining characteristic of a gang case is the recalcitrant, uncooperative witness. It is hard enough to persuade 12 strangers to agree on anything in a trial courtroom. The difficulties mount exponentially when the prosecutor introduces eyewitnesses who deny their previous statements to the police. These difficulties are even further compounded when the recanting witnesses are law-abiding citizens who appear to have no axe to grind.

While the gang prosecutor's task is daunting, providing the jury with a reasonable explanation for why citizen witnesses lie on the stand is within reach. Evidence that the defendant's gang is a violent, dangerous organization whose *modus operandi* is to retaliate against cooperative witnesses and their families is admissible to explain witnesses' conduct. A gang expert can elaborate on the type of street intimidation the defendant's gang employs. Photographs of graffiti in the neighborhood, evidence of known gang hang-outs in that territory, and specific incidents

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

of gang retaliation against witnesses in the past are but a few of the seeds the prosecutor should sow in the minds of the jurors.



The prosecutor's job is to ensure that the jury understands that at the end of the day, the witness must go home to the very neighborhood claimed by the defendant and his gang. He or she will be forced to walk the streets past members of the very gang against which the witness was asked to testify. Long after the case is over for the litigants, the judge and the jury, the witnesses will still live in the middle of the lion's den. The gang members know that. The witnesses know that. Using gang evidence, prosecutors must let the jury know that.

Gang evidence is admissible to explain witnesses' conduct on the other side of the table as well. Seldom do prosecutors receive a full witness list from the defense before trial. More commonly, the prosecutors are standing at counsel table to "rest their case" when the defense attorney hands them a list of new witnesses who will be testifying for the defendant. In a gang case, those witnesses are often fellow gang members who are called to provide an alibi for the defendant. However, courts have provid-

ed prosecutors with the tools to rebut this eleventh-hour evidence. Gang evidence is admissible to explain this type of witness's motivation to testify for the defendant. An expert is permitted to explain that in the gang culture, loyalty is preeminent. Indeed, when a gang member is accused of a crime, the gang culture dictates that fellow members will come forward to assist him, even if it means providing perjurious testimony. A word of caution is appropriate, however: gang evidence should not be used for this purpose alone if the witness whom the prosecutor is trying to impeach has an independent relationship with the defendant other than that of common gang membership. The use of evidence for this purpose has been held reversible error.

To Explain Gang Life

Once the prosecutor decides that gang evidence will play a seminal role in his or her trial, the door is opened to a plethora of useful information about gang life.

Why Do Gang Members Join Gangs?

Proper inquiries for the gang expert run the gamut. Why do people join gangs in the first place? What are the perceived benefits of joining a gang? Are there consequences for refusing to join? The latter is a favorite fallback position for the defense. That is, the defendant had no choice but to join the gang. While most gang experts will agree that aggressive recruiting into gangs is common, individual gang members must make the choice to join. Indeed, most gangs require a specific demonstration of loyalty to the gang, like committing a violent crime, or being "jumped in"—fighting a group of active members. If these acts are not accomplished, the applicant will be denied entry into the gang. Gang membership is a choice, plain and simple.

Will the Real Defendant Please Stand Up?

Perhaps the most crucial element of a successful prosecution is introducing the jury to the *real* defendant. Invariably, by the time the jury sees the defendant at trial, his hair has grown out to a normal length, his clothes are nicely tailored, and he will have taken on the aura of an altar boy. But

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

the real defendant is a criminal wearing a do-rag and throwing a gang sign. Gang evidence can take a prosecutor a long way toward introducing the jury to that person. Through photographs, letters, notes, and even music lyrics, prosecutors can invade and exploit the defendant's true personality. Gang investigators should focus on these items of evidence during search warrants and arrests.

Tattoos are another rich source of insight into the personality of the defendant. The accused will appear in court wearing a high-collared, long-sleeved shirt. There is a reason for that: to hide tattoos that profile his gang affiliation and prove his loyalty. It is well within the purview of the prosecutor in a gang case, however, to investigate those tattoos and reveal them to the trier of fact. Without question, one of the most dra-

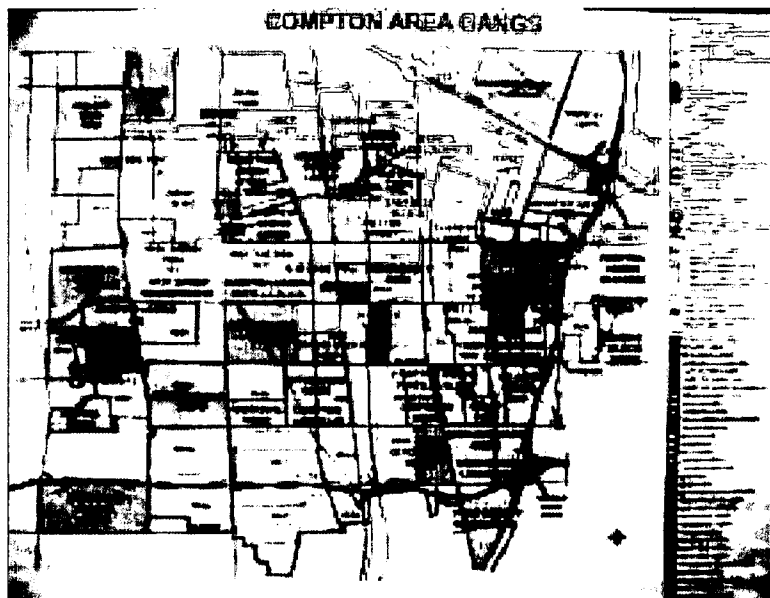
matic and powerful moments in trial occurs when the prosecutor asks the judge to instruct the defendant to stand and remove his shirt, exposing a large, gothic script tattoo across his stomach, reading, "BLOOD KILLER."



Turf, Territory, and Membership

Another proper subject matter for the gang expert is an explanation of the territory claimed by the gang, often referred to as “turf.” The gang expert can provide valuable insight into the importance of territoriality to a gang and explain the relationship among drugs, money, guns and turf. That is, gangs claim territory to create a safe haven for drug sales. The more territory they claim, the safer they feel, and the more street corners they can utilize for drug sales. The more drugs they sell, the more money they generate. The more money they generate, the greater their buying power for guns. The more guns they acquire, the better their chance of expanding their territory, and so on. Most gang experts agree that territory is the keystone that holds gangs together. Not unlike the geopolitics among warring nations, gangs will fight and kill for territory they perceive to be their own.

Since there are no official maps delineating gang borders, prosecutors must rely on evidence of points of conflict: graffiti—termed “the newspaper of the street”—and gang members’ statements in order to



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define a gang's territory. Gang investigators are the best source of such information.

Intertwined with information concerning territory is information concerning gang membership. Most gangs consist of cliques and sub-cliques which define the loyalties and conflicts that exist on the street. All too often, a gang will split into separate factions that begin to war with one another. Resulting struggles over territory, power and prestige will take over the neighborhood. When the tensions turn violent, innocent victims are caught in the crossfire. Therefore, the gang culture surrounding membership, loyalties and broken alliances may become an important factor in a gang prosecution.

GET READY FOR THE FIGHT: GREASING THE SKIDS

Gang violence on the streets is pervasive; the same cannot be said for gang evidence in the courtroom. While many courts are getting used to gang evidence as a relevant and proper subject for criminal trials, others still balk at the idea. Before diving headlong into a trial in which they intend to use gang evidence, prosecutors should take steps to prepare the court.

First and foremost, inform the defense through the discovery process of the prosecution's intent to introduce gang evidence. The defendant will, thereafter, be prevented from arguing that he was ill-prepared to defend against such evidence. Moreover, it is prudent to present the court with a brief outlining the prosecution's plan to present gang evidence and the reasons for it. This tactic will educate the court on the law surrounding the issues, and give the court ample opportunity to get comfortable with the idea that the admission of such evidence will not result in reversible error. It is also helpful to include in the brief proposed jury *voir dire* questions on gangs and gang membership. Jury selection is a frequently underestimated tool that can be used to educate the jury before the prosecutor presents the first piece of evidence.⁴

Witness Problems in Gang Cases

Several categories of witnesses can create serious problems in a gang case. The "normal citizen" witness is a person who is unaffiliated with any gang, but happens to be in the wrong place at the wrong time. Such a witness is generally extremely fearful of gang retaliation because he or she often lives on claimed gang turf. This witness's fear is legitimate, and the prosecutor will have a difficult time assuaging that fear. Factors like property ownership, community ties and employment make relocation extremely difficult or impossible. It is important never to make promises or guarantees to this witness concerning safety that cannot be backed up. The prosecutor's relationship with the normal citizen witness will span

⁴ See Appendix B for sample *voir dire* questions.

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the duration of the case; if the witness believes that the prosecutor is not completely honest about the possibilities of retaliation or intimidation, the prosecutor will lose credibility. Explain to this witness that while safety cannot be absolutely guaranteed, steps can be taken to reduce the possibility of retaliatory violence. Work with the witness, and above all else, be empathetic to his or her position.

Another type of witness the prosecutor may face is a victim who belongs to the defendant's rival gang. This witness will likely be uncooperative because of the gang code that regulates members. Even if this witness identified the defendant as the perpetrator at the time of the crime, do not expect his cooperation at the trial. This witness will lie on the witness stand, because if he cooperates he will be labeled a snitch. In many gangs, snitching—even against a rival gang member—is a zero tolerance offense.

Additionally, a prosecutor may be forced to rely on a member of the defendant's own gang. This witness will be problematic from the start. He will seek to protect the defendant at every stage and actively sabotage the prosecution's case. More often than not, this witness will be announced at the last minute by the defense as an alibi witness. It is a good idea at the start of the case to interview as many of the defendant's close associates as possible, to forestall any last-minute contrived alibi testimony.

Finally, the gang prosecutor's best witness may be sitting at the other end of the table. The facts of the case may dictate that the prosecutor utilize a co-defendant as a government witness. Securing this witness's testimony will likely require an offer of leniency or immunity. In that case, the terms of the agreement should be in writing. Additionally, if the witness is in custody, the prosecutor will be responsible for the witness's safety behind bars. That responsibility will include protective custody, special transport, and similar measures to separate the defendant from the witness. Be aware that jurors will view this witness with distrust. The prosecutor's case should be shored up accordingly.

Because these witnesses are frequently unavailable at trial, it is advisable to memorialize the witness's testimony before trial. This can be accom-

plished via the preliminary hearing, through a conditional examination, or by a recorded statement under oath.⁵ In the event the witness becomes unavailable, the prosecutor can rely on the previous testimony.

California's STEP Act as a Model

The easiest way to get gang evidence admitted in trial is by filing a substantive gang crime or gang enhancement allegation. Many jurisdictions, recognizing the growing problem, have codified laws directed at gang membership.⁶ Many others, however, have not. The following examines California's answer to the gang epidemic, and hopefully provides a model for those jurisdictions that have yet to address the issue.

In 1988 the California legislature enacted emergency legislation known as the Street Terrorism Enforcement and Prevention (STEP) Act. The STEP Act was made permanent in 1997. In 2000, the Act was amended to substantially increase punishments for gang crimes and enhancements. The STEP Act contains two main parts. Section (a) created a substantive crime of knowing participation and willful furtherance of felonious conduct by members of a criminal street gang.⁷ Section (b) is an enhancement that applies to any felony or misdemeanor committed for the benefit of a criminal street gang.⁸ Because of its much broader use in California, this discussion will focus on the (b) enhancement, rather than the (a) substantive crime.

Because the STEP Act's (b) enhancement applies to *any* felony and *any* misdemeanor, it wields extraordinary power. The prosecutor need only prove that the crime—whatever it was—was committed for the benefit of, in association with, or at the direction of a criminal street gang. Indeed, the prosecutor does not even have to prove that the defendant is a member of the gang, as long as his conduct promotes or benefits the gang.⁹

⁵ Cal. Evid. Code § 1231 (2004).

⁶ A listing of state gang laws can be found at the Institute for Intergovernmental Research's Web site located at www.iir.com/nygc/gang-legis/.

⁷ Cal. Penal Code § 186.22(a) (2004).

⁸ Cal. Penal Code § 186.22(b) (2004).

⁹ See CALJIC Criminal 17.24.2, 7th Ed. (2004).

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To prove the STEP Act enhancement, the prosecutor must prove that the group the defendant has benefited is, in fact, a criminal street gang. A “criminal street gang” is defined by the code as

an ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, of [Penal Code § 186.22] subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.¹⁰

Although the definition appears convoluted, when broken down elementally it is relatively simple: 1) any ongoing organization of three or more people, 2) with a common sign or symbol, 3) with one of its primary activities being the commission of one of 25 specified crimes, and 4) which engages in a pattern of criminal gang activity. With very simple questions, the prosecutor can elicit from a gang expert testimony that will prove each of these elements.¹¹

The primary element of proof involves a determination of which 25 felonies qualify as predicate acts under the STEP Act. The legislature included the most serious crimes one can think of: murder, manslaughter, rape, arson, assault with a deadly weapon, burglary, robbery, kidnapping, torture, mayhem, carjacking, and the like. Additionally, most drug offenses, excluding straight possession, are included. Thus, as long as the prosecutor can establish through prior convictions¹² that members of the defendant’s gang have committed two or more of these crimes within three years of the defendant’s crime, the element is proved.

The prosecutor must then define a “pattern of criminal gang activity.” Again, the legislature provided a definition:

¹⁰ *Id.*

¹¹ *People v. Valdez*, 58 Cal.App.4th 494, 506 (1997).

¹² Although a conviction is not necessary to establish this element, it is the easiest way to prove it.

the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more [listed] offenses [same 25 to choose from], provided at least one of these offenses occurred after the effective date of this chapter [September 23, 1988] and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons...¹³

In other words, the prosecutor must prove that members from the defendant's gang committed two or more predicate offenses on separate occasions *or* two or more gangsters committed two separate crimes at the same time.¹⁴ The only stipulation is that the crimes must be within three years of one another.

Although the gang enhancement takes a few extra steps to prove, the result at sentencing makes it all worthwhile. Under the STEP Act, a garden-variety felony, which normally carries a sentence range of 16 months to three years (depending on aggravating or mitigating evidence), is enhanced to carry an *additional* two to four years. If the felony is "serious" (as defined by the California Penal Code), five years are added to the sentence. If the felony is "violent" (as defined by the California Penal Code), 10 years are added. Certain crimes such as carjacking, home invasion robbery, and shooting from a vehicle causing injury carry life terms with the inclusion of the enhancement. Indeed, because of its prevalent use by gang members, witness intimidation carries a life sentence under the STEP Act enhancement.

An examination of California's gun use law provides a final example of the power of the STEP Act. By way of illustration, assume the defendant is the driver of a car involved in a drive-by shooting wherein the victim is severely injured. Ordinarily, the driver of the car would be prosecuted as an aider and abettor in the drive-by. If the driver were convicted of attempted murder, he would face a maximum punishment of 10 years in state prison (nine years for attempted murder, plus one year for a princi-

¹³ *Id.*

¹⁴ *People v. Louen* (1997) 17 Cal.4th 1, 10-11.

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pal armed allegation). The shooter, on the other hand, would face a life sentence with a minimum eligibility for parole after 25 years because of his personal use of the gun (*see* Cal. Penal Code § 12022.53(d)).

Conversely, if the prosecutor pleads and proves the STEP Act gang enhancement, the “personal gun use” enhancement attaches to *all principals* in the crime, including aiders and abettors. That means the driver, shooter, even the gangster who threw a gang sign from the window of the car, are *all* facing 25 years to life.

Such sentencing schemes have a chilling effect on gang members. It does not take long for word to reach the streets that gang members who never even touched the gun, let alone fired it, are facing life sentences. As more jurisdictions use gang laws to their benefit, the vise will close on gangs and street terrorism. With consistent prosecutions and sentences, gang members will begin to decide the price is simply too high for their chosen lifestyle.

Getting the Most Out of the Gang Expert

Among the most important decisions a gang prosecutor can make during trial preparation is who to call as the expert. Most essential, the expert chosen *must* have an intimate and working personal knowledge of the defendant’s gang. Insubstantial and passing knowledge of a gang gleaned from sources other than personal contact with its members will not impress the jury. After all, the expert will be asked to talk about the storied history of the gang, as well as subjective matters such as the gang’s primary activities, code of conduct, and territory. For these reasons, it is imperative that the expert be able to show that his opinions are based on a personal history with the gang.

It is less important that the gang expert know the defendant personally. The defendant’s affiliation with the gang is often borne out by objective evidence such as tattoos, field identification cards revealing associations, and self-admissions to other officers. It is helpful, however, if the expert knows not only the gang in general, but the defendant himself. If the prosecutor sees fit, there is no prohibition against using multiple experts—one who is intimately familiar with the gang, and another who

knows the defendant personally. While some may argue that multiple experts can lead to inconsistent testimony, a tandem of experts can be very effective if both are well prepared and knowledgeable.

As soon as the expert takes the witness stand, the jury will begin to make personal judgments, examining the expert's demeanor, appearance and articulation to begin forming an opinion and assigning credibility. If the expert appears tentative and unsure, the jury will notice. If the expert is brash and presumptuous, that will show as well. It is important for the expert to strike a balance between confidence and modesty to enhance his or her credibility and persuasion with the jury.

Keep in mind that the jury will be asked to believe the opinion of the expert, a person they have never heard of and have never met. Most of their impression will be based on the expert's qualifications, as drawn out by the prosecutor. Those qualifications will be the foundation upon which the rest of the expert's testimony will be based. If they are slight, vague or otherwise unimpressive, the jury will disregard the expert's opinion. If, on the other hand, the qualifications are notable and well articulated, the jury will follow the expert's lead. Accordingly, the prosecutor should work with the expert in advance to formulate a concise series of questions to most effectively highlight the expert's qualifications. Moreover, the prosecutor should brainstorm with the expert in an effort to uncover qualifications that may have been overlooked. Contacts with gang members in jail facilities and on the streets, gang investigations, executions of search warrants on gang members' homes and cars, intelligence gathering with other officers, and sharing of gang information with other agencies are some of the points the expert should focus on when explaining his or her qualifications. Moreover, the number of years the expert has worked in the area and the number of times he or she has qualified as an expert in the past are both factors that will impress a jury.

Once the witness is qualified as a gang expert, the question becomes, "What is the proper subject matter for the expert?" The simple answer is, "All the juicy stuff." The expert is the witness who will identify the defendant as a gang member. From the witness stand, the expert can establish the defendant's gang affiliation in several ways, including the

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defendant's admission of membership to the expert, the defendant's tattoos, and his consistent association with other gang members. The expert can also relate the defendant's gang's rivalries in the community, as well as the gang's history and structure. The meaning of tattoos as more than identifiers of gang membership is proper subject matter for a gang expert, as well as the interpretation of graffiti, gang slang and gang monikers. The expert may also explain the gang's criminal tactics, culture, and habits. Remember, the expert is giving opinions. There are no "wrong" answers.

The crux of the gang expert's testimony, however, will come in the form of answers to the hypothetical question. The hypothetical as seen through the eyes of the expert will be the culmination of the prosecutor's gang evidence. If there is a gang allegation included in the charges, the expert will render an opinion, based on the facts presented by the prosecutor, as to whether the crime committed benefited or promoted a criminal street gang. If no specific gang allegation is charged, but rather the prosecutor has introduced gang evidence to prove intent, motive or identity, for instance, the hypothetical should be tailored to that point, and the expert can then direct the jury to the facts that prove it.

The hypothetical question is a powerful tool that prosecutors can and should use to their advantage. It should be viewed as a free bite at the apple—an opportunity to set out the facts of the case the way the prosecutor wants the jury to see them. Therefore, because the prosecutor will recite the facts most productive to his or her case, the hypothetical question should be viewed as a mini closing argument. Because of the persuasive power of the hypothetical question, the gang expert should be called to the stand as close to the end of the prosecutor's case as possible. The more often the jury hears the evidence couched in the prosecutor's terms, the more persuasive it will be. Coupling the hypothetical with the closing arguments means that the jury will hear the prosecutor's version of the facts three times, versus the defense attorney's single argument.

Once again, however, it bears mentioning that a proper evidentiary foundation is everything. The expert's opinion of the prosecutor's hypothetical question is only as good as the foundation upon which it is based. It is

incumbent on the expert to explain in detail the bases of his or her opinion. And, as with any expert, the bases can be almost anything. Otherwise inadmissible evidence—hearsay, for instance—can be the proper basis for an expert’s opinion. For example, experts can base their opinions on the defendant’s statements, other gangsters’ statements, the review of graffiti or photographs of graffiti, conversations with other police officers, the review of prior police reports, and centralized computer database records. However, anything upon which the gang expert relies is subject to discovery. Gang intelligence files, therefore, may become discoverable if the expert does not track the original source of the information contained in the case file or database. If internal intelligence files are turned over to the defense, ongoing investigations could very well be compromised. Advise the expert to follow up on information uncovered in gang intelligence files to independently corroborate the facts so that only the original source information is discoverable.¹⁵

¹⁵ See Appendix C for proposed expert questions.

CLOSING REMARKS

Every day in jurisdictions across the country, gang problems persist. Where gang members were once viewed as nuisances with spray cans, they are now roving bands of criminals with AK-47 assault rifles. Where gang violence was once seen as sporadic and occasional, it has now graduated to a full-blown epidemic. In 2000, in Los Angeles County, a staggering 44.8 percent of all homicides reported were gang-related. Other jurisdictions are beginning to see similar numbers. With the gang wars raging, there is a dire need to address the problem in the courtrooms. Only with the severest of penalties and the swiftest of punishments will gang members on the streets begin to feel the force of the law. Only with the dedication of prosecutors and investigators will those penalties and punishments be enforced. The burden rests squarely on the government's shoulders. Marshalling gang evidence at trial should be on every prosecutor's mind. The legislatures and the courts have provided the tools; it is now up to the men and women who represent the People to use them.

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APPENDIX A

California STEP Act: Penal Code Section 186.20 – 186.22

186.20. This chapter shall be known and may be cited as the “California Street Terrorism Enforcement and Prevention Act.”

186.21. The Legislature hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, gender, age, sexual orientation, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Legislature hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process. The Legislature, however, further finds that the State of California is in a state of crisis which has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. The Legislature finds that there are nearly 600 criminal street gangs operating in California, and that the number of gang-related murders is increasing. The Legislature also finds that in Los Angeles County alone there were 328 gang-related murders in 1986, and that gang homicides in 1987 have increased 80 percent over 1986. It is the intent of the Legislature in enacting this chapter to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together, are the chief source of terror created by street gangs. The Legislature further finds that an effective means of punishing and deterring the criminal activities of street gangs is through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by street gangs.

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186.22. (a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or two or three years.

(b) (1) Except as provided in paragraphs (4) and (5), any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished as follows:

(A) Except as provided in subparagraphs (B) and (C), the person shall be punished by an additional term of two, three, or four years at the court's discretion.

(B) If the felony is a serious felony, as defined in subdivision (c) of Section 1192.7, the person shall be punished by an additional term of five years.

(C) If the felony is a violent felony, as defined in subdivision (c) of Section 667.5, the person shall be punished by an additional term of 10 years.

(2) If the underlying felony described in paragraph (1) is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or when minors are using the facility that fact shall be a circumstance in aggravation of the crime in imposing a term under paragraph (1).

(3) The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentencing enhancements on the record at the time of the sentencing.

(4) Any person who is convicted of a felony enumerated in this paragraph committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, fur-

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ther, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced to an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greater of:

(A) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 3046, if the felony is any of the offenses enumerated in subparagraphs (B) or (C) of this paragraph.

(B) Imprisonment in the state prison for 15 years, if the felony is a home invasion robbery, in violation of subparagraph (A) of paragraph (1) of subdivision (a) of Section 213; carjacking, as defined in Section 215; a felony violation of Section 246; or a violation of Section 12022.55.

(C) Imprisonment in the state prison for seven years, if the felony is extortion, as defined in Section 519; or threats to victims and witnesses, as defined in Section 136.1.

(5) Except as provided in paragraph (4), any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(c) If the court grants probation or suspends the execution of sentence imposed upon the defendant for a violation of subdivision (a), or in cases involving a true finding of the enhancement enumerated in subdivision (b), the court shall require that the defendant serve a minimum of 180 days in a county jail as a condition thereof.

(d) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of or in association with, any criminal street gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that

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the defendant serve 180 days in a county jail.

(e) As used in this chapter, “pattern of criminal gang activity” means the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

(5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.

(6) Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subdivisions (a) and (b) of Section 12034.

(7) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.

(8) The intimidation of witnesses and victims, as defined in Section 136.1.

(9) Grand theft, as defined in subdivision (a) or (c) of Section 487.

(10) Grand theft of any firearm, vehicle, trailer, or vessel.

(11) Burglary, as defined in Section 459.

(12) Rape, as defined in Section 261.

(13) Looting, as defined in Section 463.

(14) Money laundering, as defined in Section 186.10.

(15) Kidnapping, as defined in Section 207.

(16) Mayhem, as defined in Section 203.

(17) Aggravated mayhem, as defined in Section 205.

(18) Torture, as defined in Section 206.

(19) Felony extortion, as defined in Sections 518 and 520.

(20) Felony vandalism, as defined in paragraph (1) of subdivision (b) of

Section 594.

(21) Carjacking, as defined in Section 215.

(22) The sale, delivery, or transfer of a firearm, as defined in Section 12072.

(23) Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of Section 12101.

(24) Threats to commit crimes resulting in death or great bodily injury, as defined in Section 422.

(25) Theft and unlawful taking or driving of a vehicle, as defined in Section 10851 of the Vehicle Code.

(f) As used in this chapter, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(g) Notwithstanding any other law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(h) Notwithstanding any other provision of law, for each person committed to the Youth Authority for a conviction pursuant to subdivision (a) or (b) of this section, the offense shall be deemed one for which the state shall pay the rate of 100 percent of the per capita institutional cost of the Department of Youth Authority, pursuant to Section 912.5 of the Welfare and Institutions Code.

(i) In order to secure a conviction, or sustain a juvenile petition, pursuant to subdivision (a), it is not necessary for the prosecution to prove that the person devotes all, or a substantial part of his or her time or efforts to the criminal street gang, nor is it necessary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

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186.22a. (a) Every building or place used by members of a criminal street gang for the purpose of the commission of the offenses listed in subdivision (e) of Section 186.22 or any offense involving dangerous or deadly weapons, burglary, or rape, and every building or place wherein or upon which that criminal conduct by gang members takes place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

(b) Any action for injunction or abatement filed pursuant to subdivision (a), including an action filed by the Attorney General, shall proceed according to the provisions of Article 3 (commencing with Section 11570) of Chapter 10 of Division 10 of the Health and Safety Code, except that all of the following shall apply:

(1) The court shall not assess a civil penalty against any person unless that person knew or should have known of the unlawful acts.

(2) No order of eviction or closure may be entered.

(3) All injunctions issued shall be limited to those necessary to protect the health and safety of the residents or the public or those necessary to prevent further criminal activity.

(4) Suit may not be filed until 30-day notice of the unlawful use or criminal conduct has been provided to the owner by mail, return receipt requested, postage prepaid, to the last known address.

(c) Whenever an injunction is issued pursuant to subdivision (a), or Section 3479 of the Civil Code, to abate gang activity constituting a nuisance, the Attorney General may maintain an action for money damages on behalf of the community or neighborhood injured by that nuisance. Any money damages awarded shall be paid by or collected from assets of the criminal street gang or its members that were derived from the criminal activity being abated or enjoined. Only persons who knew or should have known of the unlawful acts shall be personally liable for the payment of the damages awarded. In a civil action for damages brought pursuant to this subdivision, the Attorney General may use, but is not limited to the use of, the testimony of experts to establish damages suffered by the community or neighborhood injured by the nuisance. The damages recovered pursuant to this subdivision shall be deposited into a separate segregated fund for payment to the governing body of the city or county in whose political subdivision the community or neighborhood is located, and that governing body shall use those assets solely for the ben-

efit of the community or neighborhood that has been injured by the nuisance.

(d) No nonprofit or charitable organization which is conducting its affairs with ordinary care or skill, and no governmental entity, shall be abated pursuant to subdivisions (a) and (b).

(e) Nothing in this chapter shall preclude any aggrieved person from seeking any other remedy provided by law.

(f) (1) Any firearm, ammunition which may be used with the firearm, or any deadly or dangerous weapon which is owned or possessed by a member of a criminal street gang for the purpose of the commission of any of the offenses listed in subdivision (e) of Section 186.22, or the commission of any burglary or rape, may be confiscated by any law enforcement agency or peace officer.

(2) In those cases where a law enforcement agency believes that the return of the firearm, ammunition, or deadly weapon confiscated pursuant to this subdivision, is or will be used in criminal street gang activity or that the return of the item would be likely to result in endangering the safety of others, the law enforcement agency shall initiate a petition in the superior court to determine if the item confiscated should be returned or declared a nuisance.

(3) No firearm, ammunition, or deadly weapon shall be sold or destroyed unless reasonable notice is given to its lawful owner if his or her identity and address can be reasonably ascertained. The law enforcement agency shall inform the lawful owner, at that person's last known address by registered mail, that he or she has 30 days from the date of receipt of the notice to respond to the court clerk to confirm his or her desire for a hearing and that the failure to respond shall result in a default order forfeiting the confiscated firearm, ammunition, or deadly weapon as a nuisance.

(4) If the person requests a hearing, the court clerk shall set a hearing no later than 30 days from receipt of that request. The court clerk shall notify the person, the law enforcement agency involved, and the district attorney of the date, time, and place of the hearing.

(5) At the hearing, the burden of proof is upon the law enforcement agency or peace officer to show by a preponderance of the evidence that the seized item is or will be used in criminal street gang activity or that return of the item would be likely to result in endangering the safety of

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

others. All returns of firearms shall be subject to subdivision (d) of Section 12072.

(6) If the person does not request a hearing within 30 days of the notice or the lawful owner cannot be ascertained, the law enforcement agency may file a petition that the confiscated firearm, ammunition, or deadly weapon be declared a nuisance. If the items are declared to be a nuisance, the law enforcement agency shall dispose of the items as provided in Section 12028.

APPENDIX B

Proposed Voir Dire Questions for a Gang Case

The purpose of questioning prospective jurors is to determine whether those jurors harbor any biases, prejudices or opinions such that they could not well and truly try the cause pending before the court. To that end, it is the prosecutor's responsibility to uncover those biases, prejudices or opinions. Without question, the issue of street gangs is a hot-button point for many members of the community. The gang prosecutor, therefore, seeks during *voir dire* to explain some of the terms and concepts that the jury is expected to encounter during the upcoming trial in order to reveal potential juror bias. The tangential effect, of course, is to educate the jury on the law upon which they will be instructed.

The gang prosecutor is saddled with another task, however. Many jurors will honestly state that they do not like gang members. Defense attorneys will, therefore, move to excuse those jurors, citing "cause." If, however, every juror who dislikes or disapproves of gang members were excused from the panel, the only jurors left would be other gang members. It is vitally important for the gang prosecutor to assertively rehabilitate jurors who offer strong opinions on gangs and gang members. Only then will the *voir dire* process truly result in a fair pool of jurors, representative of the community.

The following proposed questions are merely examples of approaches a gang prosecutor may take to expose certain jurors' biases and rehabilitate others.

Direct the juror's attention toward the legal definition of a criminal street gang:

If you were asked to define the term 'gang,' how would you do it?

(This is a good opportunity to correct the jurors' misimpression of the actual definition.)



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If the court gave you an instruction that defined ‘criminal street gang,’ would you promise to apply that definition in this case?

Would any of you ignore the court’s definition in favor of your own?

Face the issue head on (then rehabilitate):

Does anyone think that it’s okay to be a gang member?

(A “yes” answer here should immediately bar that juror from the prosecutor’s case. No amount of rehabilitation or explanation will suffice. That juror should be gone. Period.)

Does anyone (juror # ____, do you) have negative thoughts toward gangs or gang members?

(Most will answer in the affirmative. That’s okay. See the next questions.)

Does everyone agree that it is okay (acceptable) to dislike gangs and gang members?

(Here, the jurors must be reminded that it is acceptable to dislike gang members, just as it is acceptable to dislike murderers. The jurors’ inherent dislike of gang members is not grounds for their disqualification. Get them used to the idea that gang membership is a bad thing, and it is okay to say so. Jurors are perfectly qualified to sit on a gang case as long as they agree that they will not convict the defendant of the crime *solely* because of his gang affiliation. The juror should be reminded to listen to the facts of the case with an open mind, and then apply the law to those facts. The following questions address these points.)

That you do not like gang members does not mean that you will automatically find the defendant guilty of _____ crime, does it?

APPENDIX B

If you are not convinced beyond a reasonable doubt that the defendant committed the crime of _____, you would not convict him of that crime just because he is a gang member, would you?

("No" answers to these questions serve to rehabilitate the juror who doesn't like gangsters, yet explain that jurors do not have to hide from the fact that gang members offend them.)

APPENDIX C

Sample Direct Examination for a Gang Expert

Qualifications

What do you do for a living?

How long have you been a police officer?

How long have you been in your current assignment?

Is [Unit Title] a specialized gang unit?

What are your duties as a gang [officer] [detective]?

What education, training and background qualify you to perform those duties?

Have you ever lectured or taught classes regarding gangs?
To whom?

Have you ever qualified as a gang expert in the past?

How many times?

In what jurisdiction? In L.A. County, other counties, other states?

Is it part of your job to stay current on gang trends, including rivalries, alliances, customs, habits?

How do you do this?

Did you ever work the streets, i.e. patrol? Did you talk to gang members in that setting?

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

Did you ever work county jail? (If Sheriff) Did you talk to gang members in that setting?

How many times have you come in contact with gang members?

Have all your contacts been adversarial in nature?

Describe a typical casual contact you might have with a gang member.

Have you found that gang members have been forthcoming with you concerning gang info (i.e. current rivalries, alliances, membership, etc.)?

Do you typically share information and intelligence with other police agencies?

Have you been involved with serving search warrants on gang members' houses?

Is there valuable gang intelligence that can be derived from the service of such warrants? Describe.

Gang Culture

What constitutes a "Criminal Street Gang?"

What motivates a person to join a gang?

Once in, do gang members typically just quit?

What does "blood in / blood out" mean?

Does the concept of "respect" have a special significance in the gang culture?

APPENDIX C

How does a gang member gain respect or prestige in the gang?

What does it mean to “put in work” for the gang?

Does turf or territory have special significance in the gang culture?

Does the term “payback” have special significance in the gang culture?

How do gangs identify themselves?

Names?

Hand signs?

Graffiti?

Colors?

Monikers?

Your Case

The Defendant's Gang

Are you familiar with [Gang Name]?

How do you know that gang?

Have you had contacts with that gang and its members?

Describe those contacts in general.

How many members are in [Gang Name]?

Does [Gang Name] have a turf or territory that it claims?

What are those boundaries?

PROSECUTING GANG CASES: WHAT LOCAL PROSECUTORS NEED TO KNOW

Does [Gang Name] have a hand sign or graffiti symbol that signifies the gang?

Describe those.

What, in your expert opinion, are among the primary activities of [Gang Name]? (One of the “dirty 25;” P.C. 186.22(e)).

Is the defendant a member of [Gang Name]?

How do you know?

Have you had personal contact with the defendant?

Has the defendant admitted his membership to you? To others?

Does the defendant have any tattoos that indicate his affiliation with that gang?

Is the defendant still active? How long has he been active?

The Victim's Gang (if applicable)

Do you know the victim?

Does he belong to any gang?

Does that gang have a turf or territory?

Does the victim's gang have any rivals? (If the defendant's gang is a rival).

Describe the relationship between these two gangs.

Is there a history of violence between these gangs?

APPENDIX C

The Pattern

Do you know [Defendant Name]?

Is he a member of [Defendant's Gang]?

Was he convicted of a felony? What felony?

When was the offense for which he was convicted? (After 9/26/88, within 3 years of the instant crime).

Was he a member of [Defendant's Gang] at the time he committed that crime? (Not necessary, but nice if you have it...)

(Introduce the certified predicate prior conviction.)

The Hypothetical

(Ask the hypothetical question based on your facts—not generic.)

Was this crime committed to promote or benefit [Gang Name] criminal street gang?

On what do you base your opinion?

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APRI



Gang Intervention Program

Gang Awareness Guide For Law Enforcement

Office of Special Information
Fayetteville Police Department
(910) 433-1524

Not For Dissemination - For Law Enforcement Use Only

Revised 01/16/96

Disclaimer

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Because of the nature of gang activity and practices that fluctuate over time and distance, we urge you to learn as much as possible from all other sources about gang symbols and practices for your own protection. It is not our purpose to reprint all of the information available to us regarding this subject matter. The purpose of this information is to educate and inform and we hereby disclaim responsibility or liability to any person or entity with respect to any loss of damage caused or alleged to be caused, directly or indirectly by the information contained in this text or class.

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Gang Definition

A gang is a group of people that forms and allegiance for a common purpose and engages in unlawful or criminal activity.

Categories of Gangs

Traditional Gangs - have existed over a long period of time to have established a system of traditional motivation that are adhered to.

- It has an exact organizational chart, identifiable colors and specific hand signals.
- They have aligned themselves with either the Folk or the People's Nations. Examples are Crips, Bloods or Black Gangster Disciples.

Non Traditional Gangs - This type of gang is slowly evolving into a traditional but it has not been around long enough to have adopted long standing traditions. They have no structure or organization. They tend to form and dissolve frequently.

- These gangs are still struggling with their identities.
- It is unique to a local area and has not aligned with either the Folk or People's Nation.

Some Examples would be Cool Court Boys, Loch Lomond Boys.

Criminal Enterprise - This type of gang is bonded together by a common criminal interest.

It is made up of adults and they are mainly involved in the wholesale of narcotics, i.e. Mafia, Jamaican Posse, Outlaw Motorcycle Gangs (1%ers who are known to be involved in drugs, murders, thefts, prostitution, etc.).

Tag Artist - This group is bonded together by the common interest in Graffiti Art. They are, for the most part, a non violent group and consist mainly of anglo and/or hispanic males.

Reasons Why Youths Join A Gang

Identity or Recognition - Being part of a gang allows the youth gang members to achieve a level of status he feel is impossible outside the gang culture.

Protection - Many members may join because they live in a gang area and are, therefore, subject to violence by rival gangs.

Fellowship and Brotherhood - To the majority of the youth gang members, the gang functions as an extension of the family.

Intimidation - Some members are forced into joining by their peer group.

Other reasons include:

- Self esteem
- love
- belonging
- respect.

Gang Offers

Prestige - Pride, Ego enhancer from the membership.

Excitement - Non-boredom life as a gang member.

Camaraderie - The need of being accepted.

* The lack of these item listed in a youngster's life will contribute to his membership in a gang.

For many young people a gang becomes a surrogate family. It provides love, companionship and nurturing that the family doesn't.

Bonding Factors

Some correlation can be seen between the natural family and the gang family, as it pertains to factors that bond the two together.

However, the gang family is structured to provide several more bonding factors.

The Natural Family

Vs.

The Gang Family

Food
Shelter
Clothing
Love
Discipline
Belonging
Acceptance
Identification
Security
Status
Caring
Sharing
Activities
Respect
Consistency

Food
Shelter
Clothing
Love
Discipline
Belonging
Acceptance
Identification
Security
Status
Caring
Sharing
Activities
Respect
Consistency
Money
Sex
Drugs
Power
Protection

Levels of Involvement in a Gang

Level I - At Risk

Usually claims gang affiliation to influence people. May adopt certain characteristics of a particular gang. Can be very dangerous, due to wanting to mimic behavior that can prove his ability to be a real gang member. Inexperience.

Level II - Peripheral

Those outside the gang, with no direct membership, but use the gang for favors and protection, i.e. black market gun seller who deal primarily with gangs.

Level III - Associates

Members who identify with a gang and the "hood" but seldom involve themselves deeply in the gang's activity. Sometimes called weekend warriors.

Level IV - Hard-core Member

A member who lives, talks, acts, dresses and commits criminal acts for the gang.

* 90% of a hard-core member's time is spent socializing, with the remaining 10% spent committing crimes.

Profile of a Gang Member

The following is in accordance with U.S. Department Office of Juvenile and Delinquency 1992:

- 95% of gang members are male
- the average age of a gang member is 15.9
- 70% have low achievement and are full time students
- 77% live with one parent (broken home)
- 61% have low family income
- 26% have siblings with arrest records

Others to consider:

Most gang members are victims of abuse or neglect and/or parental brutality.

They are very street wise.

They are exposed to negative role models via television, movies, music and street level criminals (**the best possible role model is the parent**).

A gang member's activity is usually confined within close proximity of his residence or gang's turf.

The main behavior displayed is anti-social, aggressive and hostile.

Traditional Gangs

Gangs are not a new development to this country.

The best known gangs today have roots as far back as the 1920's.

Today, when one thinks of traditional gangs, the Folk Nation, the People Nation, the Bloods and the Crips should come to mind.

Here is a brief introduction to these gangs:

In the city of Chicago three major gangs emerged; the Vice Lords, the Latin Kings and the Black Gangster Disciples.

Initially these gangs were thought to be no more than a group of youthful nuisances. The gangs have now spread throughout the nation.

In 1979, as individual gang members were sent to prison, there was no dominant gang that controlled the prison system of Illinois, therefore, a gang member was often a victim of other gang members.

This led to an allegiance between the Black Gangster Disciples with the Simon City Royals. These two gangs along with several others, formed the Folk Nation.

As a result of this allegiance, the Vice Lords and the Latin Kings and other smaller gangs, who feared the wrath of newly formed Folk Nation, joined forces to form the People Nation.

Introduction to the Folk Nation

The single largest gang in the Folk Nation is the Black Gangster Disciples. It is believed that the BGD's have over 10,000 members.

The BGD's are very active in crack cocaine sales and are known to mix the business with violence in order to protect the trade.

Other gangs that help comprise the Folk Nation are the Simon City Royals, the Spanish Cobras, the Maniac Latin Disciples, the Latin Jivers and the Imperial Gangsters.

Significance of Symbols

Folks

Six Pointed Star - six principles of King David (love, life, loyalty, wisdom, knowledge and understanding)

Pitchforks - the Nation's power in the struggle to overcome oppression

Sword - life and death within the Nation and the struggle to survive at all costs

Devil's Horns - the oppression that all non-White people suffer

Heart - the Love of the Nation

Numbers 7 and 8 - the year of the founding of the Sons and Daughters

Introduction to the Crips

The Crips formed between 1969 and 1970 in South Central Los Angeles.

Several theories for the name:

The name may have come from the Vincent Price movie "Tales from the Crypt". (This explains why you may at times see the name spelled Crypt).

In the 1960's there was a gang in Los Angeles that referred to their main hangout as the crib, therefore they adopted their gang name as the "Crips".

Another theory is that an original gang member was crippled during an armed robbery. He walked with a limp and therefore the name "Crips".

The Crips entered the crime scene with robberies, extortion and assaults. The drug trade soon followed.

Introduction to the People Nation

The People Nation's largest single gang is the Vice Lords.

The Vice Lords formed at a boys reformatory in St. Charles, Ill in the 1950's.

This single gang eventually broke down into factions which used names such as:

The Insane Vice Lords

Conservative Vice Lords

Traveling Vice Lords

Four Corner Hustlers

A second gang in the People Nation is the Latin Kings. The Latin Kings formed in the 1940's.

Mostly Hispanic, they formed in the Humboldt Park neighborhood in Chicago for protection due to racial and ethnic problems they faced.

The People nation is comprised of about 25 other gangs.

The most notorious gangs in the People Nation are the P.R. Stones, the Gaylords, the Insane Deuces and the Insane Unknowns.

Significance of Symbols

People

Circle - 360 degrees of the knowledge that black people once ruled the world and will again

Fire - represents the Black Nation's true knowledge of being suppressed and their inability to reach knowledge because of the heat created by fire

Darkness - represents the Black majority, not minority, of the world

Crescent Moons - represents the splitting of the Black Nation into two parts, one of the West and one of the East

Star - represents the eye of Allah, watching over his people

Pyramid - represents the mystery of the construction of the pyramid, which was constructed by Black people. The three corners of the triangle represents physical, mental and spiritual knowledge

Sun - represents the rising of truth in the Black Nation. Used only by Vice Lords

Hat - represents shelter

Cane - represents the staff of strength

Gloves - represents purity

Introduction to the Bloods

In nearby Compton, California on Piru Street a gang formed mainly to protect themselves against the growing Crips.

Initially they called themselves the Compton Pirus.

Their local High School color was red and the gang began using this color as a symbol for their gang.

To the gang, red signified running blood, and hence came the name "Bloods".

The Bloods also entered into the world of crime. Their involvement in the drug trade led to an increase in violence with the Crips, mainly over the drug territories.

Identifiers

Each gang is identified by the set. A set is a subsection of a major gang, I.e. the Dark Side Crips, Family Blood, The set may be the street name which they claim as territory, i.e. the 18th Street Crips, the Gregory Street Crips.

A gang member uses graffiti, hand signs, tattoos and color to signify their membership in a gang and to communicate their gang affiliation to others.

Each gang has its own unique symbols, signs, colors, jewelry and dress. These serve not only to identify gang members, but also to promote gang solidarity.

Categories of Gang Members

O.G. (Original Gangster) 20-30 years old

G. (Gangster) 16 - 19 years old

T.G. (Tiny Gangster) 12-15 years old

B.G. (Baby Gangster) 11 years and younger

Colors

Matching clothing such as shoes, shirts, caps and bandannas are common group identifiers.

Colors are of paramount importance to the gang. They serve not only to identify gang members, but also to promote group solidarity. Degrading one's colors or symbols is the ultimate humiliation.

Hand Signals

The use of hand signals is multipurpose:

- It's a means of communicating gang affiliation to both rival and allied gang members
- Hand signals are also used to challenge and/or put down a rival gang member
- Can be used to provide silent/covert orders and/or instruction from leaders to members

Tattoos and Brands

The tattoo can be used to identify the gang member's gang, set and moniker.

The tattoo may appear on any place of the member's body, such as his neck, arms, wrists, hands, chest and legs.

Graffiti

Graffiti is known as the newspaper of the streets.

To most members of society, graffiti is just vandalism and childish pranks and means nothing more than that. However, to gang members and trained observers, it is clear what can be obtained from these messages and symbols.

Gang Graffiti accomplished the following:

- If identifies the gang, its members and its territory
 - It issues warnings and challenges to rival gangs.
 - And most importantly it glorifies the gang and make their existence well known
- * One of the first indicators that gang activity is present in a community is the surfacing of graffiti in that community.**

Early Indications of Gang Membership

Teens in trouble call out for help in different ways. Some of these cries, if not recognized or acted on in a timely manner, can lead a youngster into the gang life. A teen's plea for help may come in the form of running away, drug use, promiscuous behavior and acting tough. Crisis don't just happen, it develops gradually. Recognizing the warning signs may prevent crisis and gang involvement.

Pre-gang behavior:

- Poor school progress and achievement
- Truancy
- Lack of hobbies/constructive activities
- Frequent negative contact with police
- Sudden change in personality/behavior
- Problems at home
- Draws gang signs/graffiti
- Use of hand signs
- Tattoos or branding on the body
- Dresses in gang type attire

Recognizing Gang Influences

Where did my kid learn about this stuff?

Gang knowledge is learned from several different sources.

Actual Gang Member

While being recruited into a gang, the prospect may be introduced to gang's tradition, symbols and hand signs.

Television

Primetime TV shows gang activity on a regular basis. Nightly news reports gang related crimes and gang members in their gang attire.

Movies

Menace II Society, Boyz in the Hood, Colors, Clockers and Sugar Hill are just a few movies that glamorize the gang lifestyle, its graffiti, traditions and behavior.

Music

Gangsta-Rap music promotes the degradation of women, the glorification of violence, gangster lifestyle and the total disregard of human life.

Literature

Current trends in Gangsta-Rap music and the gang sub-culture can be seen in magazines.

Both parents and teachers are encouraged to monitor and examine magazines that their child/student reads in an effort to identify and be cognizant of the literature they read.

Gang Crime Motivations

- **Initiation -** It is common for a new member to be required to commit criminal acts in order to be considered a full fledged member.
- **Prestige -** Crimes are committed by a gang member in an effort to glorify or raise the status of their gang. Gang members will commit acts of violence in order to gain a reputation or rank within their gang.
- **Representation -** The physical act of identifying yourself as a gang member and showing affiliation or alliance to a particular gang. It can be done by hand signs, verbal, or by wearing a piece of clothing in a particular way.
- **Personal Conflict -** Conflict within the rank and file of a gang over its leadership or when a member commits an infraction within the gang.
- **Retaliation -** Gangs will seek revenge over personal attacks on their members by rival gangs. Retaliation is usually swift. The anniversary date of a slain member is sometimes used as a motivator for retaliation.
- **Turf Violation -** Trespassing by a rival gang member into a gang's territory (drug marketplace) will lead to violence. Defacing a gang's graffiti logo would be an obvious sign of disrespect, a challenge or a threat to the gang.

Officer Safety

- Any confrontation involving a street gang has the potential to turn violent.
- The officer investigating gangs should always remember that his safety should be placed above all other considerations.
- Next to School Resource Officers, Patrol Officers will probably have more contact with street gangs than any other Law Enforcement Officer.
- For their personal safety, it is essential that Law Enforcement Officers have some type of basic knowledge about gang subculture.

Tactics

Reasons Intensified Pressure Alone Seldom Works

- Forces a gang to go underground and become secretive in it's activities.
- Once secretive it is difficult to:
 1. Obtain identity of membership and leadership
 2. Become Aware of Crimes Committed
 3. Determine Its Turf Boundaries

Police Suppression Action: Used alone will rarely work in dissolving a gang's existence or it's criminal activities.

Tactics By Officers

Enforcement action should be taken anytime the Officer has legal grounds to make an arrest.

Promote a "Zero Tolerance" of Gang Activity.

Action by Officers without grounds for arrest

- Initiate "rap" session with gang members
- Let the gang members know that the Officers are aware of its identity
- It will remove the cloak of anonymity
- Establishes the Officer as a person who can be talked to
- Officers aren't seen as adversaries
- **Most importantly: initiate a Field Interview Card**

Importance of the Field Interview Card

- One of the most important tools an officer has at his disposal.
- Maintaining daily contact with the gang and it's members and logging this activity puts the gang on notice that it's activities are being scrutinized.
- Field Interview Cards used consistently will greatly enhance the officer's and agency's knowledge of gang and intra-gang relationships.
- In combating gangs, the Field Interview Card will be used to:
 1. Identify a gang and its members
 2. Monitor their criminal activities
 3. Track their territories

Drugs and Gangs

Three Primary Reasons Why Gangs Get Into Drug Sales

- The gang structure is an ideal network for the sale and distribution of drugs.
- Drug dealing results in high profits from low overhead.
- Crack Cocaine is relatively inexpensive, highly addictive and easily made and transported.

Experts say: If you have gangs in your community, you have drugs and if you have drugs in your community you have gangs.

Documented Tactics Used By Gangs

- Plastic Shield on Baseball Caps
- Crowd Overwhelming
- Fake Tinted Plastic Cover on Sun Roof
- Disconnection of Reverse Lights on a Vehicle
- Airbag Cavity or Floorboard used for the Concealment of Drugs or Weapons

Violent Gang and Terrorist Organization File (VGTOF)

Introduction

NCIC maintains files which allows entries and queries by Law Enforcement of:

- Violent gangs
- Gang Members
- Terrorist Organizations
- Terrorist Organization Members

Purpose

- VGTOF was designed to provide identifying information about violent gangs, terrorist organizations and their members to law enforcement
- The information will also serve as a warning to law enforcement of the potential danger posed by violent individuals
- It will promote the exchange of information about these organizations and members to facilitate criminal investigations

Community Involvement

Communication with your community watch representatives.

Obtain gang awareness training.

Look for changes in your community.

An increase of young people hanging out on the street corners, playgrounds or parks.

Report graffiti to the police.

Remove graffiti after police have recorded and photographed it.

Social Intervention

Parents and family awareness on the gang sub-culture.

Seek out effective youth service agencies in your community and volunteer to help.

Communicate with your children's teachers.

Spend quality time with your children, convince them that they are an important part of the family.

Supervise your children's activities. Make sure a reliable adult is present at all functions.

Talk to your children about gangs, their recruitment and activities.

Explain why gangs are dangerous, mention the following:

- A constant threat of violence by other gang members to you, your family and innocent bystanders.
- Hatred of other groups for no reason.
- Introduction and use of drugs.
- Chance of getting arrested.

Educational Involvement

Teachers and staff should obtain gang awareness training.

Develop and promote an anti-gang atmosphere in school.

Listen to what students have to say about gangs.

Ensure that communication lines are open and accessible to students at all times.

Establish a dress code that supports school spirit.

Establish linkage with parents and police agencies

Help with graffiti clean-up efforts and remember the three "R's":

- Report
- Record
- Remove Graffiti

Investigate any rumors from students about any anticipated gang activity.

Use art, music, drama and sports to promote positive alternatives to gang involvement.

Tips for Identification of Gang Activity

Following is a list of "tips" for school personnel to utilize in the recognition of possible gang activity. Obviously, this list is not all inclusive and the existence of these behaviors or others does not positively guarantee that gang activity is occurring.

Communication:

- a. Use of gestures and hand signs to distinguish affiliation to a gang.
- b. Notes and messages written on school lockers, notebooks, etc.
- c. Graffiti on notebooks, desks, walls and other school property.
- d. Use of gang language such as "homeboy", "homegirl", "homie", "slob (Bloods)", and "crab or cuz (Crips)".
- e. Whistling at each other.
- f. Use of gang nicknames.

Dress and Appearance:

- a. Hairstyles such as crew-cuts for skinheads
- b. Slogans on clothing.
- c. Ball caps such as L.A. Raiders and New York Yankees with white lettering on the back of the hat.
- d. Red or blue shoe laces.
- e. Red or blue rags (colors).
- f. British Knight shoes.
- g. Shoes painted red or blue.
- h. Work boots and suspenders.
- i. Bomber type jackets.
- j. Wearing of gold jewelry.
- k. Carrying pagers (used for drug business).
- l. Wearing of medallions.
- m. Wearing of athletic jackets (black or red).
- n. Wearing large finger rings with block letters.
- o. Tattoos or marks on the skin.

Disruptive Behavior/Criminal Activity

- a.. Student involved in fights and altercations.
- b. Students complaining of harassment.
- c. Extortion attempts.
- d. Vandalism.
- e. Reports of problems with weapons or weapons on campus.
- f. Drug activity on campus.
- g. Non-student presence on or near campus.
- h.. grouping or "clicks" on campus.

Role of Schools

Teachers, and Support Staff are the EYES and EARS of the school. Therefore, employees need to know what information to channel and who to channel it to. *Always gather as much information as possible before presenting it to the administration. Documentation is very important.* Also, be as low keyed as possible. Drawing attention to the gathering of documentation could cause more harm than good.

Notify Administration of:

- a. Vandalism
- b. Graffiti - both on premises or on students' personal belongings: books, papers, etc.
- c. Defiance
- d. Fights
- e. Threats, Harassment or Extortion
- f. Possession of weapons, drugs, or large sums of money
- g. Truancy
- h. Non student presence on or near campus
- i. Keep administrators informed of rumors of gang activities, nicknames, types of graffiti, hand signs or gestures

Notify Counselor of:

- a. Change in personality
- b. Change of dress
- c. Poor attendance
- d. Tattoos
- e. Signs of abuse
- f. Change in academic performance

Pre-Crisis Indicators

- Sudden self segregation
- Clustering of rival groups
- Unusual movements of a group from its normal 'territory'
- Students attending school events that they normally do not attend
- Isolated racial fights
- Incident or disorder in the community at large
- Disproportionate number of disciplinary actions
- Discovery of weapons in or around school
- Increased incidents on buses and along bus routes
- Increases Conflicts
- Warnings of custodial, cafeteria and transportation personnel
- Parents coming to school to withdraw their children in fear of what might happen
- Students protecting siblings
- Increase in graffiti on walls, textbooks/papers, and x-ing out of graffiti on fences, etc.
- Excessive change in clothing color and styles and use of numerals. How they are worn and who they wear it with.
- Use of hand signals
- Appearance of tattoos
- Use of nicknames. Matching nicknames with graffiti lists
- Possess large amounts of money without parent awareness.

Advice for Children

Best response is to walk away.

Children should not use hand signs or gestures mimicking gang signs. This could lead to violence.

Do not allow your child to write or practice writing gang names, symbols on their notebooks, clothes, bodies or walls.

Don't try to be an instant expert on gangs. No one has all the answers.

DO NOT:

- a. Associate with gang members.
- b. Associate with Wannabe gang members.
- c. Identify with community gang.
- d. Hang out or gather on street corners in groups where gangs are active.
- e. Approach individuals in cars who seemly want information (this could be a drive by shooting set-up).
- f. Wear any color or clothing gang related (keep neutral in dress).
- g. Wear designer clothing that exposes initials of designer (many gangs have assigned their own definitions to certain initials, such as: B.K. - Blood Killers, C.K. - Crip Killer, C.M.- Crip Murderer).
- h. Use or say the word Crab or Slob in public. Both of these words are insults to either the Crips or Pirus.
- i. Attend parties or social events of known or Wannabe gang members.
- j. Take part in Graffiti writing or strike outs.
- k. Hang around graffiti marked walls.

Your most important source of information is your child, listen and talk to them.

Gang Prevention Suggestions

- Parent watch on the way home
- Parent at bus stops
- Invite parents of disruptive students to observe their child on campus
- Written clear rules and regulations
- Develop an attitude of strict enforcement of rules and regulations
- Do not allow graffiti
- Remove graffiti first thing in the morning
- No writing places in bathrooms or classrooms for graffiti
- Examine neighborhood graffiti
- Develop a graffiti file
- High visibility of administrative staff, counselors and teachers
- Know names
- High level of security visible in the lunchroom
- Clean campus
- Short period of time between classes
- Locker bays secured
- Keep staff informed
- Deal with rumors as if they were true
- Isolate combatants
- Collect student profiles: take pictures!
- Remain calm
- Make written statements
- Develop "Jump Out" support groups
- Set up a security committee for school and community to adopt security strategies

Always deal with an individual - don't deal with them in front of their peers - that will validate "Gang" which is what they want!

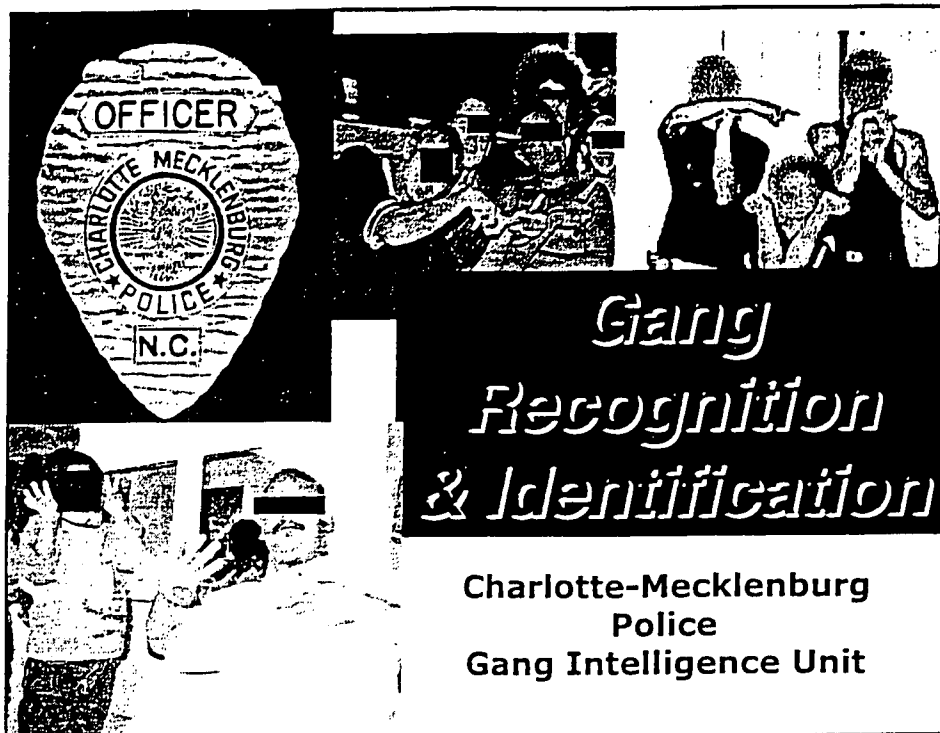
Parenting Tips

Prevention is the key to controlling gang activity. Many parents are unaware that their children are involved in gang activity. Many of the younger gang members are not aware of the realities of the violence associated with gang membership or the finality of death. Parents should look for changes in the behavior patterns of their children. Such changes include truancy, a decline in grades, changing of friends, late hours, graffiti in their bedrooms and other indications of gang involvement.

- Suggestion:
1. Hold steadfast to home rules.
 2. Spend quality time with your child - just for them.
 3. Require kids to call if they are going to be late.
 4. Listen to your child and their friends.
 5. Communicate with parents of children's friends.
 6. Know where your child is at **all** times.

Start Neighborhood Watch of Block Watch Programs

- Activities:
1. Take elementary students to college/high school games to promote interest in sports.
 2. Host gang free parties (kids can't go outside until ready to leave).
 3. Promote Neighborhood Nite Out (block parties).
 4. Promote family activities.
 5. Promote Community Cookouts.



Definition

- An ongoing organization, association or group of three or more persons,
 - with a common interest, bond or activity,
 - characterized by the commission of, or involvement in, a pattern of criminal or delinquent behavior.

In other words...

A group of people who form an allegiance for a common purpose **and** engage in criminal activity.

Categories of Street Gangs: Traditional Gangs

- Based on the traditions and motivations of gangs that have existed for a long time.
- Adopt traditional hand-signs, colors, bylaws, bibles, structure, etc.
- Aligned with a gang nation (People, Folk, Bloods or Crips).

Categories of Street Gangs: Non-Traditional Gangs

- Usually evolves into a traditional gang, or dissolves after a year or two.
- Includes *Hybrid* gangs that may be ethnically mixed and borrow traditions from other gangs.
- May adopt names from pop culture (Ex. Boyz, Posse, Crew).
- Local to the area.

Categories of Street Gangs: Criminal Enterprises

- Motivated by money.
- Primarily adults involved in illegal narcotics and weapons trafficking.
- Examples included the Mafia, Jamaican Posses, Outlaw motorcycle gangs.

Reasons That Youths Join Gangs

- "Respect" and self-identity.
- Protection and peer intimidation.
- Gang replaces a dysfunctional family.
- Lack of Economic Opportunity.
- Desire for Excitement, Machismo.
- Lack of alternatives in and out of school
- Acceptance in Pop Culture.

Natural Family

Food
Shelter
Clothing
Love
Discipline
Acceptance
Security
Sharing
Respect

Bonding Factors

Gang Family

Food
Shelter
Clothing
Love
Discipline
Acceptance
Security
Sharing
Respect
MONEY
SEX
DRUGS
POWER
PROTECTION

Profile of a Gang Member

- Historically 95% are male.
- Current trend toward more female members.
- Average age is 15.9.
- 70% are low achieving, full time students.
- 77% are from single parent households.
- 61% are from low income households.
- 26% have siblings with arrest records.

