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Technical Assistance Manual

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EXECUTIVE SUMMARY

In response to an increasingly serious youth gang problem, the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice entered into a cooperative agreement with the School of Social Service Administration, University of Chicago, to conduct the National Youth Gang Suppression and Intervention Program. One of the objectives of this program was to develop technical assistance manuals for policymakers and administrators to assist them in their efforts to reduce gang violence.

This manual presents a comprehensive design for a court response to youth gang activity in both emerging and chronic gang problem contexts. The manual covers a range of topics including: 1) assessing the youth gang problem; 2) setting goals and strategies; 3) implementing organizational development; 4) processing gang youth; 5) facilitating interagency coordination and community mobilization; 6) selecting and training staff; and 7) designing program research and evaluation. Promising policies and procedures are recommended on each of these topics with reference to agency programming and the youth gang probationer.

A first step in developing a promising court response is problem assessment, preferably at three levels. At the first level, the court should direct or request probation to assess the involvement of youth probationers in gang activity and the probation department's response to the problem, if present. At the second level, the court (or the judge individually) should evaluate its processing of gang youth, specifically in regard to dispositional outcomes, types of services delivered, and the knowledge base that judges have about the problem. At the third level, probation or an independent consultant can be directed to conduct a community-wide survey to ascertain whether a youth gang problem is present within the jurisdiction and, if so, how the court and other organizations are working together to address it. The results of this assessment can then serve as a basis for planning or adjusting the court's response to a youth gang problem, if necessary.

A strategic design is presented for a court response to youth gang crime, particularly in regard to setting appropriate goals, strategies, and organizational development objectives. Pertinent goals should consist of: 1) ensuring that the youth gang member receives a fair hearing; 2) protecting the community and the youth from violent and serious gang crime in the event that a juvenile court petition is sustained; and 3) using court orders to create conditions to rehabilitate the gang youth.

A promising court response to youth gang activity will incorporate a multiple strategy approach. Strategies of suppression, social intervention, opportunities provision, community mobilization, and organizational development should be implemented by the court to craft a "balanced response" to an identified youth gang problem. More specifically, the response should balance social control and supervision activities for youth gang probationers with the provision of viable social opportunities. To achieve this, certain organizational development objectives and activities to carry them out will have to be developed and implemented. Within

the court, objectives may entail reducing judicial caseloads, improving court data systems, ensuring sentencing consistency, and establishing gang training programs for judges. Outside of the court, these objectives may be concerned with 1) providing close supervision to youth gang probationers; 2) increasing social support to youth gang probationers, their families and referral agencies; 3) providing more pertinent social opportunities to youth gang probationers; and 4) developing interagency partnerships and coalitions to improve the agency and community response to the problem.

Certain court functions and issues will have to be addressed in the development of a promising approach to youth gang activity. Judges should be aware of and consider the gang-related aspects of cases, but not allow gang membership or the designation of the incident as gang-oriented to serve as the primary basis for making certification or detention and release decisions. Judges should also be alert to the presence of gang members in the court and of the necessity to develop special courtroom procedures to prevent witness intimidation.

Evidence which identifies the youth as a gang member and the incident as gang-oriented should be carefully examined since this may be prejudicial to the defendant and result in enhanced penalties in certain states. The judge should not be influenced by testimony which designates the youth as a gang member when it has no bearing on the case. Moreover, the credentials of expert witnesses should be meticulously examined. The judge should also take special care to examine the methods and criteria utilized by agencies to validate gang evidence. Finally, the background and motivation of witnesses should be scrutinized, particularly if they are gang members, to determine the accuracy of their testimony.

A well developed pre-sentence investigation (PSI) can serve as a useful tool for a judge to make an informed sentencing decision regarding youth gang members. Beyond the regular information contained in a PSI, the report should contain information on the youth's gang activity, the youth's position and level of involvement in the gang, and the gang's current state of criminal activity. Questions concerning the impact that probation, incarceration, or other dispositional alternatives will have on the youth's commitment to the gang lifestyle should also be addressed.

Certain court orders should be a part of standard operating procedure when a youth gang member is placed on probation. These include: 1) mandating special conditions of probation including non-association with *specific* gang members and prohibition of gang dress and other insignia; 2) requiring participation of the youth in specific educational, employment, and community service programs; and 3) recommending gang awareness and parental effectiveness training for the youth's parents when appropriate.

Diagnostic, counseling, and treatment services should be provided to the youth to determine whether there are any particular problems present which are hampering the youth's development. Social skills training and support should be provided to prevent the youth's

future involvement in gang activity. Participation in educational, vocational training, employment, and recreational opportunities should be stipulated to allow the youth to develop viable skills and positive social networks. Provision of assistance to family members or significant others should be considered to improve the youth's home setting. In developing a caseplan, the judge, in conjunction with the probation officer, should attempt to minimize the time the youth has available to become involved in gang activity.

To adequately supervise the youth gang probationer, the court may have to utilize several strategies. These can include, the use of special gang-related probation conditions, curfew restrictions, and mandatory drug testing. In special cases, the probation officer may require search and seizure authority, home detention and electronic surveillance. The use of intensive probation, regular court review, deferred or alternative sentencing provisions, and guardian ad litem may also prove effective. The court may have to assume jurisdiction of the child in particular instances.

Judges should readily enforce their court orders. In handling probation violations, consequences should be imposed as soon as possible and set at a level directly proportional to the seriousness of the violation. Probationers who are a clear threat to the safety of the community as evidenced by their behavior, should have their probation revoked immediately. If the judge decides to place a gang-affiliated youth in a correctional institution, he or she should ensure that the facility is safe and secure, and provides a viable program for rehabilitation.

To improve interagency coordination and cooperation with respect to the gang issue, the court and other agencies must identify reciprocal activities appropriate to the mission of the court and other criminal justice organizations such as the police, prosecutor, public defender, probation, detention, corrections, and parole. These include the sharing of gang-related information, jointly developing case plan and dispositional recommendations, and providing gang-related training. The court should also promote a number of mutually-beneficial activities with other organizations such as schools, community-based youth agencies, grassroots organizations, churches, business and industry. These can include joint monitoring of probationers, training on gang-related topics, the provision of pertinent services and opportunities for gang youth, and advocacy for additional resources. Judges may also want to consider the use of court orders to facilitate interagency cooperation particularly in regard to information-sharing and services delivered to gang youth.

Judges should also participate in interagency coalitions formed to develop a community mobilization agenda. Potential collaborative activities could involve: 1) advocating for recognition of the gang problem if denial is present; 2) developing a definitional and policy consensus with respect to the gang issue; 3) conducting community education campaigns; 4) supporting resource development and advocacy initiatives; and 5) assessing proposed gang-related policies and legislation. Judges will have to be careful to avoid situations which can be interpreted as a conflict of interest and must continue to maintain objectivity in judging cases.

Research and evaluation are necessary to measure the implementation and results of the recommended court approach to gang activity. Process indicators should be developed to assess the quality of 1) gang-related evidence accepted in court; 2) certifications of youth gang members to adult court; 3) detention and release decisions; 4) court safety procedures; 5) probation and correctional placements; 6) community mobilization efforts by judges; and 7) other information such as judicial turnover rates and staff training activities. Outcome measures should be developed to measure the results of the program. These indicators should include court screening and transfer decisions as well as the results of probation supervision for gang youth. Particular emphasis should be placed on whether court actions are reducing recidivism; youth assigned to different dispositional tracks have different recidivism rates; and gang crime rates have declined in targeted communities.

CHAPTER 1

INTRODUCTION

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

Program Mission and Background

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

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

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

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

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

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

Twelve manuals have been produced.

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

Certain processes were used to develop the manual.

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

Purpose of the Manuals

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

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

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

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

Administrators and policymakers are the primary audience.

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

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

Problem Statement

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

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

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

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

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

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

Examples are the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

Violence projected by the media may exacerbate the problem.

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

Discussion of Terms and Issues (See also Appendix B Glossary)

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

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

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

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

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

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

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

1. Criminal youth gang

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

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

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

2. The Youth Gang Member

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

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

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

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

Fewer females than males are gang members.

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

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

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

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

Different types of gang members should be carefully identified.

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

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

3. The Gang Incident

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

Different definitions of the gang incident exist.

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

- Gang-Motivated

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

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

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

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

- Gang-related

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

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

- Which Definition to use

The narrow gang-motivated definition avoids excessive labelling.

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

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

The gang-related definition may

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

be more useful to criminal justice officials.

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

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

4. Gang Problem Contexts, Chronic and Emerging

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

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

- Chronic Gang Problem Context

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

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

- Emerging Gang Problem Context

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

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

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

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

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

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

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

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

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

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

6. Prevention

Secondary prevention is included in the manuals' perspective.

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

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

Approach to the Problem

Different strategies of suppression

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

and intervention have been identified.

Community mobilization is critically important.

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

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

1. Community Mobilization

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

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

2. Opportunities Provision

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

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

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

3. Social Intervention

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

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

4. Suppression

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

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

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

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

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

5. Organizational Change and Development

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

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

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

Targeting

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

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

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

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

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

members should receive priority attention.

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

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

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

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

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

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

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

Summary

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

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

I.S.

Purpose and Content of this Manual

A model for a court response is put forth.

This manual will provide an overview of how to implement a promising court approach to the youth gang problem. Its intended audience is the presiding and other judges within the juvenile court. Topics specifically applicable to the adult court are also addressed. Its primary target group is youth and young adult gang members who come before the court with a history of involvement in youth gang crime. (See the Introduction and Appendix B for a glossary and a discussion of terms.)

A multi-strategy approach is necessary.

The court model put forth in this manual provides guidelines for administering gang cases and suggests how judges can spearhead or participate in community initiatives designed to address the gang problem. The model presented favors a community-oriented approach by the court. It is predicated on the assumption that a multi-strategy approach by the court is necessary to fulfill its dual mission of protecting the community and resocializing delinquent gang youth.

The model proposes that judges - because of their stature in the community and their ability to leverage resources - should assume responsibilities beyond their traditional role of processing and sentencing gang youth. Judges may need to assume a public leadership role since community problems, particularly in the form of defective schooling and a lack of jobs, contribute significantly to many of the gang cases which come before the court. Thus, it encourages judges to participate in community mobilization activities designed to suppress youth gang crime, and to use court authority to mandate educational and employment opportunities to gang youth and their families.

Essential guidelines and activities are covered.

As a model, this proposes a comprehensive court approach which will have to be adjusted to the political realities and resource constraints of the given jurisdiction. However, judges must have proper authority and adequate resources to successfully fulfill the court's mission with respect to a gang problem. The support of an enlightened citizenry and other public officials is essential for the implementation of this court program.

