

# **Gang Enforcement Problems and Strategies: National Survey Findings\***

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## ***Abstract***

Federally-sponsored surveys of 149 police departments and 118 prosecutors' offices of jurisdictions greater than 250,000; and 73 prosecutors' offices of jurisdictions of 50,000 to 250,000 residents examined the problems and needs of law enforcement agencies, and the strategies they use in combating gangs. Findings show that the vast majority of police and prosecutors consider gangs and gang-related violence to be a major problem. The most common prosecutor tactics are the use of confidential informants, computerized gang intelligence systems, and street level buy-bust operations are the most common police tactics; and participating in special gang enforcement initiatives, policies discouraging reduction of charges against gang members, and access to computerized gang tracking systems. For prosecutors, obtaining the cooperation of victims and witnesses is cited as the most significant problem, followed by intimidation of witnesses.

## ***Introduction***

In recent years, law enforcement agencies in large and small jurisdictions have experienced increases in gangs and gang-related violence and struggle to stretch diminishing resources to develop and implement gang enforcement strategies. To date, however, there are limited national estimates of the severity of the gang problem in the United States. The Institute for Law and Justice (ILJ) recently conducted two federally-sponsored studies that examined the

problems and needs of law enforcement agencies, and the strategies they use in combating gangs. The Bureau of Justice Assistance (BJA) sponsored a national study of law enforcement strategies directed at urban street gang violence and drug trafficking, and the National Institute of Justice (NIJ) sponsored a similar study of prosecutors' offices. The studies will help BJA and NIJ better assist law enforcement agencies develop programs and strategies to control and prevent gang activity.

### ***Prior Research***

Gangs have been the topic of research for decades, but interest in studying them has grown in recent years. With the proliferation of gang violence and crime, increasing numbers of gang members, and the spread of historically localized gangs to other cities and states, the need for gang research has become more compelling. Most studies of gangs focus on specific types of gangs, like the Crips and Bloods or Asian gangs, or particular areas known for gang activity, like Los Angeles or Chicago. There is a paucity of studies that have a national focus, and few of the national studies are recent, offering little guidance on current issues and developments in the nature and activities of urban street gangs. The majority of studies are descriptive in nature, examining the organizational structure and activities of gangs, and the sociodemographic and criminal histories of gang members. Fewer studies focus on what measures law enforcement agencies and communities undertake to deal with the gang problem.

Among the few national surveys are Miller's 1975 investigation of 12 cities known to have youth gang problems, and Needle and Stapleton's 1983 study that examined law enforcement perspectives in agencies in 60 U.S. cities. More recent surveys include the 1992 Law Enforcement Mail Questionnaire Survey conducted by Knox, et al, which obtained estimates of the extent and severity of the gang problem from urban police chiefs and county sheriffs in 787 cities with populations greater than 25,000 and 703 component counties of metropolitan areas.

One of the most noteworthy recent surveys is the National Youth Gang Survey, which was conducted from 1988 to 1990 as part of the four-year, federally-funded National Youth Gang Intervention and Suppression Program (Spergel and Curry, 1992). The purpose of this survey was to identify and assess promising approaches and strategies undertaken by any organization engaged in organized efforts specifically intended to address the youth gang problem. Data were gathered from 254 criminal justice and community-based organizations in 45 U.S. cities. The survey particularly examined the presence of networks that involved the unified effort of several agencies participating in youth gang prevention, intervention, and suppression programs. A follow-up analysis was done of the 21 urban areas that had four or more agencies participating in a community-level program to deal with youth gang-related problems.

ILJ's surveys of police departments and prosecutors' offices in cities throughout the United States focus on perceptions and estimates of the gang problem and anti-gang strategies employed by these criminal justice agencies.

### ***Methodology***

The BJA survey of police departments was sent in April 1992 to approximately 175 agencies serving jurisdictions with populations greater than 250,000, and had a response rate of 85 percent (149 departments). The survey was designed to gather general information about the current status of gangs in reporting jurisdictions, and particular information on approaches police departments applied to address the problems. A majority of the survey was devoted to the tactics used by departments in general or specialized gang units.

The questionnaire survey was followed by a telephone survey that focused on cities with significant gang problems, with emphasis on police departments that have specialized gang units. However, the follow-up also included a 20 percent sample of police departments with no specialized gang unit. The lack of a gang unit does not preclude the existence of a gang

problem. The telephone survey included open-ended questions to learn more about enforcement of particular gangs and gang problems.