History of Gangs

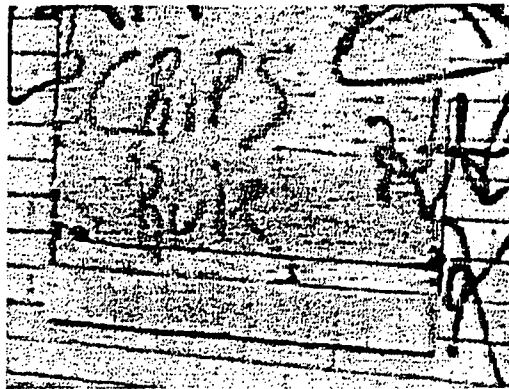
- Pre-Industrial Revolution - Pirates, Highwaymen, etc.
- Immigration - Mid 1800's through early 1900's
- Prohibition - Alcohol and Drugs
- Social Changes in the 60's - Blackstone Rangers

Modern Gangs . . .

Charlotte Area Gangs

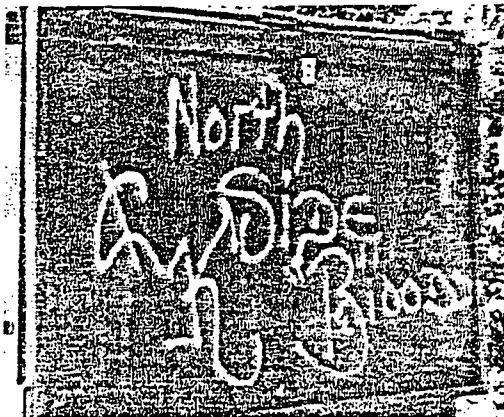
- Hidden Valley Kings/Queens
 - Cedar Green Kings/Queens
 - Wilmore Kings/Queens
 - Westside Kings/Queens
- Nolia Boys
- Crips/Bloods
- Neighborhood Gangs - Come & Go

Crips



L.A. Based

Bloods



L.A. Based

Latino Gangs

42 LC 42nd St. Little Criminals

MS 13 Mara Salvatrucha

MH 13 Mala Hondurans

SUR 13 Sureño XIII

Brown Pride

Malditos 13

18th Street

La EME

Los Pelones

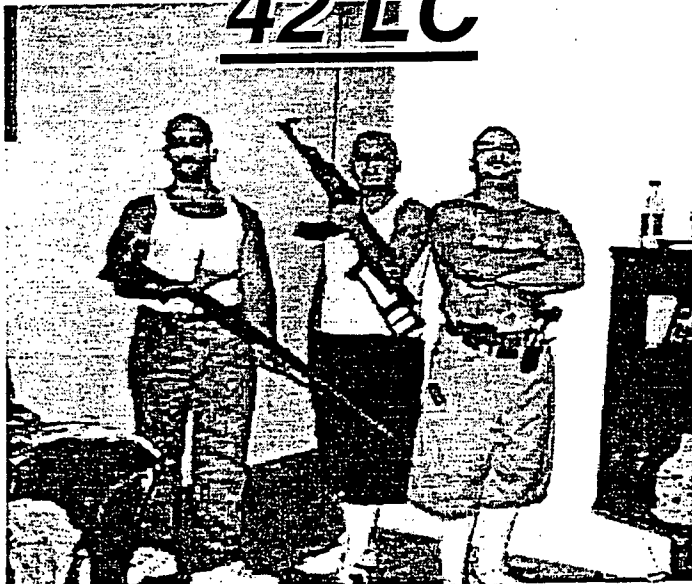
Latin Disciples

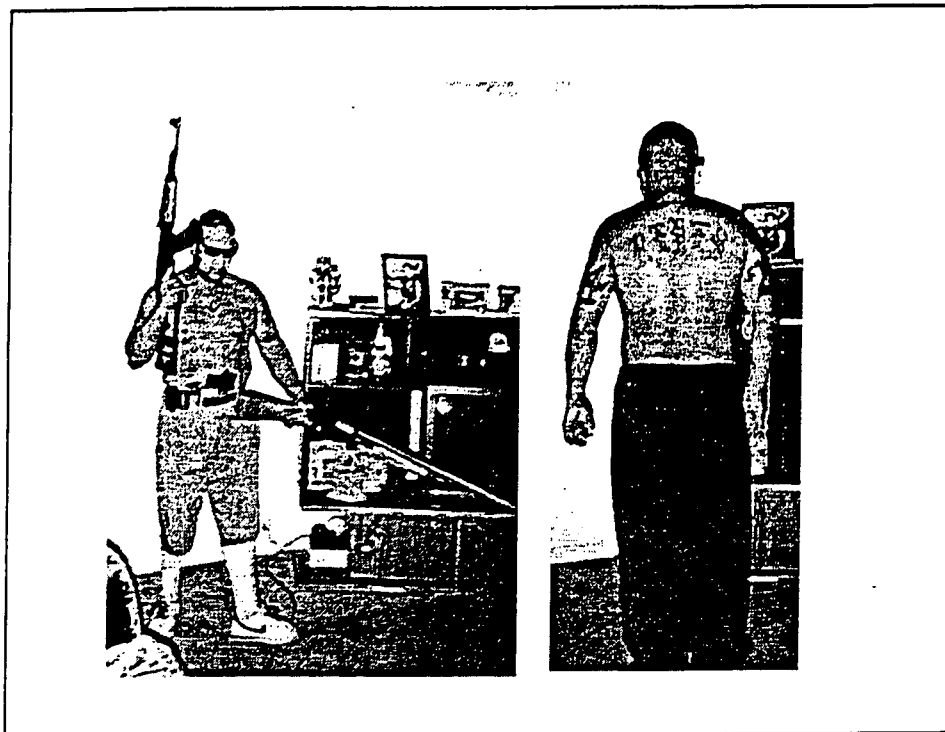
MEXICAN MAFIA (LA EME)

- 1950's at DVI, by East LA Hispanics, predominantly from the Maravilla area
- Control criminal activities inside and outside of prison
- Allied with the AB, So. faction of the TS, and most Sureno street gangs
- Enemies are NF/NS, Nortenos, BGF, No. faction of the TS, & black gangs

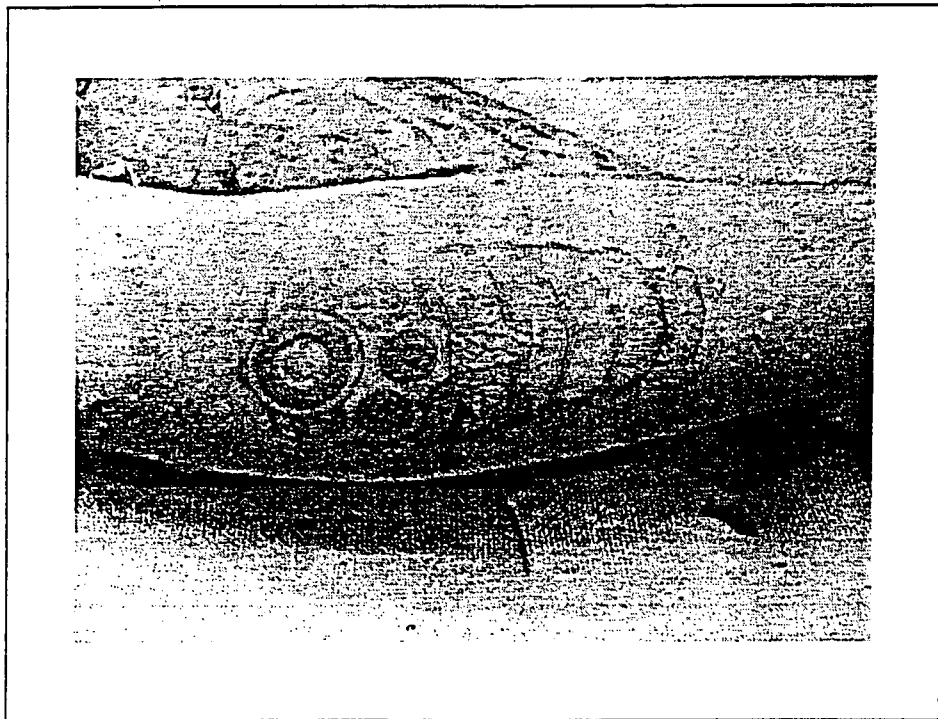
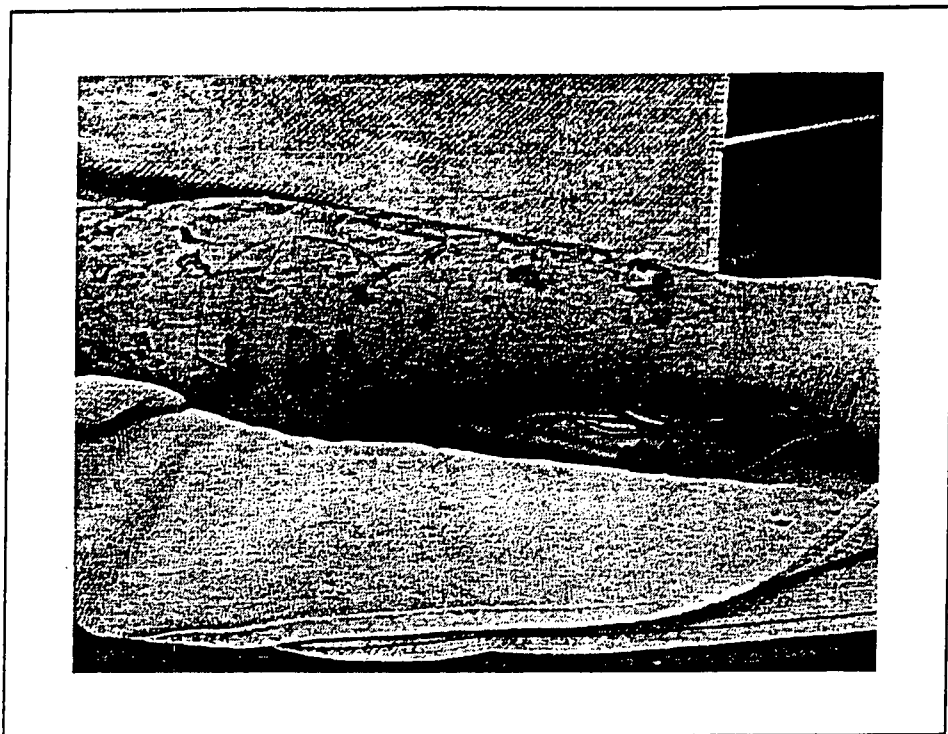


42-LC



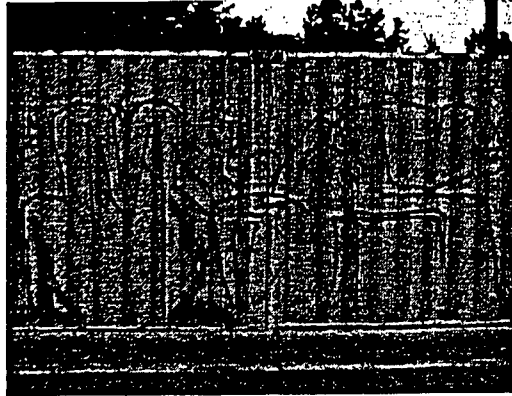




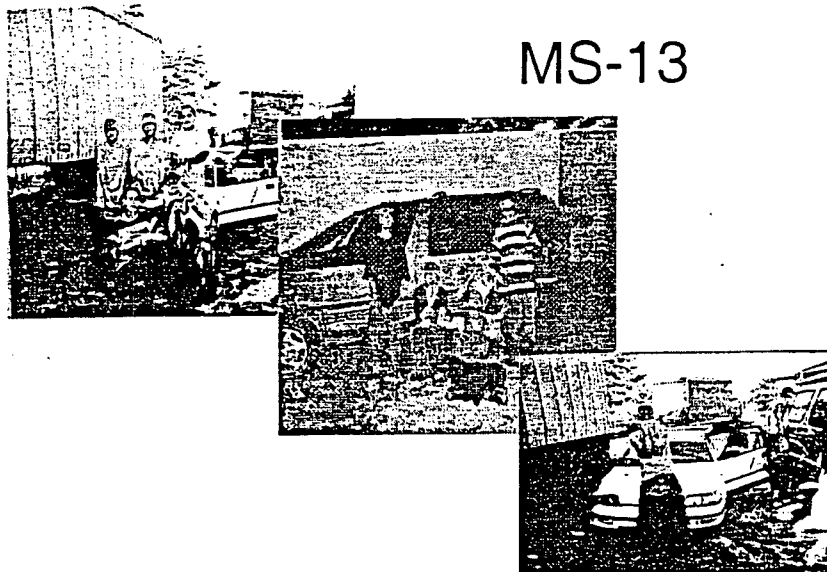


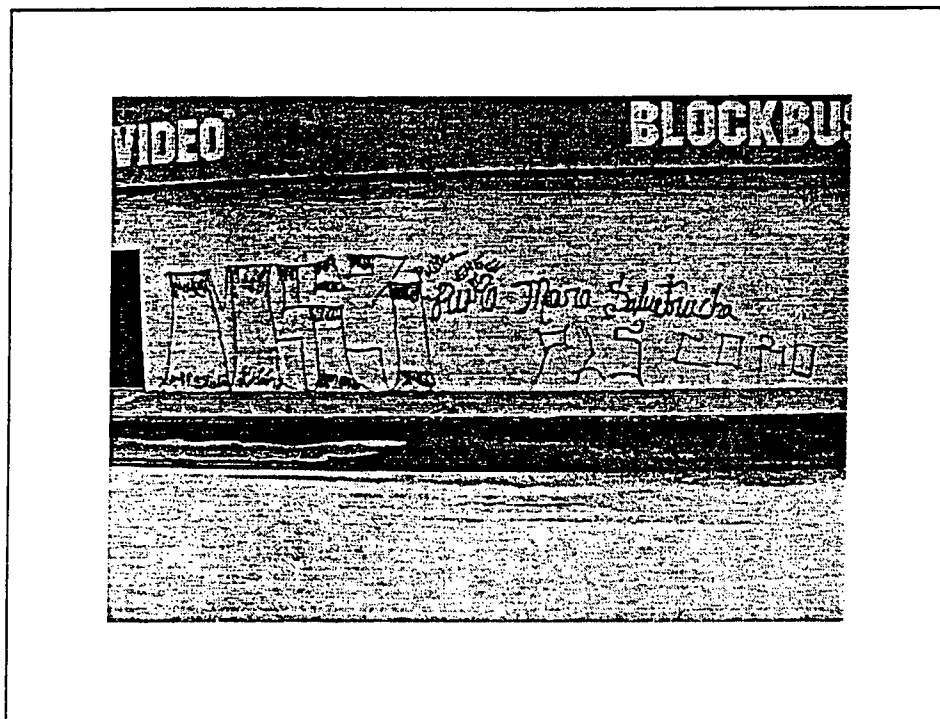
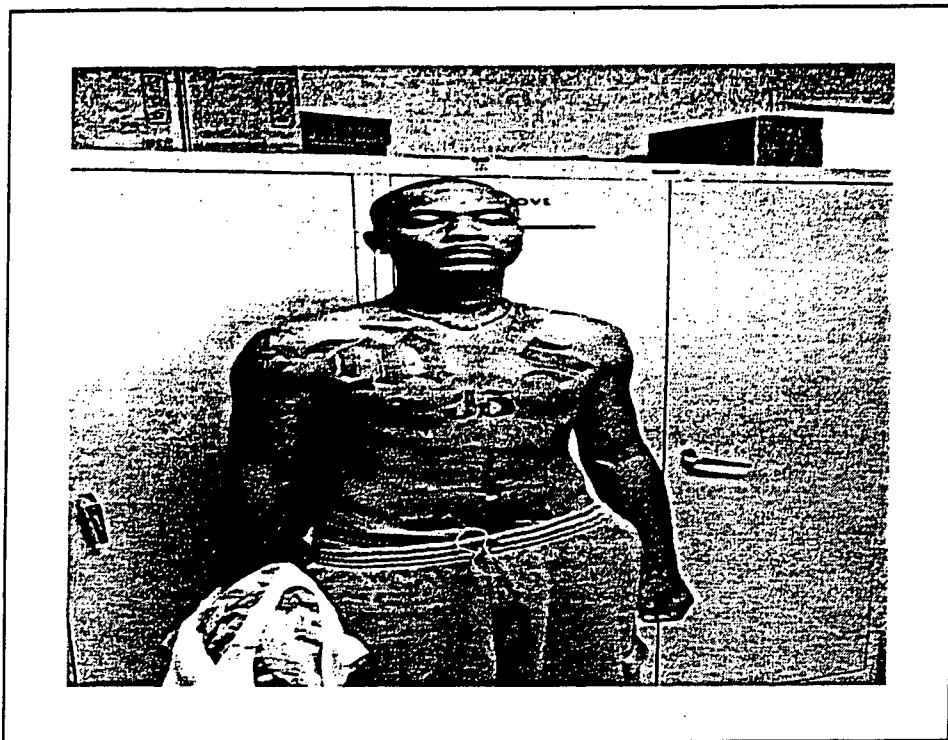


Mara-Salvatrucha (MS-13)



MS-13





Sur-13



Asian Gangs



- Usually not aligned with traditional gangs
- Very opportunistic, members "float"
- Very mobile, often violent Usually formed along racial / ethnic lines
- Ethnically mixed (Rainbow) gangs becoming more common
- Ex: BTK, AB, TRG, Natoma Boyz, ORB, Lao Boy Crips, All Brothers Together (ABT)

Recognition and Identification

COLORS

Matching item color is
a common identifier.

Ex. Bandanna, caps,
shoes (or laces)



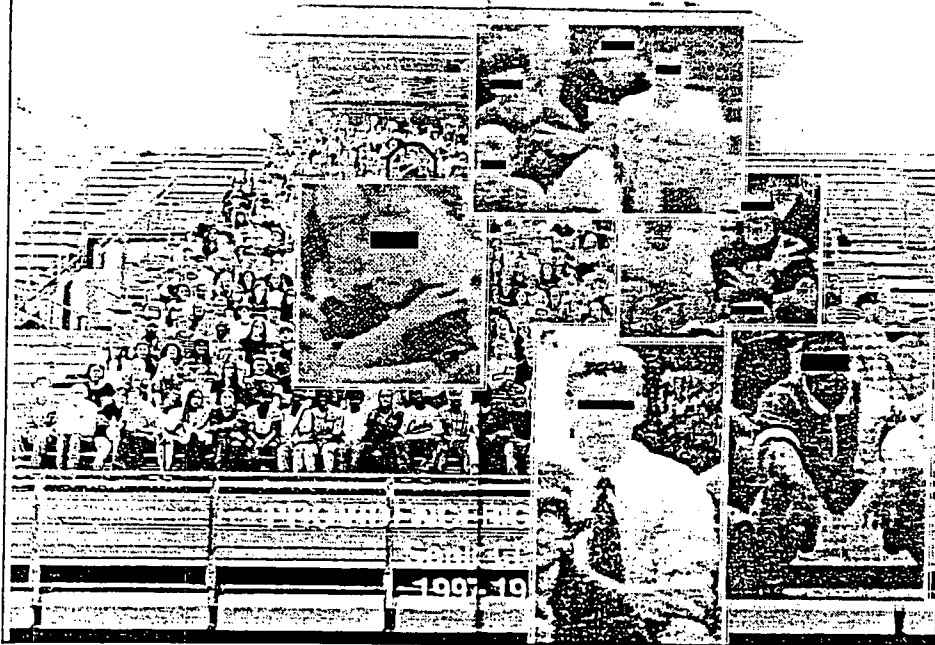
Bloods

Crips

Hand-signs

- Used to show gang membership.
- Also a means to communicate.
- Can show disrespect or issue a challenge to opposing gangs or authority figures
- Elaborate hand-signing is also referred to as stacking and finger popping.

Providence High Yearbook



CMS High School



CMS High School



CMS Middle School



CMS Middle School



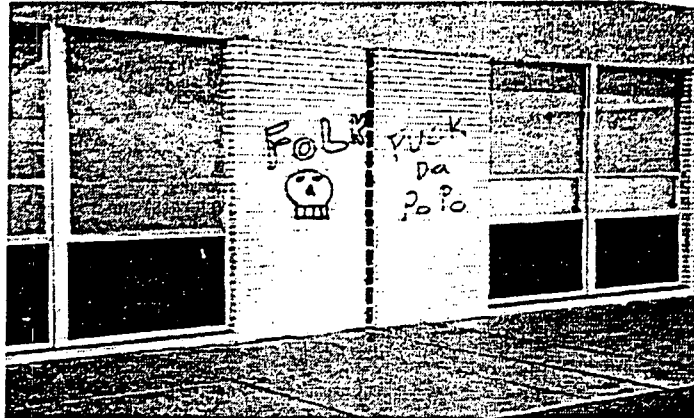
CMS Middle School



CMS Middle School



Garinger High School



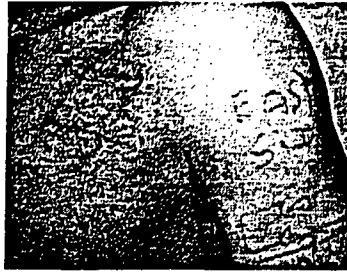
Tattoos and Brands

- ☐ Used to identify the gang, set or moniker
- ☐ May be similar to the gang's graffiti
- ☐ Cigarette burns (Dots) signify toughness, gang lifestyle, philosophy, etc.



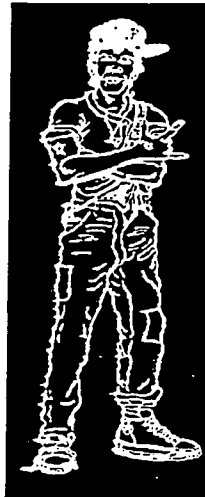
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Tattoos



Fading

Fade to
their
LEFT



Fade to
their
RIGHT

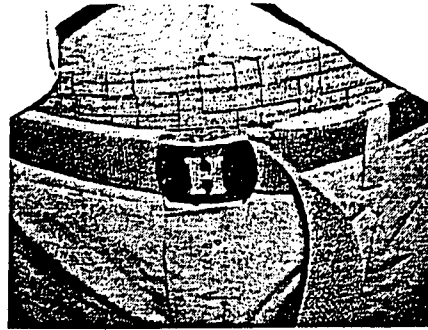
Fading



Clothing

- Sports Clothing
- Color in clothing
- Fading
- "Saggin"

Latino Gangs

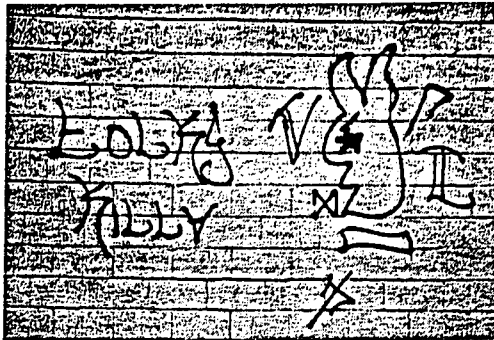


Tagger Graffiti

- Most common type
- A Means of Expression
- Tag Crews



Gang Graffiti



- Less common
- Gang rivalry
- Means of communication
- Eulogize slain or maimed gang members

Early Indicators of Gang Influence (Pre-Gang Behavior)

- Poor performance in school or truancy.
- Lack of hobbies or constructive activities.
- Frequent run-ins with police.
- Sudden personality or behavior changes.
- Problems at home.
- Drawing gang symbols and graffiti.
- Experimentation with hand signs.
- Tattoos and/or branding.
- Gang dress and attire.

Gang Crime Motivations

- Initiation
- Prestige
- Representing
- Personal conflict
- Retaliation
- Turf violations
- Money, drugs, guns to support the gang

Drugs and Gangs

- Gang structure is ideally suited to drug distribution.
- Gangs are motivated by the large profits available in the drug trade.
- Crack cocaine gave rise to gangs in the late 70's and early 80's.
- Marijuana, Ecstasy, GHB, (i.e. Raves)

Anti-Gang Efforts: The Community

- Get educated and become aware.
- Be alert to changes in the community: Graffiti, large numbers of youths, etc.
- Report, then remove graffiti.
- Provide alternate activities for youths.

Anti-Gang Efforts: The Schools

- Get educated and become aware.
- Network with teachers, resource officers, etc.
- Investigate reports of gang activity.
- Report and remove graffiti.
- Establish a dress code (outlaw gang attire).
- Provide alternative activities.
- Utilize existing drug programs

Anti-Gang Efforts: The Parents and Family

- Get educated and become aware.
- Set and enforce limits.
- Be alert to pre-gang behavior.
 - Clothing changes
 - Drawings
 - Friendship changes

Questions and Comments

Detective Tim Jolly
Charlotte Mecklenburg Police Department
Gang Intelligence Unit
(704)336-2260



A Gang of One is part of the Police Department's strategy to address the emerging trends in gang activity in Charlotte Mecklenburg.



Charlotte Mecklenburg Gang Trends

- There are over 800 documented gang members in Charlotte Mecklenburg
- There are 30-40 different street gangs in Charlotte Mecklenburg (come and go)
- 21 murders linked to gangs since 2000

CMPD Workgroup Key Recommendations

- Create Gang Intelligence Unit
 - Information Collection and Dissemination
 - Coordination of Patrol Division Activities
 - Educational Role
 - Facilitate Community Partnerships

CMPD Workgroup Key Recommendations

- Establish links with stakeholder agencies...
 - Immigration Customs Enforcement
 - Bureau of Alcohol, Tobacco & Firearms
 - FBI
 - State Bureau of Investigation
 - Mecklenburg County Sheriff's Department.
 - State and Federal Prosecutors

CMPD Workgroup Key Recommendations

- Coordinate and maximize educational efforts...
 - Patrol Districts
 - Other Law Enforcement Partners
 - CM Schools – Principals
 - Private Security
 - Community Groups

The Future

- Gang related legislation
- Enforcement - aggressive prosecution
- Enhance Analysis and Forecasting
- Prevention – Intervention – Education



A Gang of One is a community based initiative that will provide a resource network to young people who are being pressured to join a gang or who need assistance in getting out of a gang.

The resource network responses will be based upon the individual needs of each young person who becomes a part of the program. These responses involve prevention, intervention and education.

The Story

- An at-risk youth was being pressured to join a gang.
- The at-risk youth was referred to Charlotte Mecklenburg Police Department, Eastway Division Officer Chuck Hastings.
- Officer Hastings evaluated the needs of the individual youth and responded by helping make changes in the youth's environment that had a positive impact.

The Formation

- Police and Community resources joined together to create a program uniquely tailored to Charlotte's gang issues.
- The Eastway Division was chosen for the pilot project.
- An information and referral telephone line was established. **704-432-GANG**

The Resource Network

- Individuals
- Faith Community
- Non-Profit Organizations
- Law Enforcement
- Government Agencies
- Businesses
- Cultural Organizations
- Charlotte Area Schools

**A Gang of One is the community's
opportunity to stand together
against gang violence through
prevention, intervention, and
education. Stand with us.**

Official kick off for A Gang of One:

Tuesday, February 17th, 2004

7:00pm

Briar Creek Baptist Church

1451 Briar Creek Road

Questions or Comments

Sergeant Beth Boggess
Charlotte Mecklenburg Police Department
601 E. Trade Street
Charlotte, NC 28202
(704) 336-7331



CALIFORNIA

Editor's note: Proposition 21, enacted in California during 2000, makes substantial changes in the prosecution of gang-related crimes. The California District Attorney's Association has completed a comprehensive assessment of these changes. This publication can be accessed at the [National Alliance of Gang Investigators' Association website](#).

Carjacking ([view all states for this subject](#))

([Top](#))

California 215.

(a) "Carjacking" is the felonious taking of a motor vehicle in the possession of another, from his or her person or immediate presence, or from the person or immediate presence of a passenger of the motor vehicle, against his or her will and with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, accomplished by means of force or fear. (b) Carjacking is punishable by imprisonment in the state prison for a term of three, five, or nine years. (c) This section shall not be construed to supersede or affect Section 211. A person may be charged with a violation of this section and Section 211. However, no defendant may be punished under this section and Section 211 for the same act which constitutes a violation of both this section and Section 211.

California 186.22(b)(4)

(4) Any person who is convicted of a felony enumerated in this paragraph committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced to an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greater of:

(A) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 3046, if the felony is any of the offenses enumerated in

subparagraphs (B) or (C) of this paragraph.

(B) Imprisonment in the state prison for 15 years, if the felony is a home invasion robbery, in violation of subparagraph (A) of paragraph (1) of subdivision (a) of Section 213; carjacking, as defined in Section 215; a felony violation of Section 246; or a violation of Section 12022.55.

(C) Imprisonment in the state prison for seven years, if the felony is extortion, as defined in Section 519; or threats to victims and witnesses, as defined in Section 136.1.

California 189. Drive-by Shootings; Murder; Carjacking

All murder which is perpetrated by means of a destructive device or explosive, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, or any act punishable under Section 286, 288, 288a, or 289, or any murder which is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death, is murder of the first degree. All other kinds of murders are of the second degree. As used in this section, "destructive device" means any destructive device as defined in Section 12301, and "explosive" means any explosive as defined in Section 12000 of the Health and Safety Code. To prove the killing was "deliberate and premeditated," it shall not be necessary to prove the defendant maturely and meaningfully reflected upon the gravity of his or her act.

California 12022.5.

(a) (1) Except as provided in subdivisions (b) and (c), any person who personally uses a firearm in the commission or attempted commission of a felony shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 3, 4, or 10 years, unless use of a firearm is an element of the offense of which he or she was convicted.

(2) If the person described in paragraph (1) has been convicted of carjacking or attempted carjacking, the additional term shall be 4, 5, or 10 years. The court shall order imposition of the middle term unless there are circumstances in aggravation or mitigation. The court shall state its reasons for its enhancement choice on the record at the time of sentencing.

Drive-By Shooting ([view all states for this subject](#))

([Top](#))

California 189. Drive-by Shootings; Murder; Carjacking

All murder which is perpetrated by means of a destructive device or explosive, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, or any act punishable under Section 286, 288, 288a, or 289, or any murder which is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death, is murder of the first degree. All other kinds of murders are of the second degree. As used in this section, "destructive device" means any destructive device as defined in Section 12301, and "explosive" means any explosive as defined in Section 12000 of the Health and Safety Code. To prove the killing was "deliberate and premeditated," it shall not be necessary to prove the defendant maturely and meaningfully reflected upon the gravity of his or her act.

California 246.

Any person who shall maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited housecar, as defined in Section 362 of the Vehicle Code, or inhabited camper, as defined in Section 243 of the Vehicle Code, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for three, five, or seven years, or by imprisonment in the county jail for a term of not less than six months and not exceeding one year. As used in this section, "inhabited" means currently being used for dwelling purposes, whether occupied or not.

California 12022.55. Shooting from a Motor Vehicle

12022.55. Notwithstanding Section 12022.5, any person who, with the intent to inflict great bodily injury or death, inflicts great bodily injury, as defined in Section 12022.7, or causes the death of a person, other than an occupant of a motor vehicle, as a result of discharging a firearm from a motor vehicle in the commission of a felony or attempted felony, shall, upon conviction of the felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 5, 6, or 10 years.

California 12034.

(a) It is a misdemeanor for a driver of any motor vehicle or the owner of any motor vehicle, whether or not the owner of the vehicle is occupying the vehicle, knowingly to permit any other person to carry into or bring into the vehicle a firearm in violation of Section 12031 of this code or Section 2006 of

the Fish and Game Code.

(b) Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, who knowingly permits any other person to discharge any firearm from the vehicle is punishable by imprisonment in the county jail for not more than one year or in state prison for 16 months or two or three years.

(c) Any person who willfully and maliciously discharges a firearm from a motor vehicle at another person other than an occupant of a motor vehicle is guilty of a felony punishable by imprisonment in state prison for three, five, or seven years.

(d) Except as provided in Section 3002 of the Fish and Game Code, any person who willfully and maliciously discharges a firearm from a motor vehicle is guilty of a public offense punishable by imprisonment in the county jail for not more than one year or in the state prison.

Enhanced Penalties-Sentencing (*view all states for this subject*)

([Top](#))

California 213.

(a) **Robbery** is punishable as follows: (1) **Robbery** of the first degree is punishable as follows: (A) If the defendant, voluntarily acting in concert with two or more other persons, commits the **robbery** within an inhabited dwelling house, a vessel as defined in Section 21 of the Harbors and Navigation **Code**, which is inhabited and designed for habitation, an inhabited floating **home** as defined in subdivision (d) of Section 18075.55 of the Health and Safety **Code**, a trailer coach as defined in the Vehicle **Code**, which is inhabited, or the inhabited portion of any other building, by imprisonment in the state prison for three, six, or nine years.

California 186.22(b)(4)

(4) Any person who is convicted of a felony enumerated in this paragraph committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced to an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greater of:

(A) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 3046, if the felony is any of the offenses enumerated in subparagraphs (B) or (C) of this paragraph.

(B) Imprisonment in the state prison for 15 years, if the felony is a home invasion robbery, in violation of subparagraph (A) of paragraph (1) of subdivision (a) of Section 213; carjacking, as defined in Section 215; a felony violation of Section 246; or a violation of Section 12022.55.

(C) Imprisonment in the state prison for seven years, if the felony is extortion, as defined in Section 519; or threats to victims and witnesses, as defined in Section 136.1.

California Code 666.7

It is the intent of the Legislature that this section serve merely as a nonsubstantive comparative reference of current sentence enhancement provisions. Nothing in this section shall have any substantive effect on the application of any sentence enhancement contained in any provision of law, including, but not limited to, all of the following: omission of any sentence enhancement provision, inclusion of any obsolete sentence enhancement provision, or inaccurate reference or summary of a sentence enhancement provision.

(b) The provisions listed in this subdivision imposing a sentence enhancement of one, two, or three years' imprisonment in the state prison may be referenced as Schedule B.

(1) Commission of a felony for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members (para. (1), subd. (b), Sec. 186.22, Pen. C.).

(5) Carrying a loaded or unloaded firearm during the commission or attempted commission of any felony street gang crime (subd. (a), Sec. 12021.5, Pen. C.).

(6) Personally using a deadly or dangerous weapon in the commission of carjacking or attempted carjacking (para. (2), subd. (b), Sec. 12022, Pen. C.).

(e) The provisions listed in this subdivision imposing a sentence enhancement of two, three, or four years' imprisonment in the state prison may be referenced as Schedule E.

(1) Commission of a felony for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and on the grounds of, or within 1,000 feet of, a school during school hours or when minors are using the facility (para. (2), subd. (b), Sec. 186.22, Pen. C.).

(3) Carrying a loaded or unloaded firearm together with a detachable shotgun

magazine, a detachable pistol magazine, a detachable magazine, or a belt-feeding device during the commission or attempted commission of any felony street gang crime (subd. (b), Sec. 12021.5, Pen. C.).

(g) The provisions listed in this subdivision imposing a sentence enhancement of three years' imprisonment in the state prison may be referenced as Schedule G.

(2) Commission of a felony for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, if also convicted of a felony violation of witness or victim intimidation involving a credible threat of violence or death made to the witness or victim of a violent felony for the purpose of preventing or dissuading the witness or victim from attending or giving testimony at any trial for a violent felony (para. (5), subd. (b), Sec. 186.22, Pen. C.).

(m) The provisions listed in this subdivision imposing a sentence enhancement of 5, 6, or 10 years' imprisonment in the state prison may be referenced as Schedule M.

(3) Discharging a firearm from a motor vehicle in the commission or attempted commission of a felony with the intent to inflict great bodily injury or death and causing great bodily injury or death (Sec. 12022.55, Pen. C.).

California 186.22 Participation in a criminal street gang; punishment; felony conviction; sentence enhancement; commission on or near school grounds; pattern of criminal gang activity

(b) (1) Except as provided in paragraph (4) and (5), any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of two, three, or four years at the court's discretion, except that if the felony is a serious felony, as defined in subdivision (c) of Section 1192.7, the person shall be punished by an additional term of five years. If the felony is a violent felony, as defined in subdivision (c) of Section 667.5, the person shall be punished by an additional term of 10 years.

(2) If the underlying felony described in paragraph (1) is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or when minors are using the facility that fact shall be a circumstance in aggravation of the crime in imposing a term under paragraph (1).

(3) The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentencing enhancements on the record at the time of the sentencing.

(4) Any person who is convicted of a felony enumerated in this paragraph committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced to an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greater of: (A) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 3046, if the felony is any of the offenses enumerated in subparagraphs (B) or (C) of this paragraph. (B) Imprisonment in the state prison for 15 years, if the felony is a home invasion robbery, in violation of subparagraph (A) of paragraph (1) of subdivision (a) of Section 213; carjacking, as defined in Section 215; a felony violation of Section 246; or a violation of Section 12022.55. (C) Imprisonment in the state prison for seven years, if the felony is extortion, as defined in Section 519; or threats to victims and witnesses, as defined in Section 136.1.

(5) Except as provided in paragraph (4), any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(c) If the court grants probation or suspends the execution of sentence imposed upon the defendant for a violation of subdivision (a), or in cases involving a true finding of the enhancement enumerated in subdivision (b), the court shall require that the defendant serve a minimum of 180 days in a county jail as a condition thereof.

(d) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of or in association with, any criminal street gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that the defendant serve 180 days in county jail.

California 190.2(a)(22)

(a) The penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if one or more of the following special circumstances has been found under Section 190.4 to be true:

(22) The defendant intentionally killed the victim while the defendant was an active participant in a criminal street gang, as defined in subdivision (f) of Section 186.22, and the murder was carried out to further the activities of the criminal street gang.

California 12022.55. Shooting from a Motor Vehicle

Notwithstanding Section 12022.5, any person who, with the intent to inflict great bodily injury or death, inflicts great bodily injury, as defined in Section 12022.7, or causes the death of a person, other than an occupant of a motor vehicle, as a result of discharging a firearm from a motor vehicle in the commission of a felony or attempted felony, shall, upon conviction of the felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 5, 6, or 10 years.

Gang Participation (*[view all states for this subject](#)*)

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California 186.22. Participation in a criminal street gang; punishment; felony conviction; sentence enhancement; commission on or near school grounds; pattern of criminal gang activity

(a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers; or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or two or three years.

Gang Recruitment, Threats, Intimidation (*[view all states for this subject](#)*) ([Top](#))

California 186.26. Criminal street gang; violent coercion to participate; offense

186.26. (a) Any person who solicits or recruits another to actively participate in a criminal street gang, as defined in subdivision (f) of Section 186.22, with the intent that the person solicited or recruited participate in a pattern of criminal street gang activity, as defined in subdivision (e) of Section 186.22,

or with the intent that the person solicited or recruited promote, further, or assist in any felonious conduct by members of the criminal street gang, shall be punished by imprisonment in the state prison for 16 months, or two or three years.

(b) Any person who threatens another person with physical violence on two or more separate occasions within any 30-day period with the intent to coerce, induce, or solicit any person to actively participate in a criminal street gang, as defined in subdivision (f) of Section 186.22, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) Any person who uses physical violence to coerce, induce, or solicit another person to actively participate in any criminal street gang, as defined in subdivision (f) of Section 186.22, or to prevent the person from leaving a criminal street gang, shall be punished by imprisonment in the state prison for three, four or five years.

(d) If the person solicited, recruited, coerced, or threatened pursuant to subdivision (a), (b), or (c) is a minor, an additional term of three years shall be imposed in addition and consecutive to the penalty prescribed for a violation of any of these subdivisions.

(e) Nothing in this section shall be construed to limit prosecution under any other provision of law.

Gang-Related Clothing, Dress Codes, School Uniforms (*view all state*^(Top))

California 35183

(a) The Legislature finds and declares each of the following:

(1) The children of this state have the right to an effective public school education. Both students and staff of the primary, elementary, junior and senior high school campuses have the constitutional right to be safe and secure in their persons at school. However, children in many of our public schools are forced to focus on the threat of violence and the messages of violence contained in many aspects of our society, particularly reflected in gang regalia that disrupts the learning environment.

(2) "Gang-related apparel" is hazardous to the health and safety of the school environment.

(3) Instructing teachers and administrators on the subtleties of identifying constantly changing gang regalia and gang affiliation takes an increasing amount of time away from educating our children.

(4) Weapons, including firearms and knives, have become common place

upon even our elementary school campuses. Students often conceal weapons by wearing clothing, such as jumpsuits and overcoats, and by carrying large bags.

(5) The adoption of a schoolwide uniform policy is a reasonable way to provide some protection for students. A required uniform may protect students from being associated with any particular gang. Moreover, by requiring schoolwide uniforms teachers and administrators may not need to occupy as much of their time learning the subtleties of gang regalia.

(6) To control the environment in public schools to facilitate and maintain an effective learning environment and to keep the focus of the classroom on learning and not personal safety, schools need the authorization to implement uniform clothing requirements for our public school children.

(7) Many educators believe that school dress significantly influences pupil behavior. This influence is evident on school dressup days and color days. Schools that have adopted school uniforms experience a "coming together feeling," greater school pride, and better behavior in and out of the classroom.

(b) The governing board of any school district may adopt or rescind a reasonable dress code policy that requires pupils to wear a schoolwide uniform or prohibits pupils from wearing "gang-related apparel" if the governing board of the school district approves a plan that may be initiated by an individual school's principal, staff, and parents and determines that the policy is necessary for the health and safety of the school environment. Individual schools may include the reasonable dress code policy as part of its school safety plan, pursuant to Section 35294.1.

(c) Adoption and enforcement of a reasonable dress code policy pursuant to subdivision (b) is not a violation of Section 48950. For purposes of this section, Section 48950 shall apply to elementary, high school, and unified school districts. If a schoolwide uniform is required, the specific uniform selected shall be determined by the principal, staff, and parents of the individual school.

(d) A dress code policy that requires pupils to wear a schoolwide uniform shall not be implemented with less than six months' notice to parents and the availability of resources to assist economically disadvantaged pupils.

(e) The governing board shall provide a method whereby parents may choose not to have their children comply with an adopted school uniform policy.

(f) If a governing board chooses to adopt a policy pursuant to this section, the policy shall include a provision that no pupil shall be penalized academically or otherwise discriminated against nor denied attendance to school if the pupil's parents chose not to have the pupil comply with the

school uniform policy. The governing board shall continue to have responsibility for the appropriate education of those pupils.

(g) A policy adopted pursuant to this section shall not preclude pupils that participate in a nationally recognized youth organization from wearing organization uniforms on days that the organization has a scheduled meeting.

Gang-Related Definitions (*view all states for this subject*)

(Top)

California 186.22 (e)(f) Participation in criminal street gang; punishment; felony conviction; sentence enhancement; commission on or near school grounds; pattern of criminal activity

(e) As used in this chapter, "pattern of criminal gang activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

(5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.

(6) Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subdivisions (a) and (b) of Section 12034.

(7) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.

(8) The intimidation of witnesses and victims, as defined in Section 136.1.

(9) Grand theft, as defined in subdivisions (a) or (c) of Section 487.

- (10) Grand theft of any firearm, vehicle, trailer, or vessel.
 - (11) Burglary, as defined in Section 459.
 - (12) Rape, as defined in Section 261.
 - (13) Looting, as defined in Section 463.
 - (14) Moneylaundering, as defined in Section 186.10.
 - (15) Kidnapping, as defined in Section 207.
 - (16) Mayhem, as defined in Section 203.
 - (17) Aggravated mayhem, as defined in Section 205.
 - (18) Torture, as defined in Section 206.
 - (19) Felony extortion, as defined in Sections 518 and 520.
 - (20) Felony vandalism, as defined in paragraph (1) of subdivision (b) of Section 594.
 - (21) Carjacking, as defined in Section 215.
 - (22) The sale, delivery, or transfer of a firearm, as defined in Section 12072.
 - (23) Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of Section 12101.
 - (24) Threats to commit crimes resulting in death or great bodily injury, as defined in Section 422.
 - (25) Theft and unlawful taking or driving of a vehicle, as defined in Section 10851 of the Vehicle Code.
- (f) As used in this chapter, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
- (i) In order to secure a conviction, or sustain a juvenile petition, pursuant to subdivision (a), it is not necessary for the prosecution to prove that the person devotes all, or a substantial part of his or her time or efforts to the

criminal street gang, nor is it necessary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

Gangs and Weapons ([view all states for this subject](#))

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California 186.22(a)

(f) (1) Any firearm, ammunition which may be used with the firearm, or any deadly or dangerous weapon which is owned or possessed by a member of a criminal street gang for the purpose of the commission of any of the offenses listed in subdivision (e) of Section 186.22, or the commission of any burglary or rape, may be confiscated by any law enforcement agency or peace officer.

(2) In those cases where a law enforcement agency believes that the return of the firearm, ammunition, or deadly weapon confiscated pursuant to this subdivision, is or will be used in criminal street gang activity or that the return of the item would be likely to result in endangering the safety of others, the law enforcement agency shall initiate a petition in the superior court to determine if the item confiscated should be returned or declared a nuisance.

California 186.28.

(a) Any person, corporation, or firm who shall knowingly supply, sell, or give possession or control of any firearm to another shall be punished by imprisonment in the state prison, or in a county jail for a term not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment if all of the following apply:

(1) The person, corporation, or firm has actual knowledge that the person will use the firearm to commit a felony described in subdivision (e) of Section 186.22, while actively participating in any criminal street gang, as defined in subdivision (f) of Section 186.22, the members of which engage in a pattern of criminal activity, as defined in subdivision (e) of Section 186.22.

(2) The firearm is used to commit the felony.

(3) A conviction for the felony violation under subdivision (e) of Section 186.22 has first been obtained of the person to whom the firearm was supplied, sold, or given possession or control pursuant to this section.

(b) This section shall only be applicable where the person is not convicted as a principal to the felony offense committed by the person to whom the firearm was supplied, sold, or given possession or control pursuant to this section.

California 12022.5.

(a) (1) Except as provided in subdivisions (b) and (c), any person who personally uses a firearm in the commission or attempted commission of a felony shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 3, 4, or 10 years, unless use of a firearm is an element of the offense of which he or she was convicted.

(2) If the person described in paragraph (1) has been convicted of carjacking or attempted carjacking, the additional term shall be 4, 5, or 10 years. The court shall order imposition of the middle term unless there are circumstances in aggravation or mitigation. The court shall state its reasons for its enhancement choice on the record at the time of sentencing.

(b) (1) Notwithstanding subdivision (a), any person who is convicted of a felony or an attempt to commit a felony, including murder or attempted murder, in which that person discharged a firearm at an occupied motor vehicle which caused great bodily injury or death to the person of another, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the sentence prescribed for the felony or attempted felony, be punished by an additional term of imprisonment in the state prison for 5, 6, or 10 years.

(2) Notwithstanding subdivision (a), any person who personally uses an assault weapon, as specified in Section 12276 or Section 12276.1, or a machinegun, as defined in Section 12200, in the commission or attempted commission of a felony, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the sentence prescribed for the felony or attempted felony, be punished by an additional term of imprisonment in the state prison for 5, 6, or 10 years.

(c) Notwithstanding the enhancement set forth in subdivision (a), any person who personally uses a firearm in the commission or attempted commission of a violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code, shall, upon conviction of that offense and in addition and consecutive to the punishment prescribed for the offense of which he or she has been convicted, be punished by an additional term of imprisonment in the state prison for 3, 4, or 10 years in the court's discretion. The court shall order the imposition of the middle term unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its enhancement choice on the record.

(d) The additional term provided by this section may be imposed in cases of assault with a firearm under paragraph (2) of subdivision (a) of Section 245, or assault with a deadly weapon which is a firearm under Section 245, or murder if the killing was perpetrated by means of shooting a firearm from a

motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict great bodily injury or death.

(e) When a person is found to have personally used a firearm, an assault weapon, or a machinegun in the commission or attempted commission of a felony as provided in this section and the firearm, assault weapon, or machinegun is owned by that person, the court shall order that the firearm be deemed a nuisance and disposed of in the manner provided in Section 12028. (f) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as one, single enhancement.

Graffiti ([view all states for this subject](#))

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California Penal Code 594

(a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

(1) Defaces with graffiti or other inscribed material.

(2) Damages.

(3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, or furnishings belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

(b) (1) If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or if the amount of defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

(c) (1) Upon conviction of any person under this section for acts of vandalism consisting of defacing property with graffiti or other inscribed materials, the court may, in addition to any punishment imposed under subdivision (b), order the defendant to clean up, repair, or replace the damaged property himself or herself, or, if the jurisdiction has adopted a graffiti abatement program, order the defendant, and his or her parents or guardians if the defendant is a minor, to keep the damaged property or another specified

property in the community free of graffiti for up to one year. Participation of a parent or guardian is not required under this subdivision if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(d) If a minor is personally unable to pay a fine levied for acts prohibited by this section, the parent of that minor shall be liable for payment of the fine. A court may waive payment of the fine, or any part thereof, by the parent upon a finding of good cause.

(e) As used in this section, the term "graffiti or other inscribed material" includes any unauthorized inscription, word, figure, mark, or design, that is written, marked, etched, scratched, drawn, or painted on real or personal property.

(f) The court may order any person ordered to perform community service or graffiti removal pursuant to paragraph (1) of subdivision (c) to undergo counseling.

(g) This section shall become operative on January 1, 2002.

California Penal Code 594.1

(a) (1) It shall be unlawful for any person, firm, or corporation, except a parent or legal guardian, to sell or give or in any way furnish to another person, who is in fact under the age of 18 years, any aerosol container of paint that is capable of defacing property without first obtaining bona fide evidence of majority and identity.

(b) It shall be unlawful for any person under the age of 18 years to purchase an aerosol container of paint that is capable of defacing property.

(c) Every retailer selling or offering for sale in this state aerosol containers of paint capable of defacing property shall post in a conspicuous place a sign in letters at least three-eighths of an inch high stating: "Any person who maliciously defaces real or personal property with paint is guilty of vandalism which is punishable by a fine, imprisonment, or both."

(d) It is unlawful for any person to carry on his or her person and in plain view to the public an aerosol container of paint while in any posted public facility, park, playground, swimming pool, beach, or recreational area, other than a highway, street, alley, or way, unless he or she has first received valid authorization from the governmental entity which has jurisdiction over the public area. As used in this subdivision, "posted" means a sign placed in a reasonable location or locations stating it is a misdemeanor to possess a spray can of paint in that public facility, park, playground, swimming pool, beach, or recreational area without valid authorization.

(e) (1) It is unlawful for any person under the age of 18 years to possess an aerosol container of paint for the purpose of defacing property while on any public highway, street, alley, or way, or other public place, regardless of whether that person is or is not in any automobile, vehicle, or other conveyance.

California Penal Code 594.2

(a) Every person who possesses a masonry or glass drill bit, a carbide drill bit, a glass cutter, a grinding stone, an awl, a chisel, a carbide scribe, an aerosol paint container, a felt tip marker, or any other marking substance with the intent to commit vandalism or graffiti, is guilty of a misdemeanor.

(c) For the purposes of this section:

(1) "Felt tip marker" means any broad-tipped marker pen with a tip exceeding three-eighths of one inch in width, or any similar implement containing an ink that is not water soluble.

(2) "Marking substance" means any substance or implement, other than aerosol paint containers and felt tip markers, that could be used to draw, spray, paint, etch, or mark.

California Penal Code 594.8.

(a) Any person convicted of possession of a destructive implement with intent to commit graffiti or willfully affixing graffiti under Section 594.2, 640.5, 640.6, or 640.7, where the offense was committed when he or she was under the age of 18 years, shall perform not less than 24 hours of community service during a time other than his or her hours of school attendance or employment. One parent or guardian shall be present at the community service site for at least one-half of the hours of community service required under this section unless participation by the parent, guardian, or foster parent is deemed by the court to be inappropriate or potentially detrimental to the child.

California Government Code Section 38771-38775

38771. By ordinance the city legislative body may declare what constitutes a nuisance.

38772.

(a) The legislative body of a city, county, or city and county may provide for the summary abatement of any nuisance resulting from the defacement of the property of another by graffiti or any other inscribed material at the expense of a minor creating, causing, or committing the nuisance and by ordinance may make the expense of abatement of the nuisance a lien against

property of the minor and a personal obligation against the minor pursuant to Section 38773.2 or 38773.6.

(b) The parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor. The legislative body of a city, county, or city and county may make the expense of abatement of any nuisance resulting from the defacement by a minor of the property of another by graffiti or any other inscribed material a lien against the property of a parent or guardian having custody and control of the minor and a personal obligation against the parent or guardian having custody and control of the minor pursuant to Section 38773.2 or 38773.6.

(c) Notwithstanding any other provision of law, the names and addresses of the parent or guardian having custody and control of the minor, if known, shall be reported by the probation officer of the county to the city clerk or other official designated by the legislative body of the city, county, or city and county in which the defaced property is located.

(d) As used in this section, the following terms have the following meanings:

(1) "Expense of abatement" includes, but is not limited to, court costs, attorney's fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the city, county, or city and county in identifying and apprehending the minor.

(2) "Graffiti or other inscribed material" means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on any real or personal property.

Miscellaneous Gang Legislation ([*view all states for this subject*](#))

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California 186.20

This chapter shall be known and may be cited as the "California Street Terrorism Enforcement and Prevention Act."

California 186.21. Legislative findings and declaration

The Legislature hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, sexual orientation, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Legislature hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully

associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process. The Legislature, however, further finds that the State of California is in a state of crisis which has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. The Legislature finds that there are nearly 600 criminal street gangs operating in California, and that the number of gang-related murders is increasing. The Legislature also finds that in Los Angeles County alone there were 328 gang-related murders in 1986, and that gang homicides in 1987 have increased 80 percent over 1986. It is the intent of the Legislature in enacting this chapter to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together, are the chief source of terror created by street gangs. The Legislature further finds that an effective means of punishing and deterring the criminal activities of street gangs is through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by street gangs.

California 186.30 to 186.33.

186.30. (a) Any person described in subdivision (b) shall register with the chief of police of the city in which he or she resides, or the sheriff of the county if he or she resides in an unincorporated area, within 10 days of release from custody or within 10 days of his or her arrival in any city, county, or city and county to reside there, whichever occurs first. (b) Subdivision (a) shall apply to any person convicted in a criminal court or who has had a petition sustained in a juvenile court in this state for any of the following offenses:

(1) Subdivision (a) of Section 186.22.

(2) Any crime where the enhancement specified in subdivision (b) of Section 186.22 is found to be true.

(3) Any crime that the court finds is gang related at the time of sentencing or disposition.

186.31. At the time of sentencing in adult court, or at the time of the dispositional hearing in the juvenile court, the court shall inform any person subject to Section 186.30 of his or her duty to register pursuant to that section. This advisement shall be noted in the court minute order. The court clerk shall send a copy of the minute order to the law enforcement agency with jurisdiction for the last known address of the person subject to registration under Section 186.30. The parole officer or the probation officer assigned to that person shall verify that he or she has complied with the

registration requirements of Section 186.30.

186.32. (a) The registration required by Section 186.30 shall consist of the following:

(1) Juvenile registration shall include the following:

(A) The juvenile shall appear at the law enforcement agency with a parent or guardian.

(B) The law enforcement agency shall serve the juvenile and the parent with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the juvenile belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22.

(C) A written statement signed by the juvenile, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.

(D) The fingerprints and current photograph of the juvenile shall be submitted to the law enforcement agency.

(2) Adult registration shall include the following:

(A) The adult shall appear at the law enforcement agency.

(B) The law enforcement agency shall serve the adult with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the adult belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22.

(C) A written statement, signed by the adult, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.

(D) The fingerprints and current photograph of the adult shall be submitted to the law enforcement agency.

(b) Within 10 days of changing his or her residence address, any person subject to Section 186.30 shall inform, in writing, the law enforcement agency with whom he or she last registered of his or her new address. If his or her new residence address is located within the jurisdiction of a law enforcement agency other than the agency where he or she last registered, he or she shall register with the new law enforcement agency, in writing, within 10 days of the change of residence.

(c) All registration requirements set forth in this article shall terminate five years after the last imposition of a registration requirement pursuant to Section 186.30.

(d) The statements, photographs and fingerprints required under this section shall not be open to inspection by any person other than a regularly employed peace or other law enforcement officer.

(e) Nothing in this section or Section 186.30 or 186.31 shall preclude a court in its discretion from imposing the registration requirements as set forth in those sections in a gang-related crime.

186.33. (a) Any person required to register pursuant to Section 186.30 who knowingly violates any of its provisions is guilty of a misdemeanor.

(b) (1) Any person who knowingly fails to register pursuant to Section 186.30 and is subsequently convicted of, or any person for whom a petition is subsequently sustained for a violation of, any of the offenses specified in Section 186.30, shall be punished by an additional term of imprisonment in the state prison for 16 months, or 2, or 3 years. The court shall order imposition of the middle term unless there are circumstances in aggravation or mitigation. The court shall state its reasons for the enhancement choice on the record at the time of sentencing.

(2) The existence of any fact bringing a person under this subdivision shall be alleged in the information, indictment, or petition, and be either admitted by the defendant or minor in open court, or found to be true or not true by the trier of fact.

13825.1. This chapter shall be known and may be cited as the California Gang, Crime, and Violence Prevention Partnership Program.

13825.2. (a) The California Gang, Crime, and Violence Prevention Partnership Program shall be administered by the Department of Justice for the purposes of reducing gang, criminal activity, and youth violence to the extent authorized pursuant to this chapter in communities with a high incidence of gang violence, including, but not limited to, the communities of Fresno, Glendale, Long Beach, Los Angeles, Oakland, Riverside, Santa Ana, Santa Cruz, San Bernardino, San Diego, San Jose, San Francisco, San Mateo, Santa Monica, and Venice. The department shall also consider communities that meet any one of the following criteria:

(1) An at-risk youth population, as defined in subdivision (c) of Section 13825.4, that is significantly disproportionate to the general youth population of that community.

(2) A juvenile arrest rate that is significantly disproportionate to the general youth population of that community.

(3) Significant juvenile gang problems or a high number of juvenile gang-affiliated acts of violence.

(b) All state and local juvenile detention facilities, including, but not limited to, facilities, juvenile halls, youth ranches, and youth camps of the Department of the Youth Authority, shall also be considered eligible to receive services through community-based organizations or nonprofit agencies that are operating programs funded under this chapter.

13825.3. All funds made available to the Department of Justice for purposes of this chapter shall be disbursed in accordance with this chapter to community-based organizations and nonprofit agencies that comply with the program requirements of Section 13825.4 and the funding criteria of Section 13825.5 of this chapter.

(a) Funds disbursed under this chapter may enhance, but shall not supplant local, state, or federal funds that would, in the absence of the California Gang, Crime, and Violence Prevention Partnership Program, be made available for the prevention or intervention of youth involvement in gangs, crime, or violence.

(b) The applicant community-based organization or nonprofit agency may enter into interagency agreements between it and a fiscal agent that will allow the fiscal agent to manage the funds awarded to the community-based organization or nonprofit agency.

(c) Before April 15, 1998, the department shall prepare and file administrative guidelines and procedures for the California Gang, Crime, and Violence Prevention Partnership Program consistent with this chapter.

(d) Before July 1, 1998, the department shall issue a "request for funding proposal" that informs applicants of the purposes and availability of funds to be awarded under this chapter and solicits proposals from community-based organizations and nonprofit agencies to provide services consistent with this chapter.

(e) The department shall conduct an evaluation of the California Gang, Crime, and Violence Prevention Partnership Program after two years of program operation and each year thereafter, for purposes of identifying the effectiveness and results of the program. The evaluation shall be conducted by staff or an independent body that has experience in evaluating programs operated by community-based organizations or nonprofit agencies.

(f) After two years of program operation, and each year thereafter, the department shall prepare and submit an annual report to the Legislature describing in detail the operation of the program and the results obtained from the California Gang, Crime, and Violence Prevention Partnership

Program receiving funds under this chapter. The report shall also list the full costs applicable to the department for processing and reviewing applications, and for administering the California Gang, Crime, and Violence Prevention Partnership Program.

13825.4. Community-based organizations and nonprofit agencies that receive funds under this chapter shall utilize the funds to provide services and activities designed to prevent or deter at-risk youth from participating in gangs, criminal activity, or violent behavior.

(b) Funds allocated under this chapter may not be used for services or activities related to suppression, law enforcement, incarceration, or other purposes not related to the prevention and deterrence of gangs, crime, and violence.

Nothing in this paragraph shall prevent funds allocated under this chapter from being used for violence prevention and gang crime deterrence services provided by community-based organizations and nonprofit agencies to youths incarcerated in juvenile detention facilities.

(c) Services and activities provided with funds under this chapter shall be used for at-risk youth who are defined as persons from age 5 to 20 years of age and who fall into one or more of the following categories:

(8) Are current or former gang members.

(9) Have one or more family members living at home who are current or former members of a gang.

13825.6. Funding for the California Gang, Crime, and Violence Prevention Partnership Program shall be subject to the following:

(a) 2 percent of the amounts appropriated in the Budget Act shall be transferred each year upon the approval of the Director of Finance, for expenditure as necessary for the Department of Justice to administer this program.

(b) 3 percent of the amounts appropriated in the Budget Act shall be transferred each year upon the approval of the Director of Finance, for expenditure as necessary for the department to provide technical assistance to community-based organizations and nonprofit agencies providing services under this chapter. Nothing in this chapter precludes the department from providing technical assistance services through an independent agency or organization.

14000. (a) The City and County of Los Angeles may establish a Community Law Enforcement and Recovery (CLEAR) Demonstration Project, a multiagency gang intervention program, which shall be administered by the

City of Los Angeles under a joint powers agreement with the Los Angeles County Sheriff's Department, the Los Angeles County District Attorney's office, the Los Angeles County Probation Department, the Los Angeles Police Department, and the Los Angeles City Attorney's office.

(b) The parties to the agreement shall work together to provide a flexible and coordinated response to crime perpetrated by criminal street gangs, in particular the "18th Street Gang," by addressing each community's gang problems and identifying the gangs associated with each community.

14001. The role of each party to the agreement is as follows:

(a) The district attorney shall do all of the following:

(1) Appoint a Gang Intervention Coordinator and provide staff to the coordinator for the purposes of coordinating the project among the parties and between the parties and community groups.

(2) Conduct training for team members and outside agencies and prepare written materials regarding successful coordinated antigang strategies.

(3) Track all arrests made by the CLEAR team and prepare reports on the progress of the prosecution effort from the point of arrest through the final court disposition of each case, including the length of imprisonment or the terms of probation ordered.

(4) Vertically prosecute the most difficult cases generated by CLEAR team arrests using novel and innovative prosecution strategies that include granting cross-designation status to city prosecutors so that these cases may be effectively pursued in superior court.

(5) Prepare and prosecute civil injunctions against gang activities occurring within the target area.

(6) Coordinate prevention and intervention strategies with community-based organizations, schools, and participating agencies and assist in the design and implementation of these programs.

(b) The sheriff's department shall do both of the following:

(1) Use jail and prison information to assist in the resolution of unsolved homicides.

(2) Coordinate crime information between law enforcement agencies.

(c) The probation department shall do all of the following:

(1) Coordinate all target gang members on probation into one case load for

intensive supervision.

(2) Meet with community organizations and schools to assess their needs with respect to gang intervention.

(3) Enforce probation terms and perform probation searches.

(4) Provide information on probationary status of gang members to local law enforcement agencies.

(d) The police department shall do both of the following:

(1) Provide intensive law enforcement in areas most impacted by criminal street gangs.

(2) Coordinate gang information with the sheriff's department and probation department to identify gang members for targeted law enforcement activities.

(e) The city attorney shall do all of the following:

(1) Prosecute misdemeanor criminal offenses.

(2) Coordinate civil building abatement and nuisance abatement activities.

(3) Conduct vertical prosecutions of gang members.