This manual is divided into seven sections which cover guidelines and activities the presiding judge may have to implement to conduct a program of this nature. These sections are listed below.

- I. Assessing the Youth Gang Problem
- II. Setting Goals and Strategies
- III. Implementing Organizational Development
- IV. Court Functions and Issues
 - ▶ Court Proceedings
 - ▶ Certification of Youth to Adult Court
 - ▶ Detention and Release
 - ▶ Court Hearings
 - ▶ Evidence
 - ▶ Sentencing
 - ▶ Placement on Probation
 - ▶ Placement within a Correctional Institution
- V. Community Mobilization
- VI. Judicial Selection, Training, and Education
- VII. Research and Evaluation

Assessing the Youth Gang Problem

The court may become aware of the problem in several different ways.

Essential to any response to youth gang activity is awareness that an actual problem exists. The court may be alerted to a youth gang problem in several ways. Police may report that youth are congregating on street corners and engaging in group assaults. A prosecutor may depict a conspiratorial pattern of crime involving a particular set or clique of youths. Probation may indicate in court reports that youth are coalescing into groups - with names, colors, and symbols - to defend certain turf areas. A school official may describe an incident of intimidation whereby a youth's starter jacket is taken from him or her at gun point by several youths flashing gang signs and yelling gang slogans. Community-based youth

agency personnel may comment about the appearance of graffiti in their neighborhoods and outbreaks of violence between factions of youth at their respective agencies.

The presiding court judge should convene key people to check perceptions about the problem.

When incidents such as these come to the attention of the court it is incumbent upon the presiding judge to take action. The first step may be to request the Chief Probation Officer to convene personnel within the court - judges, probation officers, and other court personnel - to check perceptions about the presence of youth gang activity. If a problem is perceived, this may necessitate a larger meeting involving police, prosecutors, school, detention, and community-based youth agency personnel.

A formal assessment should be conducted in most instances of suspected youth gang activity.

Many agencies may be reluctant to admit that a youth gang problem exists and that something should be done to confront it. Some agencies may be truly unaware of the problem or lack the expertise or resources necessary to properly identify and assess it. Other agencies may consciously avoid recognizing the problem because of particular organizational or community interests. Despite these obstacles, a formal problem assessment should be conducted in most instances of suspected youth gang activity since the likelihood of effectively confronting a youth gang problem is much greater when it is addressed in its earlier stages.

Conducting the Assessment

Assessment at several levels is required.

Before a response to a perceived youth gang problem is initiated, the nature and scope of the problem should be determined, preferably at the probationer, court, and community levels. The information obtained in this assessment will serve as a basis for the development of a court response to youth gang activity, if necessary. At the probationer level, the assessment should determine the extent of gang involvement by probationers. At the court level, the assessment should construe the nature of the organization's response to the issue. Finally, at the community level, the assessment should appraise the extent of the youth gang problem within the jurisdiction and how community organizations are working together to address it, particularly with respect to youth processed by the court.

Probation should be directed to carry out the assessment at the

It is recommended that the presiding judge of the court direct or request the chief probation officer to carry out the assessment at the probationer and community levels since probation is most familiar

probationer and community levels.

Certain types of court data needs to be collected.

with its client population and usually has strong links to both the criminal justice and community social service systems. Guidelines for probation to conduct this type of an assessment can be found in Appendix C.

Within the court the presiding judge or judges individually should be concerned with obtaining answers to the following questions:

What experience have judges had in handling cases of gang youth?

Are judges properly educated in regard to the gang problem? Do judges receive special training on the youth gang issue and how to process gang youth?

Do judges have a particular philosophy or approach to gang youth? Specifically, do judges handle cases of gang youth differently than non-gang youth? If so, in what way?

Are more gang youth than non-gang youth being certified to the adult court? If so, why?

What type of services do gang-prone or gang-affiliated youth who are diverted from the court receive? Are appropriate prevention and early intervention programs in place? How many of these youth end up coming back to the court?

Do judges regularly mandate remedial and basic education, vocational training, job placement, and community restitution for gang-affiliated youth?and gang awareness and parental effectiveness training for their parents and significant others? Are these resources available and adequately sufficient in the community and within detention and correctional facilities?

Do judges order sanctions specifically targeted toward gang-affiliated youth (e.g. special court orders)?

Are sentencing outcomes consistent within the court (i.e. across judges) in relation to the crime(s) committed and the level of the youth's commitment to criminal gang activity?

Does probation systematically provide judges with information on gang specific topics such as special sentencing and restitution options and specific gang orders and sanctions for gang-affiliated youth?

Are judges involved in community activities which directly or indirectly address the youth gang problem?

What are the perceptions of police, prosecutors and probation officers about the court's processing of previous gang cases?

Data collection may be problematic.

In most cases an outside consultant or qualified court personnel should be given the responsibility to collect this information. Information, for the most part, will be collected through an analysis of court records and interviews with judges, criminal justice, and community agency personnel. The assessment should cover court processing trends during the past year. Data collection will be problematic when court personnel are unable to identify gang youth processed by the court through court records. In these instances, anecdotal data may be the best information that can be obtained.

Putting the data to use.

When the probation and court assessments are completed this information should be utilized by the court and other community agencies to determine the extent and seriousness of the gang problem, the availability of resources, and the kinds of organizational initiatives needed.

Summary

Courts across the country are increasingly confronted with youth gang members who have been involved in serious, including violent, criminal activity. Many juvenile courts do not have the capacity to effectively respond to a youth gang problem because of resource constraints and limited knowledge about the issue. As a consequence, some juvenile court judges sentence youth to incarceration or certify them to adult court instead of mandating their participation in closely supervised, competency-building activities situated in the community.

A first step in developing a promising court response is problem assessment, preferably at three levels. At the first level, the court should direct or request probation to determine the involvement of youth probationers in gang activity and the probation department's response to the problem, if present. At the second level, the court (or judges individually) should assess its processing of gang youth, specifically in regard to dispositional outcomes, types of services delivered, and the knowledge base that judges have about the problem. At the third level, probation or an independent consultant can be directed to conduct a community-wide survey to ascertain

CHAPTER 2

THE JUDICIARY

- The Youth Gang Problem: A View from the Bench
- Purpose and Content of this Manual
- Assessing the Youth Gang Problem
- Summary

The Youth Gang Problem : A View from the Bench

Some court systems are increasingly burdened by a youth gang problem.

A growing and increasingly serious youth gang problem is placing a heavy burden on judicial decisionmaking in many jurisdictions across the country. Several factors contribute to this including long court processing delays, heavy probation and parole caseloads, a scarcity of community sentencing options for gang-affiliated youth, and overcrowding in both juvenile and adult correctional facilities.

Several factors may seriously hamper the court's approach to the problem.

Professional and legal considerations may also hamper the ability of the juvenile court to effectively address the problem. High turnover among bench officers seeking elevation to the adult court often deprives the juvenile court of the specialized legal expertise and knowledge of local resources necessary to competently deal with gang youth. In some states, the judicial discretion of juvenile court judges has been limited by legislation which stipulates enhanced sentences for gang members engaged in violent and drug-related offenses. Juveniles involved in these types of crime are now more often certified to adult court. Ironically, some of these certified youth are returned to their communities with less supervision, sanctions and services than they would have received under the jurisdiction of the juvenile court.

In both emerging and chronic gang problem contexts, court attention to the youth gang problem is often inadequate since many judges have limited knowledge about the issue. As a consequence, the court's primary response usually emphasizes incarceration or close supervision of gang youth in the community instead of a more comprehensive approach which attempts to integrate social control with intensive intervention and opportunities provision approaches.

whether a youth gang problem is present within the jurisdiction and, if so, how the court and other organizations are working together to address it. The results of this assessment can then serve as a basis for planning or adjusting the court's response, if necessary.

CHAPTER 3

SETTING GOALS AND STRATEGIES

- Suppression
- Social Intervention
- Opportunities Provision
- Community Mobilization
- Organizational Development
- Implementing Organizational Development
- Summary

Three primary goals are identified.

The goals which should guide the court in both emerging and chronic gang problems contexts consist of:

- ✓ *ensuring that the youth gang member receives a fair hearing;*
- ✓ *protecting the community and the youth from violent and serious gang crime in the event that a juvenile court petition is sustained; and*
- ✓ *using court orders to create conditions to rehabilitate the gang youth.*

The court should consider implementing the following strategies to achieve these goals:

Suppression

Intensive supervision or removal of gang youth from the community may be necessary.

A suppression strategy by the court attempts to deter and control acts of crime by gang youth. The primary purpose of this strategy is to protect the community by imposing controls on gang youth as necessary. A secondary purpose is to deter gang-prone and gang-affiliated youth from repeating gang offenses or pursuing criminal careers by applying quick and deliberate consequences. This strategy utilizes primarily probation and, if necessary, incarceration

as well as techniques of alcohol and drug use testing, detention, intensive supervision, and regular court review.

Social Intervention

Gang youth and their families need social supports.

A social intervention strategy attempts to bring about positive behavioral change and social development within the gang youth and his or her family. The primary purpose of this strategy is to provide gang youth and their families with supportive and developmental assistance leading to satisfactory social adjustment. Examples of social intervention activities which the court can mandate include physical and psychiatric examinations, mental health and drug use treatment, individual and group counseling, recreational services, parental effectiveness and gang awareness training.

Opportunities Provision

Opportunities to achieve at school or through employment should be provided.

An opportunities provision strategy consists of the court directing probation to refer or provide gang youth with basic competency building opportunities. The chief purpose of this strategy is to provide conventional alternatives to the gang lifestyle by educating the youth to a point where upon emancipation he or she will be able to successfully matriculate or obtain gainful employment. Examples of such opportunities include remedial education, tutoring, job readiness workshops, vocational training, and age-appropriate employment.

Community Mobilization

A community approach to the youth gang problem must be promoted.

A community mobilization strategy entails court efforts directed at enhancing community and interorganizational relationships to address the youth gang problem at the individual and program levels. The principal purpose of this strategy is to change the social environment in which gang youth develop. Specifically, judges can participate in educational, employment, and social development initiatives in the community to fill opportunity and service gaps which contribute to the problems of gang youth.

Special mechanisms must be developed to implement a multi-strategy approach.