The NIJ-funded survey of prosecutors' offices included 368 agencies. All 175 counties with populations greater than 250,000 were included in the sample group. The other 193 prosecutors' offices were randomly selected from counties of 50,000 to 250,000 residents. Three hundred agencies (81 percent) responded, 109 (36 percent) of which indicated that they had no gang problem. The analysis is based on the 191 completed surveys (118 from large and 73 from small jurisdictions) of prosecutors stating they had a gang problem.

### ***Overview of the Gang Problem***

Findings from both surveys provide insight to the extent of the gang problem nationwide. In general, nearly 87 percent of the sample police agencies consider gangs a problem in their jurisdictions, and nearly 16 percent rate gangs as a *major* problem (Exhibit 1).

Eighty-seven percent of responding police agencies believe that the number of gang members have increased in their jurisdictions in the past three years and 83 percent of agencies report that citizen complaints on gangs have increased in this period (Exhibit 2). Eighty-four percent of responding agencies feel that the level of gang-related violence has increased in the past three years and 83 percent indicate that the number of guns confiscated from gang members has increased in this time (Exhibit 2).

The police sample also reports that the average number of gangs in a jurisdiction is 28, and the average number of gang members is approximately 1,632.

Among prosecutors, 78 percent of respondents in both large and small jurisdictions report increases in gang-related violence. More than 70 percent of all gang types in large jurisdictions are reported to be involved in violent crime. The proliferation of gang crime has impacted prosecutors' caseloads and is evidenced by the number of gang-related violent crimes prosecuted per month. The average number of cases is two to four per month in small jurisdictions and 25 to 29 in large jurisdictions. The effect is especially significant for large

jurisdictions, where more than one-fifth of prosecutors have more than 30 gang-related violent crimes to prosecute per month (Exhibit 3).

### ***Defining Gangs***

Considering the extent of the gang problem in cities nationwide, there is relatively little attention given to researching differences between gang members and non-gang members. Furthermore, there is no uniform definition of *gang* or how gangs are distinguished from "delinquent groups." Sheldon, et al, note that ". . . modern researchers have argued that gangs and delinquent groups are significantly different. Specifically, most researchers now agree that gang offenders are usually older, more homogenous with regard age, sex, race and residence and tend to commit more violent crimes than ordinary 'delinquent groups.'" (Sheldon, et al, 1992). However, Horowitz states that for research purposes, "It is not necessary to agree on the parameters of what constitutes a gang. Agreement will likely never be achieved, and definitions often obscure problematic areas and may not encourage the development of new questions." (Horowitz, 1990). The importance of defining gang-related terms, however, must not be understated. How broadly or narrowly agencies define *gang*, *gang member*, *gang-related crime* and other terms will significantly affect the development of gang intelligence databases, classification, assessment of the gang problem, strategic planning, evaluation, and application of gang-specific legislation (Spergel and Curry, 1992).

For the police survey, definitions of gangs and gang members were not provided. These terms and the severity of the gang problem were left to each jurisdiction to define. The survey specifically addressed enforcement strategies directed at groups that were defined by an agency as a gang, so a general term of *gang member* was sufficient for these purposes.

In the prosecutors' survey, ILJ found that 44 percent of prosecutors in large jurisdictions classify any crime committed by a gang member as a gang crime, whether the outcome of the crime benefits the gang or not. However, another 44 percent in large jurisdictions define a gang crime as only a crime committed by a gang member for the benefit of

the gang. In some large jurisdictions, only crimes committed by a targeted gang leader or crimes of violence are treated as gang-related, an even more narrowly focused approach.

While prosecutors in large jurisdictions are divided in how they defined gang-related crime, they are more likely than small jurisdictions to use the broad definition of gang crime to classify any crime committed by a gang member as gang-related. Only 27 percent of small jurisdiction prosecutors use the broad definition. Most small jurisdictions, 59 percent, use the narrower definition.

### ***Profile of Gang Crimes and Activities***

According to the survey of police departments, the crimes most frequently committed by gang members are drug crimes and crimes of violence. These findings are similar to the prosecutors' survey, where, in both small and large jurisdictions, assault and drug sales are the crimes most frequently charged against gang members. If drug possession and drug sales are considered together, however, drug crimes constitute the largest category of crimes charged against gang members. Another category of interest is weapons possession and use. The high number of weapons violations as the second or third charge indicates that gang members are using weapons to commit other crimes (Exhibit 4).

In both surveys, overwhelmingly, the drug most frequently sold by gang members is cocaine (in rock and powder form). Of the gangs that traffic in drugs, prosecutors in large jurisdictions report that cocaine and its derivatives are sold by more than 75 percent of all gangs, except motorcycle and hate gangs. Hate gangs, in both small and large jurisdictions, have the lowest reported involvement in drug trafficking.