14002. The parties shall be consolidated as a mobile response unit that travels to each community that is targeted for gang intervention strategies and operates from one central location in that community.

14005. An independent evaluation of the effectiveness of the CLEAR project, including a detailed cost-benefit analysis, shall be prepared and submitted to the Legislature two years from the date that funds are initially appropriated for the project, or six months after the end of the project, whichever is earlier. The evaluation shall be submitted to the chairpersons of the Assembly and Senate public safety committees, the chairpersons of the Assembly and Senate fiscal committees, and the Chairperson of the Joint Legislative Audit Committee. The Board of Corrections shall choose the entity that will conduct the evaluation through a competitive bidding process after sending out requests for proposals. The evaluation shall include, but shall not be limited to, a description of the extent to which the project has accomplished the following:

(a) A 5 percent increase in the resolution rate of gang homicides in the target areas.

(b) A 5 percent decrease in violent felonies within the target area.

(c) A 5 percent decrease in nuisance activities by gangs in the target area.

California 136.1.

(a) Except as provided in subdivision (c), any person who does any of the following is guilty of a public offense and shall be punished by imprisonment in a county jail for not more than one year or in the state prison:

(1) Knowingly and maliciously prevents or dissuades any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

(2) Knowingly and maliciously attempts to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

(3) For purposes of this section, evidence that the defendant was a family member who interceded in an effort to protect the witness or victim shall create a presumption that the act was without malice.

(b) Except as provided in subdivision

(c), every person who attempts to prevent or dissuade another person who has been the victim of a crime or who is witness to a crime from doing any of the following is guilty of a public offense and shall be punished by imprisonment in a county jail for not more than one year or in the state prison:

(1) Making any report of that victimization to any peace officer or state or local law enforcement officer or probation or parole or correctional officer or prosecuting agency or to any judge.

(2) Causing a complaint, indictment, information, probation or parole violation to be sought and prosecuted, and assisting in the prosecution thereof.

(3) Arresting or causing or seeking the arrest of any person in connection with that victimization.

(c) Every person doing any of the acts described in subdivision (a) or (b) knowingly and maliciously under any one or more of the following circumstances, is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years under any of the following circumstances:

(1) Where the act is accompanied by force or by an express or implied threat of force or violence, upon a witness or victim or any third person or the property of any victim, witness, or any third person.

(2) Where the act is in furtherance of a conspiracy.

(3) Where the act is committed by any person who has been convicted of any violation of this section, any predecessor law hereto or any federal statute or statute of any other state which, if the act prosecuted was committed in this state, would be a violation of this section.

(4) Where the act is committed by any person for pecuniary gain or for any other consideration acting upon the request of any other person. All parties to such a transaction are guilty of a felony.

(d) Every person attempting the commission of any act described in subdivisions (a), (b), and (c) is guilty of the offense attempted without regard to success or failure of the attempt. The fact that no person was injured physically, or in fact intimidated, shall be no defense against any prosecution under this section.

(e) Nothing in this section precludes the imposition of an enhancement for great bodily injury where the injury inflicted is significant or substantial.

(f) The use of force during the commission of any offense described in subdivision (c) shall be considered a circumstance in aggravation of the crime in imposing a term of imprisonment under subdivision (b) of Section 1170.

Public Nuisance/Premises Used by Gangs ([view all states for this subject](#))^(Top)

California 186.22a. Buildings or places used by criminal street gangs; nuisance; additional remedies; confiscation of firearms or deadly or dangerous weapons owned or possessed by gang members

(a) Every building or place used by members of a criminal street gang for the purpose of the commission of the offenses listed in subdivision c of section 186.22 or any offense involving dangerous or deadly weapons, burglary, or rape, and every building or place wherein or upon which that criminal conduct by gang members takes place, is a nuisance which shall be enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance.

Gang-Related Legislation by State

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TENNESSEE

Enhanced Penalties-Sentencing ([view all states for this subject](#))

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Tennessee 40-35-121. Criminal gang offenses - Enhanced punishment - Procedure

(a) As used in this section, unless the context otherwise requires:

(1) "Criminal gang" means a formal or informal ongoing organization, association, or group consisting of three (3) or more persons that has:

(A) As one (1) of its activities the commission of criminal acts; and

(B) Two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity;

(2) "Criminal gang member" is a person who is a member of a criminal gang, as defined in subdivision (a)(1), and who meets two (2) or more of the following criteria:

(A) Admits to criminal gang involvement;

(B) Is identified as a criminal gang member by a parent or guardian;

(C) Is identified as a criminal gang member by a documented reliable informant;

(D) Resides in or frequents a particular criminal gang's area, adopts their style or dress, their use of hand signs or their tattoos, and associates with known criminal gang members;

(E) Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information;

(F) Has been arrested more than once in the company of identified criminal gang members for offenses which are consistent with usual criminal gang activity; or

(G) Is identified as a criminal gang member by physical evidence such as photographs or other documentation;

(3) "Criminal gang offense" means any violation of Tennessee law:

(A) During the perpetration of which the defendant knowingly causes, or threatens to cause, death or bodily injury to another person or persons and specifically includes rape of a child, aggravated rape and rape; or

(B) That results, or was intended to result, in the defendant receiving income, benefit, property, money or anything of value from the illegal sale, delivery or manufacture of a controlled substance or firearm; and

(4) (A) "Pattern of criminal gang activity" means prior convictions for the commission or attempted commission of, or solicitation or conspiracy to commit:

(i) Two (2) or more criminal gang offenses that are classified as felonies; or

(ii) Three (3) or more criminal gang offenses that are classified as misdemeanors; or

(iii) One (1) or more criminal gang offense that is classified as a felony and two (2) or more criminal gang offenses that are classified as misdemeanors; and

(iv) The criminal gang offenses are committed on separate occasions; and

(v) The criminal gang offenses are committed within a five-year period.

(B) (i) As used in this subsection, "prior conviction" means a criminal gang offense for which a criminal gang member was convicted prior to the commission of the instant criminal gang offense by the defendant and includes convictions occurring prior to July 1, 1997.

(ii) "Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted a criminal gang offense. In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as a criminal gang offense, the elements of the offense in the other jurisdiction shall be used by the Tennessee court to determine if such offense is a criminal gang offense.

(iii) Convictions for multiple criminal gang offenses committed as part of a single course of conduct within twenty-four (24) hours are not committed on "separate occasions." However, acts which constitute criminal gang offenses under subdivision (a)(3)(A) shall not be construed to be a single course of conduct.

(b) A criminal gang offense committed by a defendant who was a criminal gang member at the time of such offense shall be punished one (1) classification higher than the classification established by the specific statute creating the offense committed.

(c) A criminal gang offense committed by a defendant who was not a criminal gang member at the time of such offense but who committed such offense for the purpose of and with the intent to fulfill an initiation or other requirement for joining a criminal gang as defined in subdivision (a)(1) shall be punished one (1) classification higher than the classification established by the specific statute creating the offense committed.

(d) If the criminal gang offense subject to enhancement under subsection (b) or (c) is a Class A felony, the presumptive sentence for such offense shall be the maximum sentence within the range from which the defendant is to be sentenced.

(e) A criminal gang offense committed by a defendant who was a criminal gang member at the time of such offense shall be punished two (2) classifications higher than the classification established by the specific statute creating the offense committed if the criminal gang member was also a leader or organizer of the criminal gang at the time the offense was committed.

(f) If the criminal gang offense subject to enhancement under subsection (e) is a Class A or B felony, the criminal gang member shall be sentenced as a Class A felon and the presumptive sentence for such offense shall be the maximum sentence within the range from which the defendant is to be sentenced.

(g) If the defendant is charged with a criminal gang offense and the district attorney general intends to seek enhancement of the punishment under subsection (b), (c) or (e), the indictment, in a separate count, shall specify, charge and give notice of the subsection under which enhancement is alleged applicable and of the required prior convictions constituting such gang's pattern of criminal gang activity.

(h) If the defendant is convicted of the underlying criminal gang offense, the jury shall then separately consider whether the defendant was at the time of the offense:

(1) A criminal gang member;

(2) A criminal gang member and a leader or organizer of the gang; or

(3) Not a criminal gang member but committed the offense for the purpose of joining a criminal gang.

If the jury convicts the defendant under subdivision (h)(1), (2) or (3), the court shall pronounce judgment and sentence the defendant as provided in this section.

Gang Databases ([*view all states for this subject*](#))

([Top](#))

Tennessee 38-6-102. Criminal investigation division - Workers' compensation fraud investigation unit - Criminal intelligence unit

(e) The director of the Tennessee bureau of investigation shall cause to be established within the criminal investigation division a criminal intelligence unit (CIU). It shall be the responsibility of the CIU, through the automated criminal intelligence system of Tennessee (ACIST), as well as through criminal investigators assigned to each of the bureau's four regional offices, to gather and maintain criminal intelligence on criminal gang activity. Intelligence collected pursuant to this section shall be reviewed for compliance with 28 CFR Part 23.20 and shall be disseminated to local, state, and federal law enforcement agencies pursuant to 28 CFR Part 23.20. The bureau shall analyze all criminal intelligence collected, and shall compile statistical information for dissemination through the national incident-based reporting system (NIBRS) and the bureau's annual report.

Gang-Related Clothing, Dress Codes, School Uniforms ([*view all states for this subject*](#))

Tennessee 49-6-4215. Wearing clothing denoting gang membership or affiliation.

The local and county boards of education of this state are hereby authorized to promulgate and adopt rules and regulations to prohibit students in grades six (6) through twelve (12) from wearing, while on school property, any type of clothing, apparel or accessory, including that which denotes such students' membership in or affiliation with any gang associated with criminal activities. The local law enforcement agency shall advise the local board, upon request, of gangs which are associated with criminal activities.

Gang-Related Definitions ([*view all states for this subject*](#))

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Tennessee 40-35-121. Criminal gang offenses - Enhanced punishment - Procedure

(a) As used in this section, unless the context otherwise requires:

(1) "Criminal gang" means a formal or informal ongoing organization, association, or group consisting of three (3) or more persons that has:

(A) As one (1) of its activities the commission of criminal acts; and

(B) Two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity;

(2) "Criminal gang member" is a person who is a member of a criminal gang, as defined in subdivision (a)(1), and who meets two (2) or more of the following criteria:

(A) Admits to criminal gang involvement;

(B) Is identified as a criminal gang member by a parent or guardian;

(C) Is identified as a criminal gang member by a documented reliable informant;

(D) Resides in or frequents a particular criminal gang's area, adopts their style or dress, their use of hand signs or their tattoos, and associates with known criminal gang members;

(E) Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information;

(F) Has been arrested more than once in the company of identified criminal gang members for offenses which are consistent with usual criminal gang activity; or

(G) Is identified as a criminal gang member by physical evidence such as photographs or other documentation;

(3) "Criminal gang offense" means any violation of Tennessee law:

(A) During the perpetration of which the defendant knowingly causes, or threatens to cause, death or bodily injury to another person or persons and specifically includes rape of a child, aggravated rape and rape; or

(B) That results, or was intended to result, in the defendant receiving income, benefit, property, money or anything of value from the illegal sale, delivery or manufacture of a controlled substance or firearm; and

(4) (A) "Pattern of criminal gang activity" means prior convictions for the commission or attempted commission of, or solicitation or conspiracy to commit:

(i) Two (2) or more criminal gang offenses that are classified as felonies; or

(ii) Three (3) or more criminal gang offenses that are classified as misdemeanors; or

- (iii) One (1) or more criminal gang offense that is classified as a felony and two
- (2) or more criminal gang offenses that are classified as misdemeanors; and
- (iv) The criminal gang offenses are committed on separate occasions; and
- (v) The criminal gang offenses are committed within a five-year period.

(A) (i) As used in this subsection, "prior conviction" means a criminal gang offense for which a criminal gang member was convicted prior to the commission of the instant criminal gang offense by the defendant and includes convictions occurring prior to July 1, 1997.

Graffiti ([view all states for this subject](#))

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Tennessee 39-14-412. Mailbox tampering - Damage or defacement of government property

(b) It is an offense for any person to knowingly damage or deface real or personal property of the state, or a subdivision thereof, by the painting or other permanent application of graffiti directly onto such property.

(c) A violation of this section is a Class B misdemeanor. All such violations shall be punished by at least twenty-five (25) hours of community service work to be determined by the court.

Juvenile Gang Members ([view all states for this subject](#))

([Top](#))

Tennessee 37-1-134. Transfer from juvenile court

(a) After a petition has been filed alleging delinquency based on conduct which is designated a crime or public offense under the laws, including local ordinances, of this state, the court, before hearing the petition on the merits, may transfer the child to the sheriff of the county to be held according to law and to be dealt with as an adult in the criminal court of competent jurisdiction. The disposition of the child shall be as if the child were an adult if:

(1) The child was sixteen (16) years or more of age at the time of the alleged conduct, or the child was less than sixteen (16) years of age if such child was charged with the offense of first degree murder, second degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping or an attempt to commit any such offenses. The district attorney general may not seek, nor may any child transferred under the provisions of this section

receive, a sentence of death for the offense for which the child was transferred;

(b) In making the determination required by subsection (a), the court shall consider, among other matters:

(6) Whether the child's conduct would be a criminal gang offense, as defined in § 40-35-121, if committed by an adult.

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FORSYTH COUNTY SHERIFF'S OFFICE

GANG AWARENESS GUIDE

FOR LAW ENFORCEMENT

TITLE: BASIC GANG AWARENESS FOR LAW ENFORCEMENT

LESSON PURPOSE:

To provide Law Enforcement Officers with a basic understanding of criminal Gangs.

STUDENT PERFORMANCE OBJECTIVES:

At the end of this block of instruction the student will be able to achieve the following objectives in accordance with information received in class

- 1. Define in writing, the term gang as it applies to Law Enforcement*
- 2. Identify in writing, at least three of the six reasons people join gangs*
- 3. Identify in writing, at least four of the six indicators of gang activity*
- 4. Identify in writing, three of the six recommended criteria for identifying a gang member*
- 5. Identify in writing, the five levels of gang involvement*
- 6. Given an example of a gangs characteristics, categorize the gang into one of the four types*
- 7. List in writing the two major Los Angeles based gangs, the two main categories of Chicago based gangs and describe in writing how the two are aligned*

HOURS:

Four Hours

CLASSROOM ENVIRONMENT:

Academic Classroom

MATERIALS NEEDED:

*Pen/Pencil
Notebook*

INSTRUCTIONAL METHOD:

Conference

TRAINING AIDS:

*Handouts
Overhead Projector
Transparencies
Slide Projector
Slides
VCR/Monitor
Videos: Eight-Tray Gangster
SRO Assault
Gang member interview*

REFERENCES:

**Fayetteville Police Department, Office of Special Information.
Gang Awareness Guide For Law Enforcement.
Fayetteville : Fayetteville Police Department, 1995**

**Gang Prevention Inc., The Street Gang Identification Manual.
Chicago: Gang Prevention Inc., 1994**

**University of North Florida, Institute of Police Technology and
Management. Street Gangs. Identification and
Investigation. Jacksonville: University of North Florida,
1995**

**ETG Saramatt Productions, Eight-Tray Gangster.
Thomas L. Wright Producer. 1993**

STUDY ASSIGNMENT:

None

PREPARED BY:

Millard Shepherd

DATE PREPARED:

June 1996

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**SHERIFF RON BARKER
CAPT. C.C. McGEE (DIVISION COMMANDER)**

**THE GANG AWARENESS AND INTERVENTION TEAM (G.A.I.T) IS
FUNDED BY A GRANT FROM THE GOVERNORS CRIME COMMISSION.
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DISCLAIMER

The information and graphics displayed in this pamphlet and discussed in this class are intended to assist law enforcement, teachers, and parents in identifying gang symbols, graffiti, and practices. The information was obtained from sources which to the best of our knowledge are authentic and reliable. It is not our intention to encourage persecution of any single person, group, organization, or religion who are free to express themselves under the First Amendment of the United States Constitution. This text should only be used as a general guide and not as an ultimate source of identification of all gang symbols and practices. This text contains information that only be current up to the printing date.

Title: Basic Gang Awareness

I. Introduction

A. Opening Statement

Across the United States and in North Carolina gangs are a rapidly growing problem that law enforcement and the community previously has not had to deal with. Gangs and the "gang lifestyle" have been glamorized in music, television, and movies and have become ingrained into popular American culture. Gang members cross all race, sex, ethnicity, and socio-economic boundaries. Gangs are no longer a problem of the "big city".

B. Student Objectives

During this block of instruction, we will discuss what a gang is, reasons people join gangs, indicators of gang activity, recommended criteria for identifying gang members, levels of gang involvement, categories of gangs, and an overview of national gang trends.

C. Reasons

The increase of gangs and gang activity in our society must be accompanied by a corresponding increase in the awareness of gangs and their lifestyles. The way to deal with any problem is to first; acknowledge the problem exists, and second; learn about the problem in order to find the solution.

II. Body

A. What is the definition of a gang?

At the present time there is no statutory definition of a gang in North Carolina. States such as Florida, California, Illinois and others who have had a longer history of gang activity have statutory definitions which provide criteria for identifying gangs and gang members. These statutes also provide enhanced punishment for crimes committed for or by gangs.

One of the best working definitions of a gang is:

"A group of individuals that forms an allegiance for a common purpose and engages in criminal or unlawful activity"

B. What are some reasons people join gangs?

1. To gain a sense of belonging, or family.

Gangs provide a family type setting that can offer the individual the same things offered by the traditional family such as love, security, and discipline. they can also provide sex, money, drugs and weapons.

2. To be "somebody".

Gangs offer the individual a means to gain respect and self esteem among their peers, even if it is for anti social behavior.

3. To become rich or escape poverty.

Gangs can provide members a sense of financial security from funds derived from illicit activities or just giving them food and shelter.

4. Family ties and environment.

Often individuals grow up in families that the parents, siblings, or other close relatives are gang members and it is a way of life, or the neighborhood where they reside is controlled by a gang and they can join or be isolated.

5. Adventure and excitement.

Individuals often seek gang membership for the excitement and adventure they perceive the lifestyle can offer.

6. To "get back at society"

Gangs can offer the vehicle for a person to strike back against the wrongs of society, either perceived or real.

C. What are some of the indicators of gang activity?

1. Colors- Gangs can adopt certain colors that their gang identifies with.

2. Language- The gang lifestyle has its own slang. Some of these terms have become a part of everyday language to people who are unaware of their origins. More established gangs often have their own alphabets.

3. Symbols- Gangs adopt certain symbols to indicate respect, or disrespect to particular groups. These symbols are often displayed on clothing, jewelry, tattoos, brands and graffiti.

4. Graffiti- Gangs use graffiti to identify territory or "turf", glorify their gang, issue threats or challenges, and to disrespect other groups. Graffiti has often been referred to as "the newspaper of the streets".

5. Hand Signs- Like graffiti hand signs can be used to identify gang membership, give signals, tell stories, issue challenges and disrespect other groups.

6. Clothing- Gang members wear clothing that reflects their gangs colors and symbols. The way an item is worn may also have particular significance. Many gangs adopt certain sports team paraphernalia that has special significance to them.

D. What are some criteria for identifying gang members?

1. Self Proclamation

If a person admits that they are a gang member then they are at the least identifying with the gang lifestyle if not an actual gang member.

2. Reliable Information

Information received from a reliable source that can attest to another's gang involvement.

3. Correspondence

Notes, letters, or any other correspondence between individuals which makes reference to gang membership or identifies another individual as a gang member.

4. Paraphernalia and Photos

Photos of individuals using gang handsigns, wearing gang colors or symbols or the possession of gang paraphernalia such as rings, belt buckles, t-shirts etc.

5. Tattoos or Brands

The wearing of a tattoo or brand specific to a gang or of a gang moniker

6. Clothing and Colors

Observations of type of clothing, patches and colors, or certain sports paraphernalia to indicate gang affiliation.

E. What are the different levels of gang involvement.

Level I Make Believe

This person may know a gang member, but does not associate with them. May like, respect, admire or imitate a gang member, or their lifestyle. Knows about gangs from the newspapers, newscasts, movies and music. Sees the individual gang member as living in a dream world.

Level II At Risk

This person casually associates with gang members and may like or admire the gang lifestyle, but not participate full time. May live in or near gang areas or have family members who belong to gangs. Has a negative outlook on life, low self esteem, trouble at school (absentism, truancy etc.). Displays chronic anger and anti-social behavior.

G. An Overview of National Gang Trends.

1. CRIPS

The Crips formed in the late 1960's to early 1970's in South Central Los Angeles. They formed around Washington High School whose colors were blue and white. Originally involved with street level crimes the Crips have gained national notoriety for violent high level drug trafficking in the 1980's. The Crips are the largest gang in Los Angeles.

2. BLOODS

The Bloods formed about the same time as the Crips in order to protect themselves from the growing influence of the Crips. The gangs roots go back to Piru St. in Compton California and were originally known as the Compton Pirus. They adopted the colors of their local high school Centennial High School whose colors were red. The red color symbolized flowing blood and from this the gang adopted the name Bloods.

3. FOLK NATION

Not a particular gang but an alliance of gangs the Folk Nation has roots that go back to 1920's Chicago. This alliance was formed between gangs to protect their individual members while they were incarcerated in the states correctional systems. the gangs of the Folk Nation still maintain individual gang names and colors but have adopted a set of symbols and tradition common to all. The largest Folk Nation gang is the Black Gangster Disciples

4. PEOPLE NATION

Another alliance of gangs the People Nation also is from the Chicago area. This alliance formed to protect its members from individuals from the Folk Nation Gangs while they were incarcerated. The People Nation also adopted symbols and traditions that all member gangs identify with. The largest People Nation gangs are the Latin Kings and the Vice Lords

In the mid 1980's, increasing violence among gangs involved in the drug trade, resulted in the deaths of several innocent persons caught in the crossfire of the now infamous gang drive-by shooting. This resulted in national media coverage and increased law enforcement attention focused on gangs.

To save their interests, a national gang summit was held involving the leaders of the major gangs in order to establish "peace" in the streets. What did result was a new alliance between the Crips and the Folk Nation gangs and the Bloods and People Nation gangs. The Crips have now adopted the symbols and traditions of the Folk Nation and the Bloods have adopted the symbols and traditions of the People Nation.

III. Conclusion

Gang Awareness is becoming a necessity for communities in large urban areas, small rural towns and every community in between. During this session we have defined what a gang is, some reasons people join gangs, indicators of gang activity, criteria for identifying gang members, levels of gang involvement, categories of gangs, and an overview of national gang trends.

The problems of gangs and gang related crime are rapidly increasing across the United States and here in North Carolina. The increasing awareness about gangs by our community will be one of our most important tools in our efforts at minimizing the negative effects gangs have on our society.

PARTIAL LIST OF IDENTIFIED CRIP & BLOOD SETS IN LOS ANGELES COUNTY

The following list may not be complete. Some of these gangs may no longer be in existence, may have undergone name changes or may have been assimilated into other gangs. It does list some of the more infamous gangs, however, and identifies the police jurisdictions to contact for further information.

CRIP SETS

<u>GANG NAME</u>	<u>JURISDICTION</u>	<u>GANG NAME</u>	<u>JURISDICTION</u>
Acaria Crips	Compton PD	Main Street Crips	Los Angeles PD
Altadena Block Crips	LASD Altadena	83 Main Street Crips	-
Atlantic Drive Crips	Compton PD	98 Main Street Crips	-
Avalon Gangster Crip Sets	Los Angeles PD	Marvin Gangster Crips	-
A-Line	-	Menlo Gangster Crips	-
53 Street	-	Mona Park Crips	LASD Lynwood
88 Street	-	Myrtle Street Crips	Inglewood PD
116 Street	-	Neighborhood Crip Sets	-
Back Street Crips	-	Lynwood N-Hood	LASD Lynwood
Beach Town Mafia Crips	LASD Firestone	108 N-Hood	-
Bible Crips	Compton PD	111 N-Hood	LASD Lennox
Boulevard Crips	Long Beach PD	113 N-Hood	LASD Lynwood
52 Broadway Gangster Crips	Los Angeles PD	NBC (Neighborhood Block Crips)	Compton PD
Carver Park Crips	LASD Lynwood	Nut Hood Watts Crips	Compton PD/LASD Carson
Compton Crips	Compton PD	Original Valley Gangster Crips	Los Angeles PD
Compton Westside Crips	Compton PD	Ozone	-
Corner Pocket Crips	LASD Lynwood	Palm & Oak Crips	LASD Lynwood/Compton PD
Dodge City Crips	Los Angeles PD	Palmer Block Crips	Compton PD
Durock (Doorah) Crips	Monrovia PD/LASD Temple	Palmdale Gangster Crips	LASD Antelope Valley
East Coast Crip Sets	-	Park Village Crips	Compton PD
1st East Coast	Los Angeles PD	Payback Crips	Gardena PD
43 East Coast	-	P.J. Watts Crips	LASD Lynwood/LAPD
59 East Coast	LASD Firestone	Playboy Gangster Crips	Los Angeles PD
62 East Coast	Los Angeles PD	Pope Street Crips	LASD Lynwood
66 East Coast	-	Raymond Crip Sets	-
68 East Coast	-	Raymond Avenue Crips	LASD Lennox
69 East Coast	-	Inglewood Raymond Crips	LASD Inglewood
76 East Coast	LASD Firestone	Pasadena Raymond Crips	Pasadena PD
89 East Coast	-	Rollin 20's	Long Beach PD
94 East Coast	Los Angeles PD	Rollin 30's	Los Angeles
97 East Coast	LASD Firestone/LAPD	Rollin 40's	-
102 East Coast (Q102)	Los Angeles PD	Rollin 60's	-
118 East Coast	LASD Carson/LAPD	Santana Block Crips	Compton PD
190 East Coast	LASD Carson	Schoolyard Crips	Los Angeles PD
Eight Tray Gangster Crips	LASD Lennox	Shack Boys (76 East Coast Crips)	LASD Firestone
Fronthood Crips	LASD Lynwood/Compton PD	Shotgun Crips	Gardena PD
Front Street Crips	Los Angeles PD	Sintown Crips	Pomona PD
43 Gangster Crips	-	Sproktown Crips	Compton PD
53 Gangster Crips	-	56 Syndicate Crips	Los Angeles PD
87 Gangster Crips	-	Triagnew Park Crips	Compton PD
90 Gangster Crips (W/Side Crips)	LASD Lennox/LAPD	107 Underground Crips	LASD Lennox
Geer Street Crips (Geer Gang)	Los Angeles PD	Venice Shoreline Crips	Los Angeles PD
Ghost Town Crips	-	Watergate Crips	LASD Lennox/Inglewood PD
Grande Crips	Compton PD	117 Street Watts Crips	Los Angeles PD
Grape Street Watts Crips	LASD Firestone/LAPD	West Blvd. Crips	-
Harbor City Crips	Los Angeles PD	West Covina Gangster Crips	West Covina PD
Harlem 30's Crips	-	Westside Crips (Original)	Los Angeles PD
Hai Gang Crips	LASD Firestone	113 Block Crips	LASD Lennox
Hoover Crips Sets	-	357 Crips	Pomona PD
43 Hoover	Los Angeles PD		
52 Hoover	-		
59 Hoover	-		
74 Hoover	-		
83 Hoover	LASD Lennox/LAPD		
92 Hoover	-		
94 Hoover	-		
107 Hoover	LASD Lennox		
112 Hoover	-		
Imperial Village Crips	Inglewood PD		
Insane Crips	Long Beach PD		
Kitchen Crips	LASD Firestone/LAPD		
Lantana Block Crips	Compton PD		
Long Beach Boulevard Mafia Crips	Long Beach PD		

PARTIAL LIST OF
IDENTIFIED CRIP & BLOOD SETS IN LOS ANGELES COUNTY

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CRIP SETS

<u>GANG NAME</u>	<u>JURISDICTION</u>	<u>GANG NAME</u>	<u>JURISDICTION</u>
Acacia Crips	Compton PD	Main Street Crips	Los Angeles PD
Altadena Block Crips	LASD Altadena	83 Main Street Crips	-
Atlantic Drive Crips	Compton PD	98 Main Street Crips	-
Avalon Gangster Crip Sets	Los Angeles PD	Marvin Gangster Crips	-
A-Line	-	Menlo Gangster Crips	-
53 Street	-	Mona Park Crips	LASD Lynwood
88 Street	-	Myrtle Street Crips	Inglewood PD
116 Street	-	Neighborhood Crip Sets	-
Back Street Crips	-	Lynwood N-Hood	LASD Lynwood
Beach Town Mafia Crips	LASD Firestone	108 N-Hood	-
Bible Crips	Compton PD	111 N-Hood	LASD Lennox
Boulevard Crips	Long Beach PD	113 N-Hood	LASD Lynwood
52 Broadway Gangster Crips	Los Angeles PD	NBC (Neighborhood Block Crips)	Compton PD
Carver Park Crips	LASD Lynwood	Nut Hood Watts Crips	Compton PD/LASD Carson
Compton Crips	Compton PD	Original Valley Gangster Crips	Los Angeles PD
Compton Westside Crips	Compton PD	Ozone	-
Corner Pocket Crips	LASD Lynwood	Palm & Oak Crips	LASD Lynwood/Compton PD
Dodge City Crips	Los Angeles PD	Palmer Block Crips	Compton PD
Durock (Doorah) Crips	Monrovia PD/LASD Temple	Palmdale Gangster Crips	LASD Antelope Valley
East Coast Crip Sets	-	Park Village Crips	Compton PD
1st East Coast	Los Angeles PD	Payback Crips	Gardena PD
43 East Coast	-	P.J. Watts Crips	LASD Lynwood/LAPD
59 East Coast	LASD Firestone	Playboy Gangster Crips	Los Angeles PD
62 East Coast	Los Angeles PD	Pope Street Crips	LASD Lynwood
66 East Coast	-	Raymond Crip Sets	-
68 East Coast	-	Raymond Avenue Crips	LASD Lennox
69 East Coast	-	Inglewood Raymond Crips	LASD Inglewood
76 East Coast	LASD Firestone	Pasadena Raymond Crips	Pasadena PD
89 East Coast	-	Rollin 20's	Long Beach PD
94 East Coast	Los Angeles PD	Rollin 30's	Los Angeles
97 East Coast	LASD Firestone/LAPD	Rollin 40's	-
102 East Coast (Q102)	Los Angeles PD	Rollin 60's	-
118 East Coast	LASD Carson/LAPD	Santana Block Crips	Compton PD
190 East Coast	LASD Carson	Schoolyard Crips	Los Angeles PD
Eight Tray Gangster Crips	LASD Lennox	Shack Boys (76 East Coast Crips)	LASD Firestone
Fronthood Crips	LASD Lynwood/Compton PD	Shotgun Crips	Gardena PD
Front Street Crips	Los Angeles PD	Sintown Crips	Pomona PD
43 Gangster Crips	-	Spooktown Crips	Compton PD
53 Gangster Crips	-	56 Syndicate Crips	Los Angeles PD
87 Gangster Crips	-	Triagnew Park Crips	Compton PD
90 Gangster Crips (W/Side Crips)	LASD Lennox/LAPD	107 Underground Crips	LASD Lennox
Geer Street Crips (Geer Gang)	Los Angeles PD	Venice Shoreline Crips	Los Angeles PD
Ghost Town Crips	-	Watagate Crips	LASD Lennox/Inglewood PD
Grandee Crips	Compton PD	117 Street Watts Crips	Los Angeles PD
Grape Street Watts Crips	LASD Firestone/LAPD	West Blvd. Crips	-
Harbor City Crips	Los Angeles PD	West Covina Gangster Crips	West Covina PD
Harlem 30's Crips	-	Westside Crips (Original)	Los Angeles PD
Hat Gang Crips	LASD Firestone	113 Block Crips	LASD Lennox
Hoover Crips Sets	-	357 Crips	Pomona PD
43 Hoover	Los Angeles PD		
52 Hoover	-		
59 Hoover	-		
74 Hoover	-		
83 Hoover	LASD Lennox/LAPD		
92 Hoover	-		
94 Hoover	-		
107 Hoover	LASD Lennox		
112 Hoover	-		
Imperial Village Crips	Inglewood PD		
Insane Crips	Long Beach PD		
Kitchen Crips	LASD Firestone/LAPD		
Lantana Block Crips	Compton PD		
Long Beach Boulevard Mafia Crips	Long Beach PD		

BLOOD SETS

GANG NAME	JURISDICTION
Athens Park Boys	LASD Carson
Bishop Sets	
Elm Street Bishops	LASD Firestone/LAPD
Block Bishops	Los Angeles PD
92 Bishops	-
Pueblo Bishops	-
Bounty Hunters	LASD Lynwood/LAPD
Bloodstone Villians	Los Angeles PD
Bee Bop Watts	LASD Firestone
Black P-Stone	Los Angeles PD
Blood Fives	LASD Carson
Belhaven Bloods	Los Angeles PD
Brim Sets	
62 Brims	Los Angeles PD
Aliso Village Brims	-
59 Brims	-
Rollin 20's Brim	-
Carson Cabbage Patch	LASD Carson
Crenshaw Mafia Gang	Inglewood PD/LAPD
Denver Lane Sets	
Pasadena Denver Lanes	Pasadena PD
Pasadena Devil Lanes	-
Denver Lanes	LASD Lemnos/LAPD
89 Family Blood	Los Angeles PD
Harvard Park	-
Hacienda Village	-
Inglewood Family Blood	Inglewood PD
Lot Boys (Bounty Hunters)	LASD Lynwood/LAPD
Miller Gangsters	LASD Carson/LAPD
Mid City Gangsters	Los Angeles PD
Outlaws	-
Piru Sets	
Pomona Islands Piru	Pomona PD
Campencilla Park Piru	LASD Carson/Compton PD
Cedar Block Piru	LASD Carson/Compton PD
Centerview Piru	-
Cross Atlantic Piru	LASD Lynwood/Compton PD
Compton Piru	Compton PD
Circle City Piru	Los Angeles PD
Fruit Town Piru	Compton PD
Holly Hood Piru	-
Leader Park Piru	-
Lime Hood Piru	LASD Lynwood/Compton PD
Nutty Block Piru	Compton PD
151 Piru	-
Westside Piru	LASD Carson/Compton PD
Rollin 30's Piru	Los Angeles PD
Block Piru	-
Pain Piru	-
Pacoma Piru	-
Swan Sets	
77 Swans	Los Angeles PD
79 Swans	-
80 Swans	-
83 Swans	-
84 Swans	-
Main Street Swans	-
Samoan Warriors	LASD Carson
Ujima Village Blood	-
Van Ness Gangsters	Los Angeles PD

CHICAGO STREET GANGS

Below are listed the primary Chicago Street Gangs, their colors, and the written identification symbol that they use.

PEOPLE NATION

Spanish Lords
Latin Kings
Gaylords
Vice Lords
P.R. Stones
Unknowns
Deuces
Freaks
Latin Brothers
Noble Knights
Black P.R. Stones
Jousters
PVJ-PVR Rice Boys
C-Notes
Y.B.O.
G.B.O.
Warlords
Latin Counts
Stone Kents
Bishops
Cobra Stones
El Rukns
Cullerton Boys
12th Street Players
Villa Lobos

Red & Black
Gold or Yellow & Black
Grey or Baby Blue & Black
Gold or Red & Black
Orange & Black
White & Black
Green & Black
Red & Black
Purple & White
Dark Blue & Black
Orange & Black
Blue & Black
Baby Blue & Black
Green & Black
Orange & Blue
Orange & Green
Orange & Black
Red & Black
Black & Maroon
Light Purple & Black
Black & Red
Red & Black
Green & Black
Black & White
Green & Black

S/L
L/K
G/L
V/L
P.R.S.
U/K
I-2-D
I/F
L/B or LBO
N/K
B/P/R
T-J
R/B
\$
YBO
GBO
W/L
L/C
S-K-N
B'z
C-Stones
E-Rukns
C-B-N
+P-N Villa
V-Lobos

FOLK NATION

Latin Lovers
Disciples
Simon City Royals
Imperial Gangsters
P.B.C.
Popes

Yellow & Red
Baby Blue & Black
Dark Blue & Black
Pink & Black
Black & White
Baby Blue & Black

L/L
D's
SCR
I/G's
P/B/C/
R-P-N

Milwaukee Knights
 Latin Eagles
 Orchestra Albany
 Harrison Gents
 Black Gangster Disciples
 Black Gangsters
 Latin Stylers
 Dragons
 Asland Vikings
 Campbell Boys
 Thorndale Jag-Offs
 Latin Jiver
 26th Street Boys
 Brazers
 Young Latin Organization
 Ambrose Dukes
 Satan Disciples
 Wilton Boys
 22 Boys
 Spanish Cobras
 Black Souls

Orange & Black
 Grey & Black
 Gold & Brown
 Purple & Black
 Blue & Black
 Blue & Black
 Grey & Maroon
 Red & Black
 Purple & Black
 Red & White
 Baby Blue & White
 Brown & Black
 Tan & Black
 Red & Green & White
 Baby Blue & Black
 Dark Blue & Black
 Yellow & Black
 Red & White
 Light Blue & Black
 Green & Black
 Blue & Black

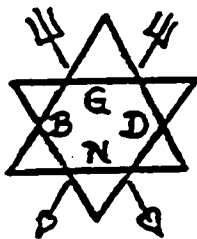
M/K
 L/E
 O.A.'s
 H/G
 BGD or BGDN
 BG's
 L/S
 DR's
 A/V
 C/B
 TJO
 L/J
 26
 B's
 YLO
 A's
 S-D-N
 W/B
 22 or 22N
 SC or S/C/N
 B-S-N

RULES

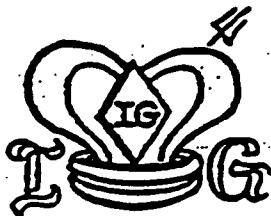
"ALL IS ONE"

Signs to the right:

Hat worn or tilted to the right
Arms folded to the right
Pant leg folded on the right leg
Hand inside the right pocket
Body lean to the right



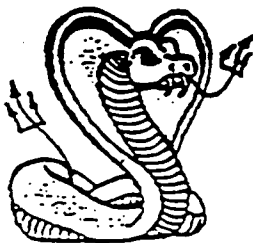
BLACK GANGSTER DISCIPLES:
(symbols: six pointed star,
crossed pitchforks, heart with
wings)



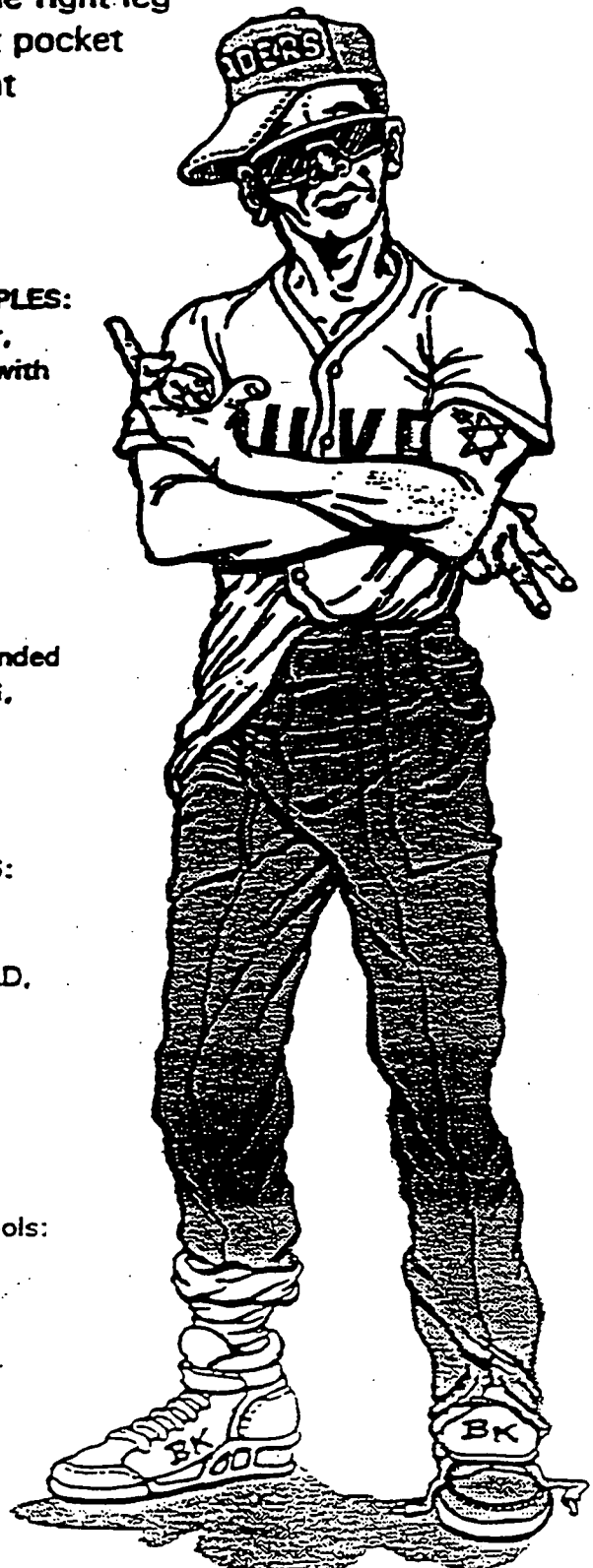
IMPERIAL GANGSTERS:
(symbols: crown with rounded
edges, superimposed I & G,
raised pitchforks)



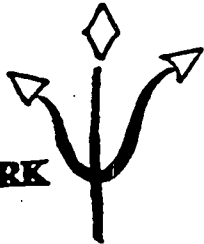
MANIAC LATIN DISCIPLES:
(symbols: devil's horns,
devil's tail below heart,
swastika, letters L/D or MLD,
raised pitchforks)



SPANISH COBRAS: (symbols:
cobra, raised pitchforks,
letters S & C)



PITCH FORK



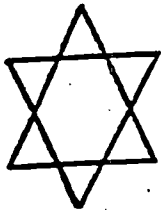
WINGED HEART



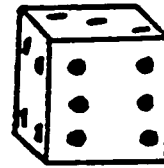
DEVIL'S HORNS



SIX POINT STAR



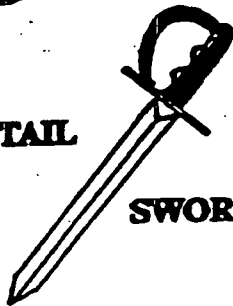
DICE



DEVIL'S TAIL



SWORD



NUMBER 6



BACKWARDS SWASTIKA



BENT EAR BUNNY HEAD



FOLKS

SYMBOLS, INSIGNIA, AND EMBLEMS

CROWN- In Honor of the Three Folks Founders Shorty Freeman, David Barrkdall, and Larry Hoover.

HORNS- Power to Endure.

3 PRONGED PITCHFORK- Money, Mack, & Murder and/or Mind, Body, & Soul.

HEART- Love for FOLKS Brothers and Sisters and the Nation.

TAIL- All Nations Under the Six-Pointed Star.

SWORD- Blood shed for the Nation.

SWORD THROUGH HEART- Death Before Dishonor.

COLORS-
BLACK/BLUE & WHITE



WINGS- Spread of the 3RD World (FOLKS Nation).

THIRD WORLD- Gangland.

B.O.S.- Brothers Of the Struggle (Members of the 3RD World).

SIX & THE SIX- POINTED STAR- Love, Life, Loyalty, Wisdom, Knowledge, Power.

TORCH or FLAME- Light of knowledge.

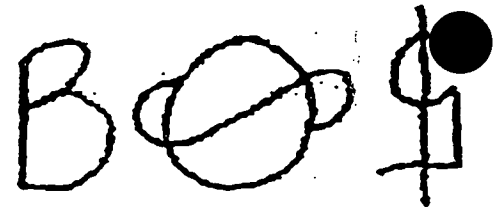
KK- King Killers. (Blood Nation).

G- Gangster.

D- Disciple.



**F- ollowers of
O- ur
L- ord
K- ing
S- horty**



GD- Gangster Disciples

BGD- Black Gangster Disciples

IGD- Insane Gangster Disciples

MLD- Maniac Latin Disciples

WBG- White Boy Gangster

CWB- Crazy White Boys

IWB- Insane White Boys

MWB- Maniac White Boys

SWB- Suicide White Boys

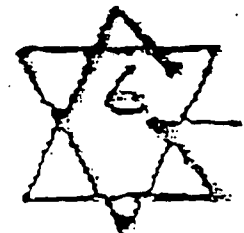


SLOBS- Disrespectfull term for 'Bloods'.

QUEEN- Disrespectfull term for 'Kings'.

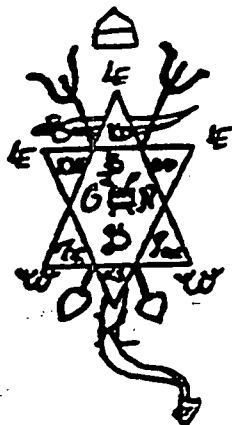
BULLSHIT- Disrespectful term for 'Bloodstone Ranger'.

VICKEY LUE- Disrespectful term for 'Vice Lord'.

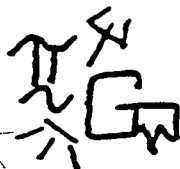


GANGBUST

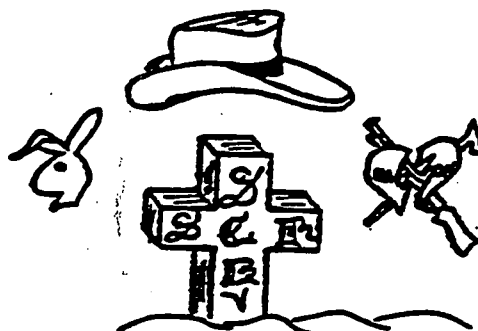
FOLKS



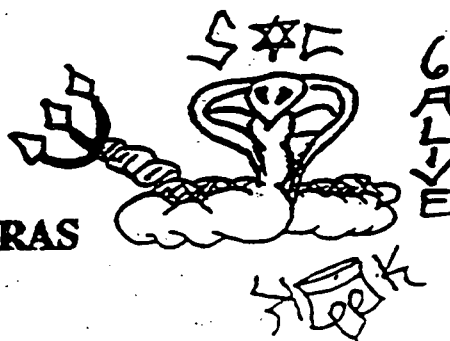
BLACK GANGSTER DISCIPLES



IMPERIAL GANGSTERS



SIMON CITY ROYALS



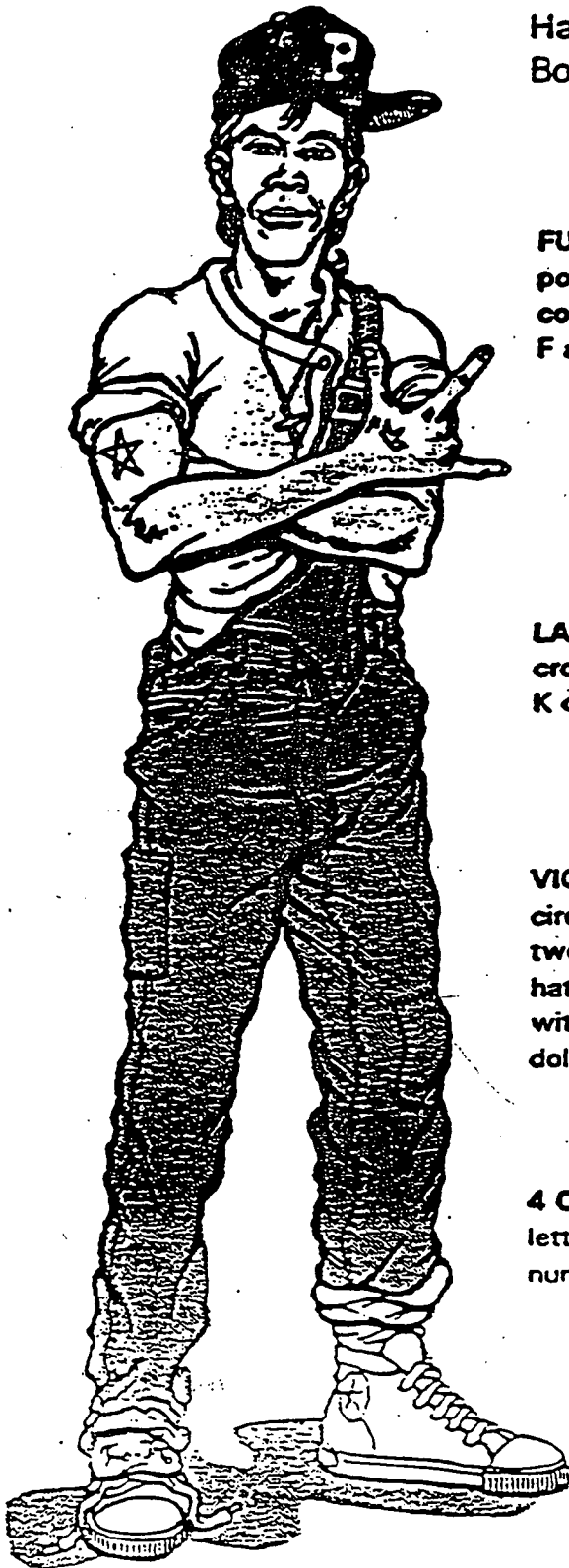
SPANISH COBRAS

PEOPLE

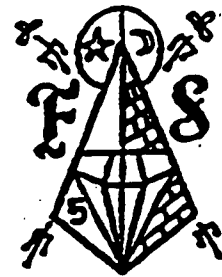
"ALL IS WELL"

Signs to the left:

Hat worn or tilted to the left
Arms folded to the left
Pant Leg folded on the left leg
Hand inside the left pocket
Body lean to the left



FUTURE STONES: (symbols: five point diamond with pyramid containing 21 bricks, initials F and S, number 5)



LATIN KINGS: (symbols: pointed crown with L on the left side and K on the right)



VICE LORDS: (symbols: circle surrounded by fire with two half moons, pyramid with top hat, cane, and white glove, dice with numbers 7 or 11 showing, dollar sign, five pointed star)



4 CORNER HUSTLERS: (symbols: letters C and H next to the number 4)



BUNNY HEAD



CROWN



STAFF



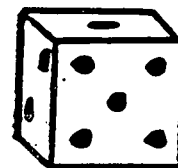
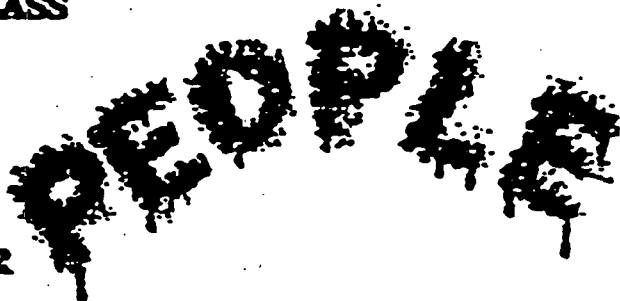
CHAMPAGNE GLASS



CRESCENT



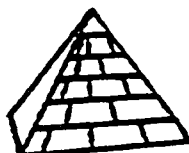
FIVE POINT STAR



DICE



GLOVE



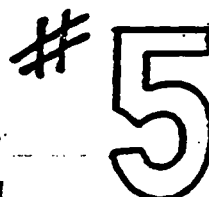
PYRAMID



CHOLO



SPANISH CROSS



NUMBER 5

PEOPLE

SYMBOLS, INSIGNIA, & EMBLEMS

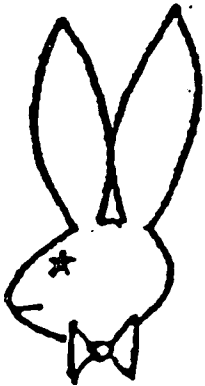
THE GHOST- Unknown Love.

CANE- Strength To Build Up a True Nation.

PYRAMID- Building of a Solid Nation. 21 Blocks (prayers).

MOON & STAR- The Moon Lights the Night Sky As the Star Guides Us To the East.

FIVE & THE FIVE-POINTED STAR- Love (of our people), Peace (in our minds), Truth (in our heart), Freedom (for our nation), and Justice (we fight for). Also the five letters spelling A L L A H. Tribute to honor King Willie Lord. A symbol of our place as Lords & Kings of Earth.



VL- Vice Lords

CVL- Conservative Vice Lords

VL- Insane Vice Lords

4CH- Four Corner Hustlers

MVL- Maniac Vice Lords

BSR- BlackStone Ranger

R & B- Rice and Beans

IGB- Imperial Guard Bloods

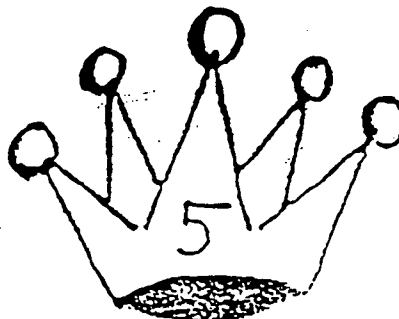
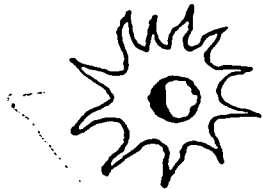
LK- Latin Kings

BK- Black Kings

UK- Unknown Kings

COLORS-

RED & WHITE



HAT- Shelter from wickedness.

FOUR CORNER CROSS- We will seek refuge in all four corners of the Earth.

RABBIT- Swiftness (Allowing our minds to be swift as the rabbit to out-think Satan's followers).

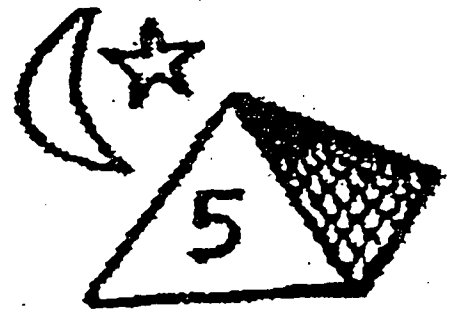
THE THIRD EYE- The unseen eye that overlooks our people and protects us from evil.

THE WHITE HAND OR GLOVE- Cleanliness or purity 5 (Fingers).

DOLLAR SIGN- Riches of our Lord Allah.

CHAMPAGNE GLASS- Celebrate a toast to our people.

THE SUN- Symbolizes belief in the



FORK- Disrespectful term for FOLKS (Follow Our Rotten Kings).

BUBBLE GUMS- Disrespectful term for Black Gangsters.

BOWL OF SOUP- Disrespectful term for Brothers Of the Struggle.

GLAZED DONUTS- Disrespectful term for Gangster Disciples.

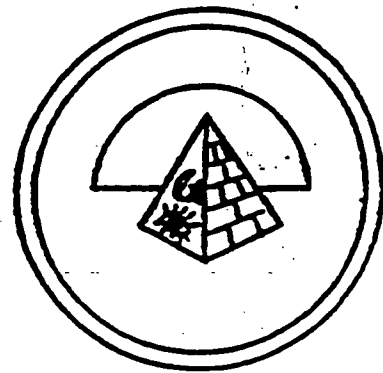
CRAB- Disrespectful term for Crips.

COMMUNITY

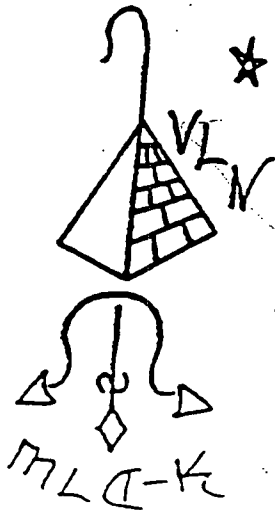
PEOPLE



LATIN KINGS



EL RUKN

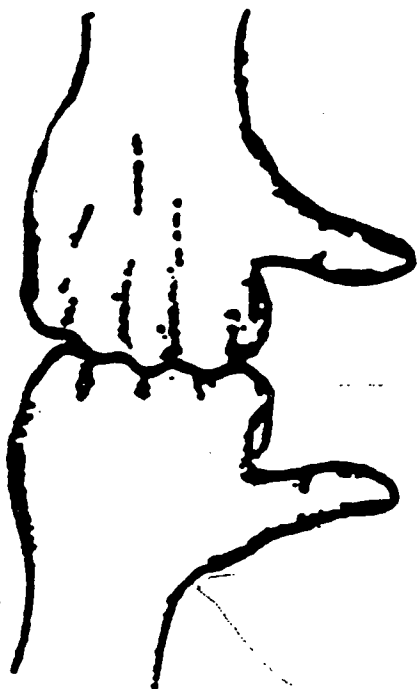


VICE LORDS

HAND SIGNALS USED TO IDENTIFY VARIOUS STREET GANGS



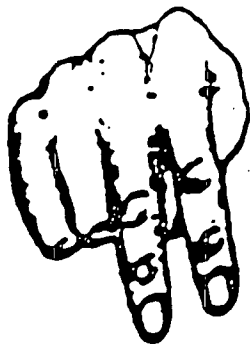
FRONT STREET/HOOD CRIPS



HARLEM GODFATHER CRIPS



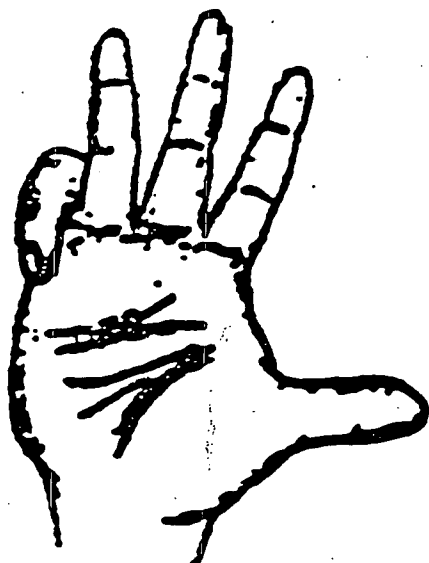
SWANS BLOODS



HOOVER CRIPS



EAST COAST CRIPS



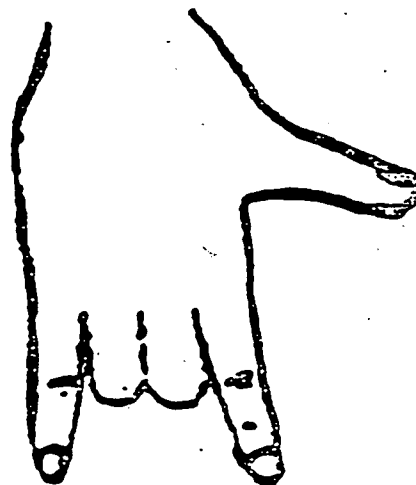
83 STREET GANGSTER CRIPS



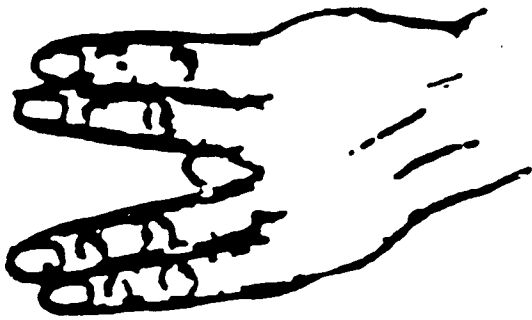
PLAYBOY GANGSTER CRIPS



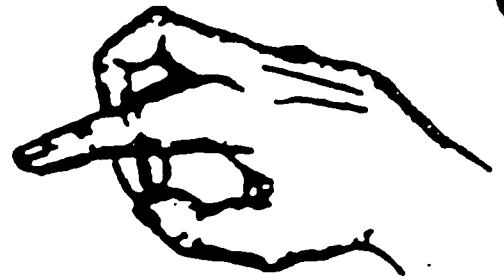
AVALON GANGSTER CRIPS



BLACK-P-STONE BLOODS



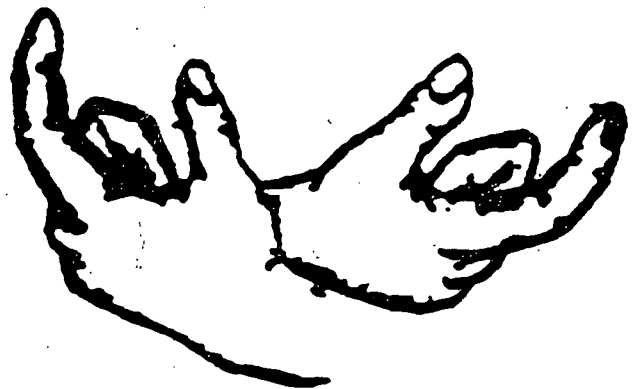
MAIN STREET CRIPS



90 GANGSTER/WEST COAST CRIPS



VENICE SHORE LINE CRIPS



COMPTON CRIPS



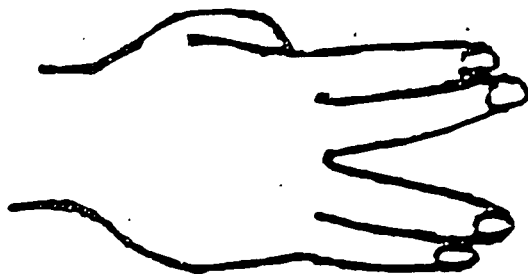
RAYMOND AVENUE CRIPS



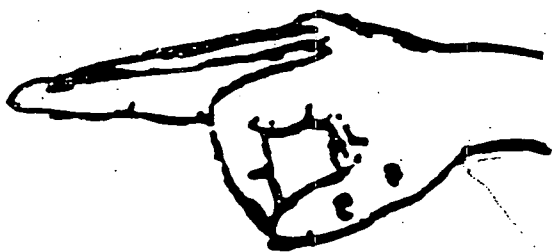
WATTS GRAPE STREET CRIPS



NEIGHBORHOOD BLOODS



VAN NESS GANGSTER BLOODS



PIRU BLOODS



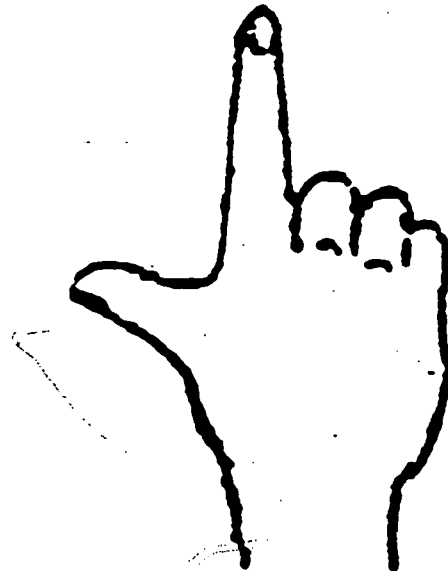
VILLIANS BLOODS



FAMILY BLOODS



BRIMS BLOODS



DENVER LANE BLOODS

ALPHABETS

CRIPS

GANG-
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GANG-
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VICE
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STREET GANG LANGUAGE

TERM

MEANING

A

A BILL.....\$100
 A BUSTER.....FAKE OR IMITATION
 ACE KOOL.....BEST FRIEND/BACKUP
 ALL IS ONE.....A TERM USED BY THE DISCIPLES
 ALL IS WELL.....A TERM USED BY THE VICE LORDS
 ANGEL DUST.....P.C.P. IN CRYSTAL FORM
 AUDI 5000 G.....GOODBYE/PEACE

B

BABE.....GIRL
 BANGER.....GANG MEMBER
 BANGING.....GANG ACTIVITIES/FIGHTING OR VIOLENCE
 BASE FREAK.....GIRLS WH LIKE LOUD MUSIC OR DOPE
 FIEND
 BASE HEAD.....PERSON HOOKED ON COCAINE
 BEAH HE UP.....PERSON HOOKED ON COCAINE/OR LOOKING
 FOR DRUGS
 BEAHER.....A BMW VEHICLE
 BENT.....TO GET DRUNK
 BENZO.....A MERCEDES BENZ
 BET.....THE TRUTH/ I BELIEVE YOU
 BO.....BABY GANGSTER
 BIRD.....REFERS TO KILO OF COCAINE
 BITCHIN.....SOMETHING NICE
 BK.....BLOOD KILLER
 BK.....BLOOD KILLER ALWAYS
 BK QUEEN.....FAST FOOD WORKER
 BLACK DISCIPLE.....BLACK DISCIPLE GANG MEMBER
 NOTE: NOT BLK GANGSTER DISCIPLE
 BLESSED.....INITIATED INTO THE GANG
 BLOB.....DEROGATORY NAME FOR BLOOD GANG
 MEMBER USED BY CRIP GANG MEMBERS
 BLOOD.....PIRU/NON CRIP
 BLOW CHUNKS.....VOMIT
 BO.....MARIJUANA
 BOGIE.....COP CAR
 BOGEY.....\$100 PIECE OF CRACK
 BONED OUT.....QUIT/CHICKENED OUT/LEFT
 BOOK.....RUN/GET AWAY/LEAVE
 BOO YAA.....SOUND OF SHOTGUN
 BOM.....MARIJUANA
 BOWED OUT.....STONED/HIGH ON DRUGS OR ALCOHOL
 BOY.....HEROIN
 B QUEEN.....FEMALE BLOOD

BREAK.....RUN/GET AWAY
 BREAKDOWN.....SHOTGUN
 BROHN PAINT.....HEROIN
 BUCKET.....OLD, RAGGEDY CAR
 BUCK WILD.....ACT CRAZY
 BUD.....MARIJUANA
 BULLET.....ONE YEAR IN CUSTODY
 BUMPER KIT.....GIRL'S BUTT
 BUMPING TITTIES.....FIGHTING
 BUMPY FACE.....GIN
 BUSTED, POPPED A CAP.....SHOT AT SOMEONE
 BUSTER.....KID TRYING TO BE GANG MEMBER/FAKE GANG MEMBER
 BUSTING.....INVOLVED IN A VIOLENT ACT
 BUTTON.....CAPSULE OF HEROIN OR COCAINE
 BWP'S.....BITCHES WITH PROBLEMS

C

CABBAGE PATCH.....POPULAR DANCE
 CHECK IT OUT.....LISTEN TO WHAT I HAVE TO SAY
 CHILL OUT.....STOP IT/ DON'T DO THAT
 CHINA WHITE.....ASIAN HEROIN
 CIRCLE.....REFERS TO SOURCES OF COCAINE
 CK.....CRIP KILLER
 CLUCK.....COCAINE SHOKERS
 CLUCKER.....CRACK COCAINE ADDICT
 COLORS.....ITEM OF CLOTHING WHICH IS FOR GANG
 COLUM.....COLUMBIAN MARIJUANA
 COMMERCIAL.....COLUMBIAN MARIJUANA
 COOKIE MONSTER.....CRESHIAN HAFIA GANG'S LIES
 COUNTING IN.....INITIATION INTO THE GANG
 COUNTING OUT.....EXPULSION FROM THE GANG
 C QUEEN.....FEMALE CRIP GANG MEMBER
 CRAB.....DEROGATORY NAME FOR CRIP GANG
 MEMBER USED BY BLOOD GANG MEMBERS
 CRACK QUEEN.....FEMALE CRACK ADDICT WHO WILL PERFORM
 ILLEGAL ACTS TO OBTAIN MONEY TO BUY
 DRUGS.