Organizational Development

An organizational development strategy involves changes within the court to facilitate implementation of the strategies listed above. The chief aim of this strategy is to develop organizational structures and mechanisms to effectively deal with the gang problem. Examples can include developing standard guidelines for the sentencing of gang youth, advocating for improved probation services through the provision of increased supervision and more intensive services to gang probationers, and facilitating the interagency exchange of gang-related information by using court orders to clarify issues of juvenile confidentiality.

The prioritization and use of these strategies will depend on several factors including:

- ✓ the nature and severity of the gang problem;
- ✓ the goals of the court and the community in relation to the issue; and
- ✓ the amount of resources available through the court and in the community for gang-related programming.

Implementing Organizational Development

After the assessment has been completed certain organizational changes will probably be necessary. These changes may entail:

1. Restructuring the court to implement a more effective approach.

Organizational restructuring may be necessary within the court.

The court may find itself poorly situated to deal with an emerging or chronic youth gang problem. To lay the groundwork for a promising approach, the presiding court judge may have to address the following issues.

Reducing judicial caseloads.

Judicial Caseloads. Judges, particularly in chronic gang problem areas, may be so overburdened with cases that they have little time to:

- ✓ focus adequately on individual cases that come before the court;
- ✓ provide adequate case follow-up including regular court review; and
- ✓ participate in community-oriented activities designed to address the problem.

If this is the case, the presiding court judge should consider a number of options including:

- ✓ procuring more judicial positions for the court to reduce judicial caseloads;
- ✓ delegating court review functions to other court personnel (e.g., magistrates, referees) and bringing only cases involving non-compliance with court orders before judges;
- ✓ designating one judge to represent the court in community mobilization activities targeted on the problem.

Improving court data systems.

Court Data Systems. The court may find that its capacity to access and utilize court-related information is minimal. This is particularly important in larger jurisdictions where gang youth are highly mobile and there is a greater number of judges before whom they can be brought. In these contexts, the court should develop a data information system which has the capability to:

- ✓ provide judges, with information related to the criminal history of the defendant *after adjudication or at sentencing*;
- ✓ provide the police with court orders, especially the probation conditions of gang leaders and core members, in a timely manner; and
- ✓ furnish judges with recidivism data on cases processed by the court.

Ensuring for consistent sentencing outcomes.

Sentencing Consistency. Sentencing outcomes in regard to gang-affiliated youth with similar criminal histories and social circumstances may differ according to the judge who hears the case. If the court's sentencing of gang youth is not reasonably consistent it may cause the court to lose credibility in the eyes of the general

public and gang youth themselves. Moreover, the possibility of implementing a comprehensive, integrated approach to the problem on a community-wide level will be seriously hindered.

In conjunction with his or her colleagues and other key actors, the presiding court judge should consider standard sentencing guidelines for gang youth if major sentencing inconsistencies are present. While emphasizing that sentencing should be based on the individual circumstances of each case, these guidelines should encourage judges to mandate appropriate consequences for criminal gang activity and pertinent services for the reformation of gang youth. (See Sentencing section)

Providing gang-related training to judges.

Gang Training Programs. Judges may lack adequate knowledge about youth gang phenomena and special judicial strategies to address the problem. In these circumstances, the court should develop a standard gang training program. (See Judicial Selection, Training, and Education section.)

The emphasis of the presiding court judge should vary according to the problem context.

In conclusion, the presiding court judge in *emerging gang problem contexts* should be primarily concerned with developing a gang training curriculum for judges and establishing a standard sentencing protocol for gang youth who come before the court. Besides these initiatives, the presiding court judge in *chronic gang problem contexts* should ensure that the court has an adequate data system in place to process court information and encourage associate judges to become involved in community-oriented activities related to the issue.

Adequate supervision of gang members in the community is essential.

2. Providing more effective supervision to youth gang members.

Since gang members known to the criminal justice system are often chronic and serious offenders, the court should encourage probation to identify youth gang members on its case load, target them for increased supervision, and provide them with special assistance to promote proper social adjustment. Identifying more sentencing options in the community should be a part of this process since it is vital to providing judges with an alternative to incarcerating or certifying youth to adult court. If supervision of youth gang members in the community is inadequate, the court may have to

pressure probation to adopt new supervisory arrangements. (For suggested arrangements see Appendix D.)

3. Increasing social support to youth gang probationers and gang-prone youth, their families, and referral agencies.

Personal and family support consisting of basic skills training and crisis intervention is crucial.

The court must ensure that probation and other agencies provide the social support necessary for youth gang probationers and gang-prone youth to avoid criminal gang activity. To accomplish this, the court should encourage probation and referral organizations to:

- ✓ establish counseling support for this target group focused on school performance, job procurement, gang situation avoidance and other personal problems;
- ✓ provide parents of gang members and gang-prone youth with access to gang awareness and parental effectiveness training; and
- ✓ develop a capacity to intervene in probationer and gang crisis situations, particularly in chronic gang contexts.

Emphasis should be placed on building strong links between probation, families, school officials, and community-based youth agency personnel to develop an integrated case plan.

4. Providing better social opportunities to youth gang probationers.

Positive school, employment and community roles for gang youth must be provided.

Gang youth often have social, educational, and employment deficits which cause them to meet their personal belonging and esteem needs through the gang. To provide these youth with meaningful alternatives to the gang lifestyle, the court should direct probation to:

- ✓ implement case plans that emphasize community service, remedial and basic education, vocational training, and age-appropriate employment; and

- ✓ engage in advocacy and community development activities with other agencies and local organizations when these opportunities are not available.

Note: The approach to the youth gang problem in most chronic problem cities will probably not be successful in the long term without this component.

5. Developing interagency partnerships and coalitions to improve the court and community response to the problem.

The court must promote a collaborative community approach to the youth gang problem.

No one agency can address the youth gang problem successfully. Agencies must cooperate to develop a comprehensive and integrated response to the problem. The presiding judge or his or her designee, as a representative of the court, should be involved in this community mobilization process. The community's mobilization efforts should focus on the following objectives:

- ✓ Encourage key community agencies to acknowledge the problem when denial is present;
- ✓ Develop a definitional consensus on key concepts of the problem (e.g. gang, gang member, gang incident) for operational purposes, particularly among criminal justice agencies;
- ✓ Promote mutually beneficial interagency partnerships and community-based coalitions related to:
 - improving the supervision and social support of gang youth in high gang crime areas;
 - providing pertinent educational and social development opportunities to gang youth including probationers; and
 - procuring job training and employment opportunities for gang youth including probationers.
- ✓ Educate the public about the youth gang problem.

Summary

In this section, a strategic design is presented for a court response to youth gang crime, particularly in regard to setting appropriate

goals, strategies, and organizational development objectives. Pertinent goals should consist of: 1) ensuring that the youth gang member receives a fair hearing; 2) protecting the community and the youth from violent and serious gang crime in the event that a juvenile court petition is sustained; and 3) using court orders to create conditions to rehabilitate the gang youth.

A promising court response to youth gang activity will incorporate a multiple-strategy approach. Strategies of suppression, social intervention, opportunities provision, community mobilization, and organizational development should be implemented by the court to craft a "balanced response" to an identified youth gang problem. More specifically, the response should balance social control for youth gang probationers with the provision of viable social opportunities. To achieve this, certain organizational development objectives and activities to carry them out will have to be developed and implemented. Within the court, objectives may entail reducing judicial caseloads, improving court data systems, ensuring sentencing consistency, and establishing gang training programs for judges. Outside of the court, these objectives may be concerned with 1) providing more effective supervision of youth gang probationers; 2) increasing social support to youth gang probationers, their families, and referral agencies; 3) providing more pertinent social opportunities to youth gang probationers; and 4) developing interagency partnerships and coalitions to improve the agency and community response to the problem.

CHAPTER 4

COURT FUNCTIONS AND ISSUES

- Court Proceedings
- Certification of Youth to Adult Court
- Detention and Release
- Court Hearings
- Evidence
- Sentencing
- Placement on Probation
- Placement within a Correctional Institution
- Summary

The court's approach must be sensitive to specific gang-related issues and the particular characteristics of each jurisdiction.

Issues related to gang membership and gang motivation may have to be explored by the judge.

Evidence and testimony should be screened by the judge for pertinence and accuracy.

This section identifies certain court functions and issues which will require special judicial attention before a promising court response to the youth gang problem can be implemented. General principles and procedures are suggested, many indicative of standard judicial practice, which should be tailored to the specific characteristics of the gang problem in each jurisdiction. Each function or issue must be considered in light of the court's strategic objectives, the specific circumstances of each case, and the particular needs of the gang youth.

COURT PROCEEDINGS

The court should be alert to and take into account the gang-related aspects of cases while maintaining an unbiased, independent stance with respect to the parties involved.

Research indicates that gang members known to the justice system commit a disproportionate percentage of serious and violent offenses in comparison to their non-gang peers. Research also indicates that a significant number of "committed" or "core" gang youth are at risk of becoming career criminals. Thus, while the judge should focus primarily on the individual characteristics of the case and the validity of the evidence introduced, he or she should also be observant of the gang-related aspects of the case before the court. Specifically, the judge should be attentive to:

- ✓ whether the adjudicated youth is a gang member;
- ✓ whether the incident was "gang motivated"; and
- ✓ what the role and position of the gang member was in the incident.

This information is crucial since gang youth, by the nature of their actions and position in the gang, will generally require closer supervision and more intensive services than other types of delinquent youth.

At the same time, the judge needs to be mindful of the particular roles and interests of the criminal justice actors (i.e. police, prosecutor, probation, and public defender) represented in the courtroom. The judge must stay independent and unbiased to facilitate the effective operation of the court. Toward this end, the

The court should determine whether gang-related information is collected systematically to ensure that evidence brought before the court is valid.

Certification of the gang youth to adult court results in a loss of juvenile status and access to viable opportunities for rehabilitation.

Procedural requirements for certification.

judge should see to it that accurate, meaningful evidence and testimony are presented in court.

In instances where the validity of gang-related information brought before the court is challenged, the judge should ascertain whether the police and probation have developed appropriate guidelines, procedures, and safeguards for the entry of this information into gang files. For example, mechanisms for updating and purging this information as appropriate should be present; sources of information should be recorded and training provided to personnel entering the information.

CERTIFICATION OF YOUTH TO ADULT COURT

Juvenile court judges should utilize constitutionally-based principles as a guide in making transfer decisions of gang cases. Gang membership or the designation of the incident as gang-oriented should not ordinarily be a sufficient basis for certification.

In some instances, an early and primary consideration for the juvenile court judge is whether or not a case should be transferred to the adult court. In a number of jurisdictions, juvenile court judges are required to or will readily certify gang cases involving serious violence to the adult court. The certification or transfer hearing has an extremely important impact on juvenile court proceedings. It can signify for the youth a "loss of status of a class specially protected and deemed amenable to juvenile rehabilitation" (See Guernsey, 1986.)