The survey of prosecutors obtained more detailed information than the police survey about drug activity among various types of gangs. Over 90 percent of large county prosecutors report that Caribbean, Crips and Bloods, and local African-American gangs traffic drugs. This pattern is similar in small jurisdictions. Caribbean gangs are the least prevalent type of gang,

reported by 43 percent of prosecutors in large counties. However, all of the Caribbean gangs are reported as trafficking in drugs, and 95 percent traffic cocaine.

Most police departments report that drug transactions primarily occur on the street in an open air drug market. The next most likely method is sales within houses or apartments. Gang members are known to rent space for distribution. This is done through the use of hotels for quick distribution and increased mobility, or the lease of property. In some cities, in an attempt to control rentals to local drug dealers, motels have adopted a policy barring rental to residents who live within a certain mile radius of the establishment.

The majority of drug transactions conducted by gang members are at the street level, though a fair number of police departments report that gangs are involved throughout the range of sales: street-, mid-, and high-level trafficking. In areas where the majority of drug activity takes place at the street level, it is not unusual to have incidents of high-level trafficking as gangs attempt to expand their operations. The number of these incidents, though small, reflects a potential threat to other jurisdictions. Three of the California respondents, Oakland, Riverside, and Stockton, uncovered efforts to import drugs from Mexico and heroin from Asia. In Tampa, Florida, the police discovered a gang's involvement in cross-country cocaine distribution. In Chicago, the police report that gangs are developing distribution networks that bypass traditional organized crime and go directly to the source country to make importation arrangements.

### ***Community Involvement***

In Thrasher's study of gangs more than 65 years ago, he concludes that disorganized communities have greater numbers of and more highly organized gangs. The gangs he studied were play groups that eventually became organized through conflict with other gangs and conventional community institutions (Thrasher, 1927). More recently, Curry and Thomas also observe that “. . . many potential gangs never become organized, because conventional community organization is too strong, or only become organized in ways that meet with the

approval of the well-organized conventional community” (Curry and Thomas, 1992). Studies conducted by Shaw and McKay 20 years ago conclude that communities with gangs are not disorganized per se, but are organized differently. High levels of gang-related activity and crime may occur within a structure that is as well or better organized than the formal community structure. This is characteristic of communities where community organizations do not communicate with one another or with community residents (Shaw and McKay, 1972).

These perspectives are underscored today in cities nationwide. Researchers have begun to recognize that troubled communities, which lack cohesiveness and organization, are rife for gang problems, and that gang enforcement must address the conditions and issues facing the community.

While police departments continue to expand and revise internal gang enforcement tactics, most departments agree that their efforts must include more coordination with other agencies and community involvement. More than 60 percent of police departments responding to the survey state that they participate in police-community group activities directed at gang problems. Special prevention programs in public schools are part of the agenda for 61 percent of responding departments.

When asked to identify what would most help the police department's gang units, the most frequently indicated responses were an expansion of prevention programs and coordination with other agencies. Seventy-one percent of prosecutors' offices also note that there is a lack of early intervention programs for youth at risk for gang involvement. Many prosecutors feel that the means available to them, primarily enforcement of criminal codes and imposition of criminal sanctions, come too late, and strongly advocate programs that prevent youth at an early age from being involved in delinquency and crime to begin with. Two of the California police departments contacted in follow-up telephone calls discussed how they coordinate with a number of agencies including probation, parole, a prosecutor specializing in gang cases, schools, and community-based organizations. The National Youth Gang Survey conducted in 1990 by Spergel and Curry asked 254 agencies involved in gang programs to

indicate with what other organizations they have most contact in terms of addressing the gang problem. The most frequently cited agencies are youth services (21 percent), law enforcement (17 percent), probation (14 percent), prosecution (10 percent), court (7 percent), and school (other than security division) (7 percent) (Curry and Thomas, 1992).

The importance of community involvement is supported by a shift to community policing in many of the police departments. The respondents from these departments view community policing as an aid to the enforcement effort aimed at gangs and an indicator of their effectiveness in controlling gangs. This corroborates findings from Spergel and Curry's study which indicate that when agencies formally approach gang enforcement and prevention through organizing with the community, there is a greater positive perception of effectiveness in dealing with the problem (Spergel and Curry, 1992).