D

D.....DRUGS
 DEAD RAG.....RED RAG/ ANOTHER CRIP NAME FOR A
 BLOOD GANG MEMBER
 DEFT.....LOOKING GOOD
 DEMONSTRATION.....GANG FIGHT
 DIME SPEED.....10 SPEED BICYCLE
 DIPPIN.....BEING NOSEY
 DIS.....NO RESPECT/DISRESPECT
 DISCIPLE.....DISCIPLE GANG MEMBER
 DISCIPLE QUEEN.....DISCIPLE GANG'S FEMALE SEX OBJECT
 DISSIN.....BEING DISRESPECTFUL
 DO A GHOST.....TO LEAVE/LEAVE THE SCENE
 DORK.....NERD
 DOUBLE DUECE.....22 CALIBER GUN
 DOWN FOR MINE.....ABILITY TO PROTECT SELF
 DOWN WITH THE SET.....ON THE GANGS OWN TURF
 DRAG.....HIT OFF A CIGARETTE
 DRAG/HACK/RUSH.....ABILITY TO SHEET-TALK GIRLS
 DARGON.....BAD BREATH
 DRAPED.....A TERM USED FOR A PERSON WEARING A
 LOT OF GOLD JEWELRY
 DRESSED DOWN.....WEARING GANG RELATED CLOTHES
 DROP A DIME.....SWITCH OR TELL ON SOMEONE
 DROPPING THE FLAG.....LEAVING THE GANG
 DROVE.....GET EMBARRASSED
 DUCKETS.....MONEY
 DUDE.....MALE PERSON
 DEUCE.....22 CALIBER GUN
 DEUCE AND A QUARTER.....BUICK 225 VEHICLE
 DURAG.....HANDKERCHIEF WRAPPED AROUND HEAD
 DUSTED.....UNDER THE INFLUENCE OF PCP/CRACK

EASTLY.....VERY UGLY PERSON
EIGHT BALL.....1/8 OUNCE OF COCAINE/ 40 OUNCE BOTTLE
OF OLD ENGLISH 800 MALT LIQUOR BEER
8-TRACK.....2 1/2 GRAMS OF COCAINE
ELEVEN POINTED PANCAKE.....A VICE LORD WHO BECAME A DISCIPLE
ENDS.....MONEY
ESSAYS.....MEXICANS
EVERYTHING IS EVERYTHING.....IT'S ALL RIGHT

7

FAG.....HOMOSEXUAL
FALSE FLAGGING.....A DELIBERATE GANG MISREPRESENTATION
IN THE FORM OF A HAND SIGN OR
SLOGAN
FEDERATED.....CRIPS' DISRESPECT FOR THE COLOR RED
FIRING ON SOMEONE.....THROWING A PUNCH AT SOMEONE OR
SHOOTING AT SOMEONE.
FOUR FIVE.....45 CALIBER GUN
5-0.....1988 MUSTANG
THE POLICE
500.....BMW
FIEND.....CRACK COCAINE USER
FIFTY.....REFERS TO 50 PIECE OF CRACK
FLIP CRIP.....A DOPE HOUSE THAT SELLS SMALL AMOUNTS
OF DRUGS. USUALLY NO PARTICULAR
CUSTOMERS.
FLOATIN.....DRIVING FAST
FLUE.....BLOOD MEMBERS NAME FOR BLUE
FLUE FLAG.....BLUE FLAG
FLY.....GOOD LOOKING
FLYING YOUR COLORS.....REPRESENTING GANG COLORS
FREAK.....GOOD LOOKING GIRL
FRESH.....GOOD LOOKING/CLEAN
FROG.....GIRL WITH LOW MORAL STANDARDS
(JUMPS INTO ANYONE'S CAR)
FRONTIN.....TALKING ABOUT SOMEONE, EMBASSASSING
THEM
FUCC.....FUCK IN CRIP LANGUAGE
FUGLY.....EXTREMELY UGLY
FUNK.....BAD SHELLING

9

G.....DARK GLASSES
GAFFLED.....GET CHEATED
GAGE.....SHOTGUN
GAME.....CRIMINAL ACTIVITY
GANGBANGER.....GANG MEMBER
GANGBANGING.....GANG ACTIVITIES
GANGSTER.....GANG MEMBER
GANK.....CHEAT/STEAL/ROB/SELL IMITATION DOPE
GAT.....GUN
G-DOWN.....DRESS UP
G-MAN.....ANOTHER NAME FOR BLK GANGSTER
DISCIPLE
G-RIDE (G-SPRINGS).....GANGSTER RIDE/STOLEN CAR
GEED.....DRESSED NICELY
GEEK.....SOMEONE WHO IS LOADED/HIGH
GEEKIN.....CRAZY
GET DOWN.....FIGHT
GET JAMMED.....TO BE ACCOSTED
GET SOME GONE.....GET OUT OF MY FACE
GETTIN THE DIGITS.....GETTING A TELEPHONE NUMBER
GHOST.....DISAPPEAR
GHOST IT.....LOOSE IT
GIG.....GATHERING
GIRL.....COCAINE

GIVIN UP THE HAPPY DUG OUT.....A GIRL THAT'S INTIMATE
GLASS HOUSE.....1977-1978 CHEVY
GONE.....UGLY
GOT IT GOING ON.....SUCCESSFUL PERSON OR FUNCTION
GRAVE YARD.....THIS IS DRUG HOUSE WHICH HAS FEWER
SOLD ALL THEIR DRUGS AND IS OUT OF
DRUGS OR WAS SHUT DOWN BY THE
POLICE.
GROB.....BEER

8

HARDCORE.....EXTREME "THE BIG TIME"
HEAD HUNTER.....TERM USED FOR A FEMALE WHO HAS SEX
SEXUAL ACTS FOR COCAINE
H.I.B.....HAIR I BOUGHT/ HOLDING FONE
HIGH ROLLER.....DRUG DEALER
HOLDING DOWN.....CONTROLLING TURF OR AREA
HONE BOY.....FELLOW GANG MEMBERS
HONES.....FELLOW GANG MEMBERS
HONEY.....FELLOW GANG MEMBERS
HOO-RAH.....LOUD TALKING
HOOD.....NEIGHBORHOOD
HOODSTA.....GANGSTER
HOOK.....PHONY OR IMITATION
HOOK ME UP.....SET UP A DEAL
HOOK/TRICK.....PHONY OR SISSY
HOOTY.....CAR
HUBBA.....ROCK COCAINE
HURL.....VOMIT
HUSTLER.....NOT INTO GANGS..STRICTLY FOR
MAKE MONEY OR IMPRESS GIRLS

1

ICE.....CRYSTAL METHAMPHETAMINE
IGNORANT FOOLS.....DEROGATORY REMARKS FOR INTELLECT
ILLING.....FAMILY GANGSTER BLOODS.
.....MAKING MENTAL MISTAKES

IN POCKET.....A SUBJECT WHO HAS DRUGS READY TO SELL
IN THE MIX.....INVOLVED IN GANG ACTIVITIES

7

JACKED-UP.....BEAT UP OR ASSAULTED
JAMMED.....CONFRONTED
JET.....RUN AWAY
JIM JONES.....MARIJUANA JOINT LACED WITH COCAINE
AND DIPPED IN P.C.P.
JIMMY.....CONDOMS
JIVING.....ATTEMPTING TO FOOL SOMEONE
JONING.....TALKING ABOUT SOMEONE
JUICED LIFTS.....VEHICLE HAS HYDRAULICS TO RAISE AND
LOWER THE CAR.
JUMP ON.....INTIMIDATION
JUNGLE FEVER.....BLACK AND WHITE TOGETHER

K

KEY.....KILO OF COCAINE IN POWDER FORM
KIBBLES AND BITS.....CRUMBS OF COCAINE
KICKING BACK.....RELAXING/KILLING TIME
KICKIN IT.....TAKING IT EASY
KICK YOU DOWN.....GIVE YOU SOMETHING/SET YOU UP IN
DRUG TRADE.

KILLA.....KILLER
KITE.....A WRITTEN LETTER
KITE IN THE WIND.....A LETTER IN THE MAIL
KLUCKA.....DOPE FIEND
KNUCKED.....KILLED
KNOCKIN BOOTS.....HAVING SEX
KOOL.....IT'S ALL RIGHT

L

LACES.....CHROME/SPOKE RIMS
LADY.....GIRLFRIEND
LAKE.....BORING
LEGIT.....FOR REAL/PROPER
LET'S BAIL.....LET'S LEAVE
LIFTS.....VEHICLE HAS HYDRAULICS TO RAISE AND
LOWER THE CAR.
LIL MALLOW.....FRIEND
LIT UP.....SHOT AT
LIQUID JUICE/SHERM/HACK.....P.C.P.
LIZARD BUTT.....UGLY GIRL
LOC.....CRAZY/LOCO (CRIPS)
LOC'S.....DARK SUNGLASSES
LOK.....CRAZY/LOCO (BLOODS)
LOKES.....DARK SUNGLASSES
LOVE.....ROCK COCAINE
LOW BUDGET.....CHEAP GIRL
LUDES.....NICKNAME FOR QUALAUDES
LYNCH MOB.....A GANG

M

MACK/DAG/RUSH.....ABILITY TO SWEET-TALK GIRLS
MACKIN.....GETTING GIRLS
MAIN MAN.....BEST FRIEND/BACKUP
MAKING BANK.....MAKING MONEY/USUALLY ILLEGAL
MAN.....THE POLICE/ANYONE INCHARGE
MARK.....WANT-TO-BE GANG MEMBER
MISSION.....GANG ACTIVITY/CONTRACT HIT
MOBILE.....PROPER/NICE LOOKING
MOLOD/SCRATCH.....EMBARRASSED
MONEY.....PERSON WITH MONEY
MONTE C.....MONTE CARLO VEHICLE
MUD DUCK.....UGLY GIRL
MUSHROOM.....AN INNOCENT BY STANDER SHOT IN
DRIVE BY SHOOTING.
MUT.....MALE SLUT

N

N/H.....NEIGHBORHOOD
N-HOOD.....TERM MEANING IN THEIR TURF
NUT UP.....ANGRY/HAD AT SOMEBODY
NOT.....DON'T THINK SO

O

O.....REFERENCE TO 1 OUNCE OF COCAINE
O/G.....ORIGINAL GANGSTER/OLD
GANGSTER/ORGANISED GANGSTER
OLD BIRD/OLD JUDE.....MOTHER AND FATHER
ON THE PIPE.....FREE BASING COCAINE
ON THE STRENGTH.....BASED ON THE FACTS
187.....PENAL CODE FOR MURDER IN CALIFORNIA
ONE TIME.....POLICE IN AREA/ THE POLICE
O.P.P.....OTHER PEOPLES PROPERTY

P

PACKING.....GANG MEMBER HAS A GUN IN HIS
POSSSESSION/ BIG SEXUAL ORGANS
PEACE CUT.....GOODBYE/SEE YOU LATER
PEANUT BUTTER.....CRIP'S DISRESPECT FOR BLACKS
PEOPLE.....VICE LORDS, LATIN KINGS, ETC., AND
THEIR AFFILIATES
PIMPED OUT.....A WELL DRESSED PERSON
PIPE HEAD.....CRACK ADDICT
PIRU.....ANOTHER NAME FOR BLOOD
PLAYED OUT.....OVER/NO LONGER USED
PLAYER/HUSTLER.....NOT INTO GANGS-STRICTLY OUT TO MAKE
MONEY OR IMPRESS GIRLS
POPPED A CAP/BUSTED.....SHOT AT SOMEONE
POSSE.....EAST COAST TERM FOR GANG
POSSE.....GROUP OF FRIENDS
PROPER.....LEGAL/NOT SELLING DOPE
PSYCO.....CRAZY
PRIMO.....MARIJUANA LACED WITH COCAINE
PUFFIN.....COCAINE SHOKER
PUGGIN.....A FIGHTER/ INVOLVED IN A FIGHT
PULLING YOU ON.....MAKING A FOUL OF YOU
PUT EN IN CHECK.....DISCIPLINE SOMEONE
PUT IN SOME WORK.....DO A SHOOTING
PUT THAT ON THE SET.....TO VALIDATE WHAT YOU'RE SAYING IS
TRUE

Q

QUEEN.....FEMALE MEMBER OF A GANG

R

RAG.....COLOR OF GANG HANDKERCHIEF
RAGGIN.....TO COMPLAIN
RAISE.....LEAVE
RASBERY.....FEMALE TAKES ANYTHING FOR SEX
RECRUITING.....LOOKING FOR GOOD LOOKING GIRLS
RED EYE.....HARD STARE
RELATIVE.....BLOODS' TERM FOR HOMEBODYS
RIDE.....CAR
RIDE ON/RODE ON.....GO TO ANOTHER RIVAL NEIGHBORHOOD IN
VEHICLES TO ATTACK OTHER GANGS
RIG.....COMBINATION OF HYPODERMIC NEEDLE,
BOTTLE CAP, AND A STRING OR NYLON
TO TIE OFF ARM BEFORE INJECTING
DRUGS.
RIGHTEOUS.....TRUE OR AFFIRMATIVE ANSWER
RIP OFF.....STEAL/TAKE
ROAD DOG.....CLOSE FRIEND
ROBO COP.....POPULAR DANCE
ROCK.....CRYSTALLIZED COCAINE
ROCKBOYS.....COBRASTONES, BLACK P STONES
ROCK STAR.....COCAINE PROSTITUTE
ROLL-EM.....TO ASSAULT AND ROB/ ROBBERY
ROLL EN UP.....ARRESTED/ FORCE OUT OF SCENE
ROLLIN.....DOING WELL/HAVE A NICE CAR
ROLLIN GOOD.....SELLING DRUGS
ROSCO.....GUN
RU (ROOSTER).....PIRU
RUSH.....ABILITY TO SWEET-TALK GIRLS

SAFE HOUSE.....THIS IS A HOUSE WHERE LARGE AMOUNTS
OF DRUGS AND MONEY ARE STORED.
USUALLY ONLY A SELECT NUMBER OF
MEMBERS HAVE ACCESS TO HOUSE.
SAGGIN.....JAILHOUSE LIFE/WEARING PANTS REAL
LOW/GANGSTERING
SATIN DISCIPLES.....WHITE DISCIPLE GANG MEMBERS
SCAM.....TO ACQUIRE ILLEGITIMATELY
SCANDALOUS.....DEAD BEAT PERSON/BAD PERSON
SCANK.....EXTREMELY UGLY OR DISGUSTING
SCRATCH/HOLED.....EMBARRASSED
SELL OUT.....TO SELL OUT YOUR RACE
SET.....SPECIFIC GANG/LOCATION OF TURF
SHANK.....JAIL TERM FOR HOME MADE KNIFE
SIERN/WACK/LIQUID JUICE.....P.C.P.
SHOTCALLER.....PERSON INCHARGE/GANG LEADER
SHOOTER.....ENFORCER
SKEEZER.....UGLY GIRL
SLANGIN KEYS.....SELLING DOPE
SLING OR SLANG.....DEALS OR SELLS COCAINE
SLOB.....DEROGATORY NICKNAME FOR BLOOD GANG
MEMBERS USED BY THE CRIPS
SLOB ON THE KNOB.....ORAL/SEX
SHOKER.....PERSON WHO SHOKES COCAINE
SHAKE.....POPULAR DANCE
SHAPS.....MONEY
SHOW BUINY.....A WHITE GIRL
SPACE BASE.....PCP/ROCK COCAINE
SPEED BALL.....COMMON NAME FOR L.S.D.
SPRINGS.....COMBINATION OF HEROIN AND COCAINE
VEHICLE
SPRUNG.....A PERSON ADDICTED TO COCAINE
SPUE.....VOMIT
SQUAB.....FIGHT/ARGUMENT
STALL IT OUT.....STOP DOING WHAT YOU'RE DOING
STANK.....DIRTY GIRL
STRAIGHT SHOOTER.....METAL PIPE USUALLY A CAR ANTENNA
WHICH IS USED TO SHOKE CRACK
STRAIGHT.....FOR REAL/SERIOUS
STRAWBERRY.....A TERM FOR A FEMALE WHO PERFORMS
SEXUAL ACTS FOR COCAINE
SUFFERIN NEED BUFFERIN.....HAVING PROBLEMS
SUP.....WHAT'S UP/WHAT'S GOING ON

T

TAKE HIM OUT OF THE BOX.....TO KILL A RIVAL GANG MEMBER
TALKING FROM THE HEART.....MAKING GANG SIGNS WHILE BEATING
ON ONES CHEST.
TALKING HEAD.....ARGUE, WANTING TO FIGHT
TALKING SHACK.....AGGRESSIVE TALKING/CHALLENGE
TANGO & CASH.....FENTANYL
TEENAGER.....1/16 OF OUNCE OF COCAINE
TG.....TINY GANGSTER
THAT'S HARD.....COOL
THROW DOWN.....FIGHT
THROUGH.....UGLY
THUMPER.....GUN
TORE YOUR DROUSE.....HAVE A DISPUTE
TOS UP.....GIRL USED FOR SEX
TO THE CURB.....BAD/BAD POSITION TO BE IN
TRAY.....THREE
TREY EIGHT.....38 CALIBER GUN
TRICK/HOOK.....PHONY OR SISSY
TRIP.....TOO MUCH/ SOMETHING ELSE
TURKISH.....TERM USED TO DESCRIBE HEAVY,
ORNAMENTAL GOLD NECKLACE OR
EARRINGS.
THA.....TEENIE WEEINIE AFRO
TWIPY.....\$20 PIECE OF CRACK
T.....\$20 WORTH OF COCAINE

UGS.....BLOODS
UNDER COVER.....PLAIN GANG CAR
UP ON IT.....HAVE KNOWLEDGE OF DRUG SCENE
THE KNOW ON THE DRUG SCENE
PERSON WHO'S SUCCESSFUL DEALING
DRUGS.
UZI.....ANY SEMI-AUTOMATIC HANDGUN

V

VAPORS.....FUMES FROM FREEBASED COCAINE
IDENTIFY MONEY HUNGRY FEMALES
VAMP.....LEAVE
VICKI LOU'S.....DEROGATORY NAME FOR VICE LORDS
VIOLATION.....BREAK THE GANG RULE AND RECEIVE
A PUNISHMENT

W

WACK/SHERN/LIQUID JUICE.....P.C.P.
WACK PATIENT.....AN INDIVIDUAL WHO SHOKES P.C.P.
OFTEN BECOMES PARANOID
WACKY TOBACCO.....MARIJUANA
WAD-UP.....STONED/HIGH ON DRUGS OR ALCOHOL
WAVE.....P.C.P.
WE'RE DOWN WITH THE SET.....SHORT, CLOSE CUT HAIR CUT
WHAT IT "B" LIKE.....MELLOW/FINE/SECURE/OK
WHAT IT "C" LIKE.....BLOOD GANG MEMBER GREETING
WHAT'S UP.....CRIP GANG MEMBER GREETING
WHAT'S UP G.....WHAT'S GOING ON
WHATSET YOU FRONT?.....HELLO FRIEND
ASKING WHAT GANG YOU ARE A MEMBER
OF OR GANG YOU CLAIM TO BE FROM.
WHAZ UP.....HELLO
WORD.....O.K.- ALL RIGHT

Y

YO!.....HEY!
YOU PLAYED YOURSELF.....YOU DID YOURSELF WRONG

PREPARED BY:

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IN CONJUNCTION WITH

RITENOUR HIGH SCHOOL
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ALCOHOL, TOBACCO, AND FIREARMS-ST. LOUIS OFFICE

GANG CLOTHING - THE SPORTS TEAMS CONNECTION

This is an explanation to why certain gang members will wear certain colors/sports teams colors. It DOES NOT mean that everyone who wears these colors or this sports attire is a gang member.

CHICAGO BULLS

NBA, Basketball team - Chicago, Ill.

Colors - Red

(BULL(S) = Bloods Usually Live Longer)

CHICAGO WHITE SOX

Professional baseball team - Chicago, ILL

Colors - Black

(SOX spelled backwards XOS = X Out Slobs)

CHARLOTTE HORNETS

Professional basketball team.

Colors - Turquoise Blue and Purple

(Neighborhood Crips)

CINCINNATI REDS

Cincinnati, OH

Colors - Red

(Blood color)

COLORADO ROCKIES

Denver, CO

Colors - Purple

(C R = Crip Rules)

DALLAS COWBOYS

Professional Football team - Dallas, Tx.

Colors - Blue and White

(Crip gang)

(COWBOYS = Crips On Westside Bangin On You Slobs)

DETROIT TIGERS

Professional Baseball team - Detroit, Michigan.

Colors - Blue & Orange

(Disciples /crip alliance)

DUKE BLUE DEVILS

College athletic team - Durham, NC

Colors - Blue

(Blue Devils, B D = Blood Destroyers)

GEORGE TOWN HOYAS

College athletic team - Washington D.C.

Colors - Blue & Gray

(Crip Gang - Particular the Hoover sets) (G = Gangster)

(HOYAS = Hoova On Your Ass Slobs)

HOUSTON ASTROS
Professional Baseball team - Houston Tx.
Colors - Orange
(Crip gang, Hoover sets) (Houston - Hoova)

KANSAS CITY CHIEFS
NFL, Football team - Kansas City, Mo.
Colors - Red & White
(CHIEFS = Crips Hated In Each F---ing State)

KANSAS CITY (KC) ROYALS
Professional Baseball team
Colors - Blue
(KC = Crip Crazy)

KANSAS UNIVERSITY
College Team
Colors - Blue
(Crip gangs. Kill All Niggas Suck Ass Slobs.)

L.A. RAIDERS
NFL Football team, Los Angeles, Ca.
Colors - Black
(considered neutral)
(RAIDERS = Remember After I Die Everybody Runs Scared)

LOS ANGELES KINGS
Professional Hockey team - Los Angeles, CA
Colors - Black & Silver
(Latin Kings - Hispanic Gang)

LOS ANGELES LAKERS
Professional Basketball team - Los Angeles, Calif.
Colors - Purple & Gold
(Crip gang, Grape Street set)

MIAMI HURRICANES
College athletic team - Miami, FL
Colors - Orange & Black
(Crip gang, Hoover sets - M: Magnificent & H: Hoover)

MICHIGAN
College athletic team
Colors - Blue and Gold
(Main Street Crips)

NEW ORLEANS SAINTS
Professional football team.
Colors - Black and Gold

NEW YORK GIANTS
Professional Football team - New York City, New York
Colors - Blue & White
(GIANTS = Going Insane All Night Toward Slobs)

NORTH CAROLINA TAR HEELS
College athletic team - Durham, North Carolina
Colors - Blue & white
(Crip gang, Neighborhood sets)

NOTRE DAME
College athletic team
Colors - Green
(Irish Mob Gangster or Crip)

PHILADELPHIA PHILLIES
Professional baseball team.
Colors - Red and White
(Piru/s)

PITTSBURG PIRATES
Professional Baseball team - Pittsburgh, Pa.
Colors - Black and Gold
(Piru/s bloods and people's nation alliance)

ST. LOUIS CARDINALS
Professional Baseball team, St. Louis, MO
Colors - Red
(Blood gang)

SAN FRANCISCO FORTY-NINERS
Professional Football team
Colors - Red & Gold
(Bloods)
("ers" = Erickets Running Scared)



ILLINOIS

Enhanced Penalties-Sentencing ([view all states for this subject](#))

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Illinois 805-4. Criminal Prosecutions Limited

(3.1) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a forcible felony under the laws of this State, and if a motion by the State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged forcible felony alleges that: (i) the minor has previously been adjudicated delinquent for commission of an act that constitutes a felony under the laws of this State or any other state; and (ii) the act that constitutes the offense was committed in furtherance of criminal activity by an organized gang, the Juvenile Judge designated to hear and determine those motions shall, upon determining that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

(3.2) If a petition alleges commission by a minor 15 years of age or older of an act that constitutes a felony under the laws of this State, and if a motion by a State's Attorney to prosecute the minor under the criminal laws of Illinois for the alleged felony alleges that: (ii) the act that constitutes the offense was committed in furtherance of criminal activities by an organized gang, the Juvenile Judge designated to hear and determine those motions shall, upon determining that both allegations are true, enter an order permitting prosecution under the criminal laws of Illinois.

For purposes of subsections (3.1) and (3.2), "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to members of the association who do commit crimes.

Gang Databases ([view all states for this subject](#))

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Illinois 2640/5. Definitions

As used in this Act:

"Department" means the Department of State Police.

"Director" means the Director of State Police.

"Organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

A "SWORD terminal" is an interactive computerized communication and processing unit that permits a direct on-line communication with the Department of State Police's central data repository, the Statewide Organized Gang Database (SWORD).

Illinois 2640/10. Duties of the Department

The Department may:

(a) provide a uniform reporting format for the entry of pertinent information regarding the report of an arrested organized gang member or organized gang affiliate into SWORD;

(b) notify all law enforcement agencies that reports of arrested organized gang members or organized gang affiliates shall be entered into the database as soon as the minimum level of data specified by the Department is available to the reporting agency, and that no waiting period for the entry of that data exists;

(c) develop and implement a policy for notifying law enforcement agencies of the emergence of new organized gangs, or the change of a name or other identifying sign by an existing organized gang;

(d) compile and retain information regarding organized gangs and their members and affiliates, in a manner that allows the information to be used by law enforcement and other agencies, deemed appropriate by the Director, for investigative purposes;

(e) compile and maintain a history data repository relating to organized gangs and their members and affiliates in order to develop and improve techniques utilized by law enforcement agencies and prosecutors in the investigation, apprehension, and prosecution of members and affiliates of organized gangs;

(f) create a quality control program regarding confirmation of organized gang membership and organized gang affiliation data, timeliness and accuracy of information entered into and performance audits of all entering agencies;

(g) locate all law enforcement agencies that could, in the opinion of the Director, benefit from access to SWORD, and notify them of its existence, and

(h) cooperate with all law enforcement agencies wishing to gain access to the SWORD system, and facilitate their entry into the system and their continued

maintenance of access to it.

Illinois 2640/15. Duties of local law enforcement agencies

Local law enforcement agencies who are members of the SWORD system may:

(a) after carrying out any arrest of any individual whom they believe to be a member or affiliate of an organized gang, create or update that individual's electronic file within the SWORD system; and

(b) notify the prosecutor of the accused of the accused individual's gang membership or gang affiliate status.

Illinois 2640/20. Interstate compact on gang information

The Governor of this State is authorized to enter into a compact on behalf of this State with any of the states of the United States legally joining that compact in a form substantially as follows:

COMPACT

This compact is entered into by the contracting States, signatories to this compact, with the consent of the Congress of the United States of America, granted by "An Act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes.

The contracting States agree as follows:

(1) The duly constituted judicial and administrative authorities of a state that is a party to this compact may share information compiled by that state with another state that is a party to this compact concerning the names, addresses, arrest records, and conviction information of organized gang members and information concerning the activities of organized gangs.

(2) A state that is a party to this compact may establish an interactive computerized communication and processing unit that permits direct on-line communication with a computer network of another state that is a party to this compact and contains the information described in paragraph (1).

(3) The Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, may promulgate rules and regulations deemed necessary to carry out more effectively the terms of this compact.

(4) This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying. When

ratified it shall have the full force and effect of law within that state. The form of ratification shall be in accordance with the laws of the ratifying state.

(5) This compact shall continue in force and remain binding upon each ratifying State until renounced by it. Renunciation of this compact shall be by the same authority that ratified it by giving a 6-month notice in writing to the other contracting states of its intention to withdraw from the compact.

Gang Recruitment, Threats, Intimidation ([view all states for this subject](#)) [\(Top\)](#)

Illinois (from Ch. 38, par. 12-6.1) Sec. 12-6.1. Compelling organization membership of persons

A person who expressly or impliedly threatens to do bodily harm or does bodily harm to an individual or to that individual's family or uses any other criminally unlawful means to solicit or cause any person to join, or deter any person from leaving, any organization or association regardless of the nature of such organization or association, is guilty of a Class 2 felony.

Any person of the age of 18 years or older who expressly or impliedly threatens to do bodily harm or does bodily harm to a person under 18 years of age or uses any other criminally unlawful means to solicit or cause any person under 18 years of age to join, or deter any person under 18 years of age from leaving, any organization or association regardless of the nature of such organization or association is guilty of a Class 1 felony. (Source: P.A. 88-680, eff. 1-1-95.)

Gang-Related Definitions ([view all states for this subject](#))

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Illinois 147/10. Definitions

"Course or pattern of criminal activity" means 2 or more gang-related criminal offenses committed in whole or in part within this State when:

- (1) at least one such offense was committed after the effective date of this Act;
- (2) both offenses were committed within 5 years of each other; and
- (3) at least one offense involved the solicitation to commit, conspiracy to commit, attempt to commit, or commission of any offense defined as a felony or forcible felony under the Criminal Code of 1961.

"Street gang" or "gang" or "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of 3 or more persons with an established hierarchy that, through its membership or

through the agency of any member engages in a course or pattern of criminal activity.

For purposes of this Act, it shall not be necessary to show that a particular conspiracy, combination, or enjoining of persons possesses, acknowledges, or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age, or other qualifications, initiation rites, geographical or territorial sites or boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence, in law or in fact, can be demonstrated by a preponderance of other competent evidence. However, any evidence reasonably tending to show or demonstrate, in law or in fact, the existence of or membership in any conspiracy, confederation, or other association described herein, or probative of the existence of or membership in any such association, shall be admissible in any action or proceeding brought under this Act.

"Streetgang member" or "gang member" means any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity.

"Streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority:

(1) with the intent to increase the gang's size, membership, prestige, dominance, control in any geographical area; or

(2) with the intent to provide the gang with any advantage in, or any control or dominance over any criminal market sector, including but not limited to, the manufacture, delivery, or sale of controlled substances or cannabis; arson or arson-for-hire; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity, or pornography; or that involves robbery, burglary, or theft; or

(3) with the intent to exact revenge or retribution for the gang or any member of the gang; or

(4) with the intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or

(5) with the intent to otherwise directly or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence, or membership.

Miscellaneous Gang Legislation ([view all states for this subject](#))

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ACT 147. ILLINOIS STREETGANG TERRORISM

Illinois 147/5. Legislative findings

(a) The General Assembly hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, or disability, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Act to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The General Assembly hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

(b) The General Assembly finds, however, that urban, suburban, and rural communities, neighborhoods and schools throughout the State are being terrorized and plundered by street gangs. The General Assembly finds that there are now several hundred street gangs operating in Illinois, and that while their terrorism is most widespread in urban areas, street gangs are spreading into suburban and rural areas of Illinois.

(c) The General Assembly further finds that street gangs are often controlled by criminally sophisticated adults who take advantage of our youth by intimidating and coercing them into membership by employing them as drug couriers and runners, and by using them to commit brutal crimes against persons and property to further the financial benefit to and dominance of the street gang.

(d) These street gangs' activities present a clear and present danger to public order and safety and are not constitutionally protected. No society is or should be required to endure such activities without redress. Accordingly, it is the intent of the General Assembly in enacting this Act to create a civil remedy against street gangs and their members that upon patterns of criminal gang activity and upon the organized nature of street gangs, which together have been the chief source of their success

Illinois 147/15. Creation of civil cause of action

(a) A civil cause of action is hereby created in favor of any public authority

expending money, allocating or reallocating police, firefighting, emergency or other personnel or resources, or otherwise incurring any loss, deprivation, or injury, or sustaining any damage, impairment, or harm whatsoever, proximately caused by any course or pattern of criminal activity.

(b) The cause of action created by this Act shall lie against:

(1) any streetgang in whose name, for whose benefit, on whose behalf, or under whose direction the act was committed- and (2) any gang officer or director who causes, orders, suggests, authorizes, consents to, agrees to, requests, acquiesces in, or ratifies any such act; and

(3) any gang member who, in the furtherance of or in connection with, any gang-related activity, commits any such act; and

(4) any gang officer, director, leader, or member.

(c) The cause of action authorized by this Act shall be brought by the State's Attorney or attorneys or by his or their designees. This cause of action shall be in addition to any other civil or criminal proceeding authorized by the laws of this State or by federal law, and shall not be construed as requiring the State's Attorney or his designee to elect a civil, rather than criminal remedy, or as replacing any other cause of action. Liability of the gang, its officers, directors, leaders, and members shall be joint and severable subject only to the apportionment and allocation of punitive damage authorized under Section 35 of this Act.

Illinois 147/20. Commencement of action

(a) An action may be commenced under this Act by the filing of a verified complaint as in civil cases.

(b) A complaint filed under this Act, and all other ancillary or collateral matters arising therefrom, including matter relating to discovery, motions, trial, and the perfection or execution of judgments shall be subject to the Code of Civil Procedure, except as may be otherwise provided in this Act, or except as the court may otherwise order upon motion of the State's Attorney or his designee in matters relating to immunity or the physical safety of witnesses.

(c) The complaint shall name each complaining State's Attorney or his designee, and the public authority represented by him or by them.

(d) The complaint shall also name as defendants the gang, all known gang officers, and any gang members specifically identified or alleged in the complaint as having participated in a course or pattern of gang-related criminal activity. The complaint may also name, as a class of defendants, all unknown gang members.

(e) When, at any point prior to trial, other specific gang officers or members become known, the complaint may be amended to include any such person as a named defendant.

Illinois 147/25. Venue

(a) In an action brought under this Act, venue shall lie in any county where an act charged in the complaint as part of a course or pattern of gang-related criminal activity committed.

(b) It shall not be necessary for all offenses necessary to establishing a course or pattern of criminal activity to have occurred in any one county where the State's Attorneys of several counties, or their designees, each complaining of any offense, elected to join in a complaint. In such instance, it shall be sufficient that the complaint, taken as a whole, alleges a course or pattern of gang-related criminal activity, and each count of any such joint complaint shall be considered as cumulative to other counts for purposes of alleging or demonstrating such a course or pattern of activity.

(c) Where a course or pattern of activity is alleged to have been committed or to have occurred in more than one county, the State's Attorney of each such county, or their designees, may join their several causes of action in a single complaint, which may be filed in any such county agreed to by or among them, but no such joinder shall be had without the consent of the State's Attorney having jurisdiction over each offense alleged as part of the course or pattern of activity.

Illinois 147/30. Service of process

(a) All streetgangs and streetgang members engaged in a course or pattern of gang-related criminal activity within this State impliedly consent to service of process upon them as set forth in this Section, or as may be otherwise authorized by the Code of Civil Procedure.

(b) Service of process upon a streetgang may be had by leaving a copy of the complaint and summons directed to any officer of such gang, commanding the gang to appear and answer the complaint or otherwise plead at a time and place certain:

(1) with any gang officer; or

(2) with any individual member of the gang simultaneously named therein; or

(3) in the manner provided for service upon a voluntary unincorporated association in a civil action; or

(4) in the manner provided for service by publication in a civil action; or

(5) with any parent, legal guardian, or legal custodian of any persons charged with a gang-related offense when any person sued civilly under this Act is under 18 years of age and is also charged criminally or as a delinquent minor; or

(6) with the director of any agency or department of this State who is the legal guardian, guardianship administrator, or custodian of any person sued under this Act; or

(7) with the probation or parole officer of any person sued under this Act; or

(8) with such other person or agent as the court may, upon petition of the State's Attorney or his designee, authorize as appropriate and reasonable under all of the circumstances.

(c) If after being summoned a streetgang does not appear, the court shall enter an answer for the streetgang neither affirming nor denying the allegations of the complaint but demanding strict proof thereof, and proceed to trial and judgment without further process.

(d) When any person is named as a defendant streetgang member in any complaint, or subsequently becomes known and is added or joined as a named defendant, service of process may be had as authorized or provided for in the Code of Civil Procedure for service of process in a civil case.

(e) Unknown gang members may be sued as a class and designated as such in the caption of any complaint filed under this Act. Service of process upon unknown members may be made in the manner prescribed for provision of notice to members of a class in a class action, or as the court may direct for providing the best service and notice practicable under the circumstances which shall include individual, personal, or other service upon all members who can be identified and located through reasonable effort.

Illinois 147/35. Injunctive relief, damages, costs, and fees

(a) In any action brought under this Act, and upon the verified application of the State's Attorney or his designee, the circuit court may at any time enter such restraining orders, injunctions, or other prohibitions, or order such other relief as it deems proper, including but not limited to ordering any person to divest himself of any involvement or interest, direct or indirect, in any illegal streetgang activity and imposing other reasonable restrictions on the future illegal activities of any defendant.

(b) A final judgment in favor of a public authority under this Act shall entitle it to recover compensatory damages for all damages, losses, impairments, or other harm proximately caused, together with the costs of the suit and reasonable attorneys' fees. Punitive damages may be assessed against any

streetgang, against any streetgang officer or member found guilty of actual participation in or to be legally accountable for a course or pattern of criminal activity under this Act.

(725 ILCS 172/5-1)

(Section scheduled to be repealed July 1, 2004)

Sec. 5-1. Short title. This Article may be cited as the Gang Crime Witness Protection Act, and references in this Article to "this Act" mean this Article.

(Source: P.A. 91-42, eff. 6-30-99.)

(725 ILCS 172/5-5)

(Section scheduled to be repealed on July 1, 2004)

Sec. 5-5. Definition. As used in this Act, "gang crime" means any criminal offense committed by a member of a "gang" as that term is defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act when the offense is in furtherance of any activity, enterprise, pursuit, or undertaking of a gang.

(Source: P.A. 91-42, eff. 6-30-99.)

(725 ILCS 172/5-10)

(Section scheduled to be repealed on July 1, 2004)

Sec. 5-10. Pilot program. The Department of State Police shall establish and administer a pilot program to assist victims and witnesses who are actively aiding in the prosecution of perpetrators of gang crime, and appropriate related persons. Financial assistance may be provided, upon application by a State's Attorney or the Attorney General, or a chief executive of a police agency with the approval from the State's Attorney or Attorney General, investigating or prosecuting a gang crime occurring under the State's Attorney's or Attorney General's respective jurisdiction, from funds deposited in the Gang Crime Witness Protection Fund and appropriated from that Fund for the purposes of this Act.

(Source: P.A. 91-42, eff. 6-30-99.)

(725 ILCS 172/5-15)

(Section scheduled to be repealed July 1, 2004)

Sec. 5-15. Funding. The Department of State Police, in consultation with the Attorney General, shall promulgate rules for the implementation of the Gang Crime Witness Protection Program. Assistance shall be subject to the following limitations:

(a) Funds shall be limited to payment of the following:

(1) temporary living costs;

(2) moving expenses;

(3) rent;

(4) security deposits; and

(5) other appropriate expenses of relocation or transition;

(b) Approval of applications made by State's Attorneys shall be conditioned upon county funding for costs at a level of at least 25%, unless this requirement is waived by the administrator, in accordance with promulgated rules, for good cause shown;

(c) Counties providing assistance consistent with the limitations in this Act may apply for reimbursement of up to 75% of their costs; and

(d) No more than 50% of funding available in any given fiscal year may be used for costs associated with any single county.

(Source: P.A. 91-42, eff. 6-30-99.)

(725 ILCS 172/5-20)

(Section scheduled to be repealed July 1, 2004)

Sec. 5-20. Gang Crime Witness Protection Fund. There is created in the State Treasury the Gang Crime Witness Protection Fund into which shall be deposited appropriated funds, grants, or other funds made available to the Department of State Police to assist State's Attorneys and the Attorney General in protecting victims and witnesses who are aiding in the prosecution of perpetrators of gang crime, and appropriate related persons.

(Source: P.A. 91-42, eff. 6-30-99.)

(725 ILCS 172/5-25)

(Section scheduled to be repealed July 1, 2004)

Sec. 5-25. Period of operation. The pilot program created by this Act shall begin operation on July 1, 1996 and shall continue through June 30, 1998. The Illinois Criminal Justice Information Authority shall undertake a complete evaluation of the first 12 months of the program's operation, and shall report to the General Assembly on the effectiveness and necessity of the program no later than December 31, 1997.

(Source: P.A. 91-42, eff. 6-30-99.)

(725 ILCS 172/5-30)

(Section scheduled to be repealed on July 1, 2004)

Sec. 5-30. Repeal. This Act is repealed on July 1, 2004.

(Source: P.A. 90-795, eff. 8-14-98; 91-42, eff. 6-30-99.)

(725 ILCS 172/5-35)

(Section scheduled to be repealed on July 1, 2004)

Sec. 5-35. Continuation of Act; validation.

(a) The General Assembly finds and declares that:

(1) When the Gang Crime Witness Protection Act was originally enacted by

Public Act 89-498, effective June 27, 1996, it included a Section 5-30, which repealed the Act on June 30, 1998.

(2) Senate Bill 1846 of the 90th General Assembly included a provision that amended the Gang Crime Witness Protection Act by changing Section 5-30 to make the Act's repeal date June 30, 1999. Senate Bill 1846 passed both houses on May 21, 1998. Senate Bill 1846 provided that it took effect upon becoming law. Senate Bill 1846 was sent to the Governor on June 19, 1998. Senate Bill 1846 was not approved by the Governor until August 14, 1998. Senate Bill 1846 became Public Act 90-795.

(3) The Statute on Statutes sets forth general rules on the repeal of statutes, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(4) The actions of the General Assembly clearly manifest the intention of the General Assembly to change the Gang Crime Witness Protection Act's repeal date to June 30, 1999.

(5) Any construction of Section 5-30 of the Gang Crime Witness Protection Act that results in the repeal of the Act on June 30, 1998 would be inconsistent with the manifest intent of the General Assembly.

(b) It is hereby declared to have been the intent of the General Assembly, in enacting Public Act 90-795, that Section 5-30 of the Gang Crime Witness Protection Act be changed to make June 30, 1999 the repeal date of the Gang Crime Witness Protection Act, and that the Gang Crime Witness Protection Act therefore not be subject to repeal on June 30, 1998.

(c) The Gang Crime Witness Protection Act shall be deemed to have been in continuous effect since its original effective date, and it shall continue to be in effect until it is otherwise repealed.

(d) All actions taken in reliance on or pursuant to the Gang Crime Witness Protection Act by any officer or agency of State government or any other person or entity are validated.

(e) To ensure the continuing effectiveness of the Gang Crime Witness Protection Act, it is set forth in full and re-enacted by this amendatory Act. This re-enactment is intended as a continuation of the Act. It is not intended to supersede any amendment to the Act that is enacted by the General Assembly.

(f) This Act applies to all claims, civil actions, and proceedings pending on or filed on, before, or after the effective date of this amendatory Act.

(g) The General Assembly also intends in this amendatory Act to change the

repeal date of the Gang Crime Witness Protection Act to July 1, 2004.

(740 ILCS 147/1)

Sec. 1. Short title. This Article may be cited as the Illinois Streetgang Terrorism Omnibus Prevention Act.

(Source: P.A. 87-932.)

(740 ILCS 147/5)

(740 ILCS 147/10)

Sec. 10. Definitions.

"Course or pattern of criminal activity" means 2 or more gang-related criminal offenses committed in whole or in part within this State when:

(1) at least one such offense was committed after the effective date of this Act;

(2) both offenses were committed within 5 years of each other; and

(3) at least one offense involved the solicitation to commit, conspiracy to commit, attempt to commit, or commission of any offense defined as a felony or forcible felony under the Criminal Code of 1961.

"Designee of State's Attorney" or "designee" means any attorney for a public authority who has received written permission from the State's Attorney to file or join in a civil action authorized by this Act.

"Public authority" means any unit of local government or school district created or established under the Constitution or laws of this State.

"State's Attorney" means the State's Attorney of any county where an offense constituting a part of a course or pattern of gang-related criminal activity has occurred or has been committed.

"Streetgang" or "gang" or "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of 3 or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity.

For purposes of this Act, it shall not be necessary to show that a particular conspiracy, combination, or conjoining of persons possesses, acknowledges, or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age, or other qualifications, initiation rites, geographical or territorial situs or boundary or location, or other unifying

mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence, in law or in fact, can be demonstrated by a preponderance of other competent evidence. However, any evidence reasonably tending to show or demonstrate, in law or in fact, the existence of or membership in any conspiracy, confederation, or other association described herein, or probative of the existence of or membership in any such association, shall be admissible in any action or proceeding brought under this Act.

"Streetgang member" or "gang member" means any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity.

"Streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority:

(1) with the intent to increase the gang's size, membership, prestige, dominance, or control in any geographical area; or

(2) with the intent to provide the gang with any advantage in, or any control or dominance over any criminal market sector, including but not limited to, the manufacture, delivery, or sale of controlled substances or cannabis; arson or arson-for-hire; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity, or pornography; or that involves robbery, burglary, or theft; or

(3) with the intent to exact revenge or retribution for the gang or any member of the gang; or

(4) with the intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or

(5) with the intent to otherwise directly or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence, or membership.

(Source: P.A. 87-932; 88-467.)

(740 ILCS 147/15)

Sec. 15. Creation of civil cause of action.

(a) A civil cause of action is hereby created in favor of any public authority expending money, allocating or reallocating police, firefighting, emergency or

other personnel or resources, or otherwise incurring any loss, deprivation, or injury, or sustaining any damage, impairment, or harm whatsoever, proximately caused by any course or pattern of criminal activity.

(b) The cause of action created by this Act shall lie against:

(1) any streetgang in whose name, for whose benefit, on whose behalf, or under whose direction the act was committed; and

(2) any gang officer or director who causes, orders, suggests, authorizes, consents to, agrees to, requests, acquiesces in, or ratifies any such act; and

(3) any gang member who, in the furtherance of or in connection with, any gang-related activity, commits any such act; and

(4) any gang officer, director, leader, or member.

(c) The cause of action authorized by this Act shall be brought by the State's Attorney or attorneys, or by his or their designees. This cause of action shall be in addition to any other civil or criminal proceeding authorized by the laws of this State or by federal law, and shall not be construed as requiring the State's Attorney or his designee to elect a civil, rather than criminal remedy, or as replacing any other cause of action. Liability of the gang, its officers, directors, leaders, and members shall be joint and severable subject only to the apportionment and allocation of punitive damage authorized under Section 35 of this Act.

(Source: P.A. 87-932.)

(740 ILCS 147/20)

Sec. 20. Commencement of action.

(a) An action may be commenced under this Act by the filing of a verified complaint as in civil cases.

(b) A complaint filed under this Act, and all other ancillary or collateral matters arising therefrom, including matter relating to discovery, motions, trial, and the perfection or execution of judgments shall be subject to the Code of Civil Procedure, except as may be otherwise provided in this Act, or except as the court may otherwise order upon motion of the State's Attorney or his designee in matters relating to immunity or the physical safety of witnesses.

(c) The complaint shall name each complaining State's Attorney or his designee, and the public authority represented by him or by them.

(d) The complaint shall also name as defendants the gang, all known gang officers, and any gang members specifically identified or alleged in the complaint as having participated in a course or pattern of gang-related

criminal activity. The complaint may also name, as a class of defendants, all unknown gang members.

(e) When, at any point prior to trial, other specific gang officers or members become known, the complaint may be amended to include any such person as a named defendant.

(Source: P.A. 87-932.)

(740 ILCS 147/25)

Sec. 25. Venue.

(a) In an action brought under this Act, venue shall lie in any county where an act charged in the complaint as part of a course or pattern of gang-related criminal activity was committed.

(b) It shall not be necessary for all offenses necessary to establishing a course or pattern of criminal activity to have occurred in any one county where the State's Attorneys of several counties, or their designees, each complaining of any offense, elected to join in a complaint. In such instance, it shall be sufficient that the complaint, taken as a whole, alleges a course or pattern of gang-related criminal activity, and each count of any such joint complaint shall be considered as cumulative to other counts for purposes of alleging or demonstrating such a course or pattern of activity.

(c) Where a course or pattern of activity is alleged to have been committed or to have occurred in more than one county, the State's Attorney of each such county, or their designees, may join their several causes of action in a single complaint, which may be filed in any such county agreed to by or among them, but no such joinder shall be had without the consent of the State's Attorney having jurisdiction over each offense alleged as part of the course or pattern of activity.

(Source: P.A. 87-932.)

(740 ILCS 147/30)

Sec. 30. Service of process.

(a) All streetgangs and streetgang members engaged in a course or pattern of gang-related criminal activity within this State impliedly consent to service of process upon them as set forth in this Section, or as may be otherwise authorized by the Code of Civil Procedure.

(b) Service of process upon a streetgang may be had by leaving a copy of the complaint and summons directed to any officer of such gang, commanding the gang to appear and answer the complaint or otherwise plead at a time and place certain:

(1) with any gang officer; or

(2) with any individual member of the gang simultaneously named therein; or

(3) in the manner provided for service upon a voluntary unincorporated association in a civil action; or

(4) in the manner provided for service by publication in a civil action; or

(5) with any parent, legal guardian, or legal custodian of any persons charged with a gang-related offense when any person sued civilly under this Act is under 18 years of age and is also charged criminally or as a delinquent minor; or

(6) with the director of any agency or department of this State who is the legal guardian, guardianship administrator, or custodian of any person sued under this Act; or

(7) with the probation or parole officer of any person sued under this Act; or

(8) with such other person or agent as the court may, upon petition of the State's Attorney or his designee, authorize as appropriate and reasonable under all of the circumstances.

(c) If after being summoned a streetgang does not appear, the court shall enter an answer for the streetgang neither affirming nor denying the allegations of the complaint but demanding strict proof thereof, and proceed to trial and judgment without further process.

(d) When any person is named as a defendant streetgang member in any complaint, or subsequently becomes known and is added or joined as a named defendant, service of process may be had as authorized or provided for in the Code of Civil Procedure for service of process in a civil case.

(e) Unknown gang members may be sued as a class and designated as such in the caption of any complaint filed under this Act. Service of process upon unknown members may be made in the manner prescribed for provision of notice to members of a class in a class action, or as the court may direct for providing the best service and notice practicable under the circumstances which shall include individual, personal, or other service upon all members who can be identified and located through reasonable effort.

(Source: P.A. 87-932.)

(740 ILCS 147/35)

Sec. 35. Injunctive relief, damages, costs, and fees.

(a) In any action brought under this Act, and upon the verified application of the State's Attorney or his designee, the circuit court may at any time enter such restraining orders, injunctions, or other prohibitions, or order such other relief as it deems proper, including but not limited to ordering any person to

divest himself of any involvement or interest, direct or indirect, in any illegal streetgang activity and imposing other reasonable restrictions on the future illegal activities of any defendant.

(b) A final judgement in favor of a public authority under this Act shall entitle it to recover compensatory damages for all damages, losses, impairments, or other harm proximately caused, together with the costs of the suit and reasonable attorneys' fees. Punitive damages may be assessed against any streetgang, against any streetgang officer or member found guilty of actual participation in or to be legally accountable for a course or pattern of criminal activity under this Act.

(Source: P.A. 87-932.)

(740 ILCS 147/40)

Sec. 40. Contraband.

(a) The following are declared to be contraband and no person shall have a property interest in them:

(1) any property that is directly or indirectly used or intended for use in any manner to facilitate streetgang related activity; and

(2) any property constituting or derived from gross profits or other proceeds obtained from streetgang related activity.

(b) Within 60 days of the date of the seizure of contraband under this Section, the State's Attorney shall initiate forfeiture proceedings as provided in Article 36 of the Criminal Code of 1961. An owner or person who has a lien on the property may establish as a defense to the forfeiture of property that is subject to forfeiture under this Section that the owner or lienholder had no knowledge that the property was acquired through a pattern of streetgang related activity. Property that is forfeited under this Section shall be disposed of as provided in Article 36 of the Criminal Code of 1961 for the forfeiture of vehicles, vessels, and aircraft. The proceeds of the disposition shall be paid to the Gang Violence Victims and Witnesses Fund to be used to assist in the prosecution of gang crimes.

(Source: P.A. 91-876, eff. 1-1-01.)

(740 ILCS 147/45)

Sec. 45. Abatement as public nuisance.

(a) Any real property that is erected, established, maintained, owned, leased, or used by any streetgang for the purpose of conducting streetgang related activity constitutes a public nuisance and may be abated as provided in Article 37 of the Criminal Code of 1961 relating to public nuisances.

(b) An action to abate a nuisance under this Section may be brought by the State's Attorney of the county where the seizure occurred.

(c) Any person who is injured by reason of streetgang related activity shall have a cause of action for 3 times the actual damages sustained and, if appropriate, punitive damages; however, no cause of action shall arise under this subsection (c) as a result of an otherwise legitimate commercial transaction between parties to a contract or agreement for the sale of lawful goods or property or the sale of securities regulated by the Illinois Securities Law of 1953 or by the federal Securities and Exchange Commission. The person shall also recover reasonable attorney's fees, costs, and expenses. (Source: P.A. 91-876, eff. 1-1-01.)

(720 ILCS 5/33-4)

Sec. 33-4. Peace officer or correctional officer; gang-related activity prohibited.

(a) It is unlawful for a peace officer or correctional officer to knowingly commit any act in furtherance of gang-related activities, except when acting in furtherance of an undercover law enforcement investigation.

(b) In this Section, "gang-related" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) Sentence. A violation of this Section is a Class 3 felony. (Source: P.A. 90-131, eff. 1-1-98.)

Probation and Parole ([*view all states for this subject*](#))

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Illinois 805-24. Probation

The court may as a condition of probation or of conditional discharge require that the minor:

(s) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers.

Illinois 805-19. Continuance under supervision

(5) When a hearing where a minor is alleged to be delinquent is continued pursuant to this Section, the court may, as conditions of the continuance under supervision, require the minor to do any of the following:

r. refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers.

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MISSOURI

Drive-By Shooting (*[view all states for this subject](#)*)

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Missouri 571.030. Unlawful use of weapons-exceptions-penalties

1. A person commits the crime of unlawful use of weapons if he knowingly:

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense.

4. Unlawful use of weapons is a class D felony unless committed under subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

5. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

6. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

Enhanced Penalties-Sentencing ([*view all states for this subject*](#))

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Missouri 578.425. Felony or misdemeanors committed to promote or assist criminal conduct by gang members, punishment in addition to regular sentences

Any person who is convicted of a felony or a misdemeanor which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished in the following manner:

(1) Any person who violates this section in the commission of a misdemeanor shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years;

(2) Any person who violates this section in the commission of a felony shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony of which he has been convicted, be punished by an additional term of one, two, or three years at the court's discretion. If the underlying felony is committed on the grounds of, or within one thousand feet of a public or private elementary, vocational, junior high or high school, the additional term shall be two, three, or four years, at the court's discretion. The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements on the record at the time of sentencing;

(3) Any person who violates this section in the commission of a felony punishable by death or imprisonment for life shall not be paroled until a minimum of fifteen calendar years have been served in the custody of the department of corrections.

Missouri Section 565.032. Offenses Against the Person

Evidence to be considered in assessing punishment in first degree murder cases for which death penalty authorized.

1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or he shall include in his instructions to the jury for it to consider:

(1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he considers to be aggravating or mitigating.

2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

(1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;

(2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;

(3) The offender by his act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of murder in the first degree for himself or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;

(5) The murder in the first degree was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;

(6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;

Gang Participation ([view all states for this subject](#))[\(Top\)](#)

Missouri 578.423. Participating knowingly in criminal street gang activities, penalty-persons between ages of fourteen and seventeen participating to be transferred to courts of general jurisdiction

Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by gang members shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years. For any person between the ages of fourteen and seventeen who is alleged to have violated the provisions of sections 578.421 to 578.437 the prosecuting attorney or circuit attorney may move for dismissal of a petition and transfer to a court of general jurisdiction.

Gang-Related Clothing, Dress Codes, School Uniforms ([view all states for this subject](#))**Missouri Code 167.029. School uniforms**

A public school district in any city not within a county shall determine whether a dress code policy requiring pupils to wear a school uniform is appropriate at any school or schools within such district, and if it is so determined, shall adopt such a policy. The school district may determine the style and color of the school uniform.

Gang-Related Definitions ([view all states for this subject](#))[\(Top\)](#)**Definitions.**

Missouri 578.421. As used in sections 578.421 to 578.437, the following terms mean:

- (1) "Criminal street gang", any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in subdivision (2) of this section, which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;
- (2) "Pattern of criminal street gang activity", the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after August 28, 1993, and the last of those offenses occurred within three years after a prior offense, and the

offenses are committed on separate occasions, or by two or more persons:

- (a) Assault with a deadly weapon or by means of force likely to cause serious physical injury, as provided in sections 565.050 and 565.060, RSMo;
- (b) Robbery, arson and those offenses under chapter 569, RSMo, which are related to robbery and arson;
- (c) Murder or manslaughter, as provided in sections 565.020 to 565.024, RSMo;
- (d) Any violation of the provisions of chapter 195, RSMo, which involves the distribution, delivery or manufacture of a substance prohibited by chapter 195, RSMo;
- (e) Unlawful use of a weapon which is a felony pursuant to section 571.030, RSMo;
- (f) Tampering with witnesses and victims, as provided in section 575.270, RSMo

Gangs and Schools ([*view all states for this subject*](#))

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Missouri Code 161.650. Department to identify and adopt violence prevention program, district to administer-state board to adopt violence prevention program-duties-administered how-funding

1. The department of elementary and secondary education shall identify and, if necessary, adopt an existing program or programs of educational instruction regarding violence prevention to be administered by public school districts pursuant to subsection 2 of this section, and which shall include instructing students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity, as those phrases are defined in section 578.421, RSMo, and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior. The state board of education shall adopt such program or programs by rule as nonviolent conflict resolution of problems facing youth; present alternative constructive activities for the students; encourage community participation in program instruction, including but not limited to parents and law enforcement officials; and shall be administered as appropriate for different grade levels and shall not be offered for academic credit.

Gangs and Weapons ([*view all states for this subject*](#))

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Missouri 578.435. 1. As used in this section and section 578.437, the term

"weapon" means any firearm, concealable firearm, blackjack, explosive weapon, gas gun, knife, knuckles, machine gun, projectile weapon, rifle, short barrel, shotgun, or switchblade knife, as defined in section 571.010, RSMo.

2. Any weapon which is owned or possessed by a member of a criminal street gang for the purposes of the commission of an offense enumerated in subdivision (2) of section 578.421 may be confiscated by any law enforcement agency or peace officer as defined in section 590.100, RSMo. If the law enforcement agency or peace officer believes that the return of the weapon confiscated has been or will be used in criminal street gang activity or that the return of the weapon would be likely to result in endangering the safety of others, the law enforcement agency or peace officer may initiate a petition in circuit court to determine if the weapon should be returned or declared a nuisance. If the court declares such weapon to be a nuisance, the weapon shall be destroyed.

Missouri 578.437. No weapon shall be declared a nuisance pursuant to section 578.435 and this section unless reasonable notice has been given to the lawful owner thereof, if his identity and address can be reasonably ascertained. The law enforcement agency shall inform the lawful owner at that person's last known address by registered mail that the owner of the weapon has thirty days from the date of receipt of the notice to respond to the clerk of the court to confirm his desire for a hearing, and that the failure to respond shall result in a default order and thereupon such weapon shall be declared a nuisance. If the person requests a hearing the court shall set a hearing no later than sixty days from the receipt of such request, and shall notify the person, the law enforcement agency involved, and the prosecuting attorney of the date, time, and place of the hearing. At such hearing the burden of proof shall be upon the state to show by a preponderance of the evidence that the seized item has been or will be used in criminal street gang activity, or that the return of the weapon would likely result in the endangering of the lives of others.

Juvenile Gang Members ([*view all states for this subject*](#)) (Top)

Missouri 578.423. Participating knowingly in criminal street gang activities, penalty-- persons between ages of fourteen and seventeen participating to be transferred to courts of general jurisdiction

Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by gang members shall be punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years. For any person between the ages of fourteen and seventeen who is alleged to

have violated the provisions of sections 578.421 to 578.437 the prosecuting attorney or circuit attorney may move for dismissal of a petition and transfer to a court of general jurisdiction.

Miscellaneous Gang Legislation ([*view all states for this subject*](#))

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Missouri 565.032. 1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or he shall include in his instructions to the jury for it to consider:

(17) The murder was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421.