The U.S. Supreme Court in Kent set out rigid standards for the transfer of a juvenile case to adult criminal court. It requires that:

- ✓ a hearing be held on the transfer motion;
- ✓ a full investigation be made;
- ✓ a child be afforded counsel;
- ✓ counsel have access to all records to be considered in reaching decisions; and
- ✓ the court issue a statement of reasons for the transfer.

Additional factors which must be considered in the certification process.

A sixth requirement has been added since Kent - that the court must find probable cause to believe the child has committed the offense charged against him or her. Furthermore, in the development of grounds for transfer or certification which usually grows out of the investigative report, the following factors should be considered:

- ✓ amenability of the child to treatment in terms of age, prior record, and presenting offense;
- ✓ the degree of sophistication of the child;
- ✓ the likelihood of successful rehabilitation through the juvenile justice system;
- ✓ the fact that the juvenile loses the right to juvenile detention and confidentiality of proceedings by such transfer;
- ✓ the general consequences that a transfer outcome usually has for the prospects of rehabilitating the youth and protecting the safety of the community within the judge's particular jurisdiction.

In situations where the decision is discretionary, the judge should exhaust all efforts to provide for the rehabilitation of the youth under the auspices of the juvenile court.

DETENTION AND RELEASE

Gang membership in and of itself should not be the primary consideration for whether a gang youth should be detained or released.

Situations when the youth should be placed in detention.

In making decisions to detain or release youth gang offenders, the concerns of judges in juvenile and adult court should be similar. Unless stipulated differently by statute, the youth should be placed in detention pending their hearing when:

- ✓ their safety or that of victims and witnesses are in jeopardy (e.g. threat of retaliation);
- ✓ they are a threat to the community; or

Considerations for detention and release.

Available information should be solicited.

Home detention or arrest may be a viable option.

Interference by gang members in the processing of court cases must be detected and suppressed.

✓ there is a risk that the youth may flee the jurisdiction.

Judges in both courts should make their decisions with reference to:

✓ the seriousness of the particular offense;

✓ the general propensity for violence of the suspect or adjudicated gang member and his or her criminal sophistication; and

✓ the need to ensure the safety of the suspect, victim(s), witnesses, and the community as a whole.

To come to a proper decision, the judge should solicit reliable information from probation, police, prosecution, defense counsel, school staff, community-based youth agency personnel and the youth in question.

Overcrowding in the detention facility may affect the court's ability to meet the objectives listed above. In these instances, the court may have to develop detailed detention criteria to deal with this constraint. (See Probation Manual, Appendix I.) Home detention coupled with electronic supervision may be a viable alternative, particularly for juveniles.

Finally, it should be noted that in certain states, the judge has the authority to set bail for or detain recalcitrant witnesses if they are unlikely to appear in court. This may be advisable in certain instances.

COURT HEARINGS

The judge needs to be alert to the presence of other gang members during the hearing, particularly in the adult court.

The judge has to protect the integrity of trial proceedings both inside and outside of the courtroom. This is particularly important in adult criminal court where proceedings are public in contrast to the juvenile court where proceedings are generally private.

The presence of gang members and their actions may be distracting, particularly when gang members use hand signals or wear gang colors and symbols. Gang intimidation should not be permitted in

the courtroom, the hallway outside, or the community. It may be advisable to implement special procedures in cases involving the threat of retaliatory gang activity. In juvenile court, closed hearings can be conducted with only those witnesses testifying allowed in the court room, and then, only at the time of their testimony; in adult court, people can be searched before they enter the court room. Law enforcement and prosecution should also be encouraged to bring appropriate charges against disruptive or intimidating gang members, including arrest for violation of probation or parole, if they are under supervision.

EVIDENCE

The judge should be especially concerned about the quality of the evidence brought before the court, particularly evidence which identifies the youth as a gang member and the incident as gang-oriented.

Assessing the validity and applicability of gang evidence should be a top priority for the judge.

Ensuring that the evidence introduced in court is accurate and pertinent should be of paramount concern to the judge. Determining the validity of the evidence should be one of his or her principal objectives. With regard to gang cases, the judge should be particularly attentive to the following topics.

Gang Membership. Accurately establishing whether the youth before the court is gang-affiliated has important ramifications for the case. For example, identifying or proving that the defendant is gang-affiliated may:

- ✓ be prejudicial since the general public holds the view that gang members are potentially violent and their actions are harmful to the community; and
- ✓ result in enhanced sentences for certain offenses, particularly in a state such as California.

Thus, the court should take special care not to be influenced by testimony concerning the gang affiliation of the youth appearing before the court *when such membership has no bearing on the case*. The key issue confronting the judge is to determine whether the gang membership of the youth is "relevant and admissible on the issue of motive, identity and intent" (See Burrell, 1990, pp. 759-764.)

The judge should be familiar with the methods of collecting and classifying gang information.

Hearsay Evidence. Care should be taken not to accept "hearsay" evidence. The reliability of evidence pertaining to gang affiliation, for instance police files and probation reports, should be carefully scrutinized. Before this type of information is entered into the court record, the judge should ensure that a proper foundation has been laid to establish its validity. For example, the judge should become familiar with the methods and criteria for designating youth as gang members and incidents as gang-oriented by witnesses (e.g. police, probation). Use of this type of evidence must meet an appropriate standard. (See Burrell, pp. 767-769.)

The motivational and conspiratorial characteristics of the incident must be carefully scrutinized by the judge.

Gang Motivation and Conspiratorial Actions. In jury trials where the defendant is charged with a "gang offense", the judge should make sure the jury understands that the offense *must directly and clearly grow out of gang motivation* as evidenced by circumstances related specifically to the nature of the incident before the court.

Conspiratorial actions of the defendant will have to be assessed as a part of this process. The defendant may or may not have been directly involved in the particular crime, for example, a drive-by shooting. However, if the defendant gave orders for the shooting, he or she may be charged and possibly held responsible for the assault or killing that has occurred. Evidence to support a theory of conspiracy will have to be established.

Gang members may attempt to manipulate testimony for their own ends.

Accuracy of Testimony. The accuracy of testimony by witnesses who may be members of opposing gangs needs to be meticulously examined. Gang members may manipulate testimony either to falsely incriminate a suspect or withhold evidence which could lead to a dismissal of charges. In some instances, the aggrieved gang member or witness may prefer to have his or her gang "settle" the score later on the street. Consequently, the court should carefully assess the background and motivation of witnesses.

Expert witnesses should possess appropriate credentials.

Expert Testimony. The credentials of "expert witnesses" should be carefully scrutinized by the judge hearing the case. "Expert" testimony by criminal justice personnel, academics, mental health specialists, and other witnesses should not be routinely accepted. An expert witness should "possess special knowledge, skill, experience, training or education in the subject to which his or her testimony relates." Additionally, the expert witness should be able to cite a body of theoretical and empirical work to back the validity of his or her claims. (See Burrell, pp. 769-773.)

The burden of directly establishing the facts of the case may fall more heavily on the juvenile than the adult criminal court judge since, in most states, a jury trial is not allowed in juvenile court. The juvenile court judge therefore must be particularly well informed "to apply the appropriate burden of proof to the facts at hand for proper adjudication."

SENTENCING

The judge should require that the pre-sentence investigation report contain specific gang-related as well as other pertinent information with respect to the adjudicated youth.

The probation officer should be expected to provide certain types of gang-related information to the court.

To make an informed sentencing decision the juvenile and adult court judge should require that the probation officer provide relevant, well documented, gang and non-gang related information in the pre-sentence investigation (PSI) report. This should include:

Types of information to be provided.

- ▶ physical, psychological, and health information including drug and alcohol use;
- ▶ a careful appraisal of the youth's academic, vocational and work history;
- ▶ an assessment of the youth's social maturity and competence;
- ▶ an overview of family circumstances, especially the family's ability to supervise and assist the youth to improve his or her behavior;
- ▶ a history of the youth's delinquent and criminal activity, particularly gang-motivated including a review of the

seriousness of the incident(s) for which he or she is presently in court;

- ▶ the youth's position in and level of commitment to the gang; and
- ▶ the probation officer's assessment of the youth's future potential for criminal, especially violent activity.

The judge should set high standards for probation staff.

The source and reliability of the probation officer's information should be assessed by the judge. PSIs which do not meet an appropriate standard should be rejected by the court and returned to the probation officer for further development. Probation officers who are not fully knowledgeable of resources available in the community and correctional facilities for the youth's rehabilitation should be formally reprimanded and reported to the chief probation officer.

A sample PSI report which adheres to the above guidelines can be found in Appendix E.

In coming to a sentencing decision a number of factors including the current offense, the youth's previous criminal history (including gang-motivated), and the best interests of the youth and community should be considered.

Critical information that should be considered.

In reaching a sentencing decision the judge should consider all of the pertinent information brought before the court including:

- ✓ the current offense and the youth's previous criminal history;
- ✓ the recommendations of the prosecutor, the probation officer, public defender or defense attorney; and
- ✓ whether the youth is sincerely ready to give up the gang lifestyle.

Critical questions which will have to be asked.

Before an informed dispositional decision concerning a gang youth can be made, the judge will have to answer several key questions:

What is the effect of the gang offender's act on the victim?

What can be done to get the youth out of the gang? How quickly and by what means?

What are the risks posed to the safety of the youth and the community, if he or she returns to the gang and the neighborhood? More specifically, what is the current and future likelihood that the youth will become engaged in criminal, especially violent activity?

Will incarceration harden the youth's commitment to the gang?

Where does the youth have the best chance of receiving the supervision and services necessary for him or her to adopt a law-abiding lifestyle?

The judges should take the special circumstances of each case into account when making a sentencing decision.

In making a decision the judge must understand that gang membership and gang offenses tend to be time limited. *Most gang youth are committed members only for a short time period, usually between the ages of 14 and 19 years.* Some youth may benefit from detention while others may be ready to leave the gang, if permitted to remain in the community with appropriate supervision and support. To make an appropriate decision the judge needs to solicit the opinion of people in the court and the community who are knowledgeable about the above factors. The judge should also be familiar with the conditions of incarceration and the quality of supervision and services that can be provided to the youth in the community.

A sentencing protocol may need to be developed to ensure a consistent court response.