### ***Operational Tactics***

There are several gang enforcement tactics cited in the surveys that are used by most jurisdictions. When asked what would most help the police department in terms of gang suppression, after first overwhelmingly indicating more money and staffing, most responded that an increase in the gang unit operations would be most beneficial, particularly to saturate areas with a high incidence of disruptive gang activity. Fifty percent of police agencies responding have a specialized gang unit. These units have full-time staff ranging from one officer to 432 officers in Chicago, Illinois. The part-time staff number anywhere from one to 86 officers.

Prosecutors also form specialized gang prosecution units and use vertical prosecution to focus on gang members. Large jurisdictions are more likely to have gang units (32 percent) than small jurisdictions (5 percent). In large counties, these units on average are staffed by four full-time attorneys. Los Angeles County has the largest gang unit with 48 full-time attorneys.

The use of uniformed and non-uniformed officers for gang suppression activities appears evenly divided among police departments. Half of the responding jurisdictions conduct gang suppression with uniformed officers, and the other half with non-uniformed officers. Overall, 39

percent of police departments use both tactics. Of departments with no gang unit, nearly 50 percent conduct gang suppression activities with uniformed police officers, and 29 percent with non-uniformed gang investigators. Eighty-five percent of the departments also report using confidential informants (Exhibit 5). In follow-up interviews with police and prosecutors, many report that it is more difficult to infiltrate street gangs with confidential informants than traditional drug trafficking organizations. Today's street gangs are more closely knit, often organized around neighborhoods, and the retribution against informants is frequently more violent.

While multijurisdictional gang task forces offer the benefits of more officers and added funds, they are not as widespread as drug-related task forces. Only 38 percent of responding police departments are part of task forces specifically directed at gangs. There are benefits to cooperating in a multijurisdictional task force, especially if federal agencies are involved. Many police departments indicate receiving assistance from federal law enforcement agencies, even when they do not work cooperatively with federal agencies in multijurisdictional task forces. Nearly 52 percent of responding police departments receive assistance from federal law enforcement to aid in their gang enforcement efforts. Federal agencies such as the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms (ATF) can provide buy money, a useful resource when targeting a drug gang or gangs dealing in firearms.

While federal cases are not often pursued, over 58 percent of police departments had used or are using street-level drug buy-bust efforts directed at gang members. Video surveillance is becoming more widely used in these efforts and can provide indisputable courtroom evidence. This was the key strategy used by the San Diego District Attorney's Office, which launched three major undercover investigations using confidential informants to purchase drugs from gang members. All purchases were corroborated by videotape. The conviction rate for all three operations was more than 90 percent (ILJ, 1992).

Among prosecutors' offices, 66 percent of large and 35 percent of small jurisdictions report participating in special gang enforcement initiatives with other criminal justice agencies. Involvement from federal law enforcement agencies can enhance case development for

prosecution under federal statutes. ATF, for example, can aid in cases pursued under the Federal Armed Career Criminal Act, 18 USC, § 924(e), known as Triggerlock. Project Triggerlock uses federal firearms statutes to target career criminals who use weapons, and is designed to target armed violent and career criminals using mandatory minimum sentences.

While support from ATF and other federal law enforcement agencies is available and aids in federal case development, only 30 percent of responding police departments report prosecuting gangs in federal court (Exhibit 5). Rather, in some states, like New York and Illinois, police and prosecutors find it more expedient to take advantage of revamped drug laws, which include stiffer penalties. In New York, for example, the charge for possession of two or more ounces of cocaine is a mandatory minimum sentence of 15 years.

While prosecution of major drug traffickers has occurred frequently in federal court, local prosecutors are not referring cases to federal court as frequently in gang cases. This is illustrated in ILJ's report on gang prosecution, which notes the states with gang legislation, what the legislation includes, and how effective it is. Some of the specific provisions written into state laws include forfeiture of vehicles used in drive-by shootings, confiscation of firearms possessed by gang members, and enhanced penalties for gang-related crimes in school zones (ILJ, 1994).

Only 14 of the states represented in the prosecutors' survey have enacted new criminal code provisions on street gangs, and most of these enhance sentences on existing criminal offenses. Prosecutors in the other 36 states proceed against street gang members under existing provisions of their criminal codes. Because virtually everything objectionable about street gangs is already against the law, it is not particularly surprising that most states have not seen a need to enact new anti-gang code provisions. In several states that have passed comprehensive gang statutes, prosecutors indicate that they are not using the statutes extensively. Under special statutes, it is often complicated and time consuming to prove criminal gang membership or a gang-related motive. Prosecutors often find they have the same or better results with the standard criminal codes related to robbery, homicide, and drug trafficking (ILJ, 1994).