Missouri 578.427. 2. Nothing in sections 578.421 to 578.437 shall prevent a local governing body from adopting and enforcing laws consistent with sections 578.421 to 578.437 relating to gangs and gang violence. Where those local laws duplicate or supplement the provisions of sections 578.421 to 578.437, sections 578.421 to 578.437 shall be construed as providing alternative remedies and not as preempting the field.

Missouri 589.310. 1. Subject to availability of funds within the Missouri crime prevention information and programming fund, the director, or his designee, may contract with local law enforcement or prevention-related organizations to assist in establishing or enhancing local crime prevention programs. Such programs would include, but not be limited to:

(6) Gang-related activity prevention;

Public Nuisance/Premises Used by Gangs ([*view all states for this subject*](#))

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Buildings, rooms and structures used for criminal street gangs' activities deemed public nuisances--owner knowing of gang use, court may order no occupancy up to one year.

Missouri 578.430. 1. Any room, building, structure or inhabitable structure as defined in section 569.010, RSMo, which is used by a criminal street gang in a pattern of criminal street gang activity shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for criminal street gangs in a pattern of criminal street gang activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, offenders or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

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VIRGINIA

Gang Databases ([view all states for this subject](#))

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Virginia § 16.1-299.2. Youth gangs; reporting

When it is determined, either by admission or investigation, by a state or local law-enforcement agency or a regional multi-jurisdictional law-enforcement task force, that a juvenile who has been arrested is a member of a youth gang, the arresting officer shall enter the juvenile's name and other appropriate gang-related information required by the Department of State Police into the Youth Gang File of the Virginia Crime Information Network. The entry shall be made as soon as practicable after the determination is made.

For purposes of this section "youth gang" means an ongoing organization, association or group (i) having common characteristics, including but not limited to initiation practices, hand signals, structured style of dress, specific geographic territorial claim or identifiable leadership and (ii) consisting of three or more individuals, at least one of whom is a juvenile, who identify themselves as a group by a name or symbol and are involved in a pattern of recurrent felonious criminal conduct.

Gang-Related Clothing, Dress Codes, School Uniforms ([view all states](#))

Virginia § 22.1-79.2. Uniforms in public schools; Board of Education guidelines

A. The Board of Education shall develop model guidelines for local school boards to utilize when establishing requirements for pupils to wear uniforms. In developing these guidelines, the Board shall consider (i) ways to promote parental and community involvement, (ii) relevant state and federal constitutional concerns, such as freedom of religion and freedom of speech, and (iii) the ability of pupils to purchase such clothing.

B. Upon approval by the Board of the model guidelines, local school boards may establish requirements, consistent with the Board's guidelines, for the students enrolled in any of their schools to wear uniforms while in attendance at such school during the regular school day. No state funds may be used for the purchase of school uniforms.

Juvenile Gang Members ([view all states for this subject](#))[\(Top\)](#)**Virginia § 16.1-269.2. Admissibility of statement; investigation and report; bail**

B. Prior to a transfer hearing pursuant to subsection A of §16.1-269.1, a study and report to the court, in writing, relevant to the factors set out in subdivision A 4 of §16.1-269.1, as well as an assessment of any affiliation with a youth gang as defined in §16.1-299.2, shall be made by the probation services or other qualified agency designated by the court. Counsel for the juvenile and the attorney for the Commonwealth shall have full access to the study and report and any other report or data concerning the juvenile which are available to the court. The court shall not consider the report until a finding has been made concerning probable cause. If the court so orders, the study and report may be expanded to include matters provided for in §16.1-273, whereupon it may also serve as the report required by this subsection, but on the condition that it will not be submitted to the judge who will preside at any subsequent hearings except as provided for by law.

C. After the completion of the hearing, whether or not the juvenile court decides to retain jurisdiction over the juvenile or transfer such juvenile for criminal proceedings in the circuit court, the juvenile court shall set bail for the juvenile in accordance with Chapter 9 (§19.2-119 et seq.) of Title 19.2, if bail has not already been set.

Virginia § 16.1-273. Court may require investigation of social history and preparation of victim impact statement

A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof may require an investigation, which (i) shall include a drug screening and (ii) may include the physical, mental and social conditions, including an assessment of any affiliation with a youth gang as defined in §16.1-299.2, and personality of the child and the facts and circumstances surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an act committed on or after January 1, 2000, which would be a felony if committed by an adult, or a violation under Article 1 (§18.2-247 et seq.) or Article 1.1 (§18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, the court shall order the juvenile to undergo a drug screening. If the drug screening indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by a certified substance abuse counselor as defined in §54.1-3500 employed by the

Department of Juvenile Justice or by a locally operated court services unit or by an agency employee under the direct supervision of such a counselor.

B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim, or may in its discretion, require the preparation of a victim impact statement in accordance with the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical, psychological or economic injury as a result of the violation of law.

Virginia § 16.1-299.2. Youth gangs; reporting

When it is determined, either by admission or investigation, by a state or local law-enforcement agency or a regional multi-jurisdictional law-enforcement task force, that a juvenile who has been arrested is a member of a youth gang, the arresting officer shall enter the juvenile's name and other appropriate gang-related information required by the Department of State Police into the Youth Gang File of the Virginia Crime Information Network. The entry shall be made as soon as practicable after the determination is made.

For purposes of this section "youth gang" means an ongoing organization, association or group

(i) having common characteristics, including but not limited to initiation practices, hand signals, structured style of dress, specific geographic territorial claim or identifiable leadership and

(ii) consisting of three or more individuals, at least one of whom is a juvenile, who identify themselves as a group by a name or symbol and are involved in a pattern of recurrent felonious criminal conduct.



FLORIDA

(Editor's note: The Florida Street Terrorism Enforcement and Prevention Act, S.C. 874, was successfully challenged in 1999. The Florida Supreme Court upheld a finding by the Fifth District Court of the State of Florida that the enhancement section of this law is facially unconstitutional because it punishes, with enhanced penalties, mere association with others who may be criminal. For further information on the status of this law, contact Florida Legislative Information at (850) 488-4371).

Enhanced Penalties-Sentencing ([view all states for this subject](#))

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Florida 874.04. Criminal street gang activity; enhanced penalties

Upon a finding by the court at sentencing that the defendant is a member of a criminal street gang, the penalty for any felony or misdemeanor, or any delinquent act or violation of law which would be a felony or misdemeanor if committed by an adult, may be enhanced if the offender was a member of a criminal street gang at the time of the commission of such offense. Each of the findings required as a basis for such sentence shall be found by a preponderance of the evidence. The enhancement will be as follows:

(1) (a) A misdemeanor of the second degree may be punished as if it were a misdemeanor of the first degree.

(b) A misdemeanor of the first degree may be punished as if it were a felony of the third degree. For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, such offense is ranked in level 1 of the offense severity ranking chart. The criminal street gang multiplier in s. 921.0014 does not apply to misdemeanors enhanced under this paragraph.

(2) (a) A felony of the third degree may be punished as if it were a felony of the second degree.

(b) A felony of the second degree may be punished as if it were a felony of the first degree.

(c) A felony of the first degree may be punished as if it were a life felony.

Florida 921.0014. Sentencing guidelines; worksheet computations; scoresheets

(1)(a) The sentencing guidelines worksheet is used to compute the subtotal and total sentence points as follows:

Criminal street gang member: If the offender is convicted of the primary offense and is found to have been a member of a criminal street gang at the time of the commission of the primary offense pursuant to s. 874.04, the subtotal sentence points are multiplied by 1.5.

Florida 921.141. Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence

(3) Findings in support of sentence of death.

Notwithstanding the recommendation of a majority of the jury, the court, after weighing the aggravating and mitigating circumstances, shall enter a sentence of life imprisonment or death, but if the court imposes a sentence of death, it shall set forth in writing its findings upon which the sentence of death is based as to the facts:

(a) That sufficient aggravating circumstances exist as enumerated in subsection (5), and

(b) That there are insufficient mitigating circumstances to outweigh the aggravating circumstances.

(5) AGGRAVATING CIRCUMSTANCES.--Aggravating circumstances shall be limited to the following:

(n) The capital felony was committed by a criminal street gang member, as defined in s. 874.03.

Gang Activity and Forfeiture ([view all states for this subject](#))

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Florida 874.08. Profits, proceeds, and instrumentalities of criminal street gangs or criminal street gang recruitment; forfeiture

All profits, proceeds, and instrumentalities of criminal street gang activity and all property used or intended or attempted to be used to facilitate the criminal activity of any criminal street gang or of any criminal street gang member; and all profits, proceeds, and instrumentalities of criminal street gang recruitment and all property used or intended or attempted to be used to facilitate criminal street gang recruitment are subject to seizure and

forfeiture under the Florida Contraband Forfeiture Act, s. 932.704.

Gang Databases ([view all states for this subject](#))

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Florida 874.09. Crime data information

The Department of Law Enforcement may develop and manage a statewide criminal street gang database to facilitate the exchange of information pursuant to the intent and purpose of this chapter.

Florida 985.08. Information systems

(1) (a) For the purpose of assisting in law enforcement administration and decisionmaking, such as juvenile diversion from continued involvement with the law enforcement and judicial systems, the sheriff of the county in which juveniles are taken into custody is encouraged to maintain a central identification file on serious habitual juvenile.

(c) As used in this section, "a juvenile who is at risk of becoming a serious habitual juvenile offender" means a juvenile who has been adjudicated delinquent and who meets one or more of the following criteria:

6. Meets at least one of the criteria for youth and street gang membership

Gang Recruitment, Threats, Intimidation ([view all states for this subject](#))^(Top)

Florida 874.05. Causing, encouraging, soliciting, or recruiting criminal street gang membership

(1) A person who intentionally causes, encourages, solicits, or recruits another person to join a criminal street gang that requires as a condition of membership or continued membership the commission of any crime commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Upon a second or subsequent offense, the person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Gang-Related Definitions ([view all states for this subject](#))

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Florida 874.03. Definitions

(1) "Criminal street gang" means a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who

have a common name or common identifying signs, colors, or symbols and have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity.

(2) "Criminal street gang member" is a person who is a member of a criminal street gang as defined in subsection (1) and who meets two or more of the following criteria:

(a) Admits to criminal street gang membership.

(b) Is identified as a criminal street gang member by a parent or guardian.

(c) Is identified as a criminal street gang member by a documented reliable informant.

(d) Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with known criminal street gang members.

(e) Is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information.

(f) Has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity.

(g) Is identified as a criminal street gang member by physical evidence such as photographs or other documentation.

(h) Has been stopped in the company of known criminal street gang members four or more times.

(3) "Pattern of criminal street gang activity" means the commission or attempted commission of, or solicitation or conspiracy to commit, two or more felony or three or more misdemeanor offenses, or one felony and two misdemeanor offenses, or the comparable number of delinquent acts or violations of law which would be felonies or misdemeanors if committed by an adult, on separate occasions within a 3-year period.

(4) For purposes of law enforcement identification and tracking only:

(a) "Criminal street gang associate" means a person who:

1. Admits to criminal street gang association; or

2. Meets any single defining criterion for criminal street gang membership described in subsection (2).

(b) "Gang-related incident" means an incident that, upon investigation, meets any of the following conditions:

1. The participants are identified as criminal street gang members or criminal street gang associates, acting, individually or collectively, to further any criminal purpose of the gang;
2. A reliable informant identifies an incident as criminal street gang activity; or
3. An informant of previously untested reliability identifies an incident as criminal street gang activity and it is corroborated by independent information.

Juvenile Gang Members ([*view all states for this subject*](#))

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Florida 985.23. Disposition hearings in delinquency cases

When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(2) The first determination to be made by the court is a determination of the suitability or nonsuitability for adjudication and commitment of the child to the department. This determination shall be based upon the predisposition report which shall include, whether as part of the child's multidisciplinary assessment, classification, and placement process components or separately, evaluation of the following criteria:

(a) The seriousness of the offense to the community. If the court determines that the child was a member of a criminal street gang at the time of the commission of the offense, which determination shall be made pursuant to chapter 874, the seriousness of the offense to the community shall be given great weight.

(3) (a) If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including any determination that the child was a member of a criminal street gang.

Florida 985.31. Serious or habitual juvenile offender

(4) Assessments, testing, records and information.

(a) Pursuant to the provisions of this section, the department shall implement

the comprehensive assessment instrument for the treatment needs of serious or habitual juvenile offenders and for the assessment, which assessment shall include the criteria under s. 985.03(47) and shall also include, but not be limited to, evaluation of the child's:

1. Amenability to treatment.
2. Proclivity toward violence.
3. Tendency toward gang involvement.
4. Substance abuse or addiction and the level thereof.
5. History of being a victim of child abuse or sexual abuse, or indication of sexual behavior dysfunction.
6. Number and type of previous adjudications, findings of guilt, and convictions.
7. Potential for rehabilitation.

Florida 806.13 Criminal mischief; penalties; penalty for minor.

(1)(a) A person commits the offense of criminal mischief if he or she willfully and maliciously injures or damages by any means any real or personal property belonging to another, including, but not limited to, the placement of graffiti thereon or other acts of vandalism thereto.

(4) Any person who willfully and maliciously defaces, injures, or damages by any means a sexually violent predator detention or commitment facility, as defined in part V of chapter 394, or any property contained therein, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the damage to property is greater than \$200.

(6) In addition to any other penalty provided by law, if a minor is found to have committed a delinquent act under this section for placing graffiti on any public property or private property, and:

(a) The minor is eligible by reason of age for a driver's license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to revoke or withhold issuance of the minor's driver's license or driving privilege for not more than 1 year.

(b) The minor's driver's license or driving privilege is under suspension or revocation for any reason, the court shall direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of not more than 1 year.

(c) The minor is ineligible by reason of age for a driver's license or driving privilege, the court shall direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver's license or driving privilege for not more than 1 year after the date on which he or she would otherwise have become eligible.

(7) A minor whose driver's license or driving privilege is revoked, suspended, or withheld under¹ subsection (5) may elect to reduce the period of revocation, suspension, or withholding by performing community service at the rate of 1 day for each hour of community service performed. In addition, if the court determines that due to a family hardship, the minor's driver's license or driving privilege is necessary for employment or medical purposes of the minor or a member of the minor's family, the court shall order the minor to perform community service and reduce the period of revocation, suspension, or withholding at the rate of 1 day for each hour of community service performed. As used in this subsection, the term "community service" means cleaning graffiti from public property.

(8) Because of the difficulty of confronting the blight of graffiti, it is the intent of the Legislature that municipalities and counties not be preempted by state law from establishing ordinances that prohibit the marking of graffiti or other graffiti-related offenses. Furthermore, as related to graffiti, such municipalities and counties are not preempted by state law from establishing higher penalties than those provided by state law and mandatory penalties when state law provides discretionary penalties. Such higher and mandatory penalties include fines that do not exceed the amount specified in ss. 125.69 and 162.21, community service, restitution, and forfeiture. Upon a finding that a juvenile has violated a graffiti-related ordinance, a court acting under chapter 985 may not provide a disposition of the case which is less severe than any mandatory penalty prescribed by municipal or county ordinance for such violation.

Miscellaneous Gang Legislation ([view all states for this subject](#)) [\(Top\)](#)

CHAPTER 874: STREET TERRORISM ENFORCEMENT AND PREVENTION

Florida 874.01. Short title

This chapter may be cited as the "Street Terrorism Enforcement and Prevention Act of 1990."

Florida 874.02. Legislative findings and intent

(1) The Legislature finds that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, sexual orientation, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of criminal street gangs and their members. It

is not the intent of this chapter to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

(2) The Legislature finds, however, that the state is facing a mounting crisis caused by criminal street gangs whose members threaten and terrorize peaceful citizens and commit a multitude of crimes. These criminal street gang activities, both individually and collectively, present a clear and present danger. The state has a compelling interest in preventing criminal street gang activity, and the Legislature finds that the provisions of this act are necessary to maintain the public order and safety.

(3) It is the intent of the Legislature to eradicate the terror created by criminal street gangs and their members by providing enhanced penalties and by eliminating the patterns, profits, proceeds, instrumentalities, and property facilitating criminal street gang activity, including criminal street gang recruitment.

Florida 874.06. Civil cause of action

Any person or organization which establishes by clear and convincing evidence that it has been coerced, intimidated, threatened, or otherwise harmed in violation of this chapter shall have a civil cause of action for treble damages, an injunction, or any other appropriate relief in law or equity. Upon prevailing in such civil action, the plaintiff may recover reasonable attorney's fees and costs.

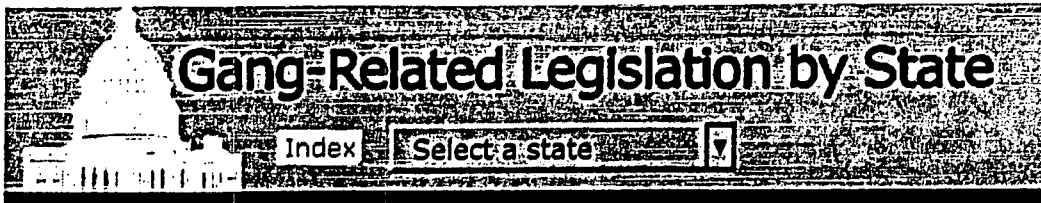
Public Nuisance/Premises Used by Gangs ([view all states for this subject](#))^(Top)

Florida 893.138. Local administrative action to abate drug-related or prostitution-related public nuisances and criminal street gang activity

(1) Any place or premises that has been used on more than two occasions, within a 6-month period:

(d) Any place or building used by a criminal street gang for the purpose of conducting a pattern of criminal street gang activity may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

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COLORADO

Drive-By Shooting ([*view all states for this subject*](#))

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Drive-by crimes, defined as illegal discharge of a firearm while utilizing a vehicle for concealment or transportation

Colorado 16-13-301. Definitions

As used in this part 3, unless the context otherwise requires:

(2.2) "Drive-by crime" means a first degree assault as defined in section 18-3-202, C.R.S., second degree assault as defined in section 18-3-203, C.R.S., attempted first degree or second degree assault, felony menacing as defined in section 18-3-206, C.R.S., or illegal discharge of a firearm as defined in section 18-12-107.5, C.R.S., any of which is committed while utilizing a vehicle for means of concealment or transportation.

Colorado 18-12-107.5. Illegal discharge of a firearm; penalty

(1) Any person who knowingly or recklessly discharges a firearm into any dwelling or any other building or occupied structure, or into any motor vehicle occupied by any person, commits the offense of illegal discharge of a firearm.

(2) It shall not be an offense under this section if the person who discharges a firearm in violation of subsection (1) of this section is a peace officer as defined in section 18-1-901 (3) (I) acting within the scope of such officer's authority and in the performance of such officer's duties.

(3) Illegal discharge of a firearm is a class 5 felony.

Gang Databases ([*view all states for this subject*](#))

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Colorado 24-33.5-401 - Colorado bureau of investigation.

(1) There is hereby created as a division of the department of public safety the Colorado bureau of investigation, referred to in this part 4 as the "bureau".

(2) The Colorado bureau of investigation and the office of the director shall

exercise their powers and perform their duties and functions under the department of public safety and the executive director as transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.
24-33.5-412 - Functions of bureau - legislative review

(1) The bureau has the following authority:

(i) To develop and maintain a computerized data base for tracking gangs and gang members both within the state and among the various states;

Gang Prosecution (*view all states for this subject*)

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Colorado 16-21-103. Information on offenders required; duties of law enforcement agencies; court

(2) (a) A law enforcement agency that requests the filing of any criminal case shall submit to the district attorney the arresting agency's name, the offender's full name and date of birth, the charge or charges being requested, the investigating agency's case number, and the date of arrest and the arrest number. In addition, the law enforcement agency shall submit to the district attorney any relevant information about the offender's affiliation or association with gangs or gang activities.

Gang-Related Definitions (*view all states for this subject*)

(Top)

Colorado 18-23-101 – Definitions

As used in this article, unless the context otherwise requires:

(1) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal:

(a) Which has as one of its primary objectives or activities the commission of one or more predicate criminal acts; and

(b) Whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(2) "Pattern of criminal gang activity" means the commission, attempt, conspiracy, or solicitation of two or more predicate criminal acts which are committed on separate occasions or by two or more persons.

(3) "Predicate criminal acts" means the commission of or attempt, conspiracy, or solicitation to commit any of the following:

(a) Any conduct defined as racketeering activity in section 18-17-103 (5);

(b) Any violation of section 18-8-706 or any criminal act committed in any jurisdiction of the United States which, if committed in this state, would violate section 18-8-706.

18-23-102 - Recruitment of juveniles for a criminal street gang

(1) A person commits recruitment of a juvenile for a criminal street gang if he or she is eighteen years of age or older and:

(a) Knowingly solicits, invites, recruits, encourages, coerces, or otherwise causes a person younger than eighteen years of age to actively participate in or become a member of a criminal street gang; or

(b) By use of force, threat, or intimidation directed at any person, or by the infliction of bodily injury upon any person, knowingly prevents a person younger than eighteen years of age from leaving a criminal street gang.

(2) Recruitment of a juvenile for a criminal street gang is a class 1 misdemeanor.

(3) Nothing in this section shall affect the ability to charge criminal offenses under article 17 of this title.

Colorado 19-1-103. Definitions

As used in this title or in the specified portion of this title, unless the context otherwise requires:

(52) "Gang", as used in sections 19-2-205 and 19-2-508, means a group of three or more individuals with a common interest, bond, or activity, characterized by criminal or delinquent conduct, engaged in either collectively or individually.

Gangs and Correctional Facilities ([view all states for this subject](#))

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Colorado 17-1-109. Duties and functions of the superintendent

(1) The superintendent of each correctional facility shall exercise the powers and perform the duties and functions assigned to him by this article under the supervision and control of the director of the division of adult services in the department.

(2) (a) The superintendent of each correctional facility should, wherever possible, take such measures as are reasonably necessary to restrict the confinement of any person with known past or current affiliations or associations with any gang, as defined in paragraph (b) of this subsection

(2), so as to prevent contact with other inmates at such facility. The superintendent should, wherever possible, also take such measures as are reasonably necessary to prevent recruitment of new gang members from among the general inmate population.

(b) For the purposes of this subsection (2), unless the context otherwise requires, "gang" means a group of three or more individuals with a common interest, bond, or activity characterized by criminal or delinquent conduct engaged in either collectively or individually.

Colorado 19-2-205. Facility directors - duties

(2) It is the duty of the director of each facility established by section 19-2-403 and sections 19-2-406 to 19-2-408:

(d) To take such measures as are necessary to prevent recruitment of new gang members from among the juveniles committed to the custody of the department of human services.

Colorado 19-2-508. Detention and shelter; hearing; time limits; confinement with adult offenders; restrictions

(4)(e) The official in charge of a jail, lockup, or other facility for the confinement of adult offenders that receives a juvenile for detention should, wherever possible, take such measures as are reasonably necessary to restrict the confinement of any such juvenile with known past or current affiliations or associations with any gang so as to prevent contact with other inmates at such jail, lockup, or other facility. The official should, wherever possible, also take such measures as are reasonably necessary to prevent recruitment of new gang members from among the general inmate population. For purposes of this paragraph (e), "gang" is defined in section 19-1-103 (52).

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Terms: **drive by shooting** ([Edit Search](#))

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Cal Pen Code § 186.22

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*** THIS SECTION IS CURRENT THROUGH THE 2005 SUPPLEMENT ***
(ALL 2004 LEGISLATION)

PENAL CODE
PART 1. Crimes and Punishments
TITLE 7. Crimes Against Public Justice
CHAPTER 11. Street Terrorism Enforcement and Prevention Act

◆ **GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

Cal Pen Code § 186.22 (2004)

§ 186.22. Street gang

(a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or two or three years.

(b)(1) Except as provided in paragraphs (4) and (5), any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished as follows:

(A) Except as provided in subparagraphs (B) and (C), the person shall be punished by an additional term of two, three, or four years at the court's discretion.

(B) If the felony is a serious felony, as defined in subdivision (c) of Section 1192.7, the person shall be punished by an additional term of five years.

(C) If the felony is a violent felony, as defined in subdivision (c) of Section 667.5, the person shall be punished by an additional term of 10 years.

(2) If the underlying felony described in paragraph (1) is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or when minors are using the facility that fact shall be a circumstance in aggravation of the crime in imposing a term under paragraph (1).

(3) The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentencing enhancements on the record at the time of the sentencing.

(4) Any person who is convicted of a felony enumerated in this paragraph committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced to an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greater of:

(A) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 3046, if the felony is any of the offenses enumerated in subparagraphs (B) or (C) of this paragraph.

(B) Imprisonment in the state prison for 15 years, if the felony is a home invasion robbery, in violation of subparagraph (A) of paragraph (1) of subdivision (a) of Section 213; carjacking, as defined in Section 215; a felony violation of Section 246; or a violation of Section 12022.55.

(C) Imprisonment in the state prison for seven years, if the felony is extortion, as defined in Section 519; or threats to victims and witnesses, as defined in Section 136.1.

(5) Except as provided in paragraph (4), any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(c) If the court grants probation or suspends the execution of sentence imposed upon the defendant for a violation of subdivision (a), or in cases involving a true finding of the enhancement enumerated in subdivision (b), the court shall require that the defendant serve a minimum of 180 days in a county jail as a condition thereof.

(d) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of or in association with, any criminal street gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that the defendant serve 180 days in a county jail.

(e) As used in this chapter, "pattern of criminal gang activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to

manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

- (5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.
 - (6) Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subdivisions (a) and (b) of Section 12034.
 - (7) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.
 - (8) The intimidation of witnesses and victims, as defined in Section 136.1.
 - (9) Grand theft, as defined in subdivision (a) or (c) of Section 487.
 - (10) Grand theft of any firearm, vehicle, trailer, or vessel.
 - (11) Burglary, as defined in Section 459.
 - (12) Rape, as defined in Section 261.
 - (13) Looting, as defined in Section 463.
 - (14) Money laundering, as defined in Section 186.10.
 - (15) Kidnapping, as defined in Section 207.
 - (16) Mayhem, as defined in Section 203.
 - (17) Aggravated mayhem, as defined in Section 205.
 - (18) Torture, as defined in Section 206.
 - (19) Felony extortion, as defined in Sections 518 and 520.
 - (20) Felony vandalism, as defined in paragraph (1) of subdivision (b) of Section 594.
 - (21) Carjacking, as defined in Section 215.
 - (22) The sale, delivery, or transfer of a firearm, as defined in Section 12072.
 - (23) Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of Section 12101.
 - (24) Threats to commit crimes resulting in death or great bodily injury, as defined in Section 422.
 - (25) Theft and unlawful taking or driving of a vehicle, as defined in Section 10851 of the Vehicle Code.
- (f) As used in this chapter, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (25), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
- (g) Notwithstanding any other law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for

misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(h) Notwithstanding any other provision of law, for each person committed to the Youth Authority for a conviction pursuant to subdivision (a) or (b) of this section, the offense shall be deemed one for which the state shall pay the rate of 100 percent of the per capita institutional cost of the Department of Youth Authority, pursuant to Section 912.5 of the Welfare and Institutions Code.

(i) In order to secure a conviction, or sustain a juvenile petition, pursuant to subdivision (a), it is not necessary for the prosecution to prove that the person devotes all, or a substantial part of his or her time or efforts to the criminal street gang, nor is it necessary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

HISTORY:

Added Stats 1989 ch 930 § 5.1, operative January 1, 1993. Amended Stats 1991 ch 201 § 1, ch 661 § 2, operative January 1, 1993; Stats 1993 ch 601 § 1 (SB 724), ch 610 § 3 (AB 6), effective September 30, 1993, ch 611 § 3 (SB 60), effective September 30, 1993, ch 1125 § 3 (AB 1630), effective October 10, 1993; Stats 1994 ch 47 § 1 (SB 480), effective April 19, 1994, operative until January 1, 1997, ch 451 § 1 (AB 2470), operative until January 1, 1997; Stats 1995 ch 377 § 2 (SB 1095), operative until January 1, 1997; Stats 1996 ch 630 § 1 (SB 1701) operative until January 1, 1998, ch 873 § 1 (SB 318), ch 982 § 1 (AB 2035); Stats 1997 ch 500 § 2 (SB 940). Amendment adopted by voters, Prop 21 § 4, effective March 8, 2000. Amended Stats 2001 ch 854 § 22 (SB 205).

NOTES:

FORMER SECTIONS:

Former § 186.22, similar to present section, was added Stats 1988 ch 1242 § 1, effective September 23 1988, ch 1256 § 1, effective September 23, 1988, Stats 1989 ch 144 § 1, ch 930 § 5, Stats 1991 ch 661, and repealed, operative January 1, 1993, by its own terms.

AMENDMENTS:

1991 Amendment:

Added (1) the second sentence in subd (b)(1); and (2) subds (g) and (h). (As amended Stats 1991 ch 661, compared to the section as it read prior to 1991. This section was also amended by an earlier chapter, ch 201. See Gov C § 9605.)

1993 Amendment (ch 611):

Added subd (e)(8). (As amended Stats 1993 ch 611, compared to the section as it read prior to 1993. This section was also amended by two earlier chapters, chs 601 and 610. See Gov C § 9605.)

1993 Amendment (ch 1125):

In addition to making technical changes, (1) substituted subd (e)(8) for former subd (e)(8) which read: "(8) Carjacking, as defined in Section 215."; (2) substituted "paragraphs (1)-(8)" for "paragraphs (1)-(7)" in subd (f); (3) deleted former subd (g) which read: "(g) This section shall become operative on January 1, 1993."; (4) redesignated former subd (h) to be subd (g); and (5) deleted ", unless a later enacted statute which is enacted before January 1, 1997, deletes or extends that date" at the end of subd (g).

1994 Amendment (ch 47):

(1) Substituted "16 months, or 2 or 3" for "one, two, or three" at the end of subd (a); (2) deleted "which is" after "of a felony" in the first sentence of subd (b); (3) substituted subd (c) for former subd (c) which read: "(c) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in a county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in a county jail shall be imprisoned for a

period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that the defendant serve 180 days in a county jail."; (4) deleted "provision of" after "any other" near beginning of subd (d); (5) added subd (e)(6); (6) redesignated former subds (e)(6) and (e)(7) to be subds (e)(7) and (e)(8); (7) added subds (e)(9) and (e)(11)-(e)(21); and (8) amended subd (f) by (a) substituting "paragraphs (1) to (21)" for "paragraphs (1) to (8)"; (b) substituting "having" for "which has" after "subdivision (e)"; and (c) adding "and" after "or symbol,".

1994 Amendment (ch 451):

(1) Added subds (e)(22) and (e)(23); and (2) substituted "paragraphs (1) to (23)" for "paragraphs (1) to (21)" in subd (f).

1995 Amendment:

(1) Substituted "paragraph (4)" for "paragraph (2)" in subd (b)(1); (2) added subdivision designations (b)(2) and (b)(3); (3) amended subd (b)(2) by (a) deleting "However," at the beginning; and (b) adding "described in paragraph (1)"; and (4) redesignated former subd (b)(2) to be subd (b)(4).

1996 Amendment:

(1) Amended the introductory clause of subd (e) by substituting (a) "of, attempted commission of, or solicitation of, sustained juvenile petition for, or conviction of" for ", attempted commission, or solicitation of"; and (b) "these" for "those" after "at least one of"; (2) added the comma after "of a firearm" in subd (e)(22); and (3) deleted former subd (g) which read: "(g) This section shall remain in effect only until January 1, 1997, and on that date is repealed." (As amended Stats 1996 ch 982, compared to the section as it read prior to 1996. This section was also amended by two earlier chapters, chs 630, 873. See Gov C § 9605.)

1997 Amendment:

Added subd (b)(5).

2000 Amendment:

(1) Amended subd (b)(1) by (a) adding "and (5)" after "in paragraph (4)"; and (b) substituting "two, three, or four years at the court's discretion , except that if the felony is a serious felony, as defined in subdivision (c) of Section 1192.7, the person shall be punished by an additional term of five years. If the felony is a violent felony, as defined in subdivision (c) of Section 667.5, the person shall be punished by an additional term of 10 years" for "one, two, or three years at the court's discretion"; (2) substituting "that fact shall be a circumstance in aggravation of the crime in imposing a term under paragraph (1)" for ", the additional term shall be two, three, or four years, at the court's discretion" in subd (b)(2); (3) substituted "sentencing" for "sentence" after "its choice of" in the second sentence of subd (b)(3); (4) added subd (b)(4); (5) redesignated former subd (b)(4) to be subd (b)(5); (6) substituted "Except as provided in paragraph (4), any" for "Any" at the beginning of subd (b)(5); (7) deleted former subd (b)(5) which read: "(5) Any person convicted under this section, who is also convicted of a felony violation of Section 136.1, which violation is accompanied by a credible threat of violence or death made to the victim or witness to a violent felony, as defined in subdivision (c) of Section 667.5, shall receive, in addition to the penalties provided in paragraph (1) or (2) of this subdivision, an additional consecutive penalty of three years imprisonment. The penalty under this paragraph shall only be imposed if the credible threat of violence or death was made to prevent or dissuade the witness or victim from attending or giving testimony at any trial for a violent felony, as defined in subdivision (c) of Section 667.5. For purposes of this paragraph, the following terms have the following meanings:

"(A) 'Credible threat' means a threat made with the intent and apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of a third person.

"(B) 'Threat of violence' means a threat to commit a violent felony, as defined in subdivision (c) of Section 667.5."; (8) substituted subd (d) for former subd (d) which read: "(d) Notwithstanding any other law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition."; (9) amended subd (e) by (a)

adding "conspiracy to commit," in the introductory clause; (b) substituting subds (e)(9) and (e)(10) for former subds (e)(9) and (e)(10) which read: "(9) Grand theft, as defined in Section 487, when the value of the money, labor, or real or personal property taken exceeds ten thousand dollars (\$ 10,000).

"(10) Grand theft of any vehicle, trailer, or vessel, as described in Section 487h."; and (c) adding subds (e)(24) and (e)(25); (10) substituted "paragraphs (1) to (25)" for "paragraphs (1) to (23)" in subd (f); and (11) added subds (g)-(i).

2001 Amendment:

(1) Substituted subd (b)(1) for former subd (b)(1) which read: "(b)(1) Except as provided in paragraph (4) and (5), any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of two, three, or four years at the court's discretion, except that if the felony is a serious felony, as defined in subdivision (c) of Section 1192.7, the person shall be punished by an additional term of five years. If the felony is a violent felony, as defined in subdivision (c) of Section 667.5, the person shall be punished by an additional term of 10 years."; (2) added "a" after "180 days in" in the last sentence of subd (d); and (3) amended subd (e) by substituting (a) "subdivision" for "subdivisions" in subd (e)(9); and (b) "Money laundering" for "Money laundering" in subd (e)(14).

EDITOR'S NOTES:

For citation of act, findings and declarations, legislative intent, severability, and amendment by Legislature, see 2000 Note following Pen C § 182.5.

NOTE-

Stats 1989 ch 930 provides:

SEC. 2. This act shall be known as the "Omnibus Motor Vehicle Theft Act of 1989."

SEC. 12.5. Sections 4.1, 5.1, 6.1, 8.1, 9.1, and 11.1 of this act shall become operative on January 1, 1993, unless a later enacted statute, which is enacted before January 1, 1993, changes that date.

NOTE-

Proposition 21, effective March 8, 2000, provides:

SEC. 35. INTENT. In enacting Section 4 of this initiative, adding subdivision (i) to Section 186.22 of the Penal Code, it is the intent of the people to reaffirm the reasoning contained in footnote 4 of In re Lincoln J., 223 Cal.App.3d 322 (1990) and to disapprove of the reasoning contained in people v. Green, 227 Cal.App.3d 693 (1991) (holding that proof that "the person must devote all, or a substantial part of his or her efforts to the criminal street gang" is necessary in order to secure a conviction under subdivision (a) of Section 186.22 of the Penal Code).

CROSS REFERENCES:

Carjacking: Pen C § 215.

Mandatory referral of child violator to prosecuting attorney: CRC Rule 1404.

COLLATERAL REFERENCES:

Cal Criminal Defense Prac., ch 91, "Sentencing," ch 144, "Crimes Against Order".

LAW REVIEW ARTICLES:

Cutting off our arms: The anti-gang statutes and the First Amendment: 20 CACJ Forum 46.

Injunctions as a tool to fight gang related problems in California after People ex rel Gallo v Acuna: a suitable solution? 28 Golden Gate LR 629.

Symposium: The Rampart Scandal: Policing the Criminal Justice System: Demonizing Youth. 34 Loyola U of LA LR 747.

Symposium: The Rampart Scandal: Policing the Criminal Justice System: Demonizing Youth. 34 Loyola U of LA LR 747.

The stop and frisk of criminal street gang members. 14 National Black LJ 1.

Guilt By Association: Proposition 21's Gang Conspiracy Law Will Increase Youth Violence in California. 37 USF LR 191.

People ex rel. Gallo v Acuna: cities allowed a new weapon in their arsenal for the crackdown on gangs. 19 Whittier LR 595.

NOTES OF DECISIONS

Membership in a criminal street gang is not an element of the offense of active participation in a criminal street gang (Pen C § 186.22, subd. (a)). Any person who actively participates in a criminal street gang can commit the offense regardless whether that person is a member of that gang. In re Lincoln J. (1990, 2nd Dist) 223 Cal App 3d 322, 272 Cal Rptr 852.

Pen C § 186.22 (prohibition of participation in criminal street gang), is not unconstitutionally vague or overbroad, and thus conviction of defendant for violation of § 186.22 was not improper. The statute gives reasonable notice of the conduct that is proscribed and is not susceptible to arbitrary enforcement. The terms "member," "membership," and "knowledge," are terms of ordinary meaning, and require no further definition. The term "willfully promotes, furthers, or assists" has been judicially defined in matters relating to aiding and abetting. The term "felonious criminal conduct" covers only conduct that is clearly felonious, i.e., conduct that amounts to the commission of an offense punishable by imprisonment in state prison. Other operative terms are explicitly defined in § 186.22. Also, the statute does not prohibit mere membership in a group of people, but sufficiently defines the proscribed conduct as "actively participates" in felonious activity. To be convicted, a defendant must have a relationship with a criminal street gang that is more than nominal, passive, inactive, or purely speculative, and the defendant must devote all or a substantial part of his time and efforts to the criminal street gang. People v Green (1991, 1st Dist) 227 Cal App 3d 692, 278 Cal Rptr 140.

In a juvenile court proceeding in which the court found that a minor conspired to violate Pen C § 240 (assault), Pen C § 245 (assault with a deadly weapon), and Pen C § 415(1) (fighting and challenging to fight) and also found that the evidence supported a sentence enhancement allegation under Pen C § 186.22(b), part of the California Street Terrorism Enforcement and Protection Act (Pen C §§ 186.20 et seq.), there was sufficient evidence that the gang with which the minor had conspired to retaliate against members of a rival gang met the first criterion under Pen C § 186.22(f), of being an ongoing organization, association, or group of three or more persons. Two witnesses identified at least three participants in the attempted assault as members of a gang. There was testimony that the gang had a membership roll written on a wall. The evidence also showed that the members, friends, and supporters of the gang were capable of concerted actions, such as the attempted retaliation against the rival gang. In re Nathaniel C. (1991, 1st Dist) 228 Cal App 3d 990, 279 Cal Rptr 236.

In a juvenile court proceeding in which the court found that a minor conspired to violate Pen C § 240 (assault), Pen C § 245 (assault with a deadly weapon), and Pen C § 415(1) (fighting and challenging to fight) and also found that the evidence supported a sentence enhancement allegation under Pen C § 186.22(b), part of the California Street Terrorism Enforcement and Protection Act (Pen C §§ 186.20 et seq.), there was sufficient evidence that the gang with which the minor had conspired to retaliate against members of a rival gang had a common name or common identifying sign or symbol within the meaning of Pen C § 186.22(f). The gang and its members were known by two names, and the association of multiple names with a gang satisfies the statute's requirements so long as at least one name is common to the gang's members. Similarly, a gang practices expert testified that there were graffiti that signified the gang, though no particular color or clothing was associated with gang membership. In re Nathaniel C. (1991, 1st Dist) 228 Cal App 3d 990, 279 Cal Rptr 236.

In a juvenile court proceeding in which the court found that a minor conspired to violate Pen C § 240 (assault), Pen C § 245 (assault with a deadly weapon), and Pen C § 415(1) (fighting and challenging to fight) and also found that the evidence supported a sentence enhancement allegation under Pen C § 186.22(b), part of the California Street Terrorism Enforcement and Protection Act (Pen C §§ 186.20 et seq.), the evidence was insufficient to support the requirement for the enhancement that a pattern of criminal gang activity be proved. Pen C § 186.22, does not require proof of two different offenses to the exclusion of proof of two

instances of the same offense, and it does not require that each predicate offense be committed by two or more persons. However, the evidence failed to show that on the night of the attempted assault, more than one member of the gang actually engaged in the commission, attempted commission, or solicitation of the assault, and thus that incident alone could not establish the required pattern. The evidence offered to establish the second predicate offense was plainly insufficient and was also insufficient to show that a primary activity of the gang was the commission of one or more of the eight specified offenses, as required by Pen C § 186.22(f). In re Nathaniel C. (1991, 1st Dist) 228 Cal App 3d 990, 279 Cal Rptr 236.

In order for a criminal street gang sentence enhancement under Pen C § 186.22(b)(1) to be found true, there must be substantial evidence to support a finding of the existence of a criminal street gang whose members engage in a pattern of criminal gang activity. Conclusional testimony that gang members have previously engaged in the enumerated offenses, based on nonspecific hearsay and arrest information which does not specify exactly who, when, where and under what circumstances gang crimes were committed, does not constitute substantial evidence. In re Jose T. (1991, 2nd Dist) 230 Cal App 3d 1455, 282 Cal Rptr 75.

Pen C § 186.22, which prohibits street gang activity, is neither unconstitutionally overbroad nor unconstitutionally vague. The statute defines a criminal street gang as an ongoing organization having as one of its primary activities the commission of one of enumerated offenses. This definition is not vague, since an organization whose primary activity is not commission of the crimes does not qualify as a street gang even though some of its members may engage in criminal activity. The statute is not overbroad, since it does not prohibit mere passive association or membership with the gang. It is the active participation that renders one susceptible to prosecution. To be convicted of being an active participant in a street gang, a defendant must have a relationship with a criminal street gang that is more than nominal, passive, inactive, or purely technical, and the person must devote all, or a substantial part of his or her time and efforts to the criminal street gang. The proscribed activity is sufficiently described so that arbitrary enforcement is not likely. People v Gamez (1991, 4th Dist) 235 Cal App 3d 957, 286 Cal Rptr 894.

Pen C § 186.22, which prohibits street gang activity, does not violate the constitutional right of association, since it regulates conduct rather than speech or association, and there is no right of association to engage in criminal conduct. People v Gamez (1991, 4th Dist) 235 Cal App 3d 957, 286 Cal Rptr 894.

A sentence enhancement for criminal gang activity under Pen C § 186.22(b), does not require a showing of the defendant's knowledge of the specific predicate offenses. Pen C § 186.22(a), creates the substantive offense of being an active member in a criminal street gang, and specifically requires this showing. Section 186.22, subd. (b) is a sentencing enhancement and its language does not specifically require a showing of knowledge. The subdivisions are distinct and aimed at different conduct. Subdivision (a) punishes participation in a gang, while subdivision (b) is narrower, punishing a specific crime committed for the benefit of the gang. Since the Legislature included the knowledge requirement in one subdivision, it intended to exclude it from the other. Moreover, constitutional due process does not require the prosecution prove knowledge, notwithstanding the absence of the requirement in the statute. Subdivision (b) describes the proscribed activity with a reasonable certainty by use of the phrase "promote, further, or assist" a criminal street gang. People v Gamez (1991, 4th Dist) 235 Cal App 3d 957, 286 Cal Rptr 894.

Pen C § 186.22(b) (sentence enhancement for offense committed while acting as member of criminal street gang), is not unconstitutionally vague or overbroad. In enacting the statute, the Legislature carefully affirmed the right of association and provided adequate notice of the conduct proscribed. Each term in the statute is specifically defined or can be interpreted such that a person may determine the scope of proscribed activity and enforcement of the statute will not be arbitrary. Application of the statute is clearly limited to gang members who actually engage in criminal activity. Thus, in a juvenile court proceeding arising from a minor gang member's shooting from an automobile, the court did not err in enhancing the minor's punishment pursuant to § 186.22(b). In re Alberto R. (1991, 4th Dist) 235 Cal App 3d 1309, 1 Cal Rptr 2d 348.

A convicted defendant whose sentence is enhanced under Pen C § 186.22(b) (sentence enhancement for offense committed while acting as member of criminal street gang), is not denied equal protection of the law by reason that the offense of conspiracy includes procedural

safeguards § 186.22 does not. Conspiracy is a different type of offense. Its gravamen is the agreement with others to commit an offense. The gravamen of § 186.22 is active participation in felonious criminal gang activity under certain defined circumstances. The enhancement of committing gang-related felony crimes can be committed without an agreement to first commit the crime; it can be committed merely on an aiding and abetting theory. Since equal protection only ensures persons similarly situated with equal treatment, no denial of equal protection is shown. In re Alberto R. (1991, 4th Dist) 235 Cal App 3d 1309, 1 Cal Rptr 2d 348.

In a prosecution for attempted murder and conspiracy to commit murder, the trial court erred in enhancing defendant's sentence under Pen C § 186.22, part of the California Street Gang Terrorism Enforcement and Prevention Act, where the enhancement was based on acts committed by others in defendant's gang after his crime had been completed. Use of acts occurring after a defendant's commission of charged offenses to establish the existence of a "pattern of criminal gang activity" within the meaning of the statute deprives the defendant of notice, in advance of his or her conduct, that the conduct will fall within the proscription of the statute. Thus, although Pen C § 186.22, does not specify whether either or both of the offenses relied on for the enhancement can occur after the crime for which a defendant is being tried, construing its requirements only to apply to crimes which occur before the crime charged comports with the standards of constitutional due process entitling a defendant to notice, before he or she acts, of the criminality and consequences of his or her conduct. People v Godinez (1993, 2nd Dist) 17 Cal App 4th 1363, Cal Rptr 2d 164.

Pen C § 186.22(a), which punishes as a separate crime any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, does not make mere membership in a street gang a crime. By using the phrase "actively participates," the Legislature sought to prevent prosecution of persons who were no more than nominal or inactive members of a criminal street gang. To be convicted of being an active participant in a street gang, a defendant must have a relationship with a criminal street gang that is more than nominal, passive, inactive, or purely technical, and the person must devote all, or a substantial part of his or her time and efforts to the criminal street gang. People v Rodriguez (1993, 4th Dist) 21 Cal App 4th 232, 26 Cal Rptr 2d 660.

In a prosecution for second degree murder (Pen C § 187) and participating in a criminal street gang (Pen C § 186.22(a)), the trial court properly found that evidence of gang affiliation and activity was relevant to prove motive, malice, premeditation, and intent with respect to the murder charge arising out of the death of a rival gang member. The evidence of gang membership and activity was clearly relevant to defendant's motive for attacking the victim and his intent in doing so. The trial court did not err in admitting evidence of incidents in which defendant was not involved and incidents involving attacks by the rival gang on defendant's fellow gang members. All those incidents were relevant to the issue of motive (retaliation) and, arguably, the incidents in which defendant was not involved and attacks on his gang were less prejudicial than those in which defendant clearly took an active role. The court did not abuse its discretion under Ev C § 352 (prejudice versus probative value), by permitting the prosecution to present the entire picture of the rivalry between the gangs. People v Funes (1994, 1st Dist) 23 Cal App 4th 1506, 28 Cal Rptr 2d 758.

In a murder prosecution, the evidence was sufficient to support a finding of an enhancement under Pen C § 186.22(b) (crime was committed for benefit of, at direction of, or in association with criminal street gang). Although some evidence supported the theory that the killing was caused by a personal, rather than a gang dispute, the overwhelming evidence, which the jury adopted, was to the contrary. The shooting was precipitated by crossing out gang graffiti, replacing it with the name of another gang, and then shouting that gang's name to rival gang members. There was no prior relationship between the killers and their victim, and no reason for animosity other than gang-related insults. There was no significance to the fact that the particular gang claimed by the victim was long defunct. Regardless of the viability of the victim's allegiance, any rational trier of fact would have concluded that he died not because he insulted one of the defendants, but because he disrespected defendants' gang. People v Olguin (1994, 4th Dist) 31 Cal App 4th 1355, 37 Cal Rptr 2d 596.

In a murder prosecution, in which a criminal street gang enhancement (Pen C § 186.22(b)) was found true, the evidence was sufficient to support an allegation that a group to which defendants belonged was a "criminal street gang" as defined by Pen C § 186.22. The charged offense was properly considered as one of the predicate offenses establishing a "pattern of

criminal gang activity," within the meaning of the statute. The statute requires evidence of a gang's past criminal conduct and ongoing criminal nature, but it does not require that both the predicate offenses be in the past. Moreover, a prior homicide was sufficiently shown to have been committed for the benefit of the gang. A police officer who testified as an expert on street gangs, and had investigated that case, opined it to be one that benefited the gang because it promoted the respect of the gang. The officer explained that "respect" is often synonymous with fear among gangs, and his expertise enabled him to recognize the benefit the gang would have realized from the fact another gang called on one of its members when it needed serious muscle. People v Olquin (1994, 4th Dist) 31 Cal App 4th 1355, 37 Cal Rptr 2d 596.

In a murder prosecution, in which a criminal street gang enhancement (Pen C § 186.22(b)) was found true, the testimony of a police officer as an expert on street gangs was not inadmissible as conclusional or based on unspecified hearsay sources. Police officers cannot proffer an opinion about gangs without reference to conversations with gang members. While the credibility of those sources may not be beyond reproach, nevertheless, the variation in the permissible bases of expert opinion is unavoidable in light of a wide variety of subjects upon which such opinion can be offered. Although not every statement of the officer was annotated with factual referents, that is the nature of all opinion testimony. Indeed, the role of the expert is largely one of extrapolation from a set of known facts to an opinion about unknown ones. While that testimony cannot consist of an opinion that members of a gang have committed offenses--unsupported by any evidence of such crimes--there is no reason why it cannot relate to the general characteristics of Hispanic street gangs and the ways in which such gangs typically seek "respect," the most hotly contested gang issues in the case. People v Olquin (1994, 4th Dist) 31 Cal App 4th 1355, 37 Cal Rptr 2d 596.

In a murder prosecution, in which a criminal street gang enhancement (Pen C § 186.22(b)) was found true, the jury instruction defining "pattern of criminal gang activity," as used in the statute, was not improper as failing to track federal law pertaining to patterns of racketeering activity as those terms are used in the federal Racketeer Influenced and Corrupt Organizations Act (RICO) (18 U.S.C. §§ 1961 et seq.). That some cases referred to federal RICO statutes to determine whether certain aspects of Pen C § 186.22, pass constitutional muster does not establish a requirement that all aspects of RICO legislation be incorporated into California antistreet gang statutes. Further, the legislative history behind the RICO statutes is inapplicable to Pen C § 186.22. The trial judge properly instructed in the language of the statute, which includes no reference to any requirement of "a threat of continued criminal activity," as used in the RICO statutes. The language of a statute defining a crime or defense is generally an appropriate and desirable basis for an instruction, and is ordinarily sufficient when the defendant fails to request amplification. People v Olquin (1994, 4th Dist) 31 Cal App 4th 1355, 37 Cal Rptr 2d 596.

The predicate offenses needed to establish a "pattern of criminal gang activity" within the meaning of Pen C § 186.22(e), of the Street Terrorism Enforcement and Prevention Act (STEP Act) need not be gang related. The language is clear and unambiguous, defining "pattern of criminal gang activity" as "the commission, attempted commission, or solicitation of two or more" enumerated offenses within a specified time period, "committed on separate occasions, or by two or more persons." The phrase "for the benefit of, at the direction of, or in association with" the gang appears in Pen C § 186.22, subd. (b)(1), making it clear that a criminal offense is subject to increased punishment under the STEP Act only if the crime is gang related. Had the Legislature intended to impose this same requirement for crimes in Pen C § 186.22(e), it could have easily done so. When the Legislature has used a phrase in one part of a statute, courts do not imply the missing phrase in the part of that statute from which the Legislature has excluded it. Although courts construe penal laws as favorably to defendants as permitted, that policy generally applies only when the language is susceptible of two constructions. Moreover, the requirements of the STEP Act are sufficiently explicit to inform those who are subject to it what constitutes a criminal street gang for purposes of the act, thereby fully comporting with due process. People v Gardeley (1996) 14 Cal 4th 605, 59 Cal Rptr 2d 356, 927 P2d 713.

In a criminal prosecution, the prosecution presented sufficient evidence of the required predicate offenses to establish a "pattern of criminal gang activity" as defined by Pen C § 186.22(e), of the Street Terrorism Enforcement and Prevention Act, in order to justify an enhanced sentence. Through documentary evidence of one gang member's conviction for shooting at an inhabited dwelling, the prosecution established one of the necessary predicate

offenses. The prosecution proved the second requisite predicate offense through evidence in the present case of the attack on the victim by the two defendants, as well as a third individual, all members of the gang. In addition, a police detective testified, as a gang expert, that defendants admitted to membership in the gang. The evidence presented also met the Pen C § 186.22, subd. (e), requirements that of the requisite "two or more" predicate offenses, at least one occurred "after the effective date of this chapter [Sept. 26, 1988,] and the last of those offenses occurred within three years after a prior offense." The attack on the victim in the present case took place on Aug. 4, 1992, whereas the shooting at an inhabited dwelling was on May 2, 1992. People v Gardeley (1996) 14 Cal 4th 605, 59 Cal Rptr 2d 356, 927 P2d 713.

In a prosecution for assault with a deadly weapon (Pen C § 245(a)(1)), the prosecution established the requisite "pattern of criminal activity" (Pen C § 186.22(f)) to support imposition of a sentencing enhancement based on defendant's commission of the assault for the benefit of a criminal street gang (Pen C § 186.22(b)(1)), with evidence of defendant's charged offense and proof of another assault committed on the same occasion against the same victim by a fellow gang member. Under the statute, the pattern of criminal gang activity can be established by proof of "two or more" predicate offenses committed "on separate occasions, or by two or more persons" (Pen C § 186.2(e)). The Legislature's use of the disjunctive "or" indicates an intent to allow the prosecution the choice of proving the requisite pattern by evidence of two or more predicate offenses committed on separate occasions or by evidence of such offenses committed by two or more persons on the same occasion. People v Loeun (1997) 17 Cal 4th 1, 947 P2d 1313.

The Street Terrorism Enforcement and Prevention Act (STEP Act) (Pen C §§ 186.20 et seq.) does not violate constitutional principles of freedom and association and due process (U.S. Const., 1st and 14th Amends.), since this act, which calls for imposition of a criminal sentencing enhancement upon proof that a defendant committed a crime for the benefit of a criminal street gang (Pen C § 186.22(b)(1)), punishes conduct, not association. The STEP Act differs from statutes that infringe on protected associational rights since the STEP Act does not criminalize group membership. Therefore, the prosecution may prove the requisite "pattern of criminal activity" (Pen C § 186.22(f)) to support imposition of the sentencing enhancement with proof of two simultaneous offenses by fellow gang members, and need not prove a predicate offense predating the crime charged in order to comport with these constitutional principles. People v Loeun (1997) 17 Cal 4th 1, 947 P2d 1313.

In a prosecution for assault with a deadly weapon (Pen C § 245(a)(1)), the prosecution's use of evidence of defendant's charged offense and evidence of another assault committed on the same occasion against the same victim by a fellow gang member to establish the requisite "pattern of criminal activity" (Pen C § 186.22(f)) to support imposition of a sentencing enhancement for criminal street gang activity (Pen C § 186.22(b)(1)) did not violate ex post facto principles, since there was no uniform judicial rule interpreting the statutory language in a more restrictive manner when defendant committed the charged offense. People v Loeun (1997) 17 Cal 4th 1, 947 P2d 1313.

Pen C § 186.22(e), defines the "pattern of criminal activity" that is a prerequisite to imposition of a sentencing enhancement upon a criminal defendant who participates in a criminal street gang. In 1997, the Legislature amended § 186.22(e), changing the wording of the definition from offenses that "are committed on separate occasions, or by two or more persons" to offenses that "were committed on separate occasions, or by two or more persons." However, the Legislature's change in verb tense in that phrase does not indicate a legislative intent that the two or more predicate offenses required to establish the requisite pattern be offenses committed before the defendant's charged crime. The legislative history makes no mention of the meaning of the verb tense change, but it does indicate that the change was most likely a typographical error. People v Loeun (1997) 17 Cal 4th 1, 947 P2d 1313.

The imposition of criminal street gang enhancements (Pen C § 186.22(b)(1)), on both of two counts of residential robbery (Pen C §§ 211, 213(a)(1)(A)), did not violate the proscription against multiple punishment (Pen C § 654). The robberies involved separate victims, and were separated by time and distance. Although both victims were assaulted for the benefit of and at the direction of a criminal street gang, there was no single plan on the part of defendant that would even casually link the two victims. The home of the first victim, had been checked out earlier in the day and was invaded in order for the gang to gain more prestige and power within the community. The second victim was randomly selected "because the light was on." After the

first robbery, defendant and his confederates went to drink beer at a nearby school. It was only then that defendant formed a separate and distinct criminal objective to rob again when he saw the light on. People v Akins (1997, 4th Dist) 56 Cal App 4th 331, 65 Cal Rptr 2d 338.

In a juvenile court prosecution in which a criminal street gang enhancement (Pen C § 186.22(b)(1)) was found true, the evidence was sufficient to establish a "pattern of criminal gang activity," as required under Pen C § 186.22, subd. (f), notwithstanding that only the minor's current offenses were used. To establish a pattern of criminal gang activity, the prosecution must prove that gang members individually or collectively committed two or more of the twenty-three offenses set forth in Pen C § 186.22(e), and current offenses will suffice to establish a pattern. To constitute a "pattern," the statute requires only that the offenses be committed on separate occasions "or" by two or more persons (Pen C § 186.22(e)). The use of the disjunctive means that a pattern can be established by two or more incidents, each with a single perpetrator, or by a single incident with multiple participants committing one or more of the specified offenses. In the present case, the prosecution adequately established a pattern of criminal activity by proving the commission of both a robbery and an assault with a deadly weapon. The crimes were committed during a single incident involving multiple participants, and both were qualifying offenses under Pen C § 186.22, subd. (e)(1) and (2). In re Elodio O. (1997, 5th Dist) 56 Cal App 4th 1175, 66 Cal Rptr 2d 95.

In a juvenile court prosecution in which a criminal street gang enhancement (Pen C § 186.22(b)(1)) was found true, the evidence was insufficient to show that one of the primary activities of the minor's gang was the commission of one or more of the crimes specified in Pen C § 186.22(e). The record disclosed only three comments from a detective relating to the primary activities of the gang. First, the detective stated, "it's a group that has been identified in--in numerous types of activity, the most recent of which is . . . the type of activity that we're currently discussing today." His second comment was that the gang had "subscribed to an attitude, if you will, against certain other groups." Finally, the detective responded in the affirmative when asked whether "clashes" or similar types of incidents had previously taken place between defendant's gang and others. None of these comments established a primary activity of the gang to be one of the enumerated offenses. In re Elodio O. (1997, 5th Dist) 56 Cal App 4th 1175, 66 Cal Rptr 2d 95.

In a juvenile court proceeding arising from a minor's assaults on a peace officer, there was substantial evidence to support criminal street gang enhancement findings (Pen C § 186.22(b)). The first, there was substantial evidence that the group to which the minor belonged was a criminal street gang. An officer testified that the group had engaged in several of the crimes listed in Pen C § 186.22, and that he had personally investigated cases involving those offenses committed by the minor's companions in support of the gang. Second, there was substantial evidence that the minor's assaults on the peace officer were committed in furtherance of the gang's activities. The series of assaults and batteries, committed by the minor and his companions, were intended to free a gang member (the minor) from an officer affecting a lawful arrest. Further, it was not necessary to prove that the minor was a "current, active" member of the gang. That is an element of the substantive offense set forth in Pen C § 186.22(a); it is not an element of the street gang sentence enhancement under Pen C § 186.22(b). In re Ramon T. (1997, 1st Dist) 57 Cal App 4th 201, 66 Cal Rptr 2d 816.

In a prosecution arising from an incident in which defendant and a companion killed a service station attendant during a robbery, there was sufficient evidence to show that the crimes were committed for the benefit of a criminal street gang to support the jury's finding true a sentence enhancement allegation under Pen C § 186.22(b)(1) (criminal street gang activity). For a gang enhancement to be found true, there must be substantial evidence supporting a finding of the existence of a "criminal street gang," whose members engage in a "pattern of criminal gang activity." A "pattern of criminal gang activity" can be established by two or more incidents, each with a single perpetrator, or by a single incident with multiple participants committing one or more of the specified offenses. In this case, expert testimony established that one of the primary activities of the gang to which defendant and his companion belonged was the commission of crimes enumerated in Pen C § 186.22(e), and that the felonies in this case were committed for the benefit of the gang. The evidence revealed defendant and the companion were gang members, and defendant's admissions documented a plan to frame a rival gang for the robbery in retaliation for an earlier incident involving the same gangs. Further, there was no history of animosity or ill will between defendant's gang and the victim. People v Ortiz (1997,

4th Dist) 57 Cal App 4th 480, 67 Cal Rptr 2d 126.

In sentencing a gang member, who had been convicted of murder and robbery, the trial court erred in imposing a three-year enhancement under Pen C § 186.22(b)(4) (criminal street gang activity), in addition to an indeterminate life sentence. Pen C § 186.22(b)(4), does not authorize the imposition of a sentence enhancement when a prisoner is serving a life sentence. Pen C § 186.22(b)(1), authorizes the imposition of an enhancement, "Except as provided in paragraph (4)" when a defendant is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members. Per Pen C § 186.22(b)(4), "[a]ny person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served." Nothing in this language suggests this extended parole eligibility limitation period should be combined with an additional determinate term. To the contrary, Pen C § 186.22, subd. (b)(1), specifically excepts prisoners serving a life sentence from the additional term. Thus, the Pen C § 186.22, enhancement is not an additional determinate term, but an extended parole eligibility date. People v Ortiz (1997, 4th Dist) 57 Cal App 4th 480, 67 Cal Rptr 2d 126.

Under Pen C § 186.22(e), there must be evidence of two or more predicate offenses committed on separate occasions or by evidence of such offenses committed by two or more persons on the same occasion. When the prosecution chooses to establish the requisite pattern by evidence of two or more predicate offenses committed on a single occasion by two or more persons, it can rely on evidence of the defendant's commission of the charged offense and the contemporaneous commission of a second predicate offense by a fellow gang member. The commission of two acts violating the same penal provision (for example, two robberies) would satisfy the statutory requirement of two or more predicate offenses so long as the robberies satisfied the further statutory requirement of having been committed on separate occasions, or by two or more persons. People v Deloza (1998) 18 Cal 4th 585, 76 Cal Rptr 2d 255, 957 P2d 945.

A condition of probation proscribing gang association and indicia (Pen C § 1203.1) eliminated due process concerns regarding the word "gang" as uncertain in meaning on its face, by incorporating the definition of "gang" under Pen C § 186.22. By so amending the condition, the defendant was unambiguously notified of the standard of conduct required of him. People v Lopez (1998, 5th Dist) 66 Cal App 4th 615, 78 Cal Rptr 2d 66.