Additionally, it is important that the response of the court to youth gang activity be consistent and well balanced. Toward this end, a sentencing protocol should be developed by the presiding judge in conjunction with his or her colleagues which specifies general guidelines for the court processing and sentencing of certain gang-affiliated youth when certain types of offenses are committed. This could consist of encouraging judges to:

- ✓ incarcerate youth gang offenders, particularly gang leaders and hardcore members, who engage in serious criminal activity of a particularly violent or harmful nature (e.g. drive-by shootings, drug trafficking);
- ✓ mandate intensive probation for youth gang offenders (with regular court review), particularly youth gang members, who engage in serious gang-related crime (e.g. property crime, intimidation, recruitment);
- ✓ stipulate a short sentence such as detention (e.g. ranging from four to no more than ten days detention) or home confinement,

limited supervision in the community, and a community service requirement for youth gang offenders, particularly peripheral or fringe youth gang members, who are adjudicated for minor gang-related crimes (e.g. graffiti, vandalism);

- ✓ ensure that appropriate social services and opportunities are provided to gang youth and their families regardless of the disposition of the case and
- ✓ protect the civil rights of gang youth, particularly against acts of harassment, intimidation, and physical abuse by the authorities.

This protocol should not constrain judicial discretion in individual cases, but provide a general blueprint for a court sentencing approach to youth gang activity. Punishment should be exclusively limited to the offense committed and the individual circumstances of each case. However, the nature of gang affiliation should be taken into account in sentencing and diversion decisions.

PLACEMENT ON PROBATION

Judges should strive to develop a close working relationship with probation officers.

It is vitally important that the judge cultivate a productive relationship with probation officers who work in his or her courtroom. The judge should make a sincere effort to personally meet with these officers and solicit their perspective on the problem. The judge should carefully review *all* information submitted by the probation officer pertaining to the case and allow them access to the bench to discuss the feasibility of particular court orders. *Moreover, the judge should be prepared to enforce his or her own court orders when the youth is brought before the court on a particular probation violation.*

When a judge places a gang-affiliated youth on probation, special arrangements must be stipulated which guarantee an appropriate level of supervision and the delivery of suitable services to the youth and his or her parents.

Issuing Court Orders

Certain court orders should be mandated for youth as a part of standard operating procedure.

If the judge decides to allow a gang-affiliated youth who has committed a serious offense to remain in the community, certain

court orders should be issued as a part of standard operating procedure. These include:

1. Mandating special conditions of probation such as:

- ▶ non-association with specific gang members;
- ▶ prohibition of gang dress and other insignia;
- ▶ non-possession of drugs or weapons;
- ▶ strict curfew;
- ▶ alcohol and drug use testing; and
- ▶ probation officer search and seizure authority, if necessary

Guidelines for these special conditions are as follows:

Prohibitions on certain types of dress and association with particular individuals

Special Gang Terms. These terms, consisting of prohibitions on dress which signify gang affiliation, and association with specified gang members, should serve as a deterrent to future gang activity.

Prohibitions on gang dress can be rationalized on the grounds that it intimidates the citizenry and makes the youth a target of rival gang members. Constraints on association with particular individuals can be justified on the grounds that they will reduce opportunities for future crime.

Guidelines for restrictions on association

Restrictions on association with members of the youth's gang should be somewhat flexible and subject to the discretion of the probation officer. The youth in question should be allowed to associate with other gang members at school provided the youth does not engage in criminal activity. The key consideration should be that the youth not be allowed to "hang out" with gang peers in unsupervised situations, *particularly those with whom he or she had been arrested earlier*. Police and probation gang rosters will need to be kept current and purged on a regular basis to effectively enforce this condition.

Procedures for issuing special gang terms

These special "gang terms" should be read into the court record by the prosecutor and the youth should sign the sheet listing the probation conditions. These special gang terms may be challenged by the public defender. In these instances, the court should conduct special finding investigations (e.g. hearings where evidence is presented) to determine the validity of applying these special court orders in particular cases.

Curfew restrictions

Curfew. This restriction can also be used to deter probationer

involvement in criminal activity. The probationer should be required to remain at home between 8 p.m. and 5 a.m. since peak hours of gang violence tend to be in the late evening and early morning hours.

Drug testing

Mandatory Drug Testing. This should be authorized when the youth gang probationer is a serious offender or has a verified history of drug use or trafficking.

Guidelines for the use of search & seizure authority

Search and Seizure Power. This power should be provided to the probation officer in instances where the youth gang probationer has a history of weapons or contraband possession. The court should ensure that the youth and his or her family are informed that the probation officer has the authority to search for and seize illicit items on the youth's person, at his or her home, and in other specified areas. Probation officers should receive training in the use of this procedure. Guidelines and complaint mechanisms should be developed to safeguard against abuse of this authority.

For a sample of gang-related probation conditions refer to Appendix F.

Specific services and programs should be mandated for the youth.

2. Requiring participation by the youth in specific treatment, educational, employment and community service programs such as:

- ▶ diagnostic, counseling and treatment services;
- ▶ social skills and support;
- ▶ remedial, basic, or alternative education, including literacy training;
- ▶ vocational training, job readiness and placement programs;
- ▶ full and part-time employment;
- ▶ community service and recreational activities

The primary goal of the court in stipulating a case plan should be to improve the interpersonal, educational, and employment skills of the youth gang probationer. To achieve this goal the judge needs to ensure that the probation officer's case plan for the youth incorporates the following components:

Diagnostic assessments and

Diagnostic, counseling, and treatment services. Youth gang probationers should receive a complete physical and mental health

special treatment of certain problems are important.

Social skills training to avoid gang involvement should be provided.

Developing a viable educational program for youth should be a top priority.

Employment can serve as an alternative to the gang.

diagnostic assessment when the judge or probation officer suspects or identifies any problems which might hamper the youth's social development, especially his or her interpersonal capacities and learning skills. Examples of such problems include stuttering, physical deformities, hearing and eyesight problems, learning disabilities and substance abuse. Referral options should be developed for these purposes.

Social skills and support. To avoid future gang activity and violence the youth gang probationer should have access to counseling and training on the following topics when appropriate:

- ▶ gang avoidance techniques
- ▶ conflict resolution
- ▶ anger management
- ▶ other practical problem-solving skills

Counseling and training on these topics can be provided by the probation officer, school and social service staff. The probation officer should also inform the youth on how he or she can be contacted if a personal crisis arises.

Education. The court must make a viable education for the youth gang probationer a top priority. The judge should direct probation officers to meet with the teachers and counselors of youth gang probationers to assist in developing a pertinent academic program. Tutoring and remedial education opportunities need to be identified. Placement in an alternative school with planned transition back into a regular school setting may be the best option for youth gang probationers who are particularly disruptive or far behind in their studies. Some judges have extended the probation terms of youth to ensure that they graduate from school.

Vocational Training and Assistance. The world of work can serve as a viable alternative to the gang lifestyle. The judge should direct the probation officer to identify job readiness, vocational training, and employment resources for referral purposes. These resources are particularly essential in developing a case plan for younger youth who have limited academic ability and interests as well as for older youth who are ready for full time employment. Cooperative and apprenticeship programs should be sought out for youth still in school. Government sponsored (e.g. JPTA, and

military service) and local private sector programs may be a good starting point for older youth.

The court should encourage probation to closely collaborate with other agencies, the work place, and the family, especially in regard to the youth's attending school and work regularly, handling conflicts with his or her teachers and job supervisor appropriately, and avoiding intimidation of fellow students and employees. Probation officers should also consider placing older youth gang probationers in 2nd and 3rd shift jobs to keep them off the streets during periods of peak gang activity. They should also be sensitive to rival gang turfs in their placement decisions.

Providing assistance to the youth's family should be a part of the case plan.

Family Assistance. Research suggests that the gang serves as an alternative social institution to a weak family structure, especially when the youth is also failing in school. If appropriate and possible, the judge should direct the probation officer to broker services to the parent(s) or other significant family members to improve the youth's chances for successful social readjustment. The probation officer needs to be especially sensitive to the parent's or significant other's personal problems as they affect the youth. He should assist them with referrals to relevant social services including public aid, housing, legal services, mental health and drug treatment, training and employment.

The need for and intensity of these services will vary according to each gang probationer. In general, the greater the level of commitment by the youth to the criminally-oriented activities of the gang, the greater the need for more intensive supervision and services. A careful risk/needs assessment should be made by the probation officer to determine the applicability of the case plan components listed in this section.

Community service activities which hold youth accountable can be particularly effective.

Community service and recreational activities. Community service can be used to hold youth accountable for their illegal behavior by providing restitutive options. Activities which can provide the youth with opportunities to develop relationships with mentors and acquire skills (e.g. graffiti removal, volunteer work with the handicapped, public housing renovation, and community cleanup programs) are particularly useful. Supervised recreational activities can also provide gang probationers with alternatives to hanging out with the gang.

Note: Case plans which mandate participation in well structured activities coupled with a curfew at night can be particularly effective. The intent of the caseplan, particularly with hardcore gang members, should be to minimize the time the youth has available to become involved in criminal and gang-oriented activity.

3. "Ordering" gang awareness and parent effectiveness training for the youth's parents.

Parent participation in gang awareness and parental effectiveness training should be mandated in particular instances.

In courts which have this authority, training should be mandated in cases where there is a clear evidence that the parent is in need of information about gangs and how to deal with their child's behavior. For example, when parents express that they are totally unaware of the child's involvement in youth gang activity and need to learn more about its nature; or when the youth is totally out of control and the parent(s) does not know what to do. This training should be culturally specific to the family and neighborhood, if possible. Parents should be required to provide a copy of their graduation certificate to the court. However, it is unclear at this time whether use of contempt of court powers to enforce these types of orders is constitutional.

When the juvenile's family situation is totally destabilized, alternative arrangements need to be made to place the youth in an environment which will allow him or her to adopt conventional norms and behavior. Assignment to a setting which provides special supervisory arrangements (e.g. residential treatment facility) may be necessary if the youth is deemed uncontrollable.

Arrangements should be developed whereby clear expectations are communicated to the youth gang probationer and his or her family, and swift, consistent enforcement of consequences is carried out when the youth violates a court order.

Use of Supervisory Mechanisms

Certain mechanisms will have to be implemented to adequately supervise gang youth.

The court should impress upon the youth gang probationer and his or her family that the court has the means to detect and the will to enforce violations of court orders. Effective follow up includes adequate supervision and provision of resources, delineation of clear, viable rules for the youth to comply with, and the administration of swift, fair justice when they are violated. To

ensure that these conditions are met, the judge may find the following options useful:

Intensive Probation

Intensive Probation. This usually involves vertical case management whereby each case is assigned exclusively to a probation officer who assumes responsibility for the case from intake to termination. Frequent contacts with the hard-core youth gang probationer (at least 1-3 times per day) and collaterals are mandated at home, school, and work. Because of resource constraints, this option should be utilized for only a small percentage of cases, possibly in conjunction with electronic supervision. This type of supervision, in lieu of placement in the institution, may prove to be promising as well as cost effective.