The survey of prosecutors' offices shows that prosecutors use several special legal tactics against gangs and gang members, whether or not these tactics were originally directed specifically at gangs. For example, most large jurisdictions (71 percent) seek transfer of some juvenile gang members to adult court, compared with only 38 percent of prosecutors in small jurisdictions. Although 31 states have a Racketeering Influenced Criminal Organizations (RICO) statute (Bonney, 1993), only 16.5 percent of large county prosecutors and less than 10 percent of small county prosecutors have ever used it against gang members. Thirty-six percent of prosecutors in both large and small counties responded that they use state drug kingpin statutes against gang members. State conspiracy laws are used by 37 percent of large jurisdictions and 26 percent of small jurisdictions (Exhibit 6).

### ***Adjudication of Gang Crimes***

Once cases reach the courts, there are several factors that hamper the swift and successful prosecution of gang members. Though gang crimes may be prosecuted under any number of offense categories, some police departments feel that this is insufficient and express a need for stiffer penalties or legislation mandating such enhancements. One department states that better awareness on the part of judges would help their gang suppression efforts the most.

Though it appears that sentencing enhancements might lessen the recycling of gang members through the criminal justice system, the state's resources must be considered in pursuing such enhancements. Gang members, especially juveniles, sometimes pass through the system without serving any sentence. Problems that have always existed within the juvenile justice system make gang prosecution especially difficult because so many gang members today are juveniles. Prosecutors express frustration with the effectiveness of the juvenile justice system in handling juveniles involved in gang crimes. A number of police departments remarked that they have a shortage of detention facilities, especially for juveniles. In many cities, even with prior convictions, a juvenile may only receive probation for a felony charge. In a situation such as this, sentencing enhancements and stricter penalties will have little effect on the gang problem.

Another concern is the protection of victims and witnesses of gang-related crimes. Very few police departments and prosecutors' offices have programs that are directed at the victims or witnesses of gang crime to encourage and ensure testifying against gang members. Wichita, Kansas, developed a program, entitled the Underground Railroad, as part of their state Project Freedom. The Underground Railroad was developed to relocate the victims and witnesses of gang-related crime.

Prosecutors in large and small jurisdictions agree that among their most significant problems is obtaining the cooperation of victims and witnesses. Eighty-nine percent of large and 74 percent of small jurisdictions consider this a *major or moderate* problem. Other problems include intimidation of victims and witnesses (cited as a moderate or major problem by 81 percent of large and nearly 68 percent of small jurisdictions) and victim and witness credibility (cited as a moderate or major problem by 77 percent of large and 68 percent of small jurisdictions). A lack of resources for victim-witness protection is also cited as a moderate or major problem by nearly 74 percent of large and 66 percent of small jurisdiction prosecutors as a problem in prosecution (Exhibits 7 and 8). These programs are growing in number and importance as victims and witnesses of gang-related crimes are often targeted by gang members to prevent their testifying. Many prosecutors' offices are encouraging the police to videotape all statements by witnesses to gang-related crimes in the event that the witness recants at trial, suffers a "loss of memory," or is killed.

### ***Automated Databases***

Automated gang intelligence information systems often are a key element that helps promote successful and expeditious gang enforcement investigations and prosecutions (Curry, et al, 1992). Databases that transmit photographs are particularly useful because of the need to visually identify gang members who often use monikers or aliases. Automated information systems are used by 70 percent of the police departments surveyed. Among departments that identify themselves as having a gang problem, 78 percent have automated gang records.

Slightly over half of the police departments use special crime analysis to identify high crime areas related to gang problems. Approximately half of the departments with gang units are part of a regional database, either in-house or accessible. Many of the departments in California that are part of a regional database link into the Gang Reporting Evaluation and Tracking (GREAT) system. Departments in Texas and Florida also report ability to log onto the GREAT system. GREAT is a computerized database that identifies and tracks street gangs and their members. More than 130 law enforcement agencies nationwide have authorized direct access to GREAT, and approximately one-third of the estimated 300,000 to 350,000 gang members in the U.S. are contained in the GREAT database (Valentine, 1992).

Among prosecutor's offices, only 20 percent of those in large jurisdictions maintain their own database on gang members. This is a proactive endeavor undertaken by the prosecutors to target and prosecute selected gang members. Automated gang intelligence provides a marked advantage for large jurisdictions. Most notable is their ability to participate in special gang initiatives with other criminal justice agencies. In 57 percent of large and 37 percent of small jurisdictions, prosecutors have access to a police computerized gang member tracking system.

### ***Training***

As gangs and gang-related crime proliferate, law enforcement agencies realize a critical need to enhance their gang investigation and enforcement capabilities. One indicator of response to the gang problem is the availability of training for gang enforcement personnel in gang intelligence and enforcement strategies and tactics.