The sentence of any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members must be enhanced by one, two, or three years (Pen C § 186.22(b)(1)). The Legislature defined "criminal street gang" as any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Pen C § 186.22(e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity (Pen C § 186.22(f)). Subsection (f) is expressed in the present tense, that is, that at the time of the commission of the charged offenses, the group was engaged in the practice of aggravated assault or narcotics sales or witness intimidation or one of the other offenses listed in subsection (e). This language implies that either prior conduct or acts committed at the time of the charged offenses can be used to establish the "primary activities" element of the gang enhancement offense. Thus, in a prosecution of defendants for felony assault and robbery, the trial court did not err when it allowed the jury to consider evidence of current charged offenses when determining whether the gang in question had as one of its primary activities the commission of one of the offenses enumerated in Pen C § 186.22(e). People v Galvan (1998, 1st Dist) 68 Cal App 4th 1135, 80 Cal Rptr 2d 853, 1139.

Under the applicable punishment provision (Pen C § 664) in a prosecution in which defendants, each of whom had a prior strike, were convicted of attempted willful, deliberate, and premeditated murder, attempted premeditated murder is punishable by life imprisonment with the possibility of parole, which is an indeterminate prison term. While § 664 says nothing about service of a minimum term subject to doubling under Pen C § 667(e)(1), two other statutes, Pen C §§ 3046 and 186.22(b)(4), established a minimum term for defendants' life sentences. Under § 3046, a defendant sentenced to life in prison with the possibility of parole must, before becoming eligible for release on parole, serve at least seven calendar years or a

term established pursuant to any other section of law that establishes a minimum period of confinement in prison. Here, the other section of law was Pen C § 186.22(b)(4), which provides that when a defendant commits a felony for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members and receives an indeterminate sentence, the defendant shall not be paroled until a minimum of 15 calendar years have been served. By requiring a defendant to serve at least 15 years of imprisonment before parole, § 186.22(b)(4), read together with § 3046, establishes a minimum term of 15 years that is subject to doubling under § 667(e)(1) of the Three Strikes law. People v Jefferson (1999) 21 Cal 4th 86, 90, 86 Cal Rptr 2d 893, 980 P2d 441.

A sentence enhancement is an additional term of imprisonment added to the base term. Enhancements focus on an element of the commission of the crime or the criminal history of the defendant which is not present for all such crimes and perpetrators and which justifies a higher penalty than that prescribed for the offenses themselves. Although Pen C § 186.22(b)(4) focuses on an element of the commission of the crime (the intent to assist a criminal street gang) that justifies particularly severe punishment, its 15-year minimum term for crimes punishable, as here, by an indeterminate sentence does not fall within former CRC Rule 405(c)'s (see now CRC Rule 4.405(c)) definition of an enhancement because it is not an additional term of imprisonment and it is not added to a base term. People v Jefferson (1999) 21 Cal 4th 86, 101, 86 Cal Rptr 2d 893, 980 P2d 441.

Pen C § 667(e)(1) of the Three Strikes law requires the minimum term for an indeterminate term to be twice the term otherwise provided as punishment for the current felony conviction. Unlike an enhancement, which provides for an additional term of imprisonment, the 15-year minimum term in § 186.22(b)(4) sets forth an alternate penalty for the underlying felony itself, when the jury has determined that the defendant has satisfied the conditions specified in the statute. Thus, § 186.22(b)(4) establishes the punishment for the current felony conviction within the meaning of, and is subject to sentence-doubling under, § 667(e)(1). The trial court here therefore erred when it attempted to comply with the sentence-doubling requirement of § 667(e)(1) by sentencing defendants to two life terms instead of one. Instead, it should have doubled the minimum term established by Pen C § 3046, which in this case was the 15-year minimum set by the criminal street gang provision of § 186.22(b)(4). People v Jefferson (1999) 21 Cal 4th 86, 101, 86 Cal Rptr 2d 893, 980 P2d 441.

In a prosecution for assault with a deadly weapon, the trial court erred when it imposed a sentence enhancement pursuant to Pen C § 186.22, which requires that the conduct amount to two or more offenses committed on separate occasions, or by two or more persons so as to establish a "pattern of criminal gang activity." Here, defendant committed an aggravated assault, and a fellow gang member aided and abetted that assault by preventing the victim's friends from stepping in to assist the victim. The combined activity of defendant and his companion, who facilitated defendant's commission of the assault, was a single offense. People v Zermeno (1999) 21 Cal 4th 927, 928, 89 Cal Rptr 2d 863, 986 P2d 196.

Where defendant was convicted of attempted murder and other crimes based on his involvement in a gang-related **drive-by shooting**, the trial court erred in sentencing defendant to an additional eight-month term for the gang enhancement under Pen C § 186.22(b)(1) since the statute specifically excludes someone punished by life imprisonment. However, under Pen C § 186.22(b)(4), defendant was not to be considered for parole for a minimum of 15 years. People v Herrera (1999, 4th Dist) 70 Cal App 4th 1456, 1465, 83 Cal Rptr 2d 307.

Pen C § 186.22(a) punishes active gang participation where the defendant promotes or assists in felonious conduct by the gang. It is a substantive offense whose gravamen is the participation in the gang itself. Hence, under § 186.22(a) the defendant must necessarily have the intent and objective to actively participate in a criminal street gang. However, he does not need to have the intent to personally commit a particular felony because the focus of the street terrorism statute is on the defendant's objective to promote, further, or assist the gang in its felonious conduct, irrespective of who actually commits the offense. Hence, § 186.22(a) requires a separate intent and objective from the underlying felony committed on behalf of the gang, and the perpetrator of the underlying crime may possess two independent, even if simultaneous, objectives, thereby precluding application of Pen C § 654. People v Herrera (1999, 4th Dist) 70 Cal App 4th 1456, 1467, 83 Cal Rptr 2d 307.

In order to prove that a defendant "actively participates" in a criminal street gang, for

purposes of the California Street Terrorism Enforcement and Prevention Act (Pen C § 186.22(a)), it is sufficient if the evidence establishes that the defendant's involvement with the gang was more than nominal or passive. The prosecution need not show that the defendant held a leadership position in the gang. People v Castenada (2000) 23 Cal 4th 743, 97 Cal Rptr 2d 906, 3 P3d 278.

In a prosecution for carrying a loaded firearm in public that was charged as a felony based on defendant's alleged active participation in a street gang (Pen C § 12031(a)(2)(C)), the trial court properly reduced the charge to a misdemeanor, even though the prosecution presented evidence at the preliminary hearing that defendant was a member of a criminal street gang, where it presented no evidence of the other requirements of Pen C § 186.22(a). The phrase set forth in § 12031(a)(2)(C), "active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22," refers to the substantive gang offense defined in § 186.22(a). People v Robles (2000) 23 Cal 4th 1106, 99 Cal Rptr 2d 120, 5 P3d 176.

Defendant was entitled to use a Pen C § 995 motion to challenge street gang and firearms enhancements (Pen C §§ 186.22, 12022.53) at the preliminary hearing stage, despite the contention that Proposition 115 dispensed with the need to prove enhancements at the preliminary hearing. Authorities before and since the passage of Proposition 115 recognize that a defendant has a right to bring a § 995 motion for the purpose of challenging the sufficiency of the evidence to support enhancement allegations. Salazar v Superior Court (2000, 6th Dist) 83 Cal App 4th 840, 100 Cal Rptr 2d 120.

Evidence of either past or present criminal acts listed in Pen C § 186.22(e) was admissible to establish the statutorily required "primary activities" of an alleged criminal street gang. However, such evidence alone would not necessarily be sufficient to prove the group's primary activities. The phrase "primary activities," as used in the gang statute, implied that the commission of one or more of the statutorily enumerated crimes be one of the group's "chief" or "principal" occupations. That definition would necessarily exclude the occasional commission of those crimes by the group's members. Sufficient proof of the gang's primary activities might consist of evidence that the group's members consistently and repeatedly committed criminal activity listed in the statute. Also sufficient might be expert testimony. People v Sengpadychith (2001) 26 Cal 4th 316, 109 Cal Rptr 2d 851, 27 P3d 739.

For purposes of criminal street gang sentence enhancements (Pen C § 186.22(b)), for felonies not punishable by an indeterminate term of imprisonment for life, the requirement of a finding by the trier of fact on the group's primary activities was a fact that increased the penalty for the charged crime. Because such a finding was necessary to prove the criminal street gang enhancement, it was an element of the enhancement. Therefore, a trial court's failure to instruct the jury on the necessity of such a finding was federal constitutional error which was evaluated under the test which asked whether the prosecution had proved beyond a reasonable doubt that the error did not contribute to the jury's verdict. People v Sengpadychith (2001) 26 Cal 4th 316, 109 Cal Rptr 2d 851, 27 P3d 739.

The criminal street gang sentence enhancement (Pen C § 186.22(b)) did not increase the maximum term of imprisonment for felonies punishable by life imprisonment. A defendant sentenced to life imprisonment for a gang-related crime was statutorily required to serve at least 15 years of that sentence before becoming eligible for parole. Because for this category of offenses the gang statute did not increase the maximum penalty for the crime, a failure to instruct on the "primary activities" requirement did not violate the federal Constitution. Therefore, it was a matter of state law error, subject to the test which asked whether, without the error, it was reasonably probable the trier of fact would have reached a result more favorable to the defendant. People v Sengpadychith (2001) 26 Cal 4th 316, 109 Cal Rptr 2d 851, 27 P3d 739.

The scope of Pen C § 186.22(d), which provided penalties for gang-related offenses punishable as a felony or a misdemeanor, applied to all gang-related offenses, not just offenses punishable in the alternative as a felony or misdemeanor ("wobblers"). Accordingly, it applied to crimes such as battery, which were punishable only as misdemeanors. However, rather than defining a crime, § 186.22(d) set forth a penalty provision, since it called for increased punishment if the underlying offense was committed for the benefit of, and with the specific intent to promote, a criminal street gang, but did not enumerate elements of the underlying offense or divide the offense into degrees. Robert L. v Superior Court (2001, 4th Dist) 87 Cal App 4th 912, 104 Cal Rptr 2d 868.

Pen C § 186.22(a), under which liability attached to a gang member who "willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang," was applicable to the perpetrator, as well as to the aiders and abettors, of criminal gang felonies. An active gang member who directly perpetrated a gang-related offense contributed to the accomplishment of the offense no less than did an active gang member who aided and abetted or who was otherwise connected to such conduct. While the defendant must have the intent and objective to actively participate in a criminal street gang, he does not need to have the intent to personally commit the particular felony. People v Ngoun (2001, 5th Dist) 88 Cal App 4th 432, 105 Cal Rptr 2d 837.

A defendant convicted of first degree murder (Pen C § 190) with a gang enhancement (Pen C § 186.22) was required to serve 25 years at a minimum before he could be paroled. The 15-year minimum term specified in former § 186.22(b)(4), which in 1999 was the result of a legislative enactment, could not reduce the 25-year-to-life term specified in § 190(a), (e), which was the result of an initiative approved by the voters. Because § 190 was the result of an initiative enactment, it could only be amended with the approval of the voters. Since § 186.22(b)(4) could not be constitutionally applied in this case, one of the three determinate terms applied and a three-year enhancement under § 186.22(b)(1) was therefore affirmed. People v Herrera (2001, 2nd Dist) 88 Cal App 4th 1353, 106 Cal Rptr 2d 793.

A gang member who was convicted of attempted murder and conspiracy to commit murder was not subject to the 15-year minimum term set forth in Pen C § 186.22(b)(5) for attempted willful, deliberate, and premeditated murder, since there was no finding he personally used a firearm (Pen C § 12022.53(e)(2)). The only findings made by the jury were that a principal in the commission of the offense personally used a firearm. Accordingly, defendant was subject to the seven-year minimum parole eligibility date provided by Pen C § 3046(a)(1). People v Salas (2001, 2nd Dist) 89 Cal App 4th 1275, 108 Cal Rptr 2d 137.

Where defendant was convicted of murder, robbery, and attempted robbery, the trial court properly imposed on defendant a total of 7 separate 25-year-to-life enhancements on convictions, pursuant to Pen C § 12022.53(d), where all charges were alleged to have been committed with the specific intent to promote, further, or assist criminal conduct by gang members, pursuant to Pen C § 186.22(b)(1); a former judgment that only one firearm use enhancement could be imposed "per occasion" was reversed because nothing in the language of § 12022.5 imposed such a limitation on the firearm enhancement. People v Mason (2002, 4th Dist) 96 Cal App 4th 1, 115 Cal Rptr 2d 359.

Vandalism with less than \$ 400 in damages was a public offense, regardless of the effect Pen C § 186.22(d) had on charging the offense as a misdemeanor or felony. Further, when a misdemeanor was committed in violation of § 186.22(d), it became a felony, at the trial court's discretion, for sentencing purposes. But the Legislature did not intend that subdivision (b)(1) would apply to a misdemeanor offense made a felony pursuant to subdivision (d). Nothing in the statute or in its stated purposes suggested an intention to bootstrap subdivision (d) misdemeanors into subdivision (b)(1) felonies as a means of applying a double dose of harsher punishment for gang-related offenses. Thus, the subdivision (b)(1) enhancement could not be applied to a misdemeanor offense made a felony pursuant to subdivision (d). People v Arroyas (2002, 2nd Dist) 96 Cal App 4th 1439, 118 Cal Rptr 2d 380.

In a robbery case, the People presented sufficient evidence to prove that the gang's primary activities were statutorily enumerated criminal offenses within the meaning of Pen Code § 186.22(f) to impose sentencing enhancements. People v Duran (2002, 2nd Dist) 97 Cal App 4th 1448, 119 Cal Rptr 2d 272.

Based on the express language of Pen Code § 186.22, subd. (b), (e), (f), the prosecutor has no duty to prove that the two or more persons perpetrating the predicate offenses were gang members when the enumerated crimes were committed; thus, defendant's argument to the contrary was rejected, and there was sufficient evidence to support the § 186.22 gang enhancement finding in defendant's case and the implied finding that the crimes were committed to promote gang activities. People v Augborne (2002, 2nd Dist) 104 Cal App 4th 362, 128 Cal Rptr 2d 258.

Pen Code § 186.22(d) is an alternate penalty provision, not a sentence enhancement or a substantive offense, as it prescribes an added penalty when the underlying offense is committed under specified circumstances for the benefit of, at the direction of, or in association with, a criminal street gang. Robert L. v Superior Court (2003) 30 Cal 4th 894, 69 P3d 951.

Pen C § 654 allowed separate punishments plus an enhancement, pursuant to Pen C § 186.22(b)(1), for a gang crime, Pen C § 186.22(a), and a robbery where a minor had independent criminal objectives for each offense. In re Jose P. (2003, 6th Dist) 106 Cal App 4th 458, 130 Cal Rptr 2d 810.

Pen C § 186.22(a) creates a substantive gang crime. In re Jose P. (2003, 6th Dist) 106 Cal App 4th 458, 130 Cal Rptr 2d 810.

Person need not be a gang member to be guilty of violating Pen C § 186.22(a), but he or she must have had more than a nominal or passing involvement with the gang, knowing of the gang's pattern of criminal activity, and must have aided and abetted a separate felony committed by gang members. In re Jose P. (2003, 6th Dist) 106 Cal App 4th 458, 130 Cal Rptr 2d 810.

Person who violated Pen C § 186.22(a) also aids and abets a separate felony offense committed by gang members. In re Jose P. (2003, 6th Dist) 106 Cal App 4th 458, 130 Cal Rptr 2d 810.

There was sufficient evidence, based on gang-expert testimony coupled with other evidence, to convict defendant of selling drugs to further the gang's felonious conduct, despite defendant's assertion that he wanted the money to buy a car. People v Ferraez (2003, 4th Dist) 112 Cal App 4th 925.

Defendant who possessed drugs with the intent to sell and who also intended to commit that felony to promote or assist a gang may have pursued both objectives simultaneously, but they were nonetheless independent of each other. Consequently, the trial court was not required to stay defendant's sentence for the gang crime. People v Ferraez (2003, 4th Dist) 112 Cal App 4th 925.

There was sufficient evidence of defendant's specific intent to promote, further, or assist in any criminal conduct by gang members where there was evidence that defendant intended to commit robberies, that he intended to commit them in association with other gang members, and that he intended to aid and abet the robberies the other gang members actually committed. People v Morales (2003, 4th Dist) 112 Cal App 4th 1176.

Defendant's sentence of 25 years to life for first degree murder committed for the benefit of a criminal street gang, Pen Code § 187(a) and § 186.22(b)(1), plus a 10-year consecutive criminal street gang enhancement, was modified to strike the 10-year gang enhancement and the 15-year minimum parole eligibility was imposed because defendant was sentenced to a life term, Pen Code § 186.22 mandated that the alternate punishment of a 15-year minimum parole eligibility be imposed, and nothing in the language of Pen Code § 186.22(b)(5) stated there was an exception to the alternate gang penalty of a 15-year minimum parole eligibility when a life term with a longer minimum parole eligibility was imposed. People v Harper (2003, Cal App 4th Dist) 2003 Cal App LEXIS 832, 2003 CDOS 4807, 2003 Daily Journal DAR 6113.

Trial court erred by imposing a 10-year gang enhancement under Pen Code § 186.22(b)(1) on the crime of second degree murder because the crime carried a life sentence; Pen Code § 186.22(b)(5) applied to crimes carrying a life sentence, and Pen Code § 186.22(b)(1) only applied to crimes that carried a sentence of a determinative number of years. People v Johnson (2003, Cal App 2nd Dist) 2003 Cal App LEXIS 906, 2003 CDOS 5289.

Trial of street gang enhancement should have been bifurcated from underlying charges based on a weighing of relevant factors, including inflammatory expert testimony, the fact that the People proved a threat without the testimony of a expert gang that one defendant was a gang member and had gang tattoos, and the potential that the gang enhancement evidence could "spill over" to the carjacking charge, on which the evidence was weak; however, dismissal of the carjacking count eliminated "spill over," and the error was harmless. People v. Martin, 23 Cal. App. 4th 76 (1994), which suggested that criminal street gang enhancements could routinely be tried jointly with an underlying offense, was overbroad, and the better approach was to weigh all relevant factors. People v Hernandez (2003, Cal App 2nd Dist) 2003 Cal App LEXIS 934, 2003 CDOS 5440.

Minimum parole eligibility date for "a felony punishable by imprisonment for life," applies only where the felony provides for a life sentence by its own terms and not where the felony together with a firearms enhancement results in a life term. People v Montes (2003, Cal) 2003 Cal LEXIS 5372, 2003 CDOS 6774.

In a juvenile offender's challenge to a gang registration order, Pen C § 186.30(b)(3) was not void for vagueness because the definition of "criminal street gang" set forth in Pen C §

186.22(e), (f) provides a limiting construction of the word "gang" in Pen C § 186.30(b)(3), thus avoiding vagueness. In re Jorge G. (2004, Cal App 5th Dist) 2004 Cal App LEXIS 502, 2004 CDOS 3242.

Evidence was sufficient to support the finding that murder of which a habeas petitioner was convicted was committed for the benefit of a criminal street gang and justified the gang enhancement. Meraz v Yearwood (2002, CA9 Cal) 48 Fed Appx 616, 2002 US App LEXIS 20912.

An enhancement under Pen Code § 186.22(b)(1) cannot be used to bootstrap an unenumerated offense into a "serious" felony for purposes of the Three Strikes Law. People v Briceno (2003, App 4th Dist) 135 Cal Rptr 2d 912.

Evidence of two crimes committed on a single occasion, murder and assault, was sufficient for imposition of Pen Code § 186.22(b) sentencing enhancements for gang activity because two predicate offenses committed on one occasion did not need to have different perpetrators; proof of two or more predicate offenses committed by two or more persons on a single occasion, whether as perpetrators or as aiders and abettors, was sufficient. People v Ro Van Vo (2003, Cal App 3rd Dist) 2003 Cal App LEXIS 1243.

Although the trial court incorrectly instructed the jury on predicate offenses in a gang-related **drive-by shooting** case, the error was harmless because guilty verdicts on two offenses confirmed that the jury found two predicate offenses committed by two persons on a single occasion, despite an instructional error that would have allowed the jury to find the enhancement allegation true based on a single predicate offense. People v Ro Van Vo (2003, Cal App 3rd Dist) 2003 Cal App LEXIS 1243.

Trial court erred in imposing consecutive determinate terms of imprisonment under Pen Code § 186.22(b)(1) as gang enhancements on murder convictions; because defendants received life sentences, the applicable enhancement was a minimum term of 15 years before becoming eligible for parole, as provided in § 186.22(b)(5). People v Ro Van Vo (2003, Cal App 3rd Dist) 2003 Cal App LEXIS 1243.

Crime may not be found gang related within the meaning of Pen C § 186.30 based solely upon the defendant's criminal history and gang affiliations. The crime itself must have some connection with the activities of a gang, which means a "criminal street gang" as defined in Pen C § 186.22(e) and (f); a crime is "gang related" in this context when it was committed, in the words of § 186.22(b)(1) for the benefit of, at the direction of, or in association with a street gang. People v Martinez (2004, Cal App 1st Dist) 2004 Cal App LEXIS 288.

Court reversed a jury's true finding of a criminal street gang allegation pursuant to Pen C § 186.22(b)(1) because the evidence failed to establish that the gang's primary activities were the commission of enumerated crimes; the court found no merit in the State's claim that this element was established by a detective's testimony regarding defendant's gang's history of racial hatred towards members of the same nationality as the victim, which history referenced a beating six years earlier and shootings of others in the past over a period of less than a week, because even if the court assumed that the gang was responsible for the other crimes, the evidence as a whole was insufficient to establish that the gang members consistently committed criminal activity. People v Perez (2004, Cal App 2nd Dist) 2004 Cal App LEXIS 637.

Defendant's murder sentence was properly enhanced, based on the criminal street gang special circumstance even though defendant did not intend to kill the victim but intended to shoot another person. People v Shabazz (2004, Cal App 2nd Dist) 2004 Cal App LEXIS 818.

Sufficient evidence supported defendant's conviction for active participation in a criminal street gang even though the gang expert did not use the phrase "primary activity"; the use of particular language was not required to establish the criminal nature of a street gang. An officer testified that gang members attempted murders, engaged in **drive-by shootings** and vehicle burglaries, illegally possessed firearms, and shot at an inhabited building; further, the robberies that were the basis for defendant's conviction also provided evidence of the gang's purposes and activities. People v Martinez (2004, Cal App 4th Dist) 2004 Cal App LEXIS 1040.

Trial court properly found a prior conviction for possession of a firearm while on probation, with a gang enhancement, constituted a serious felony for purposes of the "One Strike" law. Felony offenses that had been subjected to the enhancement provision of Pen C § 186.22 qualified as serious felonies within the meaning of Pen C § 1192.7(c)(28). People v Martinez (2004, Cal App 4th Dist) 2004 Cal App LEXIS 1040.

Evidence was sufficient to prove the "pattern of criminal gang activity" as required to support a true finding on defendants' criminal street gang enhancement. The detective who testified for

the prosecution had with him in the courtroom the documentation which led him to opine that 21 statutorily enumerated offenses had been committed by the members of defendants' gang, and the detective's testimony was based on his personal knowledge of information formally gathered at his behest from criminal case files over a period of several months; the fact that he did not explicitly identify each of the gang members involved in the crimes about which he testified, or provide the particulars of each of those crimes, did not render his testimony inadequate. People v Morales, 2002 Cal. App. LEXIS 399 .

Pen C § 12021.5(b) conveys sufficiently definite warning as to the proscribed conduct when its terms are considered in conjunction with Pen C § 186.22(a) and (b), which themselves have survived constitutional challenges of vagueness. People v Morales, 2002 Cal. App. LEXIS 399.

Pen C § 186.22(b) does not authorize the imposition of a criminal street gang sentence enhancement when a prisoner is serving a life sentence; instead, the statute establishes a minimum parole eligibility date of 15 years. People v Morales, 2002 Cal. App. LEXIS 399.

Trial court was directed to vacate its order dismissing gang charges under the California Street Terrorism Enforcement and Prevention Act (STEP Act), Pen C § 186.20 et seq.; there was little room for debate on the question of whether the legislature intended the STEP Act to apply to a group "whose only alleged criminality" was engaging in the crime of felony vandalism. People v Superior Court (Johnson) (2004, Cal App 1st Dist) 2004 Cal App LEXIS 1154, 2004 Daily Journal DAR 8894.

Trial court acted within its discretion in refusing to bifurcate trial of a gang enhancement from trial of the charged offense; nothing in Pen C § 186.22 suggested that the street gang enhancement should receive special treatment of the kind given prior convictions. A prior conviction allegation relates to the defendant's status and may have no connection to the charged offense; by contrast, the criminal street gang enhancement is attached to the charged offense and is, by definition, inextricably intertwined with that offense. People v Hernandez (2004, Cal) 2004 Cal LEXIS 7235.

Trial court must give a limiting instruction on evidence admitted to support a gang enhancement only on request. People v Hernandez (2004, Cal) 2004 Cal LEXIS 7235.

Trial court improperly sentenced defendant to life with the possibility of parole plus 15 years for the criminal street gang enhancement under Pen C § 186.22(b)(5). The criminal street gang enhancement requires service of a 15-year term before parole eligibility, not a 15-year enhancement. People v Ramos (2004, Cal App 2nd Dist) 2004 Cal App LEXIS 1420.

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Cal Pen Code § 12034

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PENAL CODE
PART 4. Prevention of Crimes and Apprehension of Criminals
TITLE 2. Control of Deadly Weapons
CHAPTER 1. Firearms
ARTICLE 2. Unlawful Carrying and Possession of Weapons

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Cal Pen Code § 12034 (2004)

§ 12034. Driver or owner of vehicle permitting another to bring into or discharge firearm in vehicle

(a) It is a misdemeanor for a driver of any motor vehicle or the owner of any motor vehicle, whether or not the owner of the vehicle is occupying the vehicle, knowingly to permit any other person to carry into or bring into the vehicle a firearm in violation of Section 12031 of this code or Section 2006 of the Fish and Game Code.

(b) Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, who knowingly permits any other person to discharge any firearm from the vehicle is punishable by imprisonment in the county jail for not more than one year or in state prison for 16 months or two or three years.

(c) Any person who willfully and maliciously **discharges a firearm from a motor vehicle** at another person other than an occupant of a motor vehicle is guilty of a felony punishable by imprisonment in state prison for three, five, or seven years.

(d) Except as provided in Section 3002 of the Fish and Game Code, any person who willfully and maliciously **discharges a firearm from a motor vehicle** is guilty of a public offense punishable by imprisonment in the county jail for not more than one year or in the state prison.

HISTORY:

Added Stats 1977 ch 528 § 1. Amended Stats 1986 ch 1430 § 3; Stats 1987 ch 1147 § 3, effective September 26, 1987.

NOTES:**AMENDMENTS:**

1986 Amendment:

(1) Designated the former section to be subd (a); (2) amended subd (a) by substituting (a) "whether or not the owner of the vehicle is occupying the" for "irrespective of whether such owner is occupying such" after "motor vehicle,"; (b) "of this code or" for "or in violation of" after "section 12031"; and (c) "the" for "such" after "permit" the second time it appears and after "firearm from"; and (3) added subd (b).

1987 Amendment:

(1) Deleted "or knowingly to permit the other person to discharge any firearm from the vehicle in violation of any provision of this code" at the end of subd (a); (2) added subd (b); (3) redesignated former subd (b) to be subd (c); (4) substituted subd (c) for the former subdivision which read: "Except as provided in Section 3002 of the Fish and Game Code, any person who willfully and maliciously **discharges a firearm from a motor vehicle** is guilty of a public offense punishable by imprisonment in the county jail for not more than one year or in the state prison."; and (5) added subd (d).

COLLATERAL REFERENCES:

Witkin & Epstein, Criminal Law (2d ed) §§ 423, 1105.

Cal Jur 3d (Rev) Criminal Law § 1625.

NOTES OF DECISIONS

- ⚡ 1. Constitutionality
- 2. "Knowingly"
- ⚡ 3. Three Strikes Law
- ⚡ 4. Sentencing

⚡ 1. Constitutionality

Pen C § 12034, subd. (b), which prohibits a vehicle driver or owner from permitting another to discharge a firearm from a vehicle, is not unconstitutionally vague. The statute itself defines the class of persons who have a duty to act: drivers and owners of vehicles. It therefore imposes a legal duty on such drivers and owners to prevent the discharge of firearms from their vehicles. Obviously, a driver or owner can be held criminally liable for affirmatively assenting to, or authorizing the discharge; but he or she can also be held criminally liable for failing to prevent the discharge, provided, of course, he or she had the power or ability to prevent it. Further, the statute imposes criminal liability only where the driver or owner "knowingly" permits the discharge. Thus, it is not vague with respect to the necessary mental state. People v Laster (1997, 4th Dist) 52 Cal App 4th 1450, 61 Cal Rptr 2d 680.

⚡ 2. "Knowingly"

In a juvenile court proceeding, the court did not err in finding that the minor violated Pen C § 12034, subd. (a), which prohibits a driver from knowingly permitting another person to bring a loaded firearm into a vehicle, even though the minor may have been ignorant of the fact that the weapon was loaded. Although the legislative history of the statute was initially equivocal with respect to the meaning of the term "knowingly," more recent restatements of legislative intent have omitted any reference to the loaded character of the firearm and suggest that culpability flows from knowledge that the gun is present. Moreover, the unequivocal purpose of the enactment was to deter drive-by shootings by making an owner or driver criminally responsible for the presence of loaded guns in the vehicle; that purpose would not be served if proof of knowledge that the gun was loaded was required, and such a reading would render the

statute largely impotent, given problems in proving such knowledge. Because carrying a loaded weapon is so destructive of the social order, a duty is imposed on a driver to take affirmative action to prevent his or her passengers from bringing loaded weapons onto the vehicle, regardless of knowledge or criminal intent. In re Ramon A. (1995, 1st Dist) 40 Cal App 4th 935, 47 Cal Rptr 2d 59.

In a prosecution of two defendants for attempted murder arising from a drive-by shooting, in which the prosecutor relied on the theory that defendants aided and abetted the discharge of a firearm from a vehicle, (Pen C § 12034, subd. (d)) and the permitting of the **discharge of a firearm from a motor vehicle** (Pen C § 12034, subd. (b)), the trial court did not err in failing to instruct that the two target crimes were specific intent crimes. The offense of discharging a firearm from a motor vehicle is committed by doing the proscribed act; there is no statutory requirement that the defendant intend to bring about any particular result. It is manifestly a general intent crime. Likewise, the offense of permitting another to discharge a firearm from a vehicle is committed merely by doing the proscribed act. This follows from the statute's use of the term "knowingly." While the defendant must know someone else is discharging a firearm from a vehicle, there is no requirement that the defendant must intend the discharge. Furthermore, in this case the trial court did not err in failing to instruct with CALJIC No. 3.31.5 on defendants' mental state. CALJIC No. 3.31.5 gives a court two options. It may specify the mental state required for each crime, or it may simply instruct that the mental state required is included in the definition of the crime set forth elsewhere in these instructions. A separate instruction defining the crime included the requirement that defendants act "knowingly." There was no need to restate this. People v Laster (1997, 4th Dist) 52 Cal App 4th 1450, 61 Cal Rptr 2d 680.

✚ 3. Three Strikes Law

Following conviction by a jury of possession of a firearm by a felon with findings that he suffered two prior felony convictions, defendant was sentenced to prison for 25 years to life. The Court of Appeal, however, found insufficient evidence that defendant's conviction for discharging a firearm from a motor vehicle was a prior felony conviction for purposes of the three strikes law, and remanded for a limited new trial on the prior felony conviction allegation. Although defendant conceded there was sufficient evidence he suffered a conviction for violating Pen C § 12034(c), and that it was a felony, upon analysis of the elements of the predicate offense, the prior conviction could have been based on acts not specified in Penal C § 1192.7(c)(8) or (23), and then, as a matter of the sufficiency of the evidence, the least offense punishable was not a serious felony, and such prior conviction may not be used to impose a sentence pursuant to the three strikes law. Something more than defendant's bare guilty plea to the prior charged offense was required, and it was the People's burden to produce such additional evidence. People v Cortez (1999, 2nd Dist) 73 Cal App 4th 276, 86 Cal Rptr 2d 234.

✚ 4. Sentencing

Court may impose consecutive terms of imprisonment where the criminal act is an act of violence against separate individuals; Cal. R. Ct. 4.425 and Pen C § 654 do not prohibit multiple punishment under that circumstance, and the imposition of consecutive sentences does not violate the proscription of case law where the basis for that sentencing choice is supported by the express findings in the jury's verdicts; in defendant's case, the trial court imposed consecutive sentences on convictions of attempted murder in violation of Pen C §§ 664, 187(a), assault with a semiautomatic firearm in violation of Pen C § 245(b), and discharging a firearm from a vehicle in violation of Pen C § 12034(c), because they involved acts of violence against separate victims, and the decision to impose consecutive terms was not barred by case law because the imposition was based on the jury's verdict, not on the trial court's independent findings of fact. People v Shaw (2004, Cal App 3rd Dist) 2004 Cal App LEXIS 1537.

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Technology Acquisition Project Case Study

California Department of Justice CAL/GANG[®] System

This case study focuses on intranet technology acquisitions. It is one of 18 case studies prepared for the "Technology Acquisition Project" administered by the Institute for Law and Justice in partnership with Government Technology, Inc., and funded by the National Institute of Justice (NIJ), U. S. Department of Justice. The authors of this case study are Raymond Dussault, Research Director, Government Technology, Inc., and Julie Wartell, Senior Research and Technology Associate, Institute for Law and Justice. The report has been reviewed by the participating site but should be considered a draft pending final NIJ review.

Background on the Study Site and the Problem

The state of California has the seventh largest economy in the world and the population to back it up. With those statistics comes a corresponding level of crime and especially gang-related crime. Combating that crime are hundreds of diverse agencies, from monolithic police and sheriff's departments like those in Los Angeles, to smaller departments throughout the state, like the El Cajon and Redlands Police Departments.

Over time, a grass roots-developed gang information database—the GREAT system—had developed in California. It was in regular use by the early 1990s and had enjoyed moderate success. By 1995, though, it became obvious to the California Department of Justice (Cal DOJ) and numerous local agencies that new technologies could provide a more robust and user-friendly system. This awareness led to the development of CAL/GANG[®]. The new system has resulted in some unprecedented successes and has been embraced by most of the state's law enforcement personnel who have been exposed to it. However, in addition to technological challenges, the CAL/GANG[®] system has faced significant hurdles in overcoming entrenched jurisdictional and political objections and suspicions regarding the new system.

With the establishment of the GREAT system in the 1980s, California was the first state to have an investigations tool and database that was focused entirely on combating the proliferation and growth of violent street gangs. While GREAT began as a grass roots effort out of the Los Angeles Sheriff's Department, it quickly dominated the state's efforts to attempt to capture the vast amounts of gang data being gathered through the literally hundreds of different law enforcement agencies in California.

Although the gang problem first showed itself as a problem in urban areas like Los Angeles and San Diego, the gangs' influence had quickly spread throughout the state. In the last seven to ten years, gangs have gained prominence in less dense urban areas like Sacramento, as well as in predominantly agricultural regions whose largest cities include Stockton and Fresno. As the street gangs grew, prospered, and spread, the difficult-to-use, DOS-based GREAT system strained to keep up. The system was faced with political, architectural, ease of use, and capacity problems.

Assessment and Decision Making Phase

In 1993, the strains on and limitations of the GREAT system led Cal DOJ to investigate what options might be available using new technologies that had been developed since implementation of GREAT. CAL/GANG® was designed as the modern replacement for the outdated GREAT system. It is an extremely powerful and sophisticated relational database and link analysis tool developed by Orion Scientific Systems, Inc., based in Irvine, California. It resides on an intranet backbone accessible through any user-friendly web browser, including Netscape and Internet Explorer.

Since Cal DOJ viewed GREAT's difficult interface and cumbersome language as its biggest drawbacks, they were very excited about finding a way to apply the developing Internet technologies to their gang information challenge.

Officers at various departments, while having some complaints about the CAL/GANG® system (mainly about the political issues surrounding its administration), are unanimous in one regard: the GREAT system had to go. They all point out how entering even small blocks of information required several intricate key commands that officers had to remember. As one sergeant said, "You had to re-learn the system and the commands every day." In addition, if investigators in San Diego, for example, wanted to search the entire state for a gang-related suspect, they would have to dial up each node separately. This effort ate up a lot of staff hours.

Finally, one of GREAT's biggest drawbacks was its extremely high cost. According to Don Mace, Special Agent in Charge at Cal DOJ, the GREAT system was lucrative for the vendor because the vendor retained the source code, and every change or additional node had to be paid for separately.

Procurement Phase

Cal DOJ first began looking into replacing or upgrading GREAT in late 1993. To accomplish the task, they were using a \$300,000 grant from the Office of Criminal Justice Planning (OCJP) that was designed to expand the existing system. To make the changes, they turned to a computer consultant who, in the end, seemed more focused on his own enrichment than on increasing effective access to gang data. From 1993 to 1995, this consultant worked on the system; but the process, as described by several people, was like pulling teeth. After paying several invoices without seeing much in the way of results, Cal DOJ asked for a demo of the system under development before they would pay out any more funds. That demo left a lot to be desired, according to one source, and the potential did not seem to be much of an improvement over the existing system.

After spending \$100,000, Cal DOJ faced a difficult decision, although they felt the answer was obvious. Rather than continue to spend money on a system that promised little improvement over what they were replacing, Cal DOJ cut ties to the consultant and went back to the drawing boards in late 1995.

Working Relationship with the Vendor

Through chance, Mace came across Orion giving a demonstration of their investigative software about the same time that Cal DOJ was ending its relationship with the consultant. Orion is a software developer that specializes in high-tech work for federal agencies like the CIA and NSA, and has in the last several years expanded its reach into state and local law enforcement. The user-friendly approach of the software intrigued Cal DOJ, and a series of meetings was quickly arranged.

At the first meeting, the Cal DOJ team presented their problems with GREAT and asked Orion to make a proposal. At the second meeting, in November 1995, Cal DOJ realized they had not been clear in their desires when Orion proposed a way to create links between GREAT and the state backbone. "We stopped them immediately and said, 'We don't want a link; we want a replacement,'" explained Cuong Nguyen, bureau chief for Cal DOJ. In December 1995, Cal DOJ and Orion had a third meeting at which the vendor sketched out the first outline of what would later become CAL/GANG®.

Cal DOJ went to OCJP with a feasibility study report and request for funds. At the same time, Orion was lined up with the San Diego Police Department, the California Gang Node Advisory Committee (CGNAC)¹ and Cal DOJ to create a working prototype.

The first CGNAC meeting was held in December 1995. Work on the prototype began and was completed in January 1996. The prototype was presented to the CGNAC board and Cal DOJ that same month, and the San Diego node was on-line in August of 1997. The system was declared officially complete in April 1998.

Throughout this process, Don Mace was the key individual at Cal DOJ, lobbying for funds and coordinating the development process. Nguyen was his direct Cal DOJ supervisor at the time.

"What we laid out as our requirements was that we wanted Web technology—we had already had our fill of a closed proprietary system—and it had to be a system that anyone could step into and learn how it works quickly and easily," said Mace.

In addition to containing text-based data, as GREAT did, CAL/GANG® catalogues just about every piece of information imaginable, including tattoos, mug shots, vehicle types and photographs, nicknames, and known associates. It was designed based on the idea that gangs of every type survive and prosper by creating internal links and tiers of power. Through an easy graphical user interface (the web browser), CAL/GANG® allows officers to use collected gang data and images to track, retrieve, and analyze gang-related information.

It is important to note that CAL/GANG® is more than just a database of information, it is an investigative tool that allows investigators to quickly create and illustrate links between disparate information. In addition, the data and the link and image tools can all be accessed through laptops in the field. This aspect of the system is not in extensive use yet, but it is possible.

¹ CGNAC is an advisory board created to guide decisions affecting the original GREAT system. Since GREAT was a grass roots-developed system, some CGNAC members needed extensive lobbying to agree to abandon the archaic system and follow an untested vendor. CGNAC has since been rolled over to an expanded advisory role for the CAL/GANG® system. CGNAC meets quarterly.

Surprisingly, despite CAL/GANG® being a complex and broad system developed from scratch, the system was brought on-line extremely quickly. Cal DOJ first started working with Orion in November 1995 and by January of 1996 they had a working prototype established between San Diego Police Department and Cal DOJ. Project approval and budgeting negotiations at the state level postponed formal launch of the project until May of 1997, at which time the project goal was to launch a usable system within 18 months. Seven months later, CAL/GANG® was fully on-line with seven nodes in operation throughout the state.

"Why did this happen?" project director Mace asked rhetorically. "It happened because the vendor felt like it was a matter of principle to bring the project in on time and [on] budget. They were responsive throughout development and have continued to be."

System Funding and Ownership

Funding the CAL/GANG® system was unique and was drawn through a politicized process. In addition, there developed a partnership between Orion and Cal DOJ that resulted in the vendor being able to create and prove a system that they could sell elsewhere, while DOJ was able to purchase the system for the funds they could find.

From their initial OCJP grant to expand and link the GREAT system, Cal DOJ had \$100,000 left in their coffers. Obviously, a new system was not going to be built for \$100,000, so Mace went back to OCJP with Orion and the San Diego-developed prototype/demo. Orion was asking for \$750,000 to purchase the system. (Orion said that this initial bid included not just CAL/GANG® but several of their other investigative software tools as well.)

By this point, Mace was doing demos of the software for local law enforcement agencies in California. Very quickly, the concept gained enthusiastic support, and Mace encouraged local law enforcement leaders and CGNAC members to lobby OCJP and the Governor's office. The biggest break came in May 1997, when then Governor Pete Wilson announced at a press conference that he would commit over \$800,000 to get CAL/GANG® up and running. In the end, the money did come, but in chunks as opposed to all at once.

First, OCJP provided \$120,000 in Byrne and other federal funding plus \$300,000 in gang suppression funds. Coupled with the \$100,000 left from the earlier grant, Mace had \$520,000. The limit to avoid having to put the project out on an RFP was \$500,000, so he countered Orion's offer at that number. Orion came back asking for the full \$520,000, and Mace applied for and received an exemption on the RFP limits.

In the following year, OCJP awarded the program another \$386,000 in gang and violence suppression funds. These funds have been used to finance expansions in hardware and assist local nodes in coming on-line as CAL/GANG® has grown.

The problem for Orion was that at the time when they agreed to accept \$520,000, they had already spent close to \$1 million on research and development. In addition, Cal DOJ wanted to "own" CAL/GANG® without having to pay for owning it. The vendor and user developed a unique agreement that has proven to benefit both.

If Cal DOJ did “purchase” the system and became the owner, state law would not allow it to be sold by Orion to anyone else. That arrangement would be unworkable. Instead, Cal DOJ and Orion agreed to a 99-year lease, which granted specific rights to each party. Cal DOJ would receive the source code and contract for maintenance from Orion. Over the 99-year term, Cal DOJ could give the software to any California justice agency. Orion for its part could recoup its investment by retaining the right to sell the system anywhere in the world, though inside California the Cal DOJ could bring on new sites without additional software licensing costs.

The system has enjoyed a huge success both in and out of California, resulting in a win-win for the parties involved. “I got a free proof of concept and they got a cutting edge system they could sell,” said Mace. He also pointed out that through the whole process, Orion never missed a single delivery date.

The development of the software drove the hardware needs. Ultimately, the beauty of CAL/GANG® is that all an officer needs to access the system is a computer with a browser and a password. Behind that interface, CAL/GANG® resides on the statewide CLETS Intranet backbone. Each node requires either having a server in the user’s offices to keep their data, or utilizing a server that resides at Cal DOJ. Initially, the first seven nodes (there are currently 11 nodes, including Cal DOJ) all purchased on-site servers. More recent nodes have chosen to allow Cal DOJ to maintain their nodes, as this reduces costs in training, maintenance, and hardware.

Servers are Compaq Proline 5000, single 200 processors with a minimum of 256 MB of RAM and 2.1 GB hard drive. Larger users like Los Angeles and Orange County have had to add memory and processor resources. Those two sites currently have 512 MB of RAM backed up by 36 GB hard drives.

Implementation Phase

Obstacles to implementing CAL/GANG®, once designed and built as a prototype with the San Diego Police Department (as described above), were largely political.

First, as noted before, despite GREAT’s extreme limitations—to the point of being nearly useless—members of CGNAC had to be heavily pitched to move away from GREAT. It was largely a question of changing from a grass roots-developed system with which they were comfortable. More of a challenge, though, were the power, or perception of power, issues.

Hosting and Maintaining the Data

Based on the technical aspects, it made more sense for Cal DOJ to host and maintain the data, with the nodes accessing the data from their PCs. At that proposal, CGNAC and local law enforcement balked immediately. They already felt like they had seen the state jam several other programs down their throats (like CLETS) and believed that DOJ already had plenty of power just by controlling the purse strings through OCJP.

Ultimately, Cal DOJ bent on this issue, agreeing to allow the nodes to keep their local regional databases and maintain their own data, which is replicated at DOJ. “Politically, we had to do it,” said Mace. “Technically, it has been a constant headache.”

Cal DOJ continues to allow this choice; however, the funding is set up so that an agency that chooses to place its data with DOJ can save thousands of dollars. Most new nodes are opting for the latter approach. That trend is irritating to some older nodes, especially San Diego, which views it as a push by Cal DOJ to eventually centralize the entire system.

Training and Ease of Use

Training, on the other hand, has been a piece of cake. From the beginning, Cal DOJ insisted on ending up with a user-friendly piece of software and CAL/GANG® is as easy to use as the Internet. There have not been any "ease of use" issues raised at all. "Speed and ease of use were our main goals in development of CAL/GANG®," explained Tom Gates, a former FBI agent who now works for Orion. "We have a lot of former law enforcement people and we went to law enforcement professionals outside of our company for input. The system was essentially developed by police officers for police officers. It is probably the most user-friendly system ever made for law enforcement—it is like having a dog that walks itself."

All costs involved in the system have been exactly as expected, according to both the local and regional nodes and Cal DOJ. For formalized training, Orion trained trainers for each node. There is also a formalized, POST-approved (three-day, 24-hour) course. Detectives at most nodes are not allowed on the system until they have completed the training. San Diego detectives said the system was so simple to use that, if it wasn't necessary to bring detectives up to speed on basic computer use, the CAL/GANG® class could be taught in a single six-hour session.

Impact Phase

CAL/GANG® has had a profound effect on gang-related crime investigations since its inception. While there continue to be some challenges—most dealing with traditional law enforcement reticence to embrace new technologies and data-sharing—probably no system in recent memory can boast so many specific examples of a product's impact. "The biggest problem we have had is in underestimating how well it would work, how much it would help, and how quickly local law enforcement would embrace the system. We went from 366 end-users on the first day to over 3,600 now, and growing every day," said Mace. "It helps solve cases—what more can you ask?"

Success Stories

Perhaps the most visible of the CAL/GANG® success stories was the gang rape in May 1998 of three juvenile girls by 14 male gang members. The crime happened in a Fresno hotel, where the girls were lured into a room by a couple of under-aged suspects and were then attacked by the others—all members of the Mongolian Boys Society, one of the many Asian gangs that have sprung up throughout California. In this case, it is possible the criminals would not have faced justice without CAL/GANG®; certainly the process would have been more arduous and time-consuming without the system.

"We had one word to go on—Bolo. It was a name one of the [victims] remembered being used in the room," said Jim Kerns, deputy sheriff in charge of the CAL/GANG® node in

Fresno. "We didn't know whether it was a first name, a last name, or a moniker. Maybe it had no meaning at all. Turns out that Bolo was one of the gang member's street names. That information turned up in CAL/GANG® and gave us his real name. From there we went to work, and now every one of those guys has pled and will be going to prison for 22 to 24 years."

South of Fresno, in Kern County, the system provided the information necessary to conclusively refute a murder suspect's alibi. "Members of our gang suppression unit were able to refute an alibi of a homicide suspect simply by retrieving a three-year-old field interview card from CAL/GANG®," said Carl Sparks, Sheriff of Kern County, in a letter thanking Governor Pete Wilson for funding the system. "The application is extremely vital in our day-to-day work and instrumental in our effort to suppress street-gang criminal activity."

In the San Diego area, the El Cajon Police Department called up the San Diego Police Department with a possible gang member I.D. request: the name "Maria" tattooed across the suspect's chest. The man was from east San Diego County; he was Hispanic; and the incident in question occurred on Sunshine Street. The CAL/GANG® system turned up 13 possible matches. One of those possibilities had an address on Sunshine Street, and an arrest was made. "Ten years ago we couldn't have found this just relying on card files; five years ago the process with GREAT would have been difficult, uncertain, and lengthy," said Dave Rohowitz, Sergeant, San Diego Street Gang Investigations Unit. "Today, with CAL/GANG®, we made the match in less than five minutes."

Drawbacks

While these successes continue to build and are being repeated in other states as well, some drawbacks continue to exist. These are primarily political in nature or related to police officers' natural resistance to accepting change.

One example is that, while the system possesses excellent and easy-to-use photo capabilities, most officers still won't take the time to photograph distinctive tattoos on known gang members. Also, quite a few officers are still reluctant to release the old-fashioned field interview (FI) cards. Instead, they keep their extensive but cumbersome paper files, refuse to enter gang data in the computer, and the police department is relegated to asking volunteers to re-enter this data in the system on a regular basis.

The final issue that has created friction, though it has not affected the efficacy of CAL/GANG®, has been the addition of new nodes. Some agencies have been resistant to the addition of new nodes, especially those outside of traditional law enforcement agency definitions, like the state parole board, which was recently added. Parole was finally added only because state administrators pushed it through. Other questions have been raised when smaller departments, which may not be as security-conscious as they should be, have been added to the system.

In the belief that sharing information is the key to success in law enforcement, Cal DOJ continues to push for expansion of CAL/GANG® not only in their own state but possibly as a nationwide gang information network, all working off the same system.

References

Magazine articles providing further background on the CAL/GANG® system can be found on the Internet at

<http://govt-tech.govtech.net/gtmag/1998/jan/jandt/jandt.shtm>

<http://govt-tech.govtech.net/gtmag/1998/dec/jandt/jandt.shtm>

Contact Information

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Contact: Lynn Dodson
(850) 410-7071

Ramsey County Sheriff's Department, Minnesota

Contact: Gary Hoven
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Brown County Sheriff's Department, Wisconsin

Contact: Brenden Bruss
(920) 448-4067

Santa Fe Data Processing Unit, New Mexico

Contact: Jim Coberly
(505) 827-0113

Cincinnati Police Department, Ohio

Captain Ratliff
(513) 352-2599

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TARGETED OUTREACH:

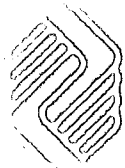
BGCA's Approach to Serving
Hard-To-Reach Youth



BOYS & GIRLS CLUBS
OF AMERICA

Boys & Girls Clubs in North Carolina:

- **130 Boys & Girls Clubs**
- **3 Boys & Girls Club Extensions**
- **99,000 Youth Served**



**BOYS & GIRLS CLUBS
OF AMERICA**

TARGETED OUTREACH IN CONTEXT:

Our Mission

To inspire and enable all young people,
especially those from disadvantaged
circumstances, to realize their full potential
as productive, responsible and
caring citizens.



BOYS & GIRLS CLUBS
OF AMERICA

TARGETED OUTREACH IN CONTEXT:

Our Core Beliefs

A Boys & Girls Club provides:

A safe place to learn and grow

Ongoing relationships with caring, adult
professionals

Life-enhancing programs and character
development experiences

Hope and opportunity



BOYS & GIRLS CLUBS
OF AMERICA

TARGETED OUTREACH IN CONTEXT: What Sets Us Apart?

Dedicated Youth Facility
Open Daily
Professional Staff
Affordable to All



BOYS & GIRLS CLUBS
OF AMERICA

TARGETED OUTREACH IN CONTEXT:

What we do

Each Boys & Girls Club provides a comprehensive core program in five key areas:

Character & Leadership Development

Education & Career Development

Health & Life Skills

The Arts

Sports, Fitness & Recreation



BOYS & GIRLS CLUBS
OF AMERICA

Gang Membership

Age:

- Gang members generally range from 12 to 24. USDOJ, OJJDP

- 95% of jurisdictions identified gang activity in high schools and 91% in intermediate schools. 2000 NYGEC Survey

Gang Facts

Race:

- Hispanic - 47%
- African American - 31%
- Caucasian - 13%
- Asian - 7%
- Other - 2%
- Hybrid Gangs

-USDJ, OJJDP.

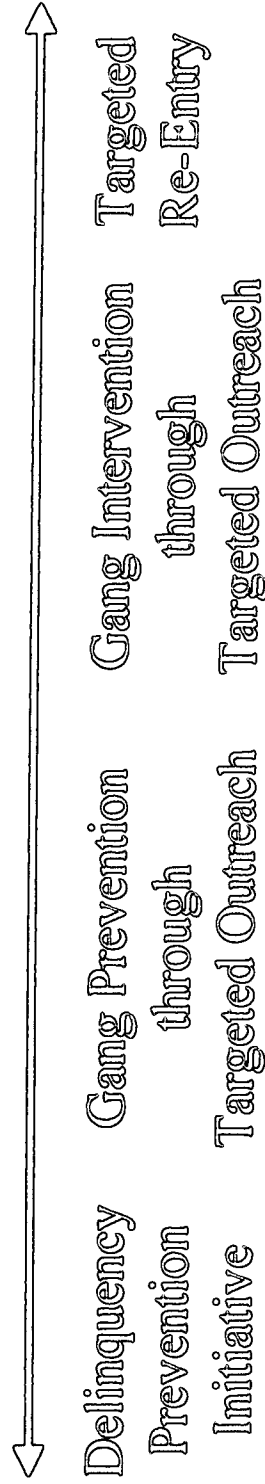
Gang Facts

Why Join?:

- Protection / Safety
- Respect / Status
- Family tradition
- Excitement
- Sense of belonging / Family
- Source of survival - shelter and money
- Peer pressure

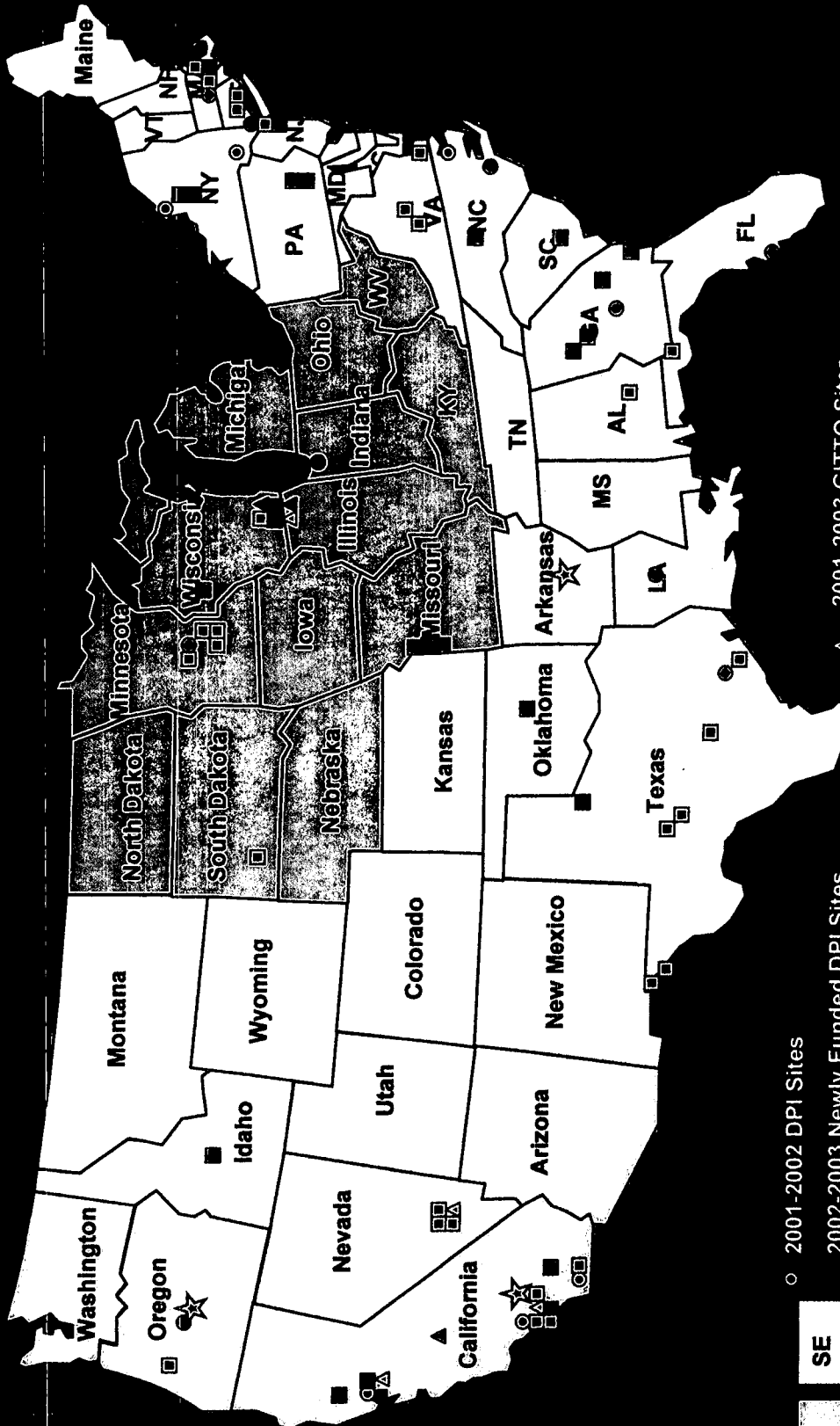
BGCA's TARGETED OUTREACH MODELS

Continuum of Gang and Delinquency Outreach Initiatives



BOYS & GIRLS CLUBS
OF AMERICA

Delinquency Prevention Services Funded Sites



○ 2001-2002 DPI Sites

2002-2003 Newly Funded DPI Sites

2002-2003 Continuation Sites

□ 2001-2003 GPTTO Sites

2002-2004 GPTTO Sites

PAC **SE**

SW **NE**

MW

△ 2001-2003 GITTO Sites

2002-2004 GITTO Sites

☆ 2001-2003 TR Sites

2002-2004 TR Sites

BGCA's TARGETED OUTREACH Models

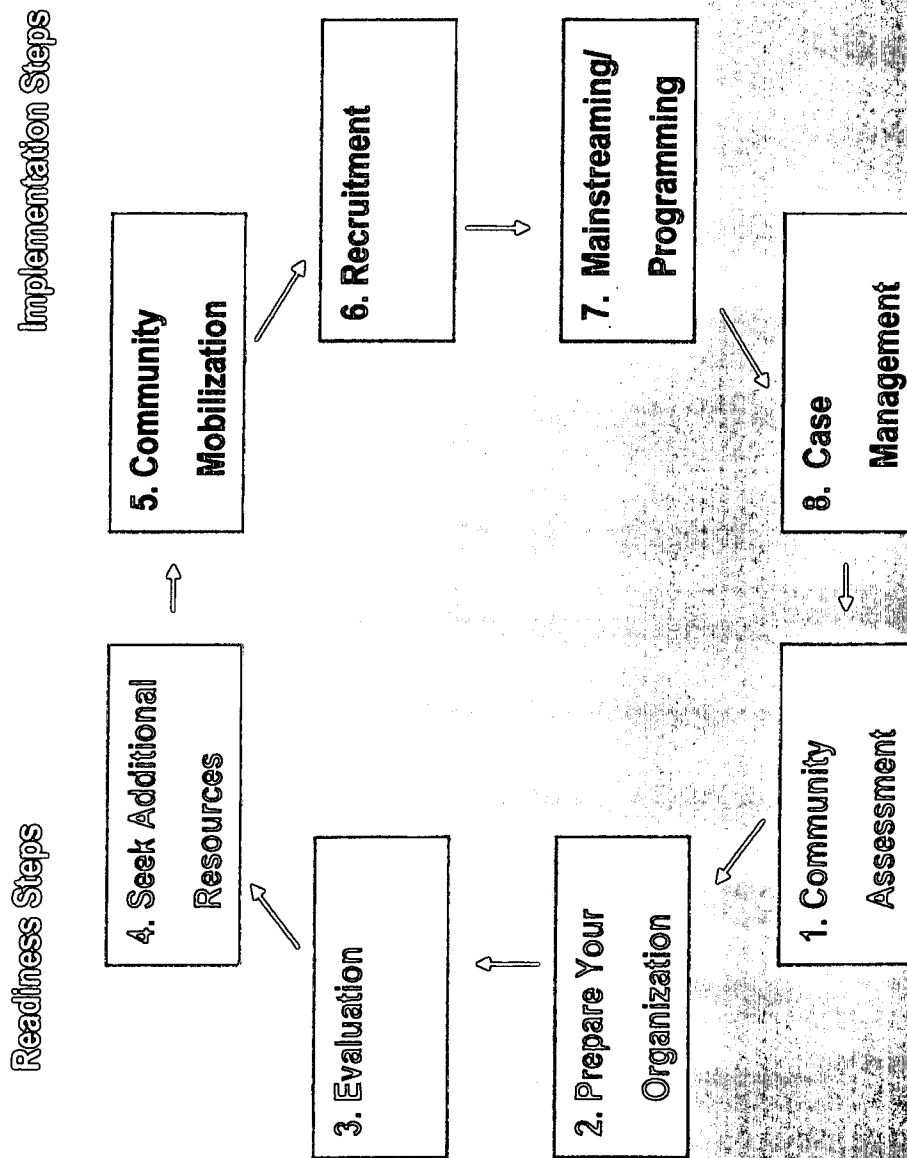
TARGETED OUTREACH Operating Principles

Community-wide Effort
Approach Not a Program
Mainstreaming/Non-labeling Process
Program For Interests and Needs
Relationship Focused: Connect Youth With Positive
Adults, Peers and Programs



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OF AMERICA**

Targeted Outreach Initiative Action Plan



**BOYS & GIRLS CLUBS
OF AMERICA**

TARGETED OUTREACH Effectiveness: GANG PREVENTION through TARGETED OUTREACH

Findings

- Delayed onset of one gang behavior
- Less contact with juvenile justice system
- Fewer delinquent behaviors
- Improved school outcomes
- More positive social relationships and productive use of out-of-school time



BOYS & GIRLS CLUBS
OF AMERICA

TARGETED OUTREACH Effectiveness: GANG INTERVENTION through TARGETED OUTREACH

Findings

- Disengagement from gang-associated behaviors
- and peers
- Less contact with the juvenile justice system
- Improved school outcomes
- More positive school engagement



BOYS & GIRLS CLUBS
OF AMERICA

Do We Want This for Our Children?