Regular Court Review

Regular Court Review. This consists of having youth gang members appear before the same judge, usually monthly or bimonthly, to review whether they are in compliance with their court orders. Special checks of adherence to court orders pertaining to school, work, the home and other matters are made by court and probation personnel. Items to be reviewed can include attendance, conduct, grades, curfew, non-association, and compliance with drug testing.

Bringing gang probationers before the court as a group at the same time can serve as a good deterrent against probation violations. When other gang probationers actually see a judge enforce consequences on a probation violation, word will spread that the court is serious about what it is mandating.

Periodically, the youth's parents, teachers, and significant others should appear before the judge to comment on whether the youth is making progress and avoiding delinquent gang activity. Additionally, the court review process can be utilized to assess the level and quality of services and social support being delivered to the youth and his or her family, and to put pressure on particular agencies if they are deemed to be inadequate.

Deferred and alternative sentencing provisions

Deferred Sentencing and Alternative Sentencing Provisions. Deferred sentencing entails delaying the disposition of the case pending a review of the youth's progress in making a satisfactory social adjustment. This procedure, subject to certain procedural safeguards, may provide a powerful incentive for the youth to reform his or her ways. It may allow the court to avoid incarcerating younger youth who believe they can develop a "rep"

or enhance their standing in the eyes of their gang peers by going to jail. The judge may want to present an opportunity for the probation officer to establish rapport with the youth by stating his or her preference for a harsher sentence, but acceding to the probation officer's recommendation that the court provide the youth with the opportunity to demonstrate sincerity in changing his or her behavior.

When gang youth are incarcerated the judge can also provide incentives for good behavior by informing the youth that his or her term will be reduced by a certain amount of time (e.g. waiving the last 30 days) if he or she makes a good faith effort to reform.

Use of Guardians Ad Litem.

Appointing Guardians Ad Litem. Judges should consider appointing guardians ad litem to oversee the progress of gang youth when these functions cannot be carried out by the parent(s) for various reasons. Guardians ad litem can ensure that the youth is adhering to his or her case plan and receiving pertinent services from educational institutions and community-based service agencies. These guardians should be trained on how to deal with inner-city kids and have some knowledge about the communities in which these youth reside. Minority attorneys should be encouraged to take these roles.

Making the youth a ward of the court.

Assuming Jurisdiction of the Child. In certain instances where the gang youth is deemed uncontrollable and delinquent, parents or guardians may petition the court to assume jurisdiction. This procedure will allow the court to more readily enforce consequences when the youth violates an order of the court. The court should advise the parents that once the child is made a ward of the court, the court is essentially the child's parent until it decides otherwise. This strategy should only be utilized in instances when all other attempts by the family to deal with the child's behavior have failed. Court jurisdiction can be terminated after the youth's situation stabilizes.

The Judge/Probationer Relationship

The judges should exhibit a sincere interest in the youth's welfare.

Judges should demonstrate to gang youth that he or she is sincerely interested in their welfare and is familiar with the specifics of their background. The judge can demonstrate his or her interest by directing probation to provide appropriate services to the youth and his or her parent (e.g. psychiatric, physical, dental examinations, tattoo removal, provision of eye glasses, etc.). The judge should

make a special effort to get to know the first name and the particular interests of each youth.

The positive achievements of gang youth should be recognized at every opportunity.

The judges should take notes during his or her court meetings with the youth and review them before subsequent contacts. Youth should be praised at every opportunity by the judge when they have shown progress. The judge should occasionally make the rounds at juvenile hall to compliment youth on their achievements and reprimand them for negative behavior when appropriate. Court review can be conducted at these facilities. Special attention should be paid to gang leaders by way of regular reports from probation.

Judges should show respect and display sensitivity toward gang youth. Moreover, they should always follow through on what they say they are going to do.

Handling Probation Violations

Sanctions for probation violations should be swiftly implemented.

Judges should be ready to enforce their court orders. Consequences for violations of probation should be imposed immediately. In reviewing violations of probation, the court needs to be sensitive to the fact that families are sometimes overwhelmed with the difficulties of setting up appointments, transportation and child care arrangements to comply with court-ordered services. Thus, the court should ensure that non-compliance by the probationer is not a function of poverty or an inability to navigate the bureaucracy.

The issue of what penalties to impose is often problematic. Generally, in cases of minor repeat violations, sanctions of increasing severity should be applied. Particular care should be taken not to revoke the probation of a youth because of a minor technical violation, especially if it results in his or her placement in a correctional facility where his or her gang lifestyle may become further entrenched. Probationers who clearly demonstrate that they are a threat to the community and themselves as evidenced by continued criminal, especially violent, behavior should be violated and removed immediately.

PLACEMENT WITHIN A CORRECTIONAL INSTITUTION

When sentencing a gang-affiliated youth to a correctional institution, the judge must exercise care to ensure that the youth is placed in a protected and secure environment which reduces gang-related opportunities and provides viable competency-building activities.

Judges should take special care in making decisions related to correctional placement.

Judges need to be knowledgeable about the "environment" of specific correctional institutions where gang-affiliated youth are being considered for placement. Certain youth could be placed in danger because of their physical demeanor or gang affiliation. Probation, parole officers, and correctional staff may be good sources of information on this topic. Arranged and unannounced visits by judges to these correctional institutions should also be a part of the information-gathering process.

A strategy of differential placement may be useful.

Judges in jurisdictions where the gang problem is just "emerging" should take special care not to place gang youth in "chronic" gang problem settings where gang identity and lifestyles will become further entrenched and sophisticated. Judges should also realize that youth who do not receive appropriate remedial education, vocational training, social skill development and drug treatment services in the institution are likely to maintain their gang affiliation and gang-motivated criminal behavior when they return to the community.

Summary

Judges should be aware of and consider the gang-related aspects of cases, but not allow gang membership or the designation of the incident as gang-oriented to serve as the primary basis for making certification or detention and release decisions. Evidence which identifies the youth as a gang member and the incident as gang-oriented should be carefully screened. Judges should also take special care to examine the methods and criteria utilized to ensure the validity of gang evidence derived from data information systems.

A well developed pre-sentence investigation (PSI) can serve as a useful tool for judges to make an informed sentencing decision regarding youth gang members. Beyond the regular information contained in a PSI, the report should contain information on the

youth's gang activity, the youth's position and level of involvement in the gang, and the gang's current state of criminal activity. Certain court orders should be made as a part of standard operating procedure when a youth gang member is placed on probation. These include: 1) mandating special conditions of probation; 2) requiring participation of the youth in specific educational, employment and community service programs; and 3) recommending gang awareness and parental effectiveness training for the youth's parents.

Several components should be incorporated into the case plans of youth gang probationers: diagnostic, counseling, and treatment services; social skills training and support; youth participation in educational, vocational training, employment, and recreational opportunities; and provision of assistance to family members or significant others.

To adequately supervise the youth gang probationer, the court may have to utilize several strategies. These can include the use of special gang-related probation conditions, curfew restrictions, and mandatory drug testing. In special cases, the probation officer may require search and seizure authority and placement of the youth on home detention and electronic surveillance. Additionally, the use of intensive probation, regular court review, deferred or alternative sentencing provisions and guardians ad litem may also be effective. In special instances, the court may have to assume jurisdiction of the child.

CHAPTER 5

COMMUNITY MOBILIZATION

- Interagency Coordination
- Managing Partnership Relations
- Interagency Coalitions with Community Mobilizations
- Summary

Because of their legal and civic stature, it is imperative that judges participate in activities designed to mobilize the community to address the youth gang problem.

Interagency coordination allows agencies to combine resources and develop an integrated approach.

Interagency Coordination

Close interagency coordination is at the heart of an effective approach to the youth gang problem. Because the judges are highly respected and influential community leaders they can be important participants in community and interagency initiatives to address the youth gang problem. The presiding court judge or his or her designated colleague should play a pro-active role with other agency or task force members to establish cooperative interagency relationships and a consistent community approach. *Special care should be taken to avoid conflicts of interest and maintain the objective role of the court in this process.*

In emerging problem contexts interagency coordination should be relatively informal with the court concentrating on encouraging agencies *to identify and target gang youth for closer supervision and improved outreach services.* *In chronic contexts,* structures of coordination should be more elaborate and formal (e.g. task forces, joint programming, memoranda of understanding) *with greater emphasis on advocacy and resource development.*

A viable plan of cooperation details activities that the participant agencies can carry out in relation to each other which help them to better fulfill their organizational missions. Persistence, sensitivity to each other's organizational perspective, and a great deal of patience may be necessary to establish and maintain mutually beneficial relationships.

Managing Partnership Relations

The court must proactively promote partner relationships.

Listed below are the actors whom the court will have to cultivate to develop an effective community network to address the gang problem. Potential interagency issues and activities are identified:

Police

- ◆ Protect the civil rights of gang-affiliated youth
- ◆ Ensure that probation conditions of gang youth are provided to the police in a timely fashion
- ◆ Provide accurate gang-related information to the court

Work with the police to develop a balanced response to the problem.

- ◆ Refer gang-prone and gang-affiliated youth to prevention and early intervention programs

The judge needs to be particularly attuned to how police are treating gang youth on the street. The judge should make certain that court orders are communicated to police immediately and encourage police officers to report violations of them to the court through probation. Police should provide accurate gang-related information to the court which is systematically collected and meets the standard necessary to qualify as valid evidence. Police should be requested to refer gang-affiliated and prone youth to pertinent social service programs, especially as a part of the station adjustment process. The court, in conjunction with the police and other key actors, should establish criteria for youth referral, select appropriate programs, and set up a tracking mechanism to ensure that police make referrals and the designated agencies provide services to these youth. Judges should also occasionally ride along with the police to solicit their perspective on the problem and to see how they are dealing with it.

Prosecutor

- ◆ Provide all pertinent evidence bearing on the case to the court
- ◆ Establish effective witness protection arrangements
- ◆ Develop a quick prosecution track for probation violators
- ◆ Consult in regard to dispositional recommendations and orders

Develop beneficial patterns of interaction with prosecutors.