Curry and Thomas, in their study of multi-agency anti-gang programs in 21 urban areas, measured response to the gang problem using four items: having training on gangs available for staff, having an agency gang policy, having a policy in writing, and successfully initiating or modifying gang-related legislation. The predominant response in this study was training (66 percent), followed by gang policy (52 percent), written policy (34 percent), and legislation (23

percent) (Curry and Thomas, 1992). ILJ's survey of police departments is consistent with these findings.

In the police survey, every department with a gang unit has sent unit officers to a gang seminar. This is the most popular form of gang enforcement instruction, followed by regional training workshops. Often, gang officers are sent to learn first-hand from other departments experienced in gang enforcement. One training effort undertaken by several police departments that responded to the follow-up telephone survey is a joint agency training venture. Such a cooperative training seminar often includes gang unit officers, probation and parole officers, gang prosecutors, and representatives of social services or private agencies that focus on gang prevention, education, and treatment.

While it is recognized that all officers would benefit from training, not all agencies have the resources for department-wide training. Training usually filters down to the patrol level in the form of department-wide information sessions or roll call presentations. The majority of police departments conduct this sort of training or similar department information sharing on gangs. In Tampa, Florida, the gang unit makes a significant effort to educate the patrol officers on gangs by providing a training program conducted by the gang unit officers. The one-hour training on gangs is delivered to 30 officers at a time.

### ***Conclusions***

Findings from these surveys suggest that police departments and prosecutors offices across the country have similar concerns and needs with regard to the gang problem. Both agree that the presence of gangs is becoming more widespread and the amount of gang-related violence is increasing. While police departments find that violent crime dominates the types of crimes for which gang members are arrested, prosecutors indicate that drug crimes constitute most offenses by gang members. Both groups, however, consider drugs and violent crime as paramount problems with regard to gang crime. They acknowledge that while groups organized for drug trafficking are more independent entrepreneurs, loosely aligned with one another

through interdependent distribution of drugs, urban gangs are more organized and structured as units to conduct business in drugs. Urban gangs are also more dangerous, have access to more powerful weapons, and are more prone to violence than traditional drug groups.

While both police and prosecutors in the survey samples generally agree that special units enhance the ability of agencies to suppress gangs, a greater proportion of police (50 percent) than prosecutors' offices (32 percent of large and 5 percent of small) have specialized gang units. The lower prevalence of gang units among prosecutors may be reflective of concern over whether gang units should exist within prosecutors' offices. Questions have sometimes been raised about the appropriateness of prosecutors being closely involved in gang investigations. The Deputy District Attorney of the San Diego District Attorney's Office, which participated in the survey of prosecutors and operates a model specialized gang unit, acknowledges these concerns, but contends that, ". . . many of them are overcome by following the dictates of the statutes and assigning only highly qualified, experienced and trained prosecutors to the Gang Violence Suppression Unit." (Williams, 1992). For cities contemplating forming specialized gang units, it is critical to follow San Diego's example to preempt possible problems and alleviate concerns.

Gangs are identified traditionally and currently as an outgrowth of community conditions and as a community problem. Hence, law enforcement agencies must incorporate the community into efforts to address the gang problem. The surveys reflect that police and prosecutors are shifting to a community-oriented approach. Police departments indicate that expansion of prevention programs and coordination with other groups and agencies would be most helpful to gang control operations. The majority of prosecutors' offices note the same. Findings from these surveys support the necessity of community-oriented strategies, and increasing coordination between criminal justice agencies and communities; and criminal justice system support of coordination within communities to tackle problems. A community-oriented approach to gang enforcement and suppression has considerable potential for addressing the fears and misapprehensions often prevalent among troubled communities in which gangs and

gang violence proliferate. Anti-gang programs must be marketed to these communities so that they will not regard it as a form of repression against the community.

In the adjudication of cases, police and prosecutors alike consider victim and witness protection a major problem. The likelihood of intimidation of victims who press charges and witnesses to crimes is always a factor in gang cases and should be among the first problems addressed by law enforcement and prosecutors. However, there are few state and local witness and victim protection programs geared specifically toward victims and witnesses of gang crime. Where special programs are not in place, jurisdictions must exercise all possible options for protection. These might include requests to the U.S. Attorney's Office to put witnesses in the federal protection program, requests to prosecutors to obtain from the court protective orders prohibiting release of witnesses' names until just prior to testimony, and denying bail to gang defendants.

