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## CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

# STATE TASK FORCE ON GANGS AND DRUGS

## TASK FORCE MEMBERS

The Honorable Robert H. Philibosian  
*Chairman*

The Honorable Lance A. Ito  
*Vice Chairman*

Rotea J. Gilford  
Gloria Herrera Grotefend  
Ray Johnson  
Robert O. Price  
James Rowland

The Honorable Eunice N. Sato  
Michael A. Schumacher, Ph.D.  
C.A. Terhune  
The Honorable Grover C. Trask II

Edward Veit  
*ex-officio*  
Ernest B. Bradford  
*ex-officio*

Vance W. Raye, Esq.  
*Liaison to the Governor*

G. Albert Howenstein, Jr.  
*Council Executive Secretary*

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## Forward

The California Council on Criminal Justice State Task Force on Gangs and Drugs was preceded by the 1986 State Task Force on Youth Gang Violence, whose purpose was to investigate the nature and extent of youth gang violence in our state. (A summary of the results from 1986 State Task Force recommendations is provided in Appendix D of this report.) Recommendations from the previous Task Force, with the support of Governor George Deukmejian, successfully provided for many changes in the criminal justice system to address this problem. The Governor significantly increased funding to gang suppression programs in response to this need.

The previous Task Force recognized the developing connection between gangs and drugs. Since that time, however, the availability of "crack" cocaine (also referred to as "rock cocaine," or "rock") and the inducement of profits have led to expansion of gang and drug-trafficking activity. Because of these increased activities, the Governor directed the Council to reconvene this Task Force.

The 1989 State Task Force on Gangs and Drugs report is intended to provide guidance and policy direction to public and private organizations. This document is not intended to serve as an in-depth research study. However, the implementation of the recommendations outlined herein will provide the resources and cooperation necessary to resolve the continuing problem of gangs and drugs.

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# State Task Force on Gangs and Drugs

The Honorable George Deukmejian  
Governor of California  
Sacramento, California 95814

The Honorable David A. Roberti  
President pro Tempore of the Senate  
Sacramento, California 95814

The Honorable Willie L. Brown  
Speaker of the Assembly  
Sacramento, California 95814

Dear Governor, Mr. President pro Tempore  
and Mr. Speaker:

Increasing gang involvement in drug-trafficking has resulted in violent struggles for drug sales territories, in both inner-city areas and in smaller communities, where, too often, innocent citizens fall prey to these street battles. In order to address the escalating violence associated with gangs and drugs, the California Council on Criminal Justice has, at the request of the Governor, reconvened the State Task Force on Gangs and Drugs to recommend statewide policy and legislative and budget priorities to the Governor, California State Legislature, and other public and private agencies.

Our Task Force members represent a cross section of dedicated professionals. These individuals conducted an in-depth, statewide inquiry into the gangs and drugs issue. Weighing the need for immediate and long-range solutions with the constraints of public resources, the Task Force has identified numerous practical recommendations appropriate for implementation at the business and community level, and at the local, state, and federal government levels.

The overriding theme found by this Task Force is that the deadly combination of gangs and drugs has created an increase in gang sophistication, mobility and violence. As heard from concerned citizens, community workers and public officials, a continuing statewide effort is needed to effectively combat the threat that gangs and drugs pose to our society. Furthermore, resources

should be sought from federal agencies to assist state and local cooperation in enforcement and prevention efforts.

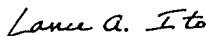
When all components of government and community cooperate in enforcement, prevention and intervention, the problem of gangs and drugs may be resolved. Community-based citizen participation, in conjunction with education and criminal justice efforts, is critical to accomplish effective prevention and intervention.

We are pleased to have served the people of the State of California in identifying methods for combating this problem, and in creating a better quality of life for all who reside in this great state. The California Council on Criminal Justice respectfully submits these recommendations, with their endorsement, for your consideration.

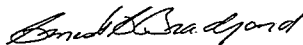
Cordially,



Robert H. Philibosian  
Chairman



Lance A. Ito  
Vice Chairman



Ernest B. Bradford




Eunice N. Sato



Rotea J. Gilford



Michael A. Schumacher, Ph.D.



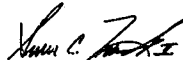
Gloria Herrera Grotefend



C. A. Terhune




Ray Johnson



Grover C. Trask, II



Robert O. Price



Edward Veit



James Rowland



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## Task Force Staff

Joan Kawada Chan, Director  
Natalie D. Salazar, Deputy Director  
Ron Filiault, Consultant  
Howard Jordan, Consultant  
Billie Haskell, Administrative Assistant  
Gregory Alerton, Consultant  
Tim Cronin, Consultant  
Mai Pham, Consultant  
Mary Wandschneider, Consultant  
Jerry Floyd, Business Services Specialist  
Todd Browning, Program Support Specialist

## Acknowledgments

The California Council on Criminal Justice (CCCCJ) State Task Force on Gangs and Drugs wishes to acknowledge the valuable contributions made by the many individuals and organizations assisting the Task Force on this most challenging endeavor. The Task Force members sincerely appreciate the time and effort of those who prepared and/or presented both public and written testimony. The responses from these citizens, community organizations and public officials were crucial to fully understand the scope of the gang and drug problem and to identify promising solutions.

Many thanks to the public officials and their staffs for their assistance in arranging public hearing facilities. Further appreciation is extended to those public and private agency staff members who were so informative in providing the Task Force with essential background information about their jurisdictions.

A special thanks to the police chiefs, sheriffs and officers of Oakland, Fresno, San Diego, Los Angeles, Inglewood, Pomona and the U.S. Border Patrol jurisdictions, who arranged ride-alongs through their respective jurisdictions. This firsthand view proved most valuable to the Task Force members in understanding the unique effects that the gang and drug problem has had on the various regions throughout the state.

The Firm of Peat Marwick Main & Co., and specifically, Ms. Julia Kirwan, Mr. Ken Benson and staff, are also thanked

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for assisting the Task Force in developing background information and analyses. Special appreciation is extended to the Business Services Branch, the Program Support Branch Legislative Division, and the Program Staff Specialists of the Governor's Office of Criminal Justice Planning (OCJP) for their support throughout this project.

Special thanks to OCJP staff specialists: Judy O'Neal, Mary Gumlia, Karen Wong, Janice Takahara, Joyce Fong, Rich Halberg, Mariaelana Rubick, Joseph Arellano and Patsy Bendix.

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## Statement of the Chairman

Today's gangs are urban terrorists. Heavily armed and more violent than ever before, they are quick to use terror and intimidation to seize and protect their share of the lucrative drug market. Gang members are turning our streets and neighborhoods into war zones, where it takes an act of courage simply to walk to the corner store.

The problems of gangs and drugs are not new. However, what is new is the growing relationship between narcotics and gang activity and the alarming increase in violence, resulting in deaths and injuries of innocent citizens. Using the lure of easy money and huge profits, gangs are now recruiting and victimizing children as young as 9 or 10 as their "look outs" or "dope runners." Housing units within some public housing projects are being turned into crack houses. Teenagers of the "crack generation" are taking up arms and becoming foot soldiers in the drug-dealing hierarchy.

Many youths are victims of the drug pushing gangs, dependent on them to supply these addicting narcotics, and consequently, compliant with the gang's demands to become involved in drug trafficking or other illegal ventures.

It should be noted that the negative behavior of these gangs represents the activities of only a small percentage of people from the affected communities. The vast majority of individuals from these communities are law-abiding, upstanding citizens who abhor