Prosecutors must take special care not to bring frivolous cases before the court. Evidence which may exonerate the youth should be brought immediately to the judge's attention. The prosecutor needs to develop viable witness protection arrangements and a quick prosecution track for probation violators to enhance the functioning of the court in gang-related cases (See Genelin, 1988.) The judge should allow the prosecutor free access to the bench to discuss dispositional recommendations and orders, but only when defense counsel is present. The judge should also encourage prosecutors to become familiar with services available in the community and correctional institutions for gang youth, so prosecutors can make informed recommendations in the best interests of the youth and society.

Encourage defense counsel to cooperate with the court on dispositional matters.

Public Defender/Defense Attorney

- ◆ Assure a fair trial by admissible evidence
- ◆ Consult in regard to dispositional orders and caseplans

Public defenders should do everything in their power to effectively defend their client. Defense counsel should ensure that any reference to gang affiliation is based upon reliable, admissible evidence. Counsel should challenge the admission of unreliable, irrelevant, or unduly prejudicial evidence. If their client is convicted, they should then work actively with the court, the prosecutor and probation to develop an appropriate dispositional caseplan. Toward this end, public defenders should be encouraged to visit community agencies and correctional institutions to educate themselves on the rehabilitative options available to gang youth.

Probation

- ◆ Provide accurate gang-related information to the court.
- ◆ Consult in regard to dispositional orders
- ◆ Apply and appropriately enforce specific conditions of probation for youth gang members
- ◆ Provide the supportive services needed to maximize the youth's chances of success on probation
- ◆ Swiftly process probation violations

Establish a mutually beneficial working relationship with probation.

High standards should be set for the working relationship between judges and probation officers. This relationship should be interactive and mutually supportive in developing dispositional orders for gang youth. Judges should readily respond to requests by the probation officer for hearings and issue court orders which will allow him or her to effectively suppress youth gang activity and provide pertinent services to gang youth and their parents. Probation should provide reliable gang information on adjudicated youth to the court based upon sound data collection procedures. The court should establish mechanisms to conduct regular review of

gang probationer cases to assist probation with its supervisory function and enforce consequences when orders are violated.

Detention & Corrections

- ◆ Advocate for the delivery of pertinent services to gang youth when they are confined to secure facilities

Require detention and corrections to provide gang youth with viable rehabilitative opportunities.

Clean, safe, facilities should be provided by detention and correctional facilities when a gang youth is placed in confinement. Youth should be sufficiently fed and receive appropriate services and a proper education. Intensive remedial education programs, training in the skilled trades, and substance abuse treatment should be a part of the service mix. When arrangements are such that youth are being warehoused and not receiving services which will provide for their successful reintegration into the community, it is imperative that the court become involved in policy initiatives designed to change the situation.

Schools

- ◆ Support the school in their efforts to create special programs targeted on gang-affiliated and prone youth
- ◆ Advocate that school officials reinstate difficult gang youth including probationers in school and provide them with an appropriate educational program
- ◆ Consult or issue court orders to clarify issues of juvenile confidentiality to improve and safeguard the interagency sharing of gang-related information

- ◆ Serve on advisory committees
- ◆ Share gang-related and other probationer information under appropriate conditions

Establish a close relationship with the schools to support their

Judges should make education for gang youth its number one priority by supporting the development of tutoring, truancy,

*efforts to address school-related
gang problems.*

prevention and alternative education programs. School graduation by the youth should be considered the primary indicator of success. Schools should be urged to establish prevention programs targeted at high risk youth between the ages of 11-14 who meet criteria for gang-prone behavior. Outreach truancy programs can also have a significant impact on reducing the rates of day time crime. Special support should be given to programs which recognize gang and other problem youth for their positive achievements.

The court should encourage the school system to conduct due process hearings in all of these cases to protect against youth from being "pushed out". The school system should notify court or probation personnel of youth who are suspended or expelled from school to provide for proper follow up. All students who are suspended or expelled should be provided with alternative educational arrangements and mainstreamed back into regular classes as soon as possible. Additionally, when gang probationers are transferred to other schools the court should be notified so they can be effectively monitored.

Judges should take an active role in facilitating the exchange of gang-related information between the schools and other agencies by clarifying legal issues concerning juvenile confidentiality. Judges should also serve on advisory committees to support school efforts to mitigate gang-related problems. Finally, they should regularly invite student groups into the courtroom to educate them about the negative consequences of gang involvement and criminal activity in general.

Community-based Youth Agencies (CBYAs)

- ◆ Request the provision of appropriate services to gang-affiliated youth including probationers and their families
- ◆ Mandate the participation of gang youth and their parents in CBYA services

Promote the provision of pertinent services to gang youth by community-based youth agencies.

- ◆ Assist CBYAs in their efforts to create special programs targeted on gang-affiliated and prone youth
- ◆ Serve on CBYA boards
- ◆ Share selective information about gang probationers

Many youth agencies shy away from delivering services to gang youth because they are deemed a "difficult population." Judges should identify community programs which are willing and able to provide gang youth and their parents with pertinent social services. It is important that the court establish arrangements where gang youth and their parents are referred to appropriate services *the first time they come into contact with the system.* (See police above.) Gang awareness, parental effectiveness and community restitution programs (e.g. graffiti clean-up) should be a part of this service mix. Judges should agree to serve on CBYA boards and become involved in initiatives to develop programming for problem youth. Additionally, judges should participate with CBYAs in establishing guidelines which allow CBYA staff to share valuable information (e.g. social history) with the court and other criminal justice authorities while protecting client confidentiality.

Grassroots Organizations (GOs) & Churches

- ◆ Encourage the formation of parent support groups
- ◆ Persuade grassroots organizations and churches to provide gang-affiliated youth including probationers with pertinent services and activities

Request GOs and churches to actively confront the youth gang problem.

No approach to youth gang activity will be successful without the grassroots participation of citizens and organizations situated in the affected community. Judges should encourage parents of gang-affiliated and gang-prone youth to form mutual support groups and cooperate with the authorities in gang crime prevention activities. As a part of this process judges should encourage grassroots organizations and churches to provide supervision and services to problem youth within their communities.

Local Business & Industry

Advocate for employment training and jobs.

Develop an integrated approach which mobilizes the community.

Advocate for problem recognition and efficient targeting of resources.

Establish a consensus on what constitutes a gang, gang member and gang incident.

Cultivate efforts to educate the

- ◆ Advocate that local businesses provide training and employment to gang youth including probationers

The provision of employment training and jobs to gang youth is integral to a successful approach to gang activity. It not only provides the youth with an excuse to leave the gang, but also can serve as an effective crime prevention strategy by keeping gang youth occupied during times of peak gang activity (i.e. second and third shift). Judges should actively solicit local business and industry to hire gang youth and support publicly-funded initiatives such as the Conservation and Job Corps.

Interagency Coalitions & Community Mobilization

On a broader scale the presiding court judge can support the establishment of interagency coalitions and encourage his or her colleagues to participate in community education campaigns designed to promote a balanced community response to the problem. In this public role judges should be persistent and attend meetings regularly. Key activities should include:

Advocating for Problem Recognition. In emerging problem contexts the presiding court judge may have to take an active role in helping the community to recognize and focus resources on the youth gang problem. In situations where denial of the problem exists the judge should encourage authorities (e.g. police, schools) to recognize the problem. Special care should be taken to not exaggerate the problem in the process.

Developing a Definitional and Policy Consensus. One of the first items on the coalition's agenda should be to establish a definitional consensus on key gang terms - gang, gang member, and gang incident - to ensure that resources are well targeted on the problem and used efficiently. As mentioned earlier, this is also important to ensure that evidence brought before the court adheres to certain standards. Disagreements as to definitions will invariably arise. Attempts should be made to move the group toward some type of consensus in a way that does not alienate coalition members. General policy consensus by criminal justice and community actors is vital to properly coordinate programs and ensure that the approach is consistent across agencies.

Conducting Community Education Campaigns. The court, in conjunction with coalition members, should participate in gang

community about the youth gang problem.

Advocate for program funding at the legislative and local levels.

Provide legal guidance on gang-related legislative and policy measures.

education campaigns to mobilize the community. The primary objective of these efforts should be to educate parents, religious leaders, school personnel, parent/teacher organizations, landlords, merchants, business and civic leaders in gang awareness techniques and strategies to combat gang activities. Judges should identify opportunities to speak to community and citizen groups about the problem. Finally, judges should actively attempt to inform school and youth groups about the issue by inviting them into the courtroom and allowing them to witness the functioning of the court in relation to it.

Supporting Resource Development and Advocacy Initiatives. By participating on the boards of public and non-profit agencies and foundations, judges can lend their expertise and influence to initiatives concerned with youth and gang-related problems. A primary concern should be support for resource development efforts which can fill existing service gaps for this target group.

Of special importance are advocacy initiatives to fund social support and opportunity provision programs for gang youth. Further, coalitional advocacy efforts should be undertaken at the local level with chambers of commerce, businessmen's groups, JTPA councils, and politicians to create employment programs and jobs for older gang youth. Creative use of the media can also help build community support for these initiatives.

Through their professional associations judges can also advocate the adoption of legislation which provide effective suppression as well as meaningful rehabilitation measures targeted toward gang members and gang-prone youth.

Developing and Assessing Proposed Gang-related Policies and Legislation. Judges should offer their expertise and influence on policy and legislative measures proposed by criminal justice and community-based agencies which bear on the gang issue. Specifically, they can assess the potential constitutional viability of the proposed measures and determine whether they are "too vague" to be adequately enforced. Gang-related concepts should be clearly defined so they can be operationalized. Issues related to due process, "constitutional overbreadth" and guarantees on the constitutionally protected freedoms of expression and association also need to be considered. (For a detailed discussion of this issue

see Burrell, pp. 774-778.) Judges should be particularly careful to avoid conflicts of interest when engaging in these activities. (See Appendix G for sample legislation regarding parental effectiveness training authored by a judge.)

Use court orders to improve the exchange of gang-related information and to hold agencies accountable for delivering appropriate services.

Using Court Orders to Effect Organizational Change. Judges can facilitate interagency cooperation on the issue by using court orders to improve the exchange of information between agencies and services delivered to gang youth. Court orders can be written which clarify issues related to juvenile confidentiality and the interagency exchange of information (see Appendix H). Judges can also use court orders to mandate the provision of adequate care and services to gang youth by publicly funded institutions (e.g. probation, juvenile detention, corrections) when they are found to be deficient.