The vast majority (90 percent) of police departments report using confidential informants. While this tactic can provide an essential inside link to the gangs and their criminal activities, use of confidential informants can be risky and costly. Urban gangs have an extensive network of intelligence in the neighborhoods in which they operate and know who is doing what. As their intelligence capabilities become more sophisticated and thorough, which is evident in some cities, it will become more difficult to penetrate gangs with confidential informants. It is also harder for law enforcement to "flip" gang members and get them to cooperate with police and prosecutors to inform on gangs. Gang members have more loyalty to their gangs than people involved in drug trafficking networks; and gang members are afraid of violent reprisal for cooperation with law enforcement.

The majority of police departments have their own automated gang data systems, while only one-fifth of prosecutors' offices do. Approximately half of large and one-third of small jurisdiction prosecutors have access to police automated gang tracking systems. Police departments and prosecutors' offices recognize the role and potential of automated data systems in increasing the efficiency and effectiveness with which gang enforcement efforts are

undertaken. Those that have automated data systems proclaim their marked advantage in investigations, and state that their absence is a major impediment to success. However, many agencies do not have sufficient resources to implement expensive systems. As police departments have greater capabilities with in-house automated tracking systems, prosecutors, in lieu of in-house systems, must pursue establishing access to police systems, and to regional and national systems. Intelligence on gangs and gang members supports proactive enforcement by patrol officers and gang specialists; investigation and prosecution by prosecutors; investigations by narcotics, homicide, and other units; and decisions by those responsible for managing gang suppression strategies.

Multijurisdictional gang task forces are used by 38 percent of police departments, and 66 percent of large and 35 percent of small jurisdiction prosecutors report participating in specialized gang enforcement initiatives with other criminal justice agencies. Considering that police and prosecutors alike indicate a lack of resources and need for improved operational capabilities in addressing gang problems, it behooves the law enforcement community to expand its use of multijurisdictional task forces. And since urban gang members increasingly move to other jurisdictions, often across county and state lines, to establish new business, multijurisdictional task forces will become more essential for successful investigation and suppression efforts. Whether composed of agencies within one jurisdiction or multiple jurisdictions, task forces offer a framework that can magnify the effectiveness of investigations and enforcement activities. Task forces can increase the amount of resources, including personnel, skills and specialized equipment, than might otherwise be available; and can diminish duplicate investigations. Multijurisdictional task forces also enable selection from a wider range of laws on which to base investigations and prosecutions, or to seek court permission to use special investigative techniques such as electronic surveillance (JRSA, 1993). Clearly, there are countless advantages for police and prosecutors to participate in multijurisdictional gang task forces, and the criminal justice community must take a more proactive stance in their establishment. This practice has worked well in the area of narcotics investigations and control.

Unlike narcotics cases, federal courts are not extensively used for prosecution of gangs by police and prosecutors alike. States are opting to modify current drug laws to include harsher penalties for drug trafficking charges, for which many gang members are arrested. States are also enacting special gang legislation, which, even though not used extensively, will probably proliferate, if only as a means of making a public declaration that gang violence will not be tolerated.

*Exhibits*

**Exhibit 1**  
**Police View of Overall Gang Problem**  
(n = 144)\*

Not a problem	13.2%
Slight problem	7.6%
Moderate problem	63.2%
Major problem	16.0%

\* Not all respondents provided useable responses to the question.

**Exhibit 2**  
**Police Assessment of Jurisdiction's Gang Problem**  
(n = 138)\*

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
Number of gang members increased in past 3 years	49.0%	38.2%	6.5%	6.3%
Level of gang-related violence increased in past 3 years	48.5%	35.5%	10.9%	5.1%
Number of guns confiscated from gang members increased in past 3 years	42.0%	41.3%	11.6%	5.1%
Citizen complaints on gangs increased in past 3 years	39.1%	44.2%	11.6%	5.1%

\* Not all respondents provided useable responses to the question.

**Exhibit 3**  
**Number of Gang-Related**  
**Violent Crimes Prosecuted**  
**per Month in 1991**  
(n = 146) \*

	<b>Large Jurisdictions n = 87</b>	<b>Small Jurisdictions n = 59</b>
0	6.9%	23.7%
1	17.2%	15.0%
2 to 5	26.3%	35.7%
6 to 10	13.7%	8.5%
11 to 20	9.2%	0
21 to 30	4.5%	0
More than 30	21.3%	0

\* Not all respondents provided useable responses to the question.