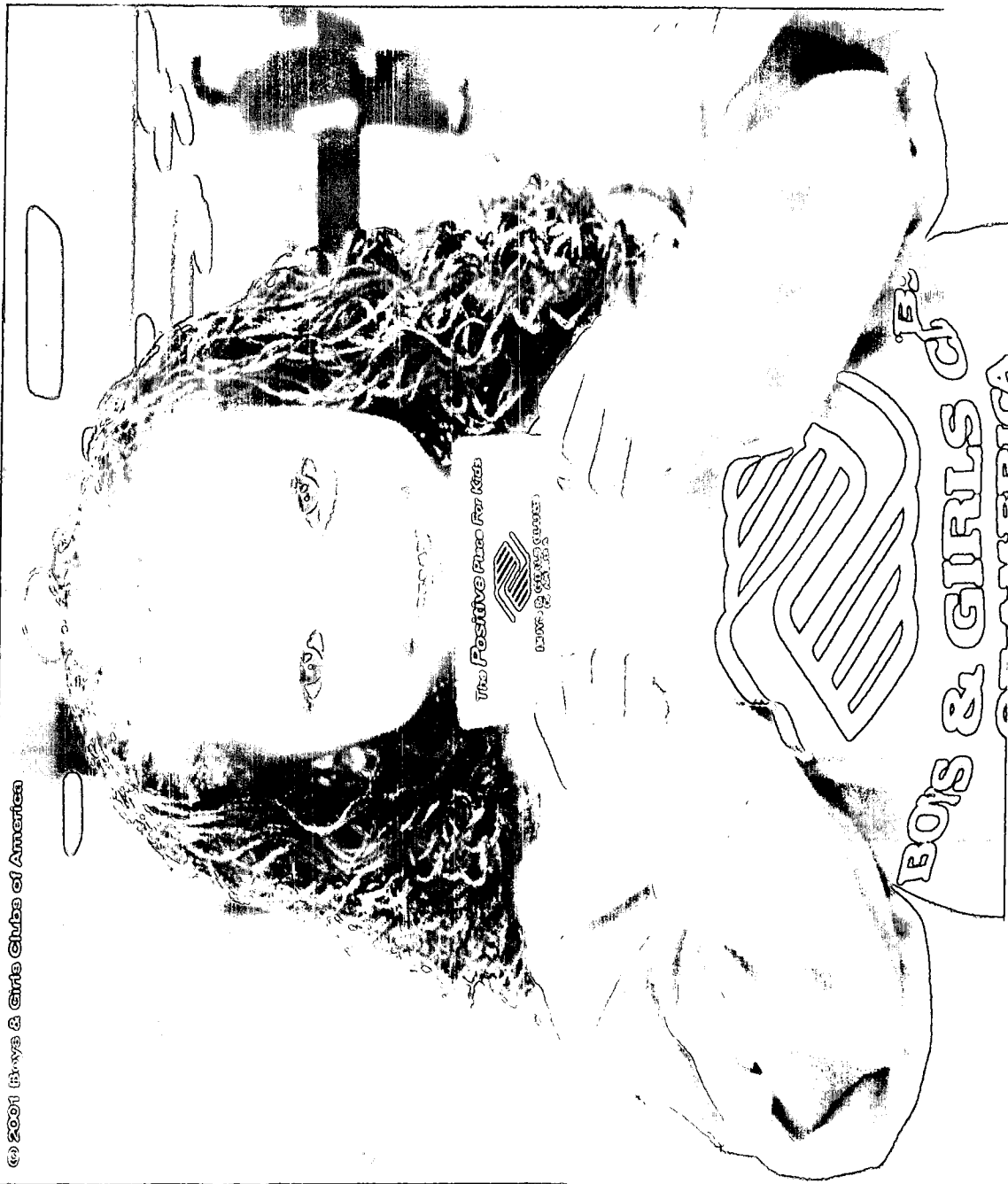


Or do they deserve this?

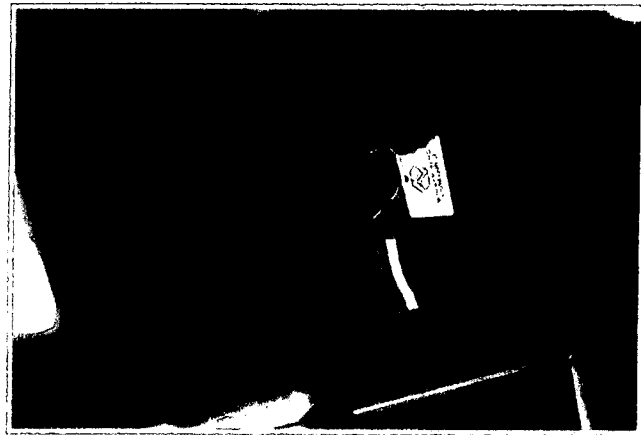


And This

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IT'S
UP
TO
US





**BOYS & GIRLS CLUBS
OF AMERICA**

Fact Sheet: Delinquency Prevention Initiative

- GOAL:** To create a support team that enables young people displaying pre-delinquent behavior to thrive and become productive members of society
- WHY:** Juvenile delinquency and youth violence continue to be significant issues among young people.
- WHO:** Youth, ages 6-18, who are exhibiting pre-delinquent behavior.
- WHAT:** This initiative involves community leaders and Boys & Girls Club professionals working collaboratively to create a support team environment that enables young people exhibiting pre-delinquent behavior to thrive and become productive members of society. Project components include:
- **Participant Identification** Identify 50 existing Club members to participate in the DPI project based on factors that place them at risk for delinquency.
 - **Administer Age-Appropriate Risk Assessment Tools** Divide 50 participants into two groups: Experimental (25) and Control (25). Administer risk assessment tools (pre and post) to youth based on age 6-12 years or 13-18 years and risk potential for delinquency.
 - **Support Team Formation** (Experimental Group only) Support each youth in the development of his or her support team. Youth should collaborate with Club staff to identify pro-social representatives from his or her family, school, community and club to be team members. For youth ages 13-18, the program includes a positive peer as a member of the team.
 - **Develop Individualized Program Plan** Program for risk reduction is based on assessment findings. Establish plan with support team input based on identified risks and direct youth into programs based on interests and needs.
 - **Provide Individualized Case Management** Monitor and document individual progress on a monthly basis in the following areas: program participation, academic performance, family involvement and contact with the juvenile justice system. Program staff share case management responsibility and meet weekly to complete documentation on targeted youth.
 - **Create a Customized Delinquency Prevention Initiative** Create a unique program or enhance an existing program that encourages cross-agency delinquency prevention effort coordination and addresses support team efficacy and impact in the lives of participating youth.

WEB SITE: [www.bgca.net/Programs/Specialized Initiatives](http://www.bgca.net/Programs/Specialized%20Initiatives)

CONTACT: Robert Gambala, Director, Delinquency Prevention, (805) 486-8639, rgambala@bgca.org



**BOYS & GIRLS CLUBS
OF AMERICA**

Fact Sheet: GANG PREVENTION through TARGETED OUTREACH (GPTTO)

GOAL: To lead young people away from gang behavior and into positive Club activities through gang prevention programs

WHY: Many youth in this country are at risk for becoming involved with gangs.

WHO: Youth at high risk for gang involvement, ages 6-18

WHAT: This is a comprehensive gang prevention initiative that uses effective techniques and strategies to direct at-risk youth to positive alternatives. This effort begins with mobilizing community leaders and Club staff to discuss local gang issues, design a community-wide strategy and clarify their roles. Through a referral network with courts, police, other juvenile justice agencies, schools, social service agencies and community organizations, as well as through direct outreach efforts, young people identified as at risk are recruited and mainstreamed into Boys & Girls Club program activities as a diversion from anti-social gang activity.

Once in the Club, youth are welcomed into regular programs. Staff professionals assess individual interests and needs and establish a bond of trust necessary to create a positive sphere of influence and a long-lasting mentor relationship. Case management is an integral part of the initiative, with proper record keeping and documentation to ensure targeted individuals receive appropriate services through the Club and referral services. On a monthly basis, staff members document progress on a participant's goals, such as Club involvement, school performance, involvement with the juvenile justice system, family involvement, referral status and significant problems or achievements. An independent evaluation of GPTTO was recently conducted by Public/Private Ventures. Findings are available at www.ppv.org.

WEB SITE: [www.bgca.net/Programs/Specialized Initiatives](http://www.bgca.net/Programs/Specialized%20Initiatives)

CONTACT: **NE and SE Contact:** David Reid, Director, Delinquency Prevention, (404) 487-5805, dreid@bgca.org **MW Contact:** Joe Mollner, Director, Delinquency Prevention, (651) 982-6999 **PAC and SW Contact:** Robert Gambala, Director, Delinquency Prevention, (805) 487-1483

Virginia's Office of the Attorney General and the Virginia Alliance of Boys & Girls Clubs Partnership to Fight Youth Gangs

As part of the Attorney General's statewide Anti-Gang initiative, Attorney General Jerry Kilgore will team up with the Boys & Girls Clubs of Virginia in an effort to encourage young people to find healthy alternatives to joining gangs. The Boys & Girls Clubs will create programs to prevent gang membership among young people, to intervene in the lives of those who have already joined gangs, and to assist incarcerated youth with a positive transition back into the community. Among others, those programs would include:

- **Delinquency Prevention Through Target Outreach** is designed to create a support team through, community leaders and Boys & Girls Club professionals working collaboratively, that enables young people, ages 6-18, who are exhibiting pre-delinquent behavior to thrive and become productive members of society.
- **Gang Prevention Through Target Outreach** is designed to lead young people, ages 6-18, away from gang behavior and into positive Club activities through gang prevention programs. This is a comprehensive gang prevention initiative that uses effective techniques and strategies to direct at-risk youth to positive alternatives.
- **Gang Intervention Through Targeted Outreach** is designed to lead young people, ages 6-18, away from gang behavior on the street and into positive Club activities through proactive gang intervention outreach efforts that mobilize community leaders and Boys & Girls Club professionals to create a sustainable gang intervention effort that strategically reaches out to gang members and provides them with youth development experiences.
- **Targeted Re-entry** is designed to assist incarcerated youth with a positive transition back into the community. It is a Boys & Girls Club, correctional facility and community-wide strategy designed to assist incarcerated youth with a positive transition back into the community.

Boys & Girls Clubs of America has pledged \$1 million in matching funds to create anti-gang programs and challenged other local and state organizations and governments to match the commitment.

Local governments, corporations, foundations and community leaders are encouraged to participate in this community-changing initiative in an appropriate and meaningful way such as providing financial support to your local Boys & Girls Club organization and include funding to allow your Club to implement one or more of the Gang Prevention components, or help your community establish a new Boys & Girls Club program.

Boys & Girls Clubs Gang Prevention/Intervention continuum

Program	Number of Club Sites	Number of Youth Reached	Total Program Cost	B&GC's Challenge	Virginia's Goal
<i>Delinquency Prevention</i>	50	2,500	\$1,000,000	\$500,000	\$500,000
<i>Gang Prevention</i>	10	500	\$350,000	\$175,000	\$175,000
<i>Gang Intervention</i>	3	75	\$250,000	\$125,000	\$125,000
<i>Re-entry</i>	2	25	\$200,000	\$100,000	\$100,000
	65	3,100	\$1,800,000	\$900,000	\$900,000
<i>Administration and Training</i>			\$200,000	\$100,000	\$100,000
Totals			\$2,000,000	\$1,000,000	\$1,000,000

For more information on this partnership contact Chuck Brady, Boys & Girls Clubs of America at (804) 423-6432 or cbrady@bgca.org, or Marla Decker, Office of the Attorney General (804) 786-6835 or mdecker@oag.state.va.us.



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January 4, 2005

TO: Members of the House Select Committee on Street Gang Prevention
FROM: Susan L. Sitze, Committee Counsel
RE: Current North Carolina Statutes

At the last meeting, The Department of Juvenile Justice and Delinquency Prevention provided members with a brief chart of some of the types of gang related offenses that other states have passed. Members inquired as to what existing North Carolina statutes might cover the same conduct. Listed below is a brief summary of some of the statutes that might apply to the categories indicated in the chart and some information about how such activities are currently dealt with in NC law, if at all.

Carjacking North Carolina does not have a specific statute regarding "carjacking", however the robbery statutes would cover these types of offenses. Copied below is the statute most likely to be charged in a "carjacking" situation.

§ 14-87. Robbery with firearms or other dangerous weapons.

(a) *Any person or persons who, having in possession or with the use or threatened use of any firearms or other dangerous weapon, implement or means, whereby the life of a person is endangered or threatened, unlawfully takes or attempts to take personal property from another or from any place of business, residence or banking institution or any other place where there is a person or persons in attendance, at any time, either day or night, or who aids or abets any such person or persons in the commission of such crime, shall be guilty of a Class D felony.*

Drive-By Shootings Again, NC does not have a statute specific to "drive-by shootings". However, this conduct would be covered under one of several offenses depending on the circumstances. Some of the possible offenses are:

- Murder in the first or second degree (G.S. 14-17);
- Assault with a Deadly Weapon (G.S. 14-33(c)(1));
- Assault with a Deadly Weapon with Intent to Kill (G.S. 14-32(c));
- Assault with a Deadly Weapon Inflicting Serious Injury (G.S. 14-32(b));
- Assault with a Deadly Weapon with Intent to Kill Inflicting Serious Injury (G.S. 14-32(a));
- Discharging Barreled Weapon or Firearm into Occupied Property (G.S. 14-34.1);

Enhanced Penalties – Sentencing North Carolina does have an aggravating factor, used for sentencing purposes, that is directly related to gangs. The finding of an aggravating factor allows an offender to be sentenced at a higher level of punishment. The NC statute is as follows:

15A-1340.16 Aggravated and mitigated sentences.

...
(d) *Aggravating Factors.....*

....
(2a) *The offense was committed for the benefit of, or at the direction of, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, and the defendant was not charged with committing a conspiracy. A "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of felony or violent misdemeanor offenses, or delinquent acts that would be felonies or violent misdemeanors if committed by an adult, and having a common name or common identifying sign, colors, or symbols.*

Gang Activity and Forfeiture North Carolina has a statute that provides that all gain acquired through felonies are subject to forfeiture (G.S. 14-2.3). Additionally, G.S. 14-86.1 provides for the forfeiture of all conveyances used in committing larceny or similar crimes. While these statutes do not address gang activity specifically, it is probable that they would apply to many illegal gang activities.

Gang Databases, Gang Participation, Gang Prosecution North Carolina has no statutes related to these subjects.

Gang Recruitment, Threats, Intimidation North Carolina has a statute prohibiting Communicating Threats (G.S. 14-277.1) which may apply in some circumstances.

Gang-Related Clothing, Dress Codes, School Uniforms North Carolina does not have a statewide statute regarding school dress codes, however, each school district has the authority to establish a dress code.

Gang-Related Definitions The only gang-related definition provided in North Carolina law is the one contained in G.S. 15A-1340.16(d)(2a) [see above].

Gangs and Schools, Gangs and Weapons North Carolina does not provide statutes specific to addressing these issues. However, it is illegal for certain types of weapons to be possessed, and it is also illegal for a felon to possess a firearm.

Graffiti This conduct could be covered under several North Carolina statutes, depending on where the graffiti is located. Some examples are:

- Injury to Real Property (G.S. 14-127)
- Defacing Public Building (G.S. 14-132)
- Injury to Personal Property (G.S. 14-160)
- Injuring Buildings (G.S. 14-144)
- Removing or Defacing Landmarks (G.S. 14-147)
- Defacing or Desecrating Grave Sites (G.S. 14-148)

Juvenile Gang Members North Carolina statutes do not address this specifically.

Public Nuisance/Premises Used by Gangs North Carolina nuisance laws do not address gangs specifically. However, many types of gang activities would qualify to make a property a nuisance under NC nuisance laws. G.S. 19-1, defining nuisance is copied below.

§ 19-1. What are nuisances under this Chapter.

(a) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place for the purpose of assignation, prostitution, gambling, illegal possession or sale of alcoholic beverages, illegal possession or sale of controlled substances as defined in the North Carolina Controlled Substances Act, or illegal possession or sale of obscene or lewd matter, as defined in this Chapter, shall constitute a nuisance.

(b) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place wherein or whereon are carried on, conducted, or permitted repeated acts which create and constitute a breach of the peace shall constitute a nuisance.

(b1) The erection, establishment, continuance, maintenance, use, ownership or leasing of any building or place wherein or whereon are carried on, conducted, or permitted repeated activities or conditions which violate a local ordinance regulating sexually oriented businesses so as to contribute to adverse secondary impacts shall constitute a nuisance.

(c) The building, place, vehicle, or the ground itself, in or upon which a nuisance as defined in subsection (a), (b), or (b1) of this section is carried on, and the furniture, fixtures, and contents, are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.

6

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H.

D

BILL DRAFT 2005-SA-2 [v.2] (1/4)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
1/4/2005 7:56:59 PM

Short Title: Street Gangs.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT .

The General Assembly of North Carolina enacts:

SECTION . Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-50.?? Definitions.

The following definitions apply in this Article:

- (1) "Criminal street gang" or "street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, which engages in a pattern of criminal gang activity as defined in subsection (2) of this section. The existence of the organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs symbols, tattoos, graffiti, or attire or other distinguishing characteristics.
- (2) "Pattern of criminal gang activity" means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit at least two of the following offenses, provided that at least one of these offenses occurred after December 1, 2005, and the last of the offenses occurred within three years, excluding any periods of imprisonment, of prior criminal gang activity:
 - a. Any offense under Article 5 of Chapter 90 of the General Statutes (Controlled Substances Act).
 - b. Any offense under Chapter 14 of the General Statutes except Articles 9, 22A, 38, 40, 43, 46, 47, 59 thereof; and further

1 excepting G.S. Sections 14-78.1, 14-82, 14-86, 14-145, 14-179,
2 14-183, 14-184, 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-
3 247, 14-248, 14-313 thereof.

4
5
6
7 **SECTION .** Chapter 14 of the General Statutes is amended by adding a new
8 section to read:

9 **"§ 14-50.???. Enhanced sentence for criminal gang activity.**

10 Unless a different classification is expressly stated, a person who is convicted of an
11 offense that is committed for the benefit of, at the direction of, or in association with,
12 any criminal street gang, is guilty of an offense that is one class higher than the offense
13 committed. A Class A1 misdemeanor shall be punished as a Class I felon under this
14 section."

15
16 ****NOTE**** If the section above is adopted, the current aggravating factor
17 should probably be repealed as a result.
18

19
20 **SECTION .** Chapter 14 of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 14-87.2. Carjacking.**

23 (a) Any person who forcefully takes or attempts to take a vehicle occupied by a
24 driver or another person without the driver or occupant's consent shall be punished as a
25 Class D felon.

26 (b) Notwithstanding any other provision of law, the Division of Motor Vehicles
27 shall immediately suspend, without preliminary hearing, the drivers license of a suspect
28 arrested for a violation of subsection (a) of this section. The suspension pursuant to this
29 subsection shall be until the disposition of the charge either by dismissal, acquittal, or
30 conviction.

31 (c) Upon conviction for violation of subsection (a) of this section, the defendant's
32 drivers license shall be revoked for a period of not less than eight calendar years, with
33 no restoration until the full length of the revocation has been completed."
34

35
36
37
38 **SECTION .** Chapter 14 of the General Statutes is amended by adding a new
39 section to read:

40 **"§ 14-34.9. Discharging a firearm from within a motor vehicle.**

41 Unless covered under some other provision of law providing greater punishment,
42 any person who willfully or wantonly discharges or attempts to discharge a firearm
43 from within a motor vehicle toward a person or persons shall be punished as a Class E
44 felon.

SECTION . Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-50.?? . Reports of disposition; criminal street gang activity.

When a defendant is found guilty of an offense, the presiding judge shall determine whether the offense was committed for the benefit of, at the direction of, or in association with, any criminal street gang. If the judge determines that the offense so qualifies, then the judge shall indicate on the form reflecting the judgment that the offense involved criminal street gang activity. The clerk of court shall insure that the official record of the defendant's conviction includes the court's determination. For the purposes of this section "criminal street gang" is as defined in G.S. 14-50??."

SECTION . G.S. 15A-533 reads as rewritten:

"§ 15A-533. Right to pretrial release in capital and noncapital cases.

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In lieu of pretrial release, however, the individual shall be returned to the treatment facility in which he was residing at the time of the alleged crime or from which he escaped or absented himself for continuation of his treatment pending the additional proceedings on the criminal offense.

(b) A defendant charged with a noncapital offense must have conditions of pretrial release determined, in accordance with G.S. 15A-534.

(c) A judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial. If he determines release is warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534.

~~(d) Subject to rebuttal by the person, it shall be presumed~~ There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

- (1) There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;
- (2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and
- (3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and

not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

(e) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds that there is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in G.S. 14-50.??.

~~Such person~~ Persons who are considered for bond under the provisions of subsections (d) and (e) of this section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community."

SECTION . G.S. 15A-1340.16A reads as rewritten:

"§ 15A-1340.16A. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony and the defendant used, displayed, or threatened to use or display possessed, displayed, or discharged a firearm during the commission of the felony.

(a), (b) Repealed by Session Laws 2003-378, s. 2, effective August 1, 2003.

~~(c) If a person is convicted of a Class A, B1, B2, C, D, or E felony and it is found as provided in this section that: (i) the person committed the felony by using, displaying, or threatening the use or display of a firearm and (ii) the person actually possessed the firearm about his or her person, then the person shall have the minimum term of imprisonment to which the person is sentenced for that felony increased by 60 months. The maximum term of imprisonment shall be the maximum term that corresponds to the minimum term after it is increased by 60 months, as specified in G.S. 15A-1340.17(e) and (e1).~~

(c1) A person who is convicted of a felony and who possessed, displayed, or discharged a firearm during the commission of the felony shall be punished pursuant to one of the following subdivisions:

- (1) If a person is convicted of a felony and the person possessed a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to a minimum term of imprisonment for 60 months.
- (2) If a person is convicted of a felony and the person displayed a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to a minimum term of imprisonment for 84 months.
- (3) If a person is convicted of a felony and the person discharged a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to a minimum term of imprisonment for 120 months.

1
2 (d) An indictment or information for the Class A, B1, B2, C, D, or E felony shall
3 allege in that indictment or information or in a separate indictment or information the
4 facts set out in subsection (e)(c1) of this section. The pleading is sufficient if it alleges
5 that the defendant committed the felony by ~~using, displaying, or threatening the use or~~
6 ~~display of a firearm and the defendant actually possessed the firearm about the~~
7 ~~defendant's person possessing, displaying, or discharging the firearm.~~ One pleading is
8 sufficient for all Class A, B1, B2, C, D, or E felonies that are tried at a single trial.

9 (e) The State shall prove the issues set out in subsection (e)(c1) of this section
10 beyond a reasonable doubt during the same trial in which the defendant is tried for the
11 felony unless the defendant pleads guilty or no contest to the issues. If the defendant
12 pleads guilty or no contest to the felony but pleads not guilty to the issues set out in
13 subsection (e)(c1) of this section, then a jury shall be impaneled to determine the issues.

14 (e1) The enhanced punishment provided by this section for the acts of possessing
15 or displaying a firearm applies even if the firearm is incapable of firing.

16 (f) ~~Subsection (e) of this section does not apply if the evidence of the use,~~
17 ~~display, or threatened use or display of the firearm is needed to prove an element of the~~
18 ~~felony or if the person is not sentenced to an active term of imprisonment.~~

19 (e2) The court shall not suspend any sentence imposed under this section and shall
20 not place a person sentenced under this section on probation for the sentence imposed
21 under this section. Sentences imposed pursuant to this section shall be consecutive to
22 all other sentences imposed and shall begin at the expiration of any other sentence being
23 served by the defendant."

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

BILL DRAFT 2005-RK-2 [v.5] (1/4)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

1/5/2005 9:04:57 AM

Short Title: Bond on Gang-related offenses.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO LIMIT BOND AVAILABILITY IN OFFENSES INVOLVING
CRIMINAL STREET GANG ACTIVITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-533 reads as rewritten:

"§ 15A-533. Right to pretrial release in capital and noncapital cases.

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In lieu of pretrial release, however, the individual shall be returned to the treatment facility in which he was residing at the time of the alleged crime or from which he escaped or absented himself for continuation of his treatment pending the additional proceedings on the criminal offense.

(b) A defendant charged with a noncapital offense must have conditions of pretrial release determined, in accordance with G.S. 15A-534.

(c) A judge may determine in his discretion whether a defendant charged with a capital offense may be released before trial. If he determines release is warranted, the judge must authorize release of the defendant in accordance with G.S. 15A-534.

(d) ~~Subject to rebuttal by the person, it shall be presumed~~ There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

- (1) There is reasonable cause to believe that the person committed an offense involving trafficking in a controlled substance;

(2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of a Class A through E felony or an offense involving trafficking in a controlled substance and not more than five years has elapsed since the date of conviction or the person's release from prison for the offense, whichever is later.

(e) There shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community, if a judicial official finds the following:

(1) There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in G.S. 14-50.??.

(2) The offense described in subsection (e)(1) was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of an offense described in G.S. 14-50.?? and not more than five years has elapsed since the date of conviction or the person's release for the offense, whichever is later.

~~Such person~~ Persons who are considered for bond under the provisions of subsections (d) and (e) of this section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community."

SECTION 2. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.



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Research Division
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(919) 733-2578

MEMORANDUM

To House Select Committee on Street Gang Prevention

From Douglas R. Holbrook
Fiscal Analyst

Re At-risk Children Funding

Date January 5, 2005

This memorandum responds to questions raised at the January 4, 2005, meeting of the House Select Committee on Street Gang Prevention regarding state spending on gang prevention efforts among the youth population. For the most part, state resources are not targeted specifically toward gang prevention, but more generally to "at-risk youth." Obviously, programs and initiatives that are effective in addressing risk factors for school failure, dropping out, and other behavioral problems should deter gang involvement. Most of these funds are channeled through the Departments of Public Instruction and Juvenile Justice and Delinquency Prevention.

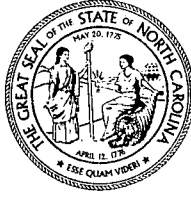
The Department of Public Instruction provides \$186 million to local school systems for at-risk student services and alternative schools. These funds must be used for school safety officers, summer school instruction, remediation, alcohol and drug prevention, early intervention, safe schools, and preschool screening. The intended target population for these services is students likely to drop out and to provide special alternative instructional programs. Findings by the Juvenile Justice Commission in 1998 indicate that keeping children in school, i.e., not expelled, is a major success factor in averting delinquency. The DPI also provides other funding streams to local systems to address other risk factors in students, including reading and math proficiency (\$35 million for Student Accountability), \$39 million for limited English proficiency, and \$320 million for vocational education.

The Department of Juvenile Justice and Delinquency Prevention is the other key agency dealing with at-risk youth. In addition to its role in operating the state's training schools, the Department also provides funds to local Juvenile Crime Prevention Councils (JCPCs) to work locally to promote prevention efforts in each county; however, the bulk of this funding is targeted to adjudicated kids. In the 2004-05 budget, JCPCs received \$23.7 million. Several non-profit organizations also provide services to juveniles, both pre- and post-adjudication. Support Our Students (SOS) receives \$8.9 million, including \$2.7 million in TANF funds, to provide after-school services. Similarly, Boys and Girls Clubs receive \$1.7 million, including \$1.3 million in TANF funds. Other organizations

providing in-school and after-school services include Governor's One on One, Communities in Schools, Eckerd wilderness programs, and the Juvenile Assessment Center.

Again, these funds are not specifically targeted at gang suppression, but are targeted at the risk factors that often lead to gang involvement. Many other state programs and initiatives could roughly be considered "prevention," but these two departments manage the bulk of resources that can have a direct relationship with the decision to join a gang.

NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27603



January 11, 2005

MEMORANDUM

TO: Members, Committee on Street Gang Prevention

FROM: Representative Phillip Frye
Representative Mickey Michaux

SUBJECT: Meeting Notice for House Select Committee on Street Gang Prevention

There will be a meeting of the House Select Committee on Street Gang Prevention:

DAY:	Tuesday	TIME:	1 pm
	Wednesday		9:30am
DATE:	January 18-19, 2005		
LOCATION:	Room 1425 LB		

Please advise, Mary Hayes Committee Assistant, at 733-5661, or e-mail Fryela@ncleg.net if you will be unable to attend.

Posted:

cc: Committee Record _____
Interested Parties _____

MINUTES
HOUSE INTERIM COMMITTEE ON STREET GANG PREVENTION

Tuesday, January 18, 2005
1 pm
Room 1228, Legislative Building

The House Interim Committee on Street Gang Prevention met on Tuesday, January 18, 2005 at 1 pm in Room 1228. Representatives Michaux, Frye, Adams, Blackwood, Carney, Cole, Dickson, Eddins, Jones and Walker were present.

Representative Michaux called the meeting to order and the minutes from the last meeting were approved.

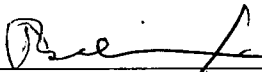
Representative Michaux recognized Mark Bridgeman, President of the NC Gang Investigators Association to speak. Mr. Bridgeman presented members with handouts including contact phone numbers (attachment #1).

Representative Michaux then recognized Susan Size, staff attorney, to explain the draft bill. The floor was open for discussion and questions by the committee members. Discussion included concerns about the seizure of property, why it is necessary to wait until 12/05 to implement this new legislation if passed, whether to fund part of the money for pilot programs, and what will the criteria be for receiving the money (attachment #2). Ms. Size then presented three draft amendments for consideration regarding whether to fund the money through the Governor's Crime Commission, the Department of Juvenile Justice or the Department of Health and Human Services for the Boys and Girls Clubs of America and the amount of money to be funded to the Agency selected. It was also discussed what the criteria for receiving a grant would be (attachment #3)

Representative Michaux recognized Douglas Holbrook, Fiscal Analyst, to explain the fiscal note attached to the draft bill (attachment #4)

Representative Frye asked for discussion from the committee regarding the New Law to Protect Florida handout from Representative Setzer. The committee members decided it should be a stand-alone bill next session (attachment #5).

The meeting was adjourned at 3:30 pm to reconvene on January 19, 2005 at 10 am in Room 1027.



Representative Mickey Michaux

Representative Phillip Frye

Mary B. Hayes
Committee Assistant

Attachment #1	Mark Bridgeman, President, NC Gang Investigators Association Material
Attachment #2	Street Gang Prevention draft bill (1/18/2005)
Attachment #3	Examples of Agencies to fund the money through
Attachment #4	Fiscal Note attached to the bill
Attachment #5	Representative Setzer's handout re: change in Florida's law

MINUTES

HOUSE INTERIM COMMITTEE ON STREET GANG PREVENTION JANUARY 19, 2005 10 AM ROOM 1028, LEGISLATIVE BUILDING

Representative Phillip Frye called the meeting to order. Representatives Frye, Michaux, Blackwood, Carney, Clary, Cole, Dickson, Eddins, Jones and Walker were present.

Representative Carney provided the committee with a handout provided by Gang of One from the Charlotte-Mecklenburg Police Department (attachment 6).

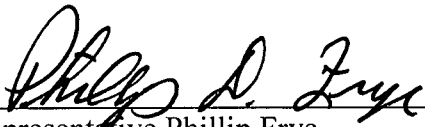
Ms. Sitze, staff attorney, presented the committee with the redraft of the bill and the amendments and explained the change (attachment #7).

After discussion by the Committee, it was decided to have the funds go through the Governor's Crime Commission and the requested amount will be for \$20 million. They will determine other criteria for eligibility to go along with a match of 25%. One-half of the 25% match may be in in-kind contributions such as volunteer personnel, building use, furnishings etc. The Governor's Crime Commission will report on the uses of these funds no later than April 1, 2006. The sum of \$150,000 will be appropriated to the State Bureau of Investigation to fund the State with the GangNet database (attachment #8).

The committee voted in favor of the draft bill as written, funding \$150,000 for the GangNet Database and the remaining funding to go through the Governor's Crime Commission for distribution.

A handout was given to the members from the NCSBI showing gang "hotspots" and which gangs are present in these "hotspots and what their activities are (attachment #9).

Representative Michaux and Frye thanked the members for their work on this committee and the meeting adjourned at 10:35.



Representative Phillip Frye

Representative Mickey Michaux

Mary B. Hayes
Committee Assistant

Attachment #6

Attachment #7

Attachment #8

Attachment #9

Representative Carney's Gang of One handout

Redraft of Street Gang Prevention Bill

SBI GangNet Amendment

NCSBI Gang Overview Handout



GANG INVESTIGATORS ASSOCIATION

Organizational Structure

The President, Vice-President, Secretary, Conference Coordinator, Web Master and Regional Coordinators are **ALL** volunteer positions in addition to their normal duties and responsibilities from their respective agencies.

The North Carolina Gang Investigator's Association organizational structure is comprised of the following;

President

Lieutenant Mark Bridgeman
Fayetteville Police Department
910-322-1530 cell w/ voice
910-482-1062 pager
president@ncgangcops.org

Vice-President

Detective Ernest Cuthbertson
Greensboro Police Department
336-373-2650
336-430-6535 cell w/ voice
informerofgangs@aol.com

Secretary

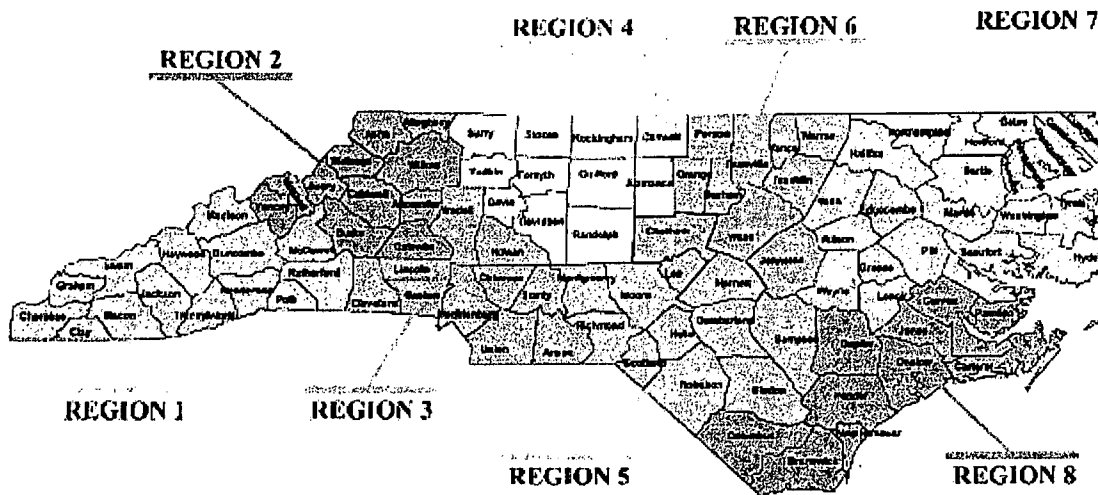
Elliott Hoskins
Durham County Sheriff's Office
919-560-6059
elliottthoskins@yahoo.com

Conference Coordinator

John Rich
BATF – Charlotte Division
704-716-1904
john.rich@atf.gov

Web Master

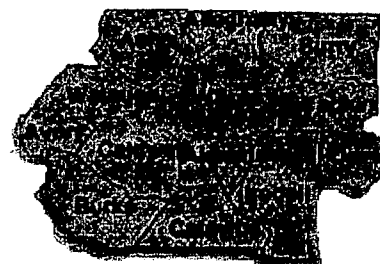
Kevin Wright
Durham Police Department
919-560-4454
Kevin.wright@durhannnc.gov



Region 1

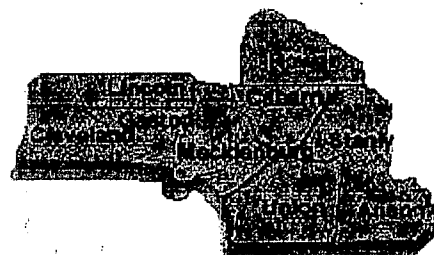


Region 2



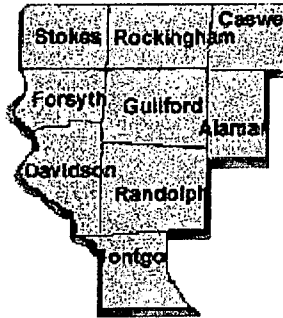
Region 3

Alfred "Bernie" Young
 Deputy
 Sheriff/SRO/DARE
 704-283-3789



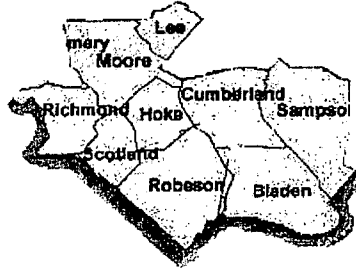
Region 4

Randall Shelton
Forsyth County
Sheriff's Office
Detention Center
336-748-4200



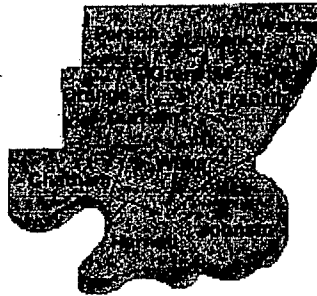
Region 5

Hunter Glass
Fayetteville PD
910-433-1524



Region 6

Tom Howard
Raleigh Police Dept
919-890-3937



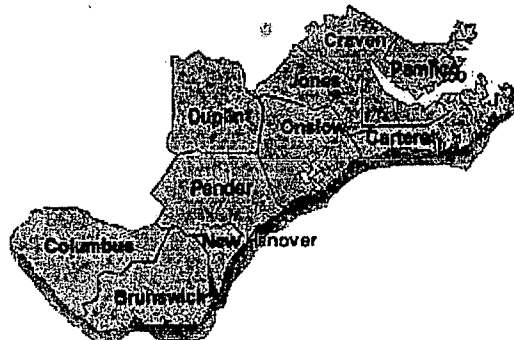
Region 7

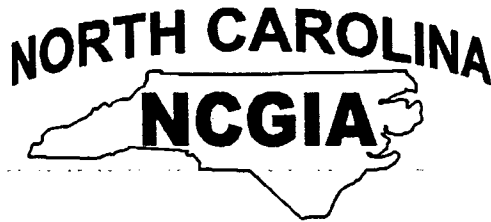
Michelle Y. Pollard
Detective
Gangs/Property Crimes/Terrorism
Pitt Co. Sheriff's Office
1-252-830-4683
mypollard@co.pitt.nc.us



Region 8

Lt. Doug Freeman
North Topsail Beach Police
910-238-0042





GANG INVESTIGATORS ASSOCIATION

Gangs in the Tarheel State

March 2004

The NCGIA is comprised of Federal, State and Local Law Enforcement, Federal Bureau of Prisons, NC DOC, Juvenile and Adult Probation and Parole as well as criminal justice professionals throughout the State of North Carolina.

The NCGIA is dedicated to:

- The prevention and suppression of gang related activity.
- Enhancing the exchange of inter-agency gang intelligence
- Gang training for law enforcement and public
- Lobbying NC Legislature for specific gang laws.
- Statewide criteria and validation for gangs and members.

This report was prepared with information provided by members of the NCGIA pertaining to gangs, outlaw motorcycle gangs/ groups, extremist groups as well as other community threat groups and entities that pose a threat to the citizens of the State of North Carolina. The NCGIA does not maintain a statewide criminal intelligence database and relies on individual members representing their law enforcement agencies to report the information contained within this report.

How long have gangs been in North Carolina?

The State of North Carolina has had documented Outlaw Motorcycle Gangs for well over 25 years. North Carolina as with many other states has only seen the emergence of Street Gangs since the late 1980's or early 1990's. That is not to state that Street Gangs were not here, but law enforcement and the community were not educated on the subject matter.

The signs and symbols may have been here but were not recognized for what they were at the time. While doing research for the NCGIA, I visited a county jail that had been closed since 1975. It is worth noting that the same signs and symbols that are on the walls of the old county jail are the same signs and symbols that we are seeing on the streets across North Carolina and associating them with Street Gangs.

Outlaw Motorcycle Gangs

The State of North Carolina is unique in that three of the "Big Four" OMG's are represented. The Outlaws, Pagans and the Hell's Angels have had a long history in North Carolina. With the recent events in other parts of the country gathering criminal intelligence is as important as ever.

Hell's Angels

The Hell's Angels have maintained chapters in Durham, Winston-Salem and have recently established a chapter in Fayetteville. Visual, video and photographic surveillance of this later chapter has revealed that the members of the new chapter "Fayetteville" breast patch. This new chapter is monitored by members from the Durham chapter and Winston-Salem, and Charleston, S.C. make regular visits.

Hell's Angels Chapters

Winston-Salem
Durham
Fayetteville

Associate Clubs

Boanerges M.C. (Brunswick & Tate Counties, NC)
Last Chance M.C. (Cumberland Co., NC)
Red Devils
Steel Rebels M.C. (Hoke County, NC) (may be defunct)
Spartans M.C. (South Carolina)
Trinity M.C. (South Carolina)
Veterans M.C. (Cumberland Co., NC)
Warlocks M.C. (South Carolina)
Wingmen M.C. (Cumberland Co. & Moore Co., NC)

Outlaws

The Outlaws M.C. originally had chapters in Charlotte and Lexington several years ago but have expanded to four chapters in the last three years. Shortly after the federal government conducted a successful RICO case against the Lexington Chapter, the Outlaws announced the opening of a new chapter in Denton N.C. Just last year, the Outlaws opened allowed an associate club in Maggie Valley, NC to patch over forming a fourth chapter in NC.

Outlaws Chapters

Charlotte
Lexington (county)
Denton
Maggie Valley

Associate Clubs

Black Pistons
Ghost Riders M.C. (various chapters in NC)
Rogues M.C. (Charlotte, NC)

Pagans

The Pagans M.C. had maintained a chapter in Havelock in the coastal plain of NC until just several years ago. The bulk of this chapter moved to Myrtle Beach, S.C. and now constitutes the Myrtle Beach Chapter of the Pagans M.C. During the last year an associate club known as the Untamed Rebels M.C. is reported to have patched over to become the new Pagans chapter in eastern N.C. and is believed to be based in Jacksonville, NC. This chapter's president is reported to be long-time Havelock Pagan Joel "Corvette Joe" Matza.

Chapter Locations

Jacksonville (unconfirmed)

Associate Clubs

Untamed Rebels M.C. (many believed to have patched over to Pagans M.C.)

Street Gangs

The State of North Carolina has defined a “**criminal street gang**” as, “**any ongoing organization, association or group of three or more persons, whether formal or informal, having one of its primary activities the commission of felony or violent misdemeanor offenses, or delinquent acts that would be felonies or misdemeanors if committed by an adult, and having a common name or common identifying sign, colors or symbols.**” However, this is listed in the Aggravated and Mitigated Sentences, NC GS 15a-1340.16 and is only used after the defendant is found guilty and conspiracy has not been previously charged. This has been on the books in North Carolina since 1998 and to date it is not known has not been introduced in any judicial proceeding.

In 2000, the North Carolina Governor’s Crime Commission initiated a survey titled, “Perceptions of Youth Crime and Youth Gangs: A Statewide Systemic Investigation”. (Many communities, including major metropolitan areas, were and remain in denial of gangs.) In this survey gangs were reported in 62 of 94 counties and 5,143 gang members. Of the gang members that were identified 2,063, or 52.1 percent, were 21 years old and younger, 1,183 or 23 percent were identified by School Resource Officers and 851, or 21.5 percent, were juveniles less than 16 years old. In this survey respondents report gang members range in age from 7 to 62 years old. The average age is 15.5 years old. Females were reported as being active in many gangs and comprise approximately 20 percent of the total gang members within North Carolina communities.

In the 2000 survey the ethnic composition of gangs were recorded as 33.3 percent strictly African-American, 23 percent all White, 10.8 percent Asian followed by 6.5 percent as Latino and Hispanic gangs. Consistent with other areas of the country gangs in North Carolina are becoming more homogeneous with multi ethnic membership within the same gang.

This survey will be conducted again in 2004. In my opinion, these numbers will be different, for several reasons, gang education, awareness and training has greatly increased in both community and law enforcement areas. Also, many communities are no longer in denial and recognizing gangs and have taken measurements to deal with the problem or they are unofficially dealing with the problem.

There are hundreds of reported gangs in North Carolina. However, the vast majority of these gangs do not have ties outside of their local communities let alone their own neighborhoods. The vast majority of gangs in North Carolina operate autonomously. This has been accurately characterized in the OJJDP Juvenile Justice Bulletin, December 2001, “Hybrid and Other Modern Gangs”.

There is a myriad of reasons why gangs have migrated to North Carolina many of which are not unlike any other area of the United States. Relocation with family is one of the primary reasons for gang migration. In the State of North Carolina there are several bases that the United States Armed Forces serve. The military is a microcosm of the United States and subjects that are serving in the Armed Forces all have different life experiences. It is the case the Armed Forces have inducted gang members into different branches of service. Gang migration via military service is just one of many ways gangs has traveled through our country.

However, there may be some reasons that have an impact on other communities up and down primarily the East Coast. North Carolina has one of the most liberal laws in obtaining permits to purchase firearms in the United States. The Bureau of Alcohol, Tobacco and Firearms reports that the Interstate 95 corridor is one of the heaviest gun trafficking areas in the United States. A firearm purchased in North Carolina for \$150.00 may sell for \$400-\$500 on the streets in the Northeast, primarily New York and New Jersey. Gang members will trade these weapons for crack cocaine, which is cheaper in NY and creates a higher profit margin in North Carolina.

Crips

Throughout the State of North Carolina there are hundreds of reported sets of Crips. However, the vast majority of the Crips Sets do not have ties outside of their local communities and often neighborhoods. In almost every instance Crips operate autonomously. This has been accurately characterized in the OJJDP Juvenile Justice Bulletin, December 2001, "Hybrid and Other Modern Gangs". The age of these gang members is reflective of the data reported in the 2000, North Carolina Governor's Crime Commission initiated a survey titled, "Perceptions of Youth Crime and Youth Gangs: A Statewide Systemic Investigation".

There are exceptions, whereas Crips have migrated from California and other jurisdictions to start individual sets. There are a myriad of reasons why and how the Crips migrated to North Carolina, one of the most common explanations is a parent/ guardian relocates due to employment. The child of the relocated parents may have been involved in gang activity prior to relocating. Previous "Gangster Knowledge" from California or other historical Mecca's for gang activity gives credence to the individual and maybe looked upon as a leader or OG (Original Gangster) status. The theory of, a big fish in a little pond applies in this instance.

There are those gang members that do come to North Carolina for other reasons, eluding arrest, setting up a narcotics distribution network or establishing other types of criminal activity. It is documented that Crip gang members have come to North Carolina from California to establish sets. The Eight Trey Gangsters, Rolling 40's and Rolling 60's all have stated that their OG had come from California. One of the OG's that came to Fayetteville in the early 90's was so bold that his North Carolina registration plate read, "CALI OG". The ETG reported that their OG came from Long Beach, CA and was called "Big Slim". This has proved to be the exception, not the rule, however, these gang

members will share knowledge and other sets may use this knowledge for their own gangs by adding to or taking away.

The Crips throughout the State of North Carolina have demonstrated that they have an influence from Midwest/ Chicago Style Gangs. This is demonstrated by adopting traditional Gangster Disciple signs and symbols, pitchforks, six pointed stars and the meanings behind them. Furthermore, most Crips have taken known present and former Gangster Disciple leaders such as, David Barksdale a.k.a. King David, Larry Hoover a.k.a. King Hoover and Jerome "Shorty" Freeman a.k.a. King Shorty as Crip kings. For the most part, Crips do not know how the Crips were founded or the Raymond Washington or "Tookie" Williams played in the founding of the gang. The Crips in North Carolina have adopted what is commonly called, "Books of Knowledge or Prayer Books" that documents their gangster knowledge. These documents contain the required "Gangster Knowledge" all gang members within the set must know. Failure to know the knowledge when asked will result in a violation by the member and a test of heart or corporal punishment may be required. With each set of Crips being autonomous, gangster knowledge differs from set to set as does the rules and violations.

The North Carolina Department of Corrections reports that the Crips are a validated Security Threat Group (STG) and reports that there are 44 validated gang members. Upon exit from the confines of the North Carolina Department of Corrections, information regarding the subject is placed into the NCIC's Violent, Gang, and Terrorist Offender File (VGTOF). NC DOC takes this a step further and has a distribution list where the information is disseminated to federal, state and local law enforcement agencies. As of this report the NC DOC has released validated gang members to over 12 counties. The North Carolina Department of Corrections reports that there is an increased level of cooperation and exchange of information between traditionally rival gangs in an effort to create an all-encompassing gang nation. The gangs are exchanging history and knowledge in order to incorporate all gangs into this nation.

Crips in North Carolina will adopt their name from traditional Crips sets, cities, towns, neighborhood or housing subdivision names, local street names, combination with Folk/ Gangster Disciple names and any combination thereof. Examples of Crip Sets are as follows:

Exotic Family Crazy Crips	Kitchen Crips	Rolling 20's, 30's, 40's, 60's and 90's Crip Sets
Asian Crip Boys	21 st Street Crips	111 Street Crips
81 st Street Crips	Outlaw Gangster Crips	Insane Gangster Crips
Playboy Gangster Crips	Laotian Crips	Eight Trey Gangsters

Crips in North Carolina commit an array of criminal activity ranging from misdemeanor larcenies/ assaults and property damage (graffiti), home invasions, burglaries, felony assaults/ shootings and other violent crimes against persons to include murder. There have been several murders attributed to the Crips throughout North Carolina.

Bloods

Throughout the State of North Carolina there are numerous sets of Blood that have been reported. As with other jurisdictions, Bloods are less in numbers than their Crip rivals. The vast majority of the Blood sets do not have ties outside of their local communities. In almost every instance Bloods, like, Crips operate autonomously. This has been accurately characterized in the OJJDP Juvenile Justice Bulletin, December 2001, "Hybrid and Other Modern Gangs". The age of these gang members is reflective of the data reported in the 2000, North Carolina Governor's Crime Commission initiated a survey titled, "Perceptions of Youth Crime and Youth Gangs: A Statewide Systemic Investigation".

As previously mentioned, there are exceptions, whereas Crips have migrated from California and other jurisdictions to start individual sets Bloods do as well. There are a myriad of reasons why and how the Bloods migrated to North Carolina, as with the Crips, one of the most common explanations is a parent/ guardian relocates due to employment. The child of the relocated parents may have been involved in gang activity prior to relocating. Previous "Gangster Knowledge" from California or other historical Mecca's for gang activity gives credence to the individual and maybe looked upon as a leader or OG status. The theory of, a big fish in a little pond applies in this instance. There are those gang members that do come to North Carolina for other reasons, eluding arrest, setting up a narcotics distribution network or establishing other types of criminal activity.

The North Carolina Department of Corrections reports that there are numerous individual Bloods within their system; however, they are not a validated Security Threat Group (STG). Within the NC DOC the validation process is based upon the behavior of the inmate in correlation to the gang. It is commonplace that Bloods are outnumbered within NC DOC and may often be absorbed into the United Blood Nation, Five Percenters or remain dormant.

United Blood Nation

The United Blood Nation (UBN) is a relatively new phenomenon within the State of North Carolina. The North Carolina Department of Corrections reports that the UBN is the most violent and fastest growing Security Threat Group. Assaults and attempted assaults on NC DOC staff and other inmates have dramatically increased since the UBN has been in their system. There are currently 98 validated UBN inmates within the NC DOC with the vast majority at risk level three or four (being the highest risk).

In 1998, the North Carolina Department of Corrections identified several individuals from Durham, North Carolina that were validated UBN members and were released back into the community. Shortly after the release of these UBN members, Durham experienced an increase in gang violence, as it had never seen before. Several gang related/motivated shootings, assaults, home invasions and homicides occurred on behalf of the UBN. This prompted the formation of a multi-jurisdictional, federal, state and local Violent Crimes Task Force being formed in the Raleigh/ Durham to deal with the issue of gang violence.

Recently, Durham, NC reported that there is an ongoing gang war between the UBN and the FOLK Nation style gangs. The UBN have also exploited the Hispanic community to victimize with their criminal activity. Within the past year there have been 11 gang-related homicides in a quarter mile area. The UBN will get the younger members, 13-15 year olds to commit criminal activity, while the older UBN members 16 and above drive the get away cars. The UBN gang members have made efforts to intimidate jurors and witnesses, whereas the presiding judge ordered jurors to be escorted to and from the courtroom.

The United Blood Nation has since spread to over 14 North Carolina counties. The NC DOC continues to be the best source for gathering of intelligence on the UBN. NC DOC reports that there is a division amongst the older and younger UBN gang members. Younger UBN gang members have an increased hunger for violence and as a result, are revolting against the current leadership.

As the UBN gains strength within the NC DOC they are becoming brazen in their actions. Recently, The North Carolina Secretary for the Division of Prisons received a copy of "Gutter" magazine and a handwritten letter from a member of the UBN requesting that the letter be forwarded to all inmates to conduct a work stoppage. It has been reported that other Department of Corrections has received similar letters from members of the UBN.

United Blood Nation gang members are using different techniques to show their "Dog Paws". UBN members claiming their affiliation are marking their hair with the "Dog Paws" or 5 pointed stars, through small puffs of hair or braiding as reported by NC DOC. In other jurisdictions the UBN are bleaching "Dog Paws" in their jeans or coloring the insides of their pockets red to show that they are bloods. UBN members are obtaining the red dollar sign and "MOB" tattoos while confined in NC DOC.

As the United Blood Nation gains members throughout the State of North Carolina it is expected to see an increase in gang related/ motivated type criminal activity. In many of the smaller counties, to which members of UBN have been released from the NC DOC, those individual jurisdictions do not have criminal intelligence gathering capabilities. Also, some of these communities may not recognize that they have gang members of any type within their community. When an agency does experience gang motivated/ related crimes; they will often call upon those agencies that have the resources or specialists in this arena.

Gangster Disciples/ Folk Nation

The Gangster Disciples/ Folk Nation are not unlike any other reported gang in North Carolina, in that there are numerous reported sets. However, the vast majority of the Gangster Disciples/ Folk Nation Sets do not have ties outside of their local communities and often neighborhoods. In the state of North Carolina, Gangster Disciples/ Folk Nation Sets have become a "Hybrid" type gang, as described in the OJJDP Juvenile Justice Bulletin, December 2001, "Hybrid and Other Modern Gangs". This is the reason for labeling the Gangster Disciples/ Folk Nation under one heading because gangs in North Carolina may not distinguish themselves as just Gangster Disciples. In many cases, they may use a variation of the Gangster Disciple name such as Insane Gangster Disciple, Folk or any combination thereof. In almost every instance Gangster Disciples/ Folk Nation operate autonomously.

There have been exceptions, in 1997 a member of the Gangster Disciples came to North Carolina via the United States Army. This subject was recruiting other military personnel, dependent and civilians into the Gangster Disciples. This subject was released from the military for disciplinary reasons went back to Chicago and upon his return he was the self-proclaimed governor of the Gangster Disciples for the Fayetteville area. The Gangster Disciples committed a myriad of crimes that ranged from misdemeanor assaults, weapons violations, check kiting scam on a military installation, robberies to include an undercover narcotics officer and several murders. The leader of this set was tried and convicted for Robbery with a Dangerous Weapon and is currently serving 7-9 years in the NC DOC.

The North Carolina Department of Corrections has validated the Folk as a Security Threat Group (STG); this will include all sets or factions of the Gangster Disciples. Currently, the NC DOC has 62 validated inmates within their system. Through the notification process by the NC DOC, they have released validated Folk gang members back into 20 counties in the State of North Carolina.

Vice Lords

Information regarding "Vice Lords" or any other associated name within the State of North Carolina has been somewhat sporadic. There have been individual sets reported throughout the State of North Carolina several different names, Conservative Vice Lords, Insane Vice Lords, etc. There is no intelligence to dictate that Vice Lords or any other associated group have any ties outside State of North Carolina and these too are highly likely to be hybrid gangs.

The North Carolina Department of Corrections does not have the Vice Lords validated as a Security Threat Group, However, there are individual within NC DOC that may be Vice Lord but have not been validated as individuals. NC DOC reports that gang members that are in the minority often do not make their allegiance known to other inmates for obvious reasons.

Hispanic/ Latino Gangs

The Hispanic/ Latino population base within the state of North Carolina has grown significantly in recent years. North Carolina has emerged as having one of the largest Hispanic/ Latino population bases in the United States. This population increase has been attributed to the agricultural industry in North Carolina, which has come to rely upon season workers for planting, maintaining and harvesting crops. It is often the case that the children of the seasonal workers become involved in gangs. Hispanic/ Latino parents may leave their home from another part of the United States or other country because gangs may have been prevalent in their community. Upon relocating into a North Carolina Community community, gang migration may and has occurred.

The increased population growth of Hispanic/ Latinos has caused a learning curve within the governmental agencies at Federal, State and Local levels. This has the Law Enforcement community of dealing with a relatively new demographic on a daily basis, which is another avenue of gathering criminal intelligence, which may require the use of another language.

A member of the North Carolina Gang Investigator's Association, John Barnard, who has spent numerous years in Central / South America and in the Caribbean and has been accepted by the Hispanic community has made some observations and recommendations. The first recommendation is to become involved in the Hispanic community and make a genuine effort to understand their culture. This may pay dividends with the parents of Hispanic gang members.

The next recommendation may be somewhat obvious, in an effort to track Hispanic Gang migration and activity study the when the agricultural industry swings into motion annually. This can be accomplished through obtaining a copy of "Poor Richard's Almanac" which lists all the timetables for planting and harvesting across the United States.

Latin Kings

The All Mighty Latin King/ Queen Nation activity has been reported in eight separate North Carolina counties, in all probability they may be active in many other communities. In the central part of North Carolina it is reported that the Latin Kings are primarily older over the age of fifty and are believed to be part of a narcotics trafficking operation from Miami to New York. In Durham, NC it is reported that the Folk there have allied with the Latin Kings with the war against the United Blood Nation. The North Carolina Department of Corrections has not validated the Latin Kings as a Security Threat Group although there are individual members in the NC DOC system.

Mara Salvatrucha – MS13

The Mara Salvatrucha a.k.a. MS-13 is a fast growing gang in the State of North Carolina. Over the past 2 years there have been reports of MS 13 activity in seven separate counties and in several larger North Carolina cities. Charlotte, NC reports that there have been 5 homicides that were connected with the MS 13 in that jurisdiction. The Forsyth County jail housed 12 MS-13 gang members after they were charged pursuant to running a narcotic distribution ring in 2000. The North Carolina Department of Corrections has not validated the Mara Salvatrucha as Security Threat Group although there are individual members in the NC DOC system.

It was recently reported that a former member of the Sureños a.k.a. Sur 13 had relocated with his family to get out of gang. While playing basketball in Benson, NC with his shirt off several members of MS-13 approached him. The MS-13 gang members were questioning his tattoos and his gang allegiance. Once satisfied they invited him to hang out with the MS-13. The subject hung out with MS-13 gang members for a period of time, until he was invited to a party and the leader told him that he was going to be beat into the gang. Raleigh Police while breaking into a store apprehended this subject.

18th Street

The 18th Street Gang activity has been reported in several North Carolina cities and counties. The agencies reporting this activity are rural farming communities that have an annual influx of season workers. An excellent illustration of gang denial in a community can be found in the Chatham County Newspaper, January 25, 2001. The front-page story reads, "Police say graffiti doesn't necessarily mean gang activity", a photograph depicts graffiti "LA, 18th Street". A copy of this can be requested for presentation purposes. The local law enforcement was advised about the 18th Street Gang and was unaware of this gang. The North Carolina Department of Corrections has not reported any 18th Street Gang activity.

Sureños – Sur 13

The Sureños a.k.a. Sur 13 is reported in 11 cities, counties and towns in North Carolina. Most of these communities are the rural farming communities that have the annual influx of seasonal workers. Intelligence related to this group is minimal due to the areas where the Sur 13 have been reported. Several communities report that the Sur 13 is responsible for the illegal distribution of narcotics however, the sales are often kept within their own ethnicity. The North Carolina Department of Corrections has not reported any Sur 13 or Sureños Gang activity.

Nortenos

Little information has been reported regarding the presence of Nortenos in North Carolina. There were 2 rural communities that reported a presence of this group with little information regarding criminal activity. The North Carolina Department of Corrections has not reported any Norteno gang activity.

Vatos Locos

There are many communities that report gang activity by the Vatos Locos gang throughout the State of North Carolina. However, the Vatos Locos seem to be a generic name used by gangs in the Hispanic community. This does not make them any less dangerous than any other gang. There have been reports of numerous crimes across North Carolina attributed to the Vatos Locos. The North Carolina Department of Corrections has not reported any Vatos Locos activity.

Netas

Several communities in North Carolina have reported individual members of the Netas being in their jurisdiction. These members have migrated from the Northeast. The North Carolina Department of Corrections has not reported any activity on this gang or its members.

Mexican Mafia – Le Eme

Cities and Counties in four North Carolina report that there is a presence of the Mexican Mafia a.k.a. Le Eme. There is little intelligence on the types of criminal activity that has occurred on behalf of the Mexican Mafia this is mainly due to the criminal activity remaining within their own ethnicity.

The Mexican Mafia is not a validated Security Threat Group in the North Carolina Department of Corrections. Individual members of the Mexican Mafia are within the confines of the NC DOC and are not validated are dormant for self-preservation.

Other Hispanic Gangs

Very Dangerous Mexicans

The area of Durham, Wake and Harnett counties located in North Carolina have experienced an increase in criminal activity by a Hispanic gang called the Very Dangerous Mexicans (VDM). This group is responsible for several robberies in these counties.

42nd Little Criminals a.k.a. 42nd LC

The 42nd Little Criminals a.k.a. 42nd LC is a Hispanic gang operating out of the Charlotte and Mecklenburg county area in North Carolina. This group was the focus of a federal investigation involving narcotics trafficking from Texas to North Carolina. Approximately 6 42nd LC gang members were indicted federally in 2001.

Asian Gangs

The Asian population base within the state of North Carolina has grown significantly in recent years. The Asia population base is the second fastest growing minority segment in North Carolina. This population increase has been attributed to the agricultural industry in North Carolina, which has come to rely upon season workers for planting, maintaining and harvesting crops also an increased presence of Asian style restaurants. It is often the case that the children of the aforementioned workers become involved in gangs. Asian parents may leave their home from another part of the United States or other country to have a better way of life, "the American Dream"

It is even more prevalent in the Asian community; the increased population growth has caused a learning curve within the governmental agencies at Federal, State and Local levels. This has the Law Enforcement community of dealing with a relatively new demographic on a daily basis, which is another avenue of gathering criminal intelligence, which may require the use of another language. The Asian population base tends to remain xenophobic and does not divulge information outside their ethnicity. As with the Hispanic community it is necessary to become involved in the Asian community and make a genuine effort to understand their culture.

Asian gangs that are reported are responsible for various criminal activities, home invasions, shootings, robberies and the sales and distribution of narcotics are prevalent. Charlotte and communities along the Interstate 85 corridor have seen a rise in Asian gang activity Law enforcement agencies from across North Carolina report the following Asian gangs:

Asian Crips/ Bloods	Oriental Ruff Boyz
Asian Boyz	Laotian Crips
Asian Boy Crips	Oriental Boys (OB)
Oriental Troop (OT)	Tiny Rascal Gang (TRG)
Oriental Tiny Gangsters	Hmong Pride
Asian Pride Crips	Chinese Mafia
Laos Boyz	Oriental Gunz

5 %ers – Nation of Islam

The North Carolina Department of Corrections reports that the Five Percenters are a validated Security Threat Group within their system. This is the first group that was declared a STG by NC DOC and is the largest STG with 174 inmates. The NC DOC has reported that they have released Five Percenters back into 25 separate counties. Within the confines of the NC DOC the Five Percenters will align themselves to which ever group is dominant with in the facility where they are located.

There is little information regarding criminal activity on the Five Percenters after they are released from NC DOC. In the High Point area two years ago there were 6 Five Percenters taken into federal custody. A Five Percenter was shot and killed by a Fort Bragg Military Police Officer during a traffic stop. The subject that was shot and killed vowed not to go back to prison.

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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BILL DRAFT 2005-SA-3 [v.4] (1/10)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
1/18/2005 11:51:36 AM

Short Title: Street Gang Prevention Act.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION
ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
STREET GANG PREVENTION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a
new Article to read:

"Article 13A.

"North Carolina Street Gang Prevention Act.

"§ 14-50.15. Short title.

This Article shall be known and may be cited as the "North Carolina Street Gang
Prevention Act".

"§ 14-50.16. Legislative findings and intent.

(a) The General Assembly finds and declares that it is the right of every person to
be secure and protected from fear, intimidation, and physical harm caused by the
activities of violent groups and individuals. It is not the intent of this Article to interfere
with the exercise of the constitutionally protected rights of freedom of expression and
association. The General Assembly recognizes the constitutional right of every citizen
to harbor and express beliefs on any lawful subject whatsoever, to associate lawfully
with others who share similar beliefs, to petition lawfully constituted authority for a
redress of perceived grievances, and to participate in the electoral process.

(b) The General Assembly, however, further finds that the State of North
Carolina is in a state of crisis that has been caused by violent street gangs whose
members threaten, terrorize, and commit a multitude of crimes against the peaceful
citizens of their neighborhoods. These activities, both individually and collectively,
present a clear and present danger to public order and safety and are not constitutionally
protected.

1 (c) The General Assembly finds that there are criminal street gangs operating in
2 North Carolina and that the number of gang-related murders is increasing. It is the intent
3 of the General Assembly in enacting this Article to seek the eradication of criminal
4 activity by street gangs by focusing upon patterns of criminal gang activity and upon the
5 organized nature of street gangs which together are the chief source of terror created by
6 street gangs.

7 (d) The General Assembly further finds that an effective means of punishing and
8 detering the criminal activities of street gangs is through forfeiture of the profits,
9 proceeds, and instrumentalities acquired, accumulated, or used by street gangs.

10 **"§ 14-50.17. Definitions.**

11 The following definitions apply in this Article:

12 (1) "Criminal street gang" or "street gang" means any ongoing
13 organization, association, or group of three or more persons, whether
14 formal or informal, which engages in a pattern of criminal gang
15 activity as defined in subsection (2) of this section. The existence of
16 the organization, association, or group of individuals associated in fact
17 may be established by evidence of a common name or common
18 identifying signs symbols, tattoos, graffiti, or attire or other
19 distinguishing characteristics.

20 (2) "Pattern of criminal gang activity" means the commission, attempted
21 commission, conspiracy to commit, or solicitation, coercion, or
22 intimidation of another person to commit at least two of the following
23 offenses, provided that at least one of these offenses occurred after
24 December 1, 2005, and the last of the offenses occurred within three
25 years, excluding any periods of imprisonment, of prior criminal gang
26 activity:

27 a. Any offense under Article 5 of Chapter 90 of the General
28 Statutes (Controlled Substances Act).

29 b. Any offense under Chapter 14 of the General Statutes except
30 Articles 9, 22A, 38, 40, 43, 46, 47, 59 thereof; and further
31 excepting G.S. Sections 14-78.1, 14-82, 14-86, 14-145, 14-179,
32 14-183, 14-184, 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-
33 247, 14-248, 14-313 thereof.

34 **"§ 14-50.18. Participation in criminal street gang activity prohibited.**

35 (a) It is unlawful for any person employed by or associated with a criminal street
36 gang to conduct or participate in the criminal street gang through a pattern of criminal
37 gang activity.

38 (b) It is unlawful for any person to acquire or maintain, directly or indirectly,
39 through a pattern of criminal gang activity or proceeds derived therefrom any interest in
40 or control of any real or personal property of any nature, including money.

41 (c) It is unlawful for any person who occupies a position of organizer,
42 supervisory position, or any other position of management with regard to a criminal
43 street gang to engage in, directly or indirectly, or conspire to engage in a pattern of
44 criminal gang activity.

1 (d) It is unlawful for any person to cause, encourage, solicit, or coerce another to
2 participate in a criminal street gang.

3 (e) It is unlawful for any person to communicate, directly or indirectly, with
4 another any threat of injury or damage to the person or property of the other person or to
5 any associate or relative of the other person with the intent to deter the person from
6 assisting a member or associate of a criminal street gang to withdraw from such
7 criminal street gang.

8 (f) It is unlawful for any person to communicate, directly or indirectly, with
9 another any threat of injury or damage to the person or property of the other person or to
10 any associate or relative of the other person with the intent to punish or retaliate against
11 the person for having withdrawn from a criminal street gang.

12 (g) Any person who violates this section shall be punished as follows:

13 (1) A person who violates subsection (a) or (b) of this section shall, in
14 addition to any other penalty imposed by law, be punished as a Class E
15 felon.

16 (2) A person who violates subsection (a), (b), (d), (e), or (f) of this section
17 may, if the person also violates subsection (c) of this section in the
18 same course of conduct, in addition to any other penalty provided by
19 law, be punished by imprisonment for an additional 10 years which
20 shall be served consecutively to any other sentence imposed on the
21 person by law.

22 (3) A person who violates subsection (d), (e), or (f) of this section shall, in
23 addition to any other penalty provided by law, be punished as a Class
24 G felon.

25 (h) Any crime committed in violation of this section shall be considered a
26 separate offense.

27 **"§ 14-50.19. Enhanced offense for criminal gang activity.**

28 Unless a different classification is expressly stated, a person who is convicted of an
29 offense that is committed for the benefit of, at the direction of, or in association with,
30 any criminal street gang, is guilty of an offense that is one class higher than the offense
31 committed. A Class A1 misdemeanor shall be enhanced to a Class I felony under this
32 section.

33 This section does not apply to the offenses set forth in G.S. 14-50.18.

34 **"§ 14-50.20. Reports of disposition; criminal street gang activity.**

35 When a defendant is found guilty of an offense, the presiding judge shall determine
36 whether the offense was committed for the benefit of, at the direction of, or in
37 association with, any criminal street gang. If the judge determines that the offense so
38 qualifies, then the judge shall indicate on the form reflecting the judgment that the
39 offense involved criminal street gang activity. The clerk of court shall insure that the
40 official record of the defendant's conviction includes the court's determination.

41 **"§ 14-50.21. Contraband, seizure, and forfeiture.**

42 (a) All of the following are declared to be contraband, and no person shall have a
43 property interest in them:

(1) All property that is directly or indirectly used or intended for use in any manner to facilitate a violation of this Article.

(2) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this Article.

(b) In any action under this section, the court may enter a restraining order in connection with any interest that is subject to forfeiture.

(c) Within 60 days of the date of the seizure of contraband pursuant to this section, the district attorney or the Attorney General shall initiate a forfeiture proceeding as provided in G.S. 14-2.3.

"§ 14-50.22. Local ordinances not preempted by State law.

Nothing in this Article shall prevent a local governing body from adopting and enforcing ordinances relating to gangs and gang violence that are consistent with this Article. Where local laws duplicate or supplement the provisions of this Article, this Article shall be construed as providing alternative remedies and not as preempting the field.

"§ 14-50.23. Real property used by criminal street gangs declared a public nuisance; abatement; persons injured by gangs entitled to treble damages.

Any real property that is erected, established, maintained, owned, leased, or used by any criminal street gang for the purpose of conducting criminal gang activity shall constitute a public nuisance and may be abated as provided by Article 1 of Chapter 19 of the General Statutes. If the property is owned by a person who is not a member of the criminal street gang, this section shall apply only if the person has knowledge of the criminal gang activity.

"§ 14-50.24. Matters proved in criminal trial court.

A conviction of an offense defined as criminal gang activity shall preclude the defendant from contesting any factual matters determined in the criminal proceeding in any subsequent civil action or proceeding based on the same conduct."

SECTION 2. Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.9. Discharging a firearm from within an enclosure.

Unless covered under some other provision of law providing greater punishment, any person who willfully or wantonly discharges or attempts to discharge a firearm from within any building, structure, motor vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure toward a person or persons not within that enclosure shall be punished as a Class E felon."

SECTION 3. G.S. 15A-533 reads as rewritten:

"§ 15A-533. Right to pretrial release in capital and noncapital cases.

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In

1 lieu of pretrial release, however, the individual shall be returned to the treatment facility
2 in which he was residing at the time of the alleged crime or from which he escaped or
3 absented himself for continuation of his treatment pending the additional proceedings
4 on the criminal offense.

5 (b) A defendant charged with a noncapital offense must have conditions of
6 pretrial release determined, in accordance with G.S. 15A-534.

7 (c) A judge may determine in his discretion whether a defendant charged with a
8 capital offense may be released before trial. If he determines release is warranted, the
9 judge must authorize release of the defendant in accordance with G.S. 15A-534.

10 (d) ~~Subject to rebuttal by the person, it shall be presumed~~ There shall be a
11 rebuttable presumption that no condition of release will reasonably assure the
12 appearance of the person as required and the safety of the community if a judicial
13 official finds the following:

14 (1) There is reasonable cause to believe that the person committed an
15 offense involving trafficking in a controlled substance;

16 (2) The drug trafficking offense was committed while the person was on
17 pretrial release for another offense; and

18 (3) The person has been previously convicted of a Class A through E
19 felony or an offense involving trafficking in a controlled substance and
20 not more than five years has elapsed since the date of conviction or the
21 person's release from prison for the offense, whichever is later.

22 (e) There shall be a rebuttable presumption that no condition of release will
23 reasonably assure the appearance of the person as required and the safety of the
24 community, if a judicial official finds the following:

25 (1) There is reasonable cause to believe that the person committed an
26 offense for the benefit of, at the direction of, or in association with,
27 any criminal street gang, as defined in G.S. 14-50.17;

28 (2) The offense described in subsection (e)(1) was committed while the
29 person was on pretrial release for another offense; and

30 (3) The person has been previously convicted of an offense described in
31 G.S. 14-50.17 and not more than five years has elapsed since the date
32 of conviction or the person's release for the offense, whichever is later.

33 ~~Such person~~ Persons who are considered for bond under the provisions of subsections
34 (d) and (e) of this section may only be released by a district or superior court judge upon
35 a finding that there is a reasonable assurance that the person will appear and release
36 does not pose an unreasonable risk of harm to the community."

37 **SECTION 4.** G.S. 15A-1340.16(d) reads as rewritten:

38 " d) Aggravating Factors. – The following are aggravating factors:

39 (1) The defendant induced others to participate in the commission of the
40 offense or occupied a position of leadership or dominance of other
41 participants.

42 (2) The defendant joined with more than one other person in committing
43 the offense and was not charged with committing a conspiracy.

- 1 (2a) The offense was committed for the benefit of, or at the direction of,
2 any criminal street gang, with the specific intent to promote, further, or
3 assist in any criminal conduct by gang members, and the defendant
4 was not charged with committing a conspiracy. A "criminal street
5 gang" means any ongoing organization, association, or group of three
6 or more persons, whether formal or informal, having as one of its
7 primary activities the commission of felony or violent misdemeanor
8 offenses, or delinquent acts that would be felonies or violent
9 misdemeanors if committed by an adult, and having a common name
10 or common identifying sign, colors, or symbols.
- 11 (3) The offense was committed for the purpose of avoiding or preventing a
12 lawful arrest or effecting an escape from custody.
- 13 (4) The defendant was hired or paid to commit the offense.
- 14 (5) The offense was committed to disrupt or hinder the lawful exercise of
15 any governmental function or the enforcement of laws.
- 16 (6) The offense was committed against or proximately caused serious
17 injury to a present or former law enforcement officer, employee of the
18 Department of Correction, jailer, fireman, emergency medical
19 technician, ambulance attendant, justice or judge, clerk or assistant or
20 deputy clerk of court, magistrate, prosecutor, juror, or witness against
21 the defendant, while engaged in the performance of that person's
22 official duties or because of the exercise of that person's official duties.
- 23 (7) The offense was especially heinous, atrocious, or cruel.
- 24 (8) The defendant knowingly created a great risk of death to more than
25 one person by means of a weapon or device which would normally be
26 hazardous to the lives of more than one person.
- 27 (9) The defendant held public office at the time of the offense and the
28 offense related to the conduct of the office.
- 29 (10) The defendant was armed with or used a deadly weapon at the time of
30 the crime.
- 31 (11) The victim was very young, or very old, or mentally or physically
32 infirm, or handicapped.
- 33 (12) The defendant committed the offense while on pretrial release on
34 another charge.
- 35 (13) The defendant involved a person under the age of 16 in the
36 commission of the crime.
- 37 (14) The offense involved an attempted or actual taking of property of great
38 monetary value or damage causing great monetary loss, or the offense
39 involved an unusually large quantity of contraband.
- 40 (15) The defendant took advantage of a position of trust or confidence,
41 including a domestic relationship, to commit the offense.
- 42 (16) The offense involved the sale or delivery of a controlled substance to a
43 minor.

(16a) The offense is the manufacture of methamphetamine and was committed where a person under the age of 18 lives, was present, or was otherwise endangered by exposure to the drug, its ingredients, its by-products, or its waste.

(17) The offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.

(18) The defendant does not support the defendant's family.

(18a) The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

(19) The serious injury inflicted upon the victim is permanent and debilitating.

(20) Any other aggravating factor reasonably related to the purposes of sentencing.

Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under G.S. 15A-1340.16A or G.S. 15A-1340.16B may not be used to prove any factor in aggravation.

The judge shall not consider as an aggravating factor the fact that the defendant exercised the right to a jury trial.

SECTION 5. Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1340.16B. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony that was committed for the benefit of, at the direction of, or in association with, any criminal street gang, and the defendant possessed, displayed, or discharged a firearm during the commission of the felony.

(a) Notwithstanding G.S. 15A-1340.16A, a person who is convicted of a Class A, B1, B2, C, D, or E felony that was committed for the benefit of, at the direction of, or in association with, any criminal street gang as defined in G.S. 14-50.17, and who possessed, displayed, or discharged a firearm during the commission of the felony shall be punished pursuant to one of the following subdivisions:

(1) If the person possessed a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to a minimum term of imprisonment for 60 months.

(2) If the person displayed a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to a minimum term of imprisonment for 84 months.

(3) If the person discharged a firearm during the commission of the felony, the person shall, in addition to the punishment for the

1 underlying felony, be sentenced to a minimum term of imprisonment
2 for 120 months.

3 (b) An indictment or information for the Class A, B1, B2, C, D, or E felony shall
4 allege in that indictment or information or in a separate indictment or information the
5 facts set out in subsection (a) of this section. The pleading is sufficient if it alleges that
6 the defendant committed the felony by possessing, displaying, or discharging the
7 firearm. One pleading is sufficient for all Class A, B1, B2, C, D, or E felonies that are
8 tried at a single trial.

9 (c) The State shall prove the issues set out in subsection (a) of this section
10 beyond a reasonable doubt during the same trial in which the defendant is tried for the
11 felony unless the defendant pleads guilty or no contest to the issues. If the defendant
12 pleads guilty or no contest to the felony but pleads not guilty to the issues set out in
13 subsection (a) of this section, then a jury shall be impaneled to determine the issues.

14 (d) The enhanced punishment provided by this section for the acts of possessing
15 or displaying a firearm applies even if the firearm is incapable of firing.

16 (e) The court shall not suspend any sentence imposed under this section and shall
17 not place a person sentenced under this section on probation for the sentence imposed
18 under this section. Sentences imposed pursuant to this section shall be consecutive to
19 all other sentences imposed and shall begin at the expiration of any other sentence being
20 served by the defendant."

21 **SECTION 6.** The Revisor of Statutes shall recodify the existing G.S. 15A-
22 1340.16B and subsequent statutes accordingly.

23 **SECTION 7.** G.S. 15A-1340.16A(c) reads as rewritten:

24 "(c) ~~If~~ Except as provided in G.S. 15A-1340.16B, if a person is convicted of a
25 Class A, B1, B2, C, D, or E felony and it is found as provided in this section that: (i) the
26 person committed the felony by using, displaying, or threatening the use or display of a
27 firearm and (ii) the person actually possessed the firearm about his or her person, then
28 the person shall have the minimum term of imprisonment to which the person is
29 sentenced for that felony increased by 60 months. The maximum term of imprisonment
30 shall be the maximum term that corresponds to the minimum term after it is increased
31 by 60 months, as specified in G.S. 15A-1340.17(e) and (e1)."

32 **SECTION 8.** This act becomes effective December 1, 2005, and applies to
33 offenses committed on or after that date.
34



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

Bill _____

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

_____ASA-1 [v.1]

Page 1 of 1

Date _____, 2005

Comm. Sub. [NO]
Amends Title [NO]

Senator _____

1 moves to amend the bill on page

2 "SECTION . There is appropriated to the Governor's Crime Commission,
3 the sum of ????? for the 2005-2006 fiscal year to be used to provide grants for street
4 gang violence prevention and intervention programs.

5 The Governor's Crime Commission shall develop the criteria for eligibility for these
6 funds. The criteria shall include a matching requirement of at least ??? from the group
7 applying for the funds and presentation of a written plan for the services to be provided
8 by the funds. Funds shall be available to both public and private entities that meet the
9 criteria established by the Governor's Crime Commission.

10 The Governor's Crime Commission shall report on the uses of these funds no later
11 than April 1, 2006, to the House of Representatives Appropriations Subcommittee on
12 Justice and Public Safety, the Senate Appropriations Subcommittee on Justice and
13 Public Safety, and the Fiscal Research Division.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

Bill _____

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

_____ASA-2 [v.1]

Page 1 of 1

Date _____, 2005

Comm. Sub. [NO]
Amends Title [NO]

Senator _____

1 moves to amend the bill on page

2 **SECTION .** There is appropriated to the Department of Juvenile Justice and
3 Delinquency Prevention the sum of ????? for the 2005-2006 fiscal year to be used by
4 the Juvenile Crime Prevention Council to provide grants for street gang violence
5 prevention and intervention programs.

6 The Juvenile Crime Prevention Council shall develop the criteria for eligibility for
7 these funds. The criteria shall include presentation of a written plan for the services to
8 be provided by the funds. Funds shall be available to both public and private entities
9 that meet the criteria established by the Juvenile Crime Prevention Council.

10 The Department of Juvenile Justice and Delinquency Prevention shall report
11 on the uses of these funds no later than April 1, 2006, to the House of Representatives
12 Appropriations Subcommittee on Justice and Public Safety, the Senate Appropriations
13 Subcommittee on Justice and Public Safety, and the Fiscal Research Division.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

Bill _____

AMENDMENT NO. _____

(to be filled in by
Principal Clerk)

_____ASA-3 [v.1]

Page 1 of 1

Date _____, 2005

Comm. Sub. [NO]
Amends Title [NO]

Senator _____

1 moves to amend the bill on page

2 **SECTION .** There is appropriated to the Department of Health and Human
3 Services the sum of ????? for the 2005-2006 fiscal year to be used by the Boys and
4 Girls Clubs. The Department of Health and Human Services shall award funds to the
5 Boys and Girls Clubs across the State in order to expand the Gang Prevention through
6 Targeted Outreach and Gang Intervention through Targeted Outreach programs.

7 The Department of Health and Human Services shall develop the criteria for
8 eligibility for these funds. The criteria shall include presentation of a written plan for
9 the services to be provided by the funds.

10 The Department of Health and Human Services shall report on the uses of
11 these funds no later than April 1, 2006, to the House of Representatives Appropriations
12 Subcommittee on Justice and Public Safety, the Senate Appropriations Subcommittee
13 on Justice and Public Safety, and the Fiscal Research Division.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

FISCAL ANALYSIS MEMORANDUM

[This confidential fiscal memorandum is a fiscal analysis of a draft bill, amendment, committee substitute, or conference committee report that has not been formally introduced or adopted on the chamber floor or in committee. This is not an official fiscal note. If upon introduction of the bill you determine that a formal fiscal note is needed, please make a fiscal note request to the Fiscal Research Division, and one will be provided under the rules of the House and the Senate.]

DATE: January 18, 2005

TO: House Select Committee on Street Gang Prevention

FROM: Douglas Holbrook
Fiscal Research Division

RE: Street Gang Bill Draft

FISCAL IMPACT**Yes (X)****No ()****No Estimate Available ()****FY 2005-06 FY 2006-07 FY 2007-08 FY 2008-09 FY 2009-10****REVENUES**

- - - - -

EXPENDITURES**Judicial Department** \$1,490,416 \$2,555,000

- - -

Corrections**Cannot be estimated. Minimum impacts in text.****POSITIONS:****PRINCIPAL DEPARTMENT(S) &****PROGRAM(S) AFFECTED:** Judicial Department, Department of Correction, Department of Juvenile Justice and Delinquency Prevention**EFFECTIVE DATE:** December 1, 2005

BILL SUMMARY: This bill creates a new Article 13A of the General Statutes entitled the North Carolina Street Gang Prevention Act. This act would create new felony offenses and sentence enhancements for gang participation. The elements of the bill are summarized by section;

similarly, the impact of the bill will be discussed by section since it is not possible in several cases to estimate due to lack of data.

Section 1 lays out the legislative findings leading to the act, and provides a definition of "criminal street gang." This section prohibits participation in a criminal street gang and establishes felony classifications for specific gang-related offenses. Additionally, if a defendant is convicted of any offense not specifically enumerated in the definitions subsection, but done as part of gang activity, the defendant's sentence will be elevated by one offense class on the sentencing grid.

Section 2 creates a new crime for discharging a weapon from within an enclosure as a Class E felony. The definition of enclosure includes both structures and moving vehicles.

Section 3 changes the law relating to pretrial release. The section creates a rebuttable assumption that any defendant charged with a gang-related offense committed while the defendant was on pretrial release who has previously been convicted of a gang-related offense is not eligible for pretrial release.

Section 4 amends the existing firearm enhancement in Structured Sentencing to provide for a significant increases in active time for offenders convicted of Class A through E felonies who either possessed, displayed, or discharged a firearm. The active time for this enhancement could not be suspended.

Section 5 is a technical conforming change.

Section 6 sets the effective date of the bill at December 1, 2005.

ASSUMPTIONS AND METHODOLOGY: This memorandum attempts to demonstrate the impact of the Street Gang Prevention Act on the court and prison systems. Providing impact assessment is difficult for this bill because many of the offenses are new, and also there is very little data on gangs and gang membership upon which to base analysis. The Governor's Crime Commission has conducted survey research to estimate the number of gangs and gang members in the state; their estimate for 2004 is that there are 387 gangs operating in the state, with a total of 8,517 members.

Judicial Department

The Administrative Office of the Courts expects that this bill could have a significant impact on felony charges and trial rates, depending upon the actual number of gang members in the state, and the rate at which they are charged with crimes, and the rate at which those crimes are charged under the new and enhanced gang statutes. For purposes of this analysis, AOC assumed that half of the 8,517 gang members would be charged with a crime during a year's time, and that half of those would be charged with a gang-related offense carrying an enhanced sentence. If each of the 2,129 defendants charged required five hours of trial time, which is a minimal estimate, the AOC would need six additional Superior Court Judges, six court reporters, six assistant district attorneys, and six deputy clerks systemwide. These positions would cost approximately \$2,036,000 annually. The agency does not have sufficient data to estimate the effects of the firearm enhancement, the new discharging firearm from an enclosure offense, nor the pretrial release component of this bill.

In addition to the positions costs for dealing with the new trials in Superior Court, the AOC assumes a 75% indigency rate for these defendants, or 1,597 cases needing indigent defense fees. Again assuming five hours of trial time at the standard rate of \$65 per hour, the Indigent Persons Attorney Fee Fund would need an additional \$519,000.

Department of Correction

The Sentencing and Policy Advisory Commission prepares impact assessments on all new criminal penalties. For new crimes, it is not possible for the Commission to project as there is no historical data on which to base an estimate. Nevertheless, the Commission can provide analyses on these bills with certain assumptions in place. The numbers provided here are speculative based on minimal percentages.

If only 1% of all eligible felon and misdemeanor convictions fell under the enhanced gang penalties provided in Section 1 of this bill, then there would be a need for 1,572 additional prison beds in the first year, and 3,575 additional beds in the second year. It is not possible to project the impact of the enhanced sentence provided in proposed GS 14-50.19. Furthermore, there is no information available to allow the Commission to assess the potential impact of Section 2, discharging a firearm from within an enclosure.

Since Section 4 of the bill draft adds an enhanced punishment for firearm possession or use to A-E felonies, and A-E felonies already carry lengthy active sentences that cannot be suspended, there is no impact to the prison system within the five-year time frame of legislative fiscal notes. The impact will not be felt until after probably ten years, but could be very substantial.

Using capital costs for 2004, the estimated cost of construction for a prison bed is \$56,500; this figure is the average of medium and minimum custody beds. Thus, to construct 1,572 beds, the capital outlay would be \$88,818,000. Operating costs per inmate per day in the prison system were \$57.92 on average for 2002-2003. Using this figure for new offenders under the gang statutes, the annual operating cost for the first year would be \$33,233,652, and \$75,579,075 for the second year. Again, these costs are based on one percent of eligible offenders falling under the new gang statutes.

SOURCES OF DATA: Administrative Office of the Courts' Research and Planning Section; Sentencing and Policy Advisory Commission.

TECHNICAL CONSIDERATIONS: None

New Law to Protect Florida NW Volunteers

By National Sheriff's Association

June 28, 2004

A sad testament to our society though it may be, one of the greatest hindrances to involvement in Neighborhood Watch (NW) groups is the fear that is too often associated with it. In communities throughout the country, NW volunteers have fallen prey to intimidation and harassment from those who have a vested interest in attempting to undermine their crime prevention efforts. However, recently approved legislation in Florida seeks to change that for NW volunteers in the state. The first of its kind, the basic premise behind this landmark law is to protect those who have made a commitment to protecting the communities in which they live.

Fear Factor

According to Captain Sophia Teague of the Tampa Police Department, fear is perhaps the number one reason why people don't get involved with NW in the areas she serves. She should know. Through her work with the narcotics division of the Tampa Police, she witnessed first-hand the intimidation that many NW participants have had to endure. "The kind of intimidation we've seen typically consists of verbal harassment and threats, which, unfortunately, we have not able to arrest people for," explained Teague. Teague points to a prime example. A known drug dealer in a community specifically targeted an elderly woman who he knew was part of her local NW. "This guy would walk by the lady's home at the exact time she was coming out the door to attend her NW meeting, and he would usually throw a piece of food to her dog and say 'I'm going to get your dog one day,'" said Teague. "The man was making the point that he could easily poison this woman's dog at any time, but because he didn't actually commit a crime, there was nothing we could do to protect this woman from this type of constant harassment, which was very frustrating for us and very unsettling for her."

Carman Caldwell, the Executive Director of Citizen's Crime Watch of Miami Dade, which serves as the umbrella for all municipalities in Miami Dade for implementing NW as well as other crime prevention strategies, has observed similar events. During her 18 years of involvement with crime prevention and NW, she has also seen how those who are trying to make a difference in communities that are laden with prostitution, drug dealing, and other crimes are being labeled as "snitches" and otherwise intimidated to the point where they often become too scared to continue their efforts. "It's sad, but in places where it's most needed, people don't want to get involved with their NW group because they are simply too afraid that they will become victims of crime, themselves," explained Caldwell. "One of the trends I've noticed over the time that I've been involved with NW is that even if there are individuals who have a strong desire to help their community and become involved, it is twice as hard to convince them to feel secure enough to become or stay involved if their communities are ones that are rampant with drug dealers and gang bangers." The bottom line: in far too many cases, the level of fear experienced by would-be NW participants has outweighed their desire to become involved.

Groundbreaking Legislation

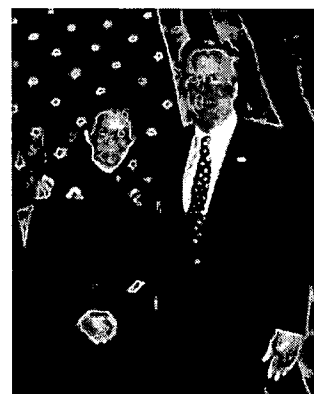
Until recently, there was no law or statute of any kind designed to protect NW volunteers from

★ RESOURCE OF THE WEEK ★

A Call For Summer Service...

"I call upon our fellow citizens to serve our country by helping somebody in need. And by doing so, this society will change, one heart and one soul at a time ... the strength of this country is the fact that we're a nation full of compassionate, decent, honorable, loving citizens."

President George W. Bush



Captain Sophia Teague of the Tampa Police Department and Governor Jeb Bush of Florida. Governor Bush signed the NW Bill into Law

threats and other forms of harassment. In fact, police could only make an arrest after a crime was actually committed. However, the Neighborhood Watch Bill, recently signed into law in the state of Florida, has changed that for NW participants there. The law, which prohibits the harassment of a participant of a neighborhood crime watch program, classifies harassment of a NW participant as a misdemeanor of the first degree. Harassment under the law includes threatening or intimidating a member of a NW when that person is engaged in, or traveling to or from, a NW program or activity or when that person is participating in an ongoing criminal investigation.



Florida Senator Les Miller,
Sponsor of the NW Legislation

"It was amazing to me that there was nothing in place to protect the very citizens who are sticking their necks out to work with law enforcement to protect their communities from criminals," said Teague, who approached Florida Senator Les Miller (D) with the proposal for the legislation. "The passing of the bill not only means years of hard work, but a much needed acknowledgment that the state and law enforcement community are behind those involved with NW efforts."

However, gaining support for the legislation in the Florida Senate was no easy feat. "The original bill, which was introduced last year, made harassing NW participants a third degree felony," explained Senator Miller. "Unfortunately, while some thought it was a good bill, it simply wasn't getting the support it required to pass in the House." Miller, whose own son is a police officer, believes that part of the reason the bill was meeting such opposition was because many believed that a third degree felony charge was too harsh. As a result, the language of the bill was later changed to reflect the lesser misdemeanor charge.

When the bill was introduced this time, not only did Representative Jennifer Carroll of Jacksonville agree to co-sponsor the legislation, but it received good publicity. "When Senator Miller informed me that the bill was receiving positive feedback, I contacted the president of one of our local NW groups and told him to call every NW volunteer in Tampa and asked them to call their senator or representative and remind them that we were watching how they voted on this legislation," said Teague. The efforts paid off. Not only did the bill move through the House very quickly, it ultimately became the first bill signed by Governor Jeb Bush this session.



Representative Jennifer Carroll
Co-Sponsor of the NW Legislation

Hopes for the Law

Now that the bill has become law, supporters hope it will go a long way in empowering members of NW groups across the state and give them a sense of security they have never enjoyed. "This law is something that was very necessary, and I believe it will serve as a great tool for law enforcement and states attorneys to foster better relationships with the community," said Caldwell. "Now that there is a state statute on the books that specifically protects NW members, we will hopefully see NW participation and programs grow, which should trigger a drop in the crime rate," added Teague.



Citizen Volunteers with the Tampa Neighborhood Watch
Association at a NW Rally

Beyond NW participation, Caldwell believes that quality of life issues in Florida will be positively impacted, as well. "It's not just NW programs that will benefit from this legislation, but also the many quality of life issues – such as effectively dealing with abandoned or unkempt homes – that often go hand in hand with NW, which go a long way in keeping our communities safe," said Caldwell.

If reaction from supporters in other states is any indication, it appears that similar legislation may be introduced in other parts of the country. Both Teague and Caldwell report that they have been

contacted by police officers and crime prevention practitioners from across the country who have expressed their praise of the legislation. "Now the first brick has been laid, and, hopefully, it can continue to be built upon in other states around the nation," said Caldwell.

What is for certain is that the Neighborhood Watch Protection legislation finally provides some official acknowledgment that those who serve their communities and aid law enforcement indeed play a vital role in their state's efforts to curb crime and deserve to be protected under the law.



Citizen Volunteers with the Tampa Neighborhood Watch Association at a NW Rally

Institute for Intergovernmental Research Website

www.iir.com/nygc/faq.htm

Risk Factors for Gang Membership

- Span all social domains
- Adolescent problem behaviors, including serious violence and delinquency
- Risk Factors Predictive of Gang Membership
 - Prior and/or Early Involvement in Delinquency, especially violence and drug use
 - Problematic Parent/Child Relations
 - Low School Attachment and Academic Achievement
 - Association with Peers who engage in Delinquency
 - Disorganized Neighborhoods in which Large Numbers of youth are in Trouble
- Risk Factor Domains
 - Individual Characteristics
 - Family Conditions
 - School Experiences and Performances
 - Peer Group Influences
 - Community Context

The accumulation of risk factors greatly increases the likelihood of gang involvement, just as it does with other problem behaviors. The presence of risk factors in multiple domains appears to increase the likelihood of gang involvement even more.

Information provided for
Representative Becky Carney
1/19/2005

Information provided by
Gang of One
Charlotte-Mecklenburg Police Department
704.432.GANG/4264

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

BILL DRAFT 2005-SA-3 [v.5] (1/10)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

1/19/2005 9:46:36 AM

Short Title: Street Gang Prevention Act.

(Public)

Sponsors: Representative.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ENACT THE NORTH CAROLINA STREET GANG PREVENTION
ACT AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON
STREET GANG PREVENTION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 14 of the General Statutes is amended by adding a
new Article to read:

"Article 13A.

"North Carolina Street Gang Prevention Act.

"§ 14-50.15. Short title.

This Article shall be known and may be cited as the "North Carolina Street Gang
Prevention Act".

"§ 14-50.16. Legislative findings and intent.

(a) The General Assembly finds and declares that it is the right of every person to
be secure and protected from fear, intimidation, and physical harm caused by the
activities of violent groups and individuals. It is not the intent of this Article to interfere
with the exercise of the constitutionally protected rights of freedom of expression and
association. The General Assembly recognizes the constitutional right of every citizen
to harbor and express beliefs on any lawful subject whatsoever, to associate lawfully
with others who share similar beliefs, to petition lawfully constituted authority for a
redress of perceived grievances, and to participate in the electoral process.

(b) The General Assembly, however, further finds that the State of North
Carolina is in a state of crisis that has been caused by violent street gangs whose
members threaten, terrorize, and commit a multitude of crimes against the peaceful
citizens of their neighborhoods. These activities, both individually and collectively,
present a clear and present danger to public order and safety and are not constitutionally
protected.

(c) The General Assembly finds that there are criminal street gangs operating in North Carolina and that the number of gang-related murders is increasing. It is the intent of the General Assembly in enacting this Article to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs which together are the chief source of terror created by street gangs.

(d) The General Assembly further finds that an effective means of punishing and deterring the criminal activities of street gangs is through forfeiture of the profits, proceeds, and instrumentalities acquired, accumulated, or used by street gangs.

"§ 14-50.17. Definitions.

The following definitions apply in this Article:

(1) "Criminal street gang" or "street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, which engages in a pattern of criminal gang activity as defined in subsection (2) of this section. The existence of the organization, association, or group of individuals associated in fact may be established by evidence of a common name or common identifying signs symbols, tattoos, graffiti, or attire or other distinguishing characteristics.

(2) "Pattern of criminal gang activity" means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit at least two of the following offenses, provided that at least one of these offenses occurred after December 1, 2005, and the last of the offenses occurred within three years, excluding any periods of imprisonment, of prior criminal gang activity:

a. Any offense under Article 5 of Chapter 90 of the General Statutes (Controlled Substances Act).

b. Any offense under Chapter 14 of the General Statutes except Articles 9, 22A, 38, 40, 43, 46, 47, 59 thereof; and further excepting G.S. Sections 14-78.1, 14-82, 14-86, 14-145, 14-179, 14-183, 14-184, 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-247, 14-248, 14-313 thereof.

"§ 14-50.18. Participation in criminal street gang activity prohibited.

(a) It is unlawful for any person employed by or associated with a criminal street gang to conduct or participate in the criminal street gang through a pattern of criminal gang activity.

(b) It is unlawful for any person to acquire or maintain, directly or indirectly, through a pattern of criminal gang activity or proceeds derived therefrom any interest in or control of any real or personal property of any nature, including money.

(c) It is unlawful for any person who occupies a position of organizer, supervisory position, or any other position of management with regard to a criminal street gang to engage in, directly or indirectly, or conspire to engage in a pattern of criminal gang activity.

(d) It is unlawful for any person to cause, encourage, solicit, or coerce another to participate in a criminal street gang.

(e) It is unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to deter the person from assisting a member or associate of a criminal street gang to withdraw from such criminal street gang.

(f) It is unlawful for any person to communicate, directly or indirectly, with another any threat of injury or damage to the person or property of the other person or to any associate or relative of the other person with the intent to punish or retaliate against the person for having withdrawn from a criminal street gang.

(g) Any person who violates this section shall be punished as follows:

(1) A person who violates subsection (a) or (b) of this section shall, in addition to any other penalty imposed by law, be punished as a Class E felon.

(2) A person who violates subsection (a), (b), (d), (e), or (f) of this section may, if the person also violates subsection (c) of this section in the same course of conduct, in addition to any other penalty provided by law, be punished by imprisonment for an additional 10 years which shall be served consecutively to any other sentence imposed on the person by law.

(3) A person who violates subsection (d), (e), or (f) of this section shall, in addition to any other penalty provided by law, be punished as a Class G felon.

(h) Any crime committed in violation of this section shall be considered a separate offense.

"§ 14-50.19. Enhanced offense for criminal gang activity.

Unless a different classification is expressly stated, a person who is convicted of an offense that is committed for the benefit of, at the direction of, or in association with, any criminal street gang, is guilty of an offense that is one class higher than the offense committed. A Class A1 misdemeanor shall be enhanced to a Class I felony under this section.

This section does not apply to the offenses set forth in G.S. 14-50.18.

"§ 14-50.20. Reports of disposition; criminal street gang activity.

When a defendant is found guilty of an offense, the presiding judge shall determine whether the offense was committed for the benefit of, at the direction of, or in association with, any criminal street gang. If the judge determines that the offense so qualifies, then the judge shall indicate on the form reflecting the judgment that the offense involved criminal street gang activity. The clerk of court shall insure that the official record of the defendant's conviction includes the court's determination.

"§ 14-50.21. Contraband, seizure, and forfeiture.

(a) All of the following are declared to be contraband, and no person shall have a property interest in them:

(1) All property that is directly or indirectly used or intended for use in any manner to facilitate a violation of this Article.

(2) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this Article.

(b) In any action under this section, the court may enter a restraining order in connection with any interest that is subject to forfeiture.

(c) Within 60 days of the date of the seizure of contraband pursuant to this section, the district attorney or the Attorney General shall initiate a forfeiture proceeding as provided in G.S. 14-2.3.

"§ 14-50.22. Local ordinances not preempted by State law.

Nothing in this Article shall prevent a local governing body from adopting and enforcing ordinances relating to gangs and gang violence that are consistent with this Article. Where local laws duplicate or supplement the provisions of this Article, this Article shall be construed as providing alternative remedies and not as preempting the field.

"§ 14-50.23. Real property used by criminal street gangs declared a public nuisance; abatement; persons injured by gangs entitled to treble damages.

Any real property that is erected, established, maintained, owned, leased, or used by any criminal street gang for the purpose of conducting criminal gang activity shall constitute a public nuisance and may be abated as provided by Article 1 of Chapter 19 of the General Statutes. If the property is owned by a person who is not a member of the criminal street gang, this section shall apply only if the person has knowledge of the criminal gang activity.

"§ 14-50.24. Matters proved in criminal trial court.

A conviction of an offense defined as criminal gang activity shall preclude the defendant from contesting any factual matters determined in the criminal proceeding in any subsequent civil action or proceeding based on the same conduct."

SECTION 2. Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-34.9. Discharging a firearm from within an enclosure.

Unless covered under some other provision of law providing greater punishment, any person who willfully or wantonly discharges or attempts to discharge a firearm from within any building, structure, motor vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure toward a person or persons not within that enclosure shall be punished as a Class E felon."

SECTION 3. G.S. 15A-533 reads as rewritten:

"§ 15A-533. Right to pretrial release in capital and noncapital cases.

(a) A defendant charged with any crime, whether capital or noncapital, who is alleged to have committed this crime while still residing in or subsequent to his escape or during an unauthorized absence from involuntary commitment in a mental health facility designated or licensed by the Department of Health and Human Services, and whose commitment is determined to be still valid by the judge or judicial officer authorized to determine pretrial release to be valid, has no right to pretrial release. In

1 lieu of pretrial release, however, the individual shall be returned to the treatment facility
2 in which he was residing at the time of the alleged crime or from which he escaped or
3 absented himself for continuation of his treatment pending the additional proceedings
4 on the criminal offense.

5 (b) A defendant charged with a noncapital offense must have conditions of
6 pretrial release determined, in accordance with G.S. 15A-534.

7 (c) A judge may determine in his discretion whether a defendant charged with a
8 capital offense may be released before trial. If he determines release is warranted, the
9 judge must authorize release of the defendant in accordance with G.S. 15A-534.

10 (d) ~~Subject to rebuttal by the person, it shall be presumed~~ There shall be a
11 rebuttable presumption that no condition of release will reasonably assure the
12 appearance of the person as required and the safety of the community if a judicial
13 official finds the following:

14 (1) There is reasonable cause to believe that the person committed an
15 offense involving trafficking in a controlled substance;

16 (2) The drug trafficking offense was committed while the person was on
17 pretrial release for another offense; and

18 (3) The person has been previously convicted of a Class A through E
19 felony or an offense involving trafficking in a controlled substance and
20 not more than five years has elapsed since the date of conviction or the
21 person's release from prison for the offense, whichever is later.

22 (e) There shall be a rebuttable presumption that no condition of release will
23 reasonably assure the appearance of the person as required and the safety of the
24 community, if a judicial official finds the following:

25 (1) There is reasonable cause to believe that the person committed an
26 offense for the benefit of, at the direction of, or in association with,
27 any criminal street gang, as defined in G.S. 14-50.17;

28 (2) The offense described in subsection (e)(1) was committed while the
29 person was on pretrial release for another offense; and

30 (3) The person has been previously convicted of an offense described in
31 G.S. 14-50.17 and not more than five years has elapsed since the date
32 of conviction or the person's release for the offense, whichever is later.

33 ~~Such person~~ Persons who are considered for bond under the provisions of subsections
34 (d) and (e) of this section may only be released by a district or superior court judge upon
35 a finding that there is a reasonable assurance that the person will appear and release
36 does not pose an unreasonable risk of harm to the community."

37 **SECTION 4.** G.S. 15A-1340.16(d) reads as rewritten:

38 " d) Aggravating Factors. – The following are aggravating factors:

39 (1) The defendant induced others to participate in the commission of the
40 offense or occupied a position of leadership or dominance of other
41 participants.

42 (2) The defendant joined with more than one other person in committing
43 the offense and was not charged with committing a conspiracy.

- 1 (2a) The offense was committed for the benefit of, or at the direction of,
2 any criminal street gang, with the specific intent to promote, further, or
3 assist in any criminal conduct by gang members, and the defendant
4 was not charged with committing a conspiracy. A "criminal street
5 gang" means any ongoing organization, association, or group of three
6 or more persons, whether formal or informal, having as one of its
7 primary activities the commission of felony or violent misdemeanor
8 offenses, or delinquent acts that would be felonies or violent
9 misdemeanors if committed by an adult, and having a common name
10 or common identifying sign, colors, or symbols.
- 11 (3) The offense was committed for the purpose of avoiding or preventing a
12 lawful arrest or effecting an escape from custody.
- 13 (4) The defendant was hired or paid to commit the offense.
- 14 (5) The offense was committed to disrupt or hinder the lawful exercise of
15 any governmental function or the enforcement of laws.
- 16 (6) The offense was committed against or proximately caused serious
17 injury to a present or former law enforcement officer, employee of the
18 Department of Correction, jailer, fireman, emergency medical
19 technician, ambulance attendant, justice or judge, clerk or assistant or
20 deputy clerk of court, magistrate, prosecutor, juror, or witness against
21 the defendant, while engaged in the performance of that person's
22 official duties or because of the exercise of that person's official duties.
- 23 (7) The offense was especially heinous, atrocious, or cruel.
- 24 (8) The defendant knowingly created a great risk of death to more than
25 one person by means of a weapon or device which would normally be
26 hazardous to the lives of more than one person.
- 27 (9) The defendant held public office at the time of the offense and the
28 offense related to the conduct of the office.
- 29 (10) The defendant was armed with or used a deadly weapon at the time of
30 the crime.
- 31 (11) The victim was very young, or very old, or mentally or physically
32 infirm, or handicapped.
- 33 (12) The defendant committed the offense while on pretrial release on
34 another charge.
- 35 (13) The defendant involved a person under the age of 16 in the
36 commission of the crime.
- 37 (14) The offense involved an attempted or actual taking of property of great
38 monetary value or damage causing great monetary loss, or the offense
39 involved an unusually large quantity of contraband.
- 40 (15) The defendant took advantage of a position of trust or confidence,
41 including a domestic relationship, to commit the offense.
- 42 (16) The offense involved the sale or delivery of a controlled substance to a
43 minor.

- (16a) The offense is the manufacture of methamphetamine and was committed where a person under the age of 18 lives, was present, or was otherwise endangered by exposure to the drug, its ingredients, its by-products, or its waste.
- (17) The offense for which the defendant stands convicted was committed against a victim because of the victim's race, color, religion, nationality, or country of origin.
- (18) The defendant does not support the defendant's family.
- (18a) The defendant has previously been adjudicated delinquent for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.
- (19) The serious injury inflicted upon the victim is permanent and debilitating.
- (20) Any other aggravating factor reasonably related to the purposes of sentencing.

Evidence necessary to prove an element of the offense shall not be used to prove any factor in aggravation, and the same item of evidence shall not be used to prove more than one factor in aggravation. Evidence necessary to establish that an enhanced sentence is required under ~~G.S. 15A-1340.16~~ G.S. 15A-1340.16A, G.S. 15A-1340.16B, or G.S. 14-50.19 may not be used to prove any factor in aggravation.

The judge shall not consider as an aggravating factor the fact that the defendant exercised the right to a jury trial.

SECTION 5. Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1340.16B. Enhanced sentence if defendant is convicted of a Class A, B1, B2, C, D, or E felony that was committed for the benefit of, at the direction of, or in association with, any criminal street gang, and the defendant possessed, displayed, or discharged a firearm during the commission of the felony.

(a) Notwithstanding G.S. 15A-1340.16A, a person who is convicted of a Class A, B1, B2, C, D, or E felony that was committed for the benefit of, at the direction of, or in association with, any criminal street gang as defined in G.S. 14-50.17, and who possessed, displayed, or discharged a firearm during the commission of the felony shall be punished pursuant to one of the following subdivisions:

- (1) If the person possessed a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to a minimum term of imprisonment for 60 months.
- (2) If the person displayed a firearm during the commission of the felony, the person shall, in addition to the punishment for the underlying felony, be sentenced to a minimum term of imprisonment for 84 months.
- (3) If the person discharged a firearm during the commission of the felony, the person shall, in addition to the punishment for the

1 underlying felony, be sentenced to a minimum term of imprisonment
2 for 120 months.

3 (b) An indictment or information for the Class A, B1, B2, C, D, or E felony shall
4 allege in that indictment or information or in a separate indictment or information the
5 facts set out in subsection (a) of this section. The pleading is sufficient if it alleges that
6 the defendant committed the felony by possessing, displaying, or discharging the
7 firearm. One pleading is sufficient for all Class A, B1, B2, C, D, or E felonies that are
8 tried at a single trial.

9 (c) The State shall prove the issues set out in subsection (a) of this section
10 beyond a reasonable doubt during the same trial in which the defendant is tried for the
11 felony unless the defendant pleads guilty or no contest to the issues. If the defendant
12 pleads guilty or no contest to the felony but pleads not guilty to the issues set out in
13 subsection (a) of this section, then a jury shall be impaneled to determine the issues.

14 (d) The enhanced punishment provided by this section for the acts of possessing
15 or displaying a firearm applies even if the firearm is incapable of firing.

16 (e) The court shall not suspend any sentence imposed under this section and shall
17 not place a person sentenced under this section on probation for the sentence imposed
18 under this section. Sentences imposed pursuant to this section shall be consecutive to
19 all other sentences imposed and shall begin at the expiration of any other sentence being
20 served by the defendant."

21 **SECTION 6.** The Revisor of Statutes shall recodify the existing G.S. 15A-
22 1340.16B and subsequent statutes accordingly.

23 **SECTION 7.** G.S. 15A-1340.16A(c) reads as rewritten:

24 "(c) ~~If Except~~ as provided in G.S. 15A-1340.16B, if a person is convicted of a
25 Class A, B1, B2, C, D, or E felony and it is found as provided in this section that: (i) the
26 person committed the felony by using, displaying, or threatening the use or display of a
27 firearm and (ii) the person actually possessed the firearm about his or her person, then
28 the person shall have the minimum term of imprisonment to which the person is
29 sentenced for that felony increased by 60 months. The maximum term of imprisonment
30 shall be the maximum term that corresponds to the minimum term after it is increased
31 by 60 months, as specified in G.S. 15A-1340.17(e) and (e1)."

32 **SECTION 8.** There is appropriated to the State Bureau of Investigation the
33 amount of one hundred fifty thousand dollars (\$150,000) to obtain an enterprise license
34 for purchase of software that will create a statewide criminal street gang member
35 database. The database software shall be substantially similar to the Gang Net Program
36 that is currently being used in Durham County.

37 **SECTION 9.** Section 8 of this act becomes effective July 1, 2005. The
38 remainder of this act becomes effective December 1, 2005, and applies to offenses
39 committed on or after that date.
40



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT

Bill _____

AMENDMENT NO. _____

(to be filled in by
Principal Clerk)

_____ARK-1 [v.1]

Page 1 of 1

Date _____, 2005

Comm. Sub. [NO]
Amends Title [NO]

Representative _____

1 moves to amend the bill on page _____, line _____, by inserting the following:

2

3 There is appropriated to the State Bureau of Investigation the amount of \$150,000 to
4 obtain an enterprise license for purchase of software that will create a statewide criminal
5 street gang member database. The data base software shall be substantially similar to
6 the Gang Net Program that is currently being used by Durham County.
7

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



Robin Pendergraft
Director

A Nationally Accredited State Agency

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NORTH CAROLINA GANG OVERVIEW

Introduction

This document is provided as a response to the request made by the North Carolina General Assembly's Fiscal Research Division. Specifically, the division asked the State Bureau of Investigation to identify fifteen areas in the state considered "hotspots" of gang activity. The information provided is in no specific order nor is it intended to imply that gang activity is limited to the areas listed below. Race and ethnicity references in this report are only included as a description and does not in any way suggest that gang activity is based on race or ethnicity.

Identified Gang "Hotspots"

DURHAM / DURHAM COUNTY

Gangs

United Blood Nation, Folk Nation, Crips, MS-13, and Hells Angels Motorcycle Club

Activities:

Homicides, drug trafficking, robberies, home invasions, rapes, kidnapping, carjacking, larceny of vehicles, and assaults

Notes:

- The United Blood Nation is the largest gang in Durham and has ties to New York. They are rivals of both the Crips and Folk Nation. Investigators have noted numerous shoot-outs between the Crips and the United Blood Nation. In general, the United Blood Nation is the fastest growing gang in the prison system.
- Recent trends show Hispanic gangs are becoming more visible in Durham. These gangs are settling in lower-income housing and their activity is becoming more apparent in high schools and middle schools in the City of Durham and Durham County. Durham has documented ties to Fairfax County, Virginia's MS-13. On the East Coast, the largest population of MS-13 gang members is located in Fairfax County, Virginia.
- The city of Durham is saturated with numerous sets of the United Blood Nation and Crips. There are over 20 organized gangs in Durham, constantly attracting new members from all ethnic backgrounds.

CHARLOTTE / MECKLENBURG COUNTY

Gangs:

MS-13, Kings, Crips, United Blood Nation, Sureno 13, Brown Pride, 42nd St. Little Criminals, Latin Kings, Moorish Nation, Boys in Style, Tiny Rascal Gang, Asian Boys, and the Outlaws Motorcycle Gang

Activities:

Homicides, threats against law enforcement, firearm possession, drug possession, assaults, fighting, kidnapping, carjacking, armed robbery, home invasions, vandalism (graffiti), auto theft, breaking into vehicles, restaurant robberies, gun trafficking, extortion, prostitution and gambling

Notes:

- The growing number of Hispanic gangs in Charlotte has become a major concern. MS-13 is now considered the most violent gang in Charlotte. Members are venturing to surrounding counties to commit crimes.
- The Moorish Nation makes claims as being a separate nation and therefore not subject to the laws of government. The Moorish Nation has some correlation with the Five Percenters prison gang.
- Asian gangs in Charlotte are becoming more active and include Boys in Style, Tiny Rascal Gang, and Asian Boys. The Asian gangs in Charlotte have been implicated in crimes in Greensboro, Hickory, Mooresville, Statesville, and Winston Salem. These gangs are primarily in the western part of the state.

WAKE COUNTY

Gangs:

United Blood Nation, Crips, Asian gangs, Brown Pride Aztecs, 18th St., Orphans 13, MS-13, Sureno 13, Tarascos and the VDMs

Activities:

Car and car part thefts, extortion, residential burglary, gambling, gun trafficking, armed robberies, drug trafficking, home invasions, homicides, larceny of vehicles, kidnapping, and prostitution

Notes:

- Cities and towns throughout Wake County have seen a large influx of gang activity. Due to the proximity of Durham, the United Blood Nation and Crips are well established in Wake County. Asian gangs are also present in northern and eastern Wake County.
- The largest threat to Wake County is the Hispanic gangs. The Hispanic gangs are Brown Pride Aztecs, 18th St., Orphans 13, MS-13, Sureno 13, Tarascos and the VDMs.

ANGIER / HARNETT COUNTY

Gangs:

MS-13, 18th St., Orphans, Sureno 13, BC, and the VDMs

Activities:

Drug trafficking, prostitution, assaults, vandalism, and armed robberies

Notes:

- Hispanic gang activity has increased significantly in the Town of Angier.
- Recently, a fugitive MS-13 member, who was wanted in Nebraska for a connection to a homicide and drug activity, was apprehended by the Angier Police Department. These gangs are very dangerous and have become very brazen in their threats toward law enforcement.

GREENSBORO / GUILDFORD COUNTY

Gangs:

United Blood Nation, Crips, Tiny Rascal Gang, the Boys in Style, Asian Crips, and the Red Devils Motorcycle Gang

Activities:

Drug trafficking, numerous robberies, vehicle larcenies, car thefts, home invasions, restaurant robberies, gun trafficking, extortion, and gambling

FAYETTEVILLE / CUMBERLAND COUNTY

Gangs:

Crips, United Blood Nation, Hells Angels Motorcycle Club

Notes:

- Because a significant portion of Fayetteville's population is transient, most of these gangs have strong ties to other parts of the country.
- Hispanic gangs have recently emerged in the Fayetteville area.

UNION COUNTY

Gangs:

United Blood Nation, Crips, Folk Nation, Kings, Sureno 13, 18th St., Vatos Locos, Stallions, Tiny Rascals and MS-13

Activities:

Drive-by shootings in Monroe and Wingate as well as drug trafficking vandalism, assaults, and robberies

Notes:

- Union County is one of the fastest growing counties for gangs in North Carolina.

ROWAN COUNTY**Gangs:**

United Blood Nation, Crips, Folk Nation, MS-13, Sureno 13, Vatos Locos, and the VDMs

Activities:

Homicides

Notes:

- The cities and towns of Rowan County have had an influx of gangs moving into the area. Salisbury, China Grove, Kannapolis, and Landis have had an increasing gang presence.
- Due to the proximity of Charlotte, investigators have seen a very strong presence of MS-13.
- Investigators have had several unsolved homicides with young Hispanic males as victims. The victims were shot execution style and appeared to have been tortured prior to their death. The majority of Hispanic gang activity is in the southern part of Rowan County, China Grove, Kannapolis and Landis. Salisbury has just started to see Hispanic gang activity.
- Possible development of Asian gangs has been noted in the area.

WINSTON-SALEM / FORSYTH COUNTY**Gangs:**

United Blood Nation, Crips, MS-13, Mexican Mafia, Kings of Destruction, Norte 14, Latin Kings, Joker Brothers, and Hells Angels Motorcycle Club

Notes:

Throughout Forsyth County, there is a strong presence of Hispanic gangs in the community as well as the school system. Most of the gang recruitment is done in the schools.

CATAWBA / IREDELL COUNTY

Gangs:

MS-13

Activities:

Drug trafficking, particularly opium, home invasions, extortion, and armed robberies.

Notes:

- Hickory, Mooresville, and Statesville have experienced Asian gang activity.
- Gang members from Charlotte come into the area to commit crimes and return to Charlotte. A noticeable trend has been the development of MS-13 activity in the area. Recently, the Lake Norman area in Mooresville has been the target of gang-related crimes.

KINSTON / LENOIR COUNTY

Gangs:

United Blood Nation, Crips, Folk Nation, and the Black Gangster Disciples

Activities:

Drug Trafficking

Notes:

- The housing projects and lower income areas are saturated with youth gang activity.
- In the last three or four years, gang activity has erupted in the Kinston area. These gang members are known to be involved in heavy drug trafficking.
- The county is also experiencing an emerging Hispanic gang presence.

GREENVILLE / PITT COUNTY

Gangs:

United Blood Nation, Crips, Five Percenters, Gangster Disciples, MS-13, Latin Kings, Vice Lords and 18th St.

Activities:

Homicides, drug trafficking, armed robberies, shootings, and assaults.

WILMINGTON / NEW HANOVER COUNTY

Gangs:

United Blood Nation, Folk Nation, Crips, Five Percenters, and MS-13

Activities:

Drug Trafficking

Notes:

- Hispanic gangs are emerging in the area and are involved in drug trafficking.

MORGANTON

Gangs:

Imperial Gangsters and the Tiny Rascals Gang

Activities:

Drug trafficking, prostitution, and vehicle larcenies

Notes:

- Morganton has observed Asian gang traffic from Charlotte, Hickory, Statesville, and Mooresville.

HENDERSON COUNTY

Gangs:

Sureno 13, Vatos Locos, and Brown Pride

Activities:

Drug Trafficking

Notes:

- Henderson County has seen Hispanic gangs move into the area. They are major sources for crystal methamphetamine.



Robin Pendergraft
Director

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Identified Gang "Hotspots"

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Gangs

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Activities:

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Notes:

- The United Blood Nation is the largest gang in Durham and has ties to New York. They are rivals of both the Crips and Folk Nation. Investigators have noted numerous shoot-outs between the Crips and the United Blood Nation. In general, the United Blood Nation is the fastest growing gang in the prison system.
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- The city of Durham is saturated with numerous sets of the United Blood Nation and Crips. There are over 20 organized gangs in Durham, constantly attracting new members from all ethnic backgrounds.

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Gangs:

MS-13, Kings, Crips, United Blood Nation, Sureno 13, Brown Pride, 42nd St. Little Criminals, Latin Kings, Moorish Nation, Boys in Style, Tiny Rascal Gang, Asian Boys, and the Outlaws Motorcycle Gang

Activities:

Homicides, threats against law enforcement, firearm possession, drug possession, assaults, fighting, kidnapping, carjacking, armed robbery, home invasions, vandalism (graffiti), auto theft, breaking into vehicles, restaurant robberies, gun trafficking, extortion, prostitution and gambling

Notes:

- The growing number of Hispanic gangs in Charlotte has become a major concern. MS-13 is now considered the most violent gang in Charlotte. Members are venturing to surrounding counties to commit crimes.
- The Moorish Nation makes claims as being a separate nation and therefore not subject to the laws of government. The Moorish Nation has some correlation with the Five Percenters prison gang.
- Asian gangs in Charlotte are becoming more active and include Boys in Style, Tiny Rascal Gang, and Asian Boys. The Asian gangs in Charlotte have been implicated in crimes in Greensboro, Hickory, Mooresville, Statesville, and Winston Salem. These gangs are primarily in the western part of the state.

WAKE COUNTY

Gangs:

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Activities:

Car and car part thefts, extortion, residential burglary, gambling, gun trafficking, armed robberies, drug trafficking, home invasions, homicides, larceny of vehicles, kidnapping, and prostitution

Notes:

- Cities and towns throughout Wake County have seen a large influx of gang activity. Due to the proximity of Durham, the United Blood Nation and Crips are well established in Wake County. Asian gangs are also present in northern and eastern Wake County.
- The largest threat to Wake County is the Hispanic gangs. The Hispanic gangs are Brown Pride Aztecs, 18th St., Orphans 13, MS-13, Sureno 13, Tarascos and the VDMs.

ANGIER / HARNETT COUNTY

Gangs:

MS-13, 18th St., Orphans, Sureno 13, BC, and the VDMs

Activities:

Drug trafficking, prostitution, assaults, vandalism, and armed robberies

Notes:

- Hispanic gang activity has increased significantly in the Town of Angier.
- Recently, a fugitive MS-13 member, who was wanted in Nebraska for a connection to a homicide and drug activity, was apprehended by the Angier Police Department. These gangs are very dangerous and have become very brazen in their threats toward law enforcement.

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Gangs:

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Activities:

Drug trafficking, numerous robberies, vehicle larcenies, car thefts, home invasions, restaurant robberies, gun trafficking, extortion, and gambling

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Gangs:

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Notes:

- Because a significant portion of Fayetteville's population is transient, most of these gangs have strong ties to other parts of the country.
- Hispanic gangs have recently emerged in the Fayetteville area.

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Gangs:

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Activities:

Drive-by shootings in Monroe and Wingate as well as drug trafficking vandalism, assaults, and robberies

Notes:

- Union County is one of the fastest growing counties for gangs in North Carolina.

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Activities:

Homicides

Notes:

- The cities and towns of Rowan County have had an influx of gangs moving into the area. Salisbury, China Grove, Kannapolis, and Landis have had an increasing gang presence.
- Due to the proximity of Charlotte, investigators have seen a very strong presence of MS-13.
- Investigators have had several unsolved homicides with young Hispanic males as victims. The victims were shot execution style and appeared to have been tortured prior to their death. The majority of Hispanic gang activity is in the southern part of Rowan County, China Grove, Kannapolis and Landis. Salisbury has just started to see Hispanic gang activity.
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Notes:

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Gangs:
MS-13

Activities:
Drug trafficking, particularly opium, home invasions, extortion, and armed robberies.

- Notes:**
- Hickory, Mooresville, and Statesville have experienced Asian gang activity.
 - Gang members from Charlotte come into the area to commit crimes and return to Charlotte. A noticeable trend has been the development of MS-13 activity in the area. Recently, the Lake Norman area in Mooresville has been the target of gang-related crimes.

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Gangs:
United Blood Nation, Crips, Folk Nation, and the Black Gangster Disciples

Activities:
Drug Trafficking

- Notes:**
- The housing projects and lower income areas are saturated with youth gang activity.
 - In the last three or four years, gang activity has erupted in the Kinston area. These gang members are known to be involved in heavy drug trafficking.
 - The county is also experiencing an emerging Hispanic gang presence.

GREENVILLE / PITT COUNTY

Gangs:
United Blood Nation, Crips, Five Percenters, Gangster Disciples, MS-13, Latin Kings, Vice Lords and 18th St.

Activities:
Homicides, drug trafficking, armed robberies, shootings, and assaults.

WILMINGTON / NEW HANOVER COUNTY

Gangs:

United Blood Nation, Folk Nation, Crips, Five Percenters, and MS-13

Activities:

Drug Trafficking

Notes:

- Hispanic gangs are emerging in the area and are involved in drug trafficking.

MORGANTON

Gangs:

Imperial Gangsters and the Tiny Rascals Gang

Activities:

Drug trafficking, prostitution, and vehicle larcenies

Notes:

- Morganton has observed Asian gang traffic from Charlotte, Hickory, Statesville, and Mooresville.

HENDERSON COUNTY

Gangs:

Sureno 13, Vatos Locos, and Brown Pride

Activities:

Drug Trafficking

Notes:

- Henderson County has seen Hispanic gangs move into the area. They are major sources for crystal methamphetamine.