Summary

To improve interagency coordination and cooperation with respect to the gang issue, the court and other agencies must identify mutually beneficial activities which fulfill organizational mission objectives. Several reciprocal activities beneficial to the court and other criminal justice organizations including the police, prosecutor, public defender, probation, detention, corrections and parole can be specified. These include the sharing of gang-related information, jointly developing case plan and dispositional recommendations, and providing gang-related training. The court can also carry out a number of interagency activities with other organizations such as schools, community-based youth agencies, grassroots organizations, churches, business, and industry. These include joint monitoring of probationer behavior, training on gang-related topics, the provision of pertinent services and opportunities for gang youth, and advocacy for additional resources.

Judges should also participate in interagency coalitions formed to develop a community mobilization agenda. Potential collaborative activities could involve 1) advocating for recognition of the gang problem if denial is present; 2) developing a definitional and policy consensus with respect to the issue; 3) conducting community education campaigns, 4) supporting resource development and advocacy initiatives; and 5) assessing proposed gang-related policies and legislation to the extent such activity does not pose a conflict of interest.

CHAPTER 6

JUDICIAL SELECTION, TRAINING AND EDUCATION

- Screening and Selection
- Orientation and Training
- Summary

Judges should proactively seek out training and educational opportunities related to the youth gang issue.

Jurisdictions vary across the country in regard to how their juvenile court judges are selected. In some jurisdictions, judges are elected while in others they are appointed by the presiding judge. In jurisdictions where judges are appointed, selecting appropriate staff and providing them with pertinent training are vital to an effective court approach to youth gang activity. Tasks include:

Specific criteria should be used to screen candidates.

Screening and Appointing Candidates. Promising candidates for the juvenile court bench in jurisdictions experiencing serious gang activity should possess some of the following characteristics:

- ▶ a long term concern for the social development of youth including a commitment to the rehabilitation of minors;
- ▶ some understanding of the dynamics of gang activity;
- ▶ a familiarity with gang-affected neighborhoods and social service networks within the jurisdiction; and
- ▶ a good sense of the importance of balancing strategies of suppression and close supervision with the provision of educational and employment opportunities to gang youth processed by the court;
- ▶ a commitment to a community-oriented approach by the court as evidenced by a willingness to give public talks, visit community and correctional facilities, participate on task forces, and serve on nonprofit and foundation boards.

The candidate should view the juvenile court as a place "where someone can make a difference" and be willing to "go above and beyond the call of duty" to assist problem youth. If turnover of

Orientation and training should adequately prepare judges and court personnel for their duties.

Training on specific gang-related topics should be provided.

judges is a problem within the juvenile court, the presiding court judge may want to advocate for the adoption of minimum term appointments (e.g. 5 year terms). Judges who want to stay in the juvenile court and in the same jurisdiction should be allowed to do so.

Providing Orientation and Training. Given the limited knowledge that most judges and court personnel have about the nature and scope of gang activity, it is imperative that training and education on this topic be offered to them.

Basic topics to be covered in a preliminary orientation plan include:

- ▶ a description of the court's approach to youth gang activity particularly in regard to its mission, goals, strategies, and courtroom policies and procedures;
- ▶ an overview of the court's information systems and record keeping requirements with respect to adjudicated youth gang members; and
- ▶ a review of the court's relationship with other agencies in regard to gang youth (e.g. schools, probation) concerning information-sharing, supervision, and delivery of services.

Ideally there should be a standard gang curriculum available to newly appointed judges in both emerging and chronic gang problem jurisdictions. Specific gang-related training topics which should be covered include:

- ▶ pertinent gang-related legislation;
- ▶ characteristics of local street and prison gangs including their sociology, history and patterns of organization and behavior;
- ▶ patterns of local gang criminality including intergang violence, drug use, drug trafficking and property crime including its impact on the community;
- ▶ an overview of gang member profiles (e.g. peripheral, regular, hardcore);
- ▶ courtroom security;

- ▶ procedures for dealing with witness intimidation;
- ▶ use of special gang-related court orders;
- ▶ techniques for distinguishing between gang and non-gang crime;
- ▶ types of community resources available for gang youth and their families; and
- ▶ use of court orders to develop social and skill competencies within gang youth and their families;
- ▶ use of courtroom tactics to foster greater involvement of parents with their gang-affiliated children; and
- ▶ community resource development and mobilization techniques.

The presiding judge, particularly in emerging gang problem contexts, may have to recruit expert facilitators to conduct these training sessions. This may entail bringing in experts of different backgrounds - police, prosecutors, probation officers, and academics - from other jurisdictions. A good starting point may be to call a police or probation gang unit in a nearby metropolitan city with substantial experience in dealing with gangs. Contacting the National Center for State and Local Law Enforcement Training of the Federal Law Enforcement Training Center located in Glynco, Georgia or the National Judicial College located in Reno, Nevada may also yield results.

Certain judges in the juvenile or adult court who have experience in gang cases should also be utilized. They can make newly appointed judges aware of techniques and procedures which they have effectively utilized in court, and of local community programs that have been effective in both rehabilitating problem youth and protecting the community.

Finally, new judicial appointees should be encouraged to tour gang communities and agencies that deal with gang youth to become more familiar with the problem and services available.

Summary

In jurisdictions where judges are appointed, candidates designated to serve in areas experiencing serious gang activity should have a demonstrated commitment to the rehabilitation of minors, awareness of the dynamics of gang behavior, knowledge of the affected neighborhood(s) and social services available, and a willingness to become involved in community activities. Once appointed, the judge should be oriented to the operations of the court's approach to youth gang activity, its policies, procedures, and recordkeeping requirements with respect to adjudicated youth gang members, and the court's interorganizational relationships. Training topics should include pertinent gang-related legislation, patterns and characteristics of gang crime and local gangs, courtroom security, use of court orders with respect to gang youth and resources available in the community.

CHAPTER 7

RESEARCH AND EVALUATION

- Process Indicators
- Outcome Indicators
- Summary

Process and outcome effects have to be determined.

Research and evaluation will be necessary to develop a promising court approach to the youth gang problem. Both process and outcome evaluation should be conducted. Process indicators provide information primarily related to implementation of court functions. Outcome indicators provide information related to the results of the court activities on youth gang members who are processed by the court.

How well is the court's approach to youth gang activity being implemented?

Process indicators should focus on:

1. Assessment of court proceedings
 - ▶ pertinence and quality of gang-related evidence accepted from police, prosecution, probation, the public defender and others by the court
2. Review of juvenile court pattern of youth gang member certifications to adult court

- ▶ adherence of judges to pertinent case law (e.g. Kent) and legislation
- ▶ analysis of individual cases and development of a summary profile of certified cases
- ▶ assessment of whether certification decisions are based on rehabilitative potential or desire to punish

3. Assessment of detention and release decisions

- ▶ review of youth gang member detentions (e.g. charges) and development of a summary profile
- ▶ analysis of youth gang member involvement in criminal violations or incidents (as a perpetrator or victim) when released on bail or to the custody of their parents.

4. Review of court hearing safeguards and procedures

- ▶ assessment of courtroom security procedures
- ▶ review of instances of witness intimidation and gang-oriented courtroom disruptions, if any

5. Quality of gang-related evidence

- ▶ evaluation of the use of expert witnesses in the court
- ▶ evaluation of the use and quality of gang-related evidence submitted to the court

6. Review of sentencing decisions

- ▶ quality of presentence investigation reports
- ▶ analysis of sentencing decisions for gang youth
- ▶ adherence of judges to standard sentencing guidelines for gang youth, if in existence

7. Assessment of placements on probation
 - ▶ quality of probation officer case reports and case plan proposals
 - ▶ extent to which probation officers enforce probation conditions (urine testing, patrols in field, home visits, collateral contacts, etc.)
 - ▶ extent to which probation officers implement their case plans (re: remedial education, family support, vocational training, job placement)
 - ▶ use of supervisory mechanisms (e.g. intensive probation, regular court review, delayed sentencing, assuming custody)
 - ▶ evaluation of technical violation process
8. Assessment of placements within correctional institutions
 - ▶ analysis of correctional placement decisions involving youth gang members and a summary profile of placements
 - ▶ assessment of the "rehabilitative environment" within correctional institutions (e.g. services delivered to youth, gang density, etc.)
9. Assessment of community mobilization efforts by judges
 - ▶ joint or interagency activities initiated by judges related to the gang issue
 - ▶ participation by the judge or his or her representative on interagency task forces and attendance at meetings
 - ▶ public talks on the issue
10. Court assessment

- ▶ performance reviews of judges by colleagues and others who work in his or her courtroom (e.g. prosecutors, defense attorneys, probation)
- ▶ judicial turnover rates
- ▶ staff training and developmental activities

An analysis of information related to these ten categories should provide the court with a good idea of how well the court's approach to youth gang activity is being implemented. Periodic reports should be useful in monitoring court activity and making appropriate adjustments.

How effective is the court's approach to youth gang activity in controlling the gang crime of its probationers?

Outcome indicators should focus on:

1. Results of justice system processing of youth gang members
 - ▶ results of court screening and transfer decisions
 - ▶ outcomes of probation supervision, particularly in regard to probation dismissal and revocation rates

2. The short and long term effects of diversion, probation and incarceration on youth gang members who come before the court
 - ▶ re-arrest and recidivism rates including a summary of crimes committed, gang and non-gang related;
 - ▶ the nature and extent of the youth gang members relationship with the gang and gang members during and after diversion, probation, and incarceration;
 - ▶ school performance (e.g. attendance, grades, conduct); and
 - ▶ employment performance.

Several key questions should be asked concerning the relation between process and outcome indicators for adjudicated youth gang members. Specifically: How effective are different court actions in reducing recidivism? Do similar gang youth who are diverted or assigned to regular probation, intensive probation, and incarceration have different recidivism rates? Are certain strategies, especially community mobilization efforts by judges, lowering gang crime rates in targeted communities? Independent researchers should be employed periodically to determine the effectiveness of the court's approach to youth gang activity.

Summary

Research and evaluation are necessary to measure the implementation and results of the recommended approach to gang activity. Process indicators should be developed which measure the extent to which the approach is implemented. These indicators should collect and assess information regarding: 1) the quality of gang-related evidence accepted in court; 2) certifications of youth gang members to adult court; 3) detention and release decisions; 4) court safety procedures; 5) probation and correctional placements; 6) community mobilization efforts by judges; and 7) other information such as judicial turnover rates and staff training activities. Outcome measures should be developed to measure the effects or results of the program. These indicators should evaluate the results of court screening and transfer decisions as well as the outcomes of probation supervision. Particular emphasis should be placed on whether court actions are reducing recidivism; youth assigned to different dispositional tracks have different recidivism rates; and gang crime rates have declined in targeted communities.

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