**Exhibit 4**  
**Prosecutors' Charges Against Gang Members**  
**in Large Jurisdictions**  
(n = 118)

<b>Crime</b>	<b>Most Common Charge</b>	<b>2nd Most Common Charge</b>	<b>3rd Most Common Charge</b>
Assault	35.6 %	18.6 %	9.3 %
Drug sales	32.2 %	17.8 %	10.2 %
Drug possession	11.9 %	11.0 %	12.7 %
Auto theft	7.6 %	2.5 %	5.1 %
Weapons possession/use	7.6 %	17.8 %	27.1 %
Robbery	3.4 %	10.2 %	11.0 %
Burglary	2.5 %	5.9 %	3.4 %
Vandalism	1.7 %	3.4 %	5.1 %

**Prosecutors' Charges Against Gang Members**  
**in Small Jurisdictions**  
(n = 73)

Assault	37.0 %	13.7 %	11.0 %
Drug sales	26.0 %	15.1 %	6.8 %
Drug possession	19.2 %	16.4 %	12.3 %
Weapons possession/use	9.6 %	16.4 %	12.3 %
Burglary	6.8 %	4.1 %	13.7 %
Auto theft	5.5 %	2.7 %	2.7 %
Vandalism	4.1 %	2.7 %	8.2 %
Robbery	2.7 %	2.7 %	2.7 %

## Exhibit 5 Police Tactics Against Gangs

(n = 149)

<b>Tactics</b>	
Confidential informants	84.9 %
Computer system for gang intelligence information	66.0 %
Street level buy-bust operations	58.6 %
Assets forfeiture	56.9 %
Multijurisdictional task forces	38.4 %
Prosecution of gang cases in federal court	30.3 %

## Exhibit 6 Prosecution Tactics Against Gangs

(n = 191)

	<b>Large Jurisdictions n=118</b>	<b>Small Jurisdictions n=73</b>
<b>Operational Tactics</b>		
Participate in special gang enforcement initiative with other criminal justice agencies	66.1 %	35.1 %
Have policy that discourages reducing charges brought against gang members	64.4 %	54.1 %
Have access to police computerized gang member tracking system	56.8 %	36.5 %
Participate in broad-based anti-gang coalition	56.8 %	24.3 %
Target gang members for prosecution under state career criminal statutes	37.3 %	21.6 %
Operate their own computerized gang member tracking system	19.5 %	4.1 %
Cross-designate attorneys to prosecute gang members in federal court	11.9 %	6.8 %
<b>Special Legal Tactics</b>		
Transfer of juveniles to adult court	71.0%	38.0%
RICO	16.5%	10.1%
State drug kingpin statutes	36.2%	36.0%
State conspiracy laws	37.4%	26.3%

**Exhibit 7**  
**Prosecution Problems in Large Jurisdictions**  
(n = 118)

<b>Problem</b>	<b>Not a Problem</b>	<b>Minor Problem</b>	<b>Moderate Problem</b>	<b>Major Problem</b>
Obtaining cooperation of victims and witnesses	2.6 %	8.8 %	27.2 %	61.4 %
Intimidation of victims and witnesses	1.8 %	17.0 %	30.4 %	50.8 %
Lack of appropriate sanctions for juvenile gang members who commit crimes	9.7 %	22.2 %	21.2 %	46.9 %
Lack of early intervention for youth at risk of gang involvement	9.7 %	11.5 %	32.8 %	46.0 %
Lack of resources for witness protection	6.1 %	20.2 %	31.6 %	42.1 %
Victim and witness credibility	6.2 %	16.8 %	46.9 %	30.1 %
Inadequate police preparation of crime reports	33.3 %	41.2 %	20.2 %	5.3 %

**Exhibit 8**  
**Prosecution Problems in Small Jurisdictions**  
(n = 73)

<b>Problem</b>	<b>Not a Problem</b>	<b>Minor Problem</b>	<b>Moderate Problem</b>	<b>Major Problem</b>
Obtaining cooperation of victims and witnesses	10.1 %	15.9 %	30.4 %	43.6 %
Intimidation of victims and witnesses	13.2 %	19.2 %	25.0 %	42.6 %
Lack of appropriate sanctions for juvenile gang members who commit crimes	2.9 %	27.5 %	37.7 %	31.9 %
Lack of early intervention for youth at risk of gang involvement	15.7 %	18.6 %	34.3 %	31.4 %
Lack of resources for witness protection	7.1 %	27.1 %	37.2 %	28.6 %
Victim and witness credibility	1.4 %	30.0 %	41.4 %	27.2 %
Inadequate police preparation of crime report	34.8 %	39.2 %	13.0 %	13.0 %

### ***Endnotes***

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\*\* The authors are staff members of the Institute for Law and Justice, Alexandria, Virginia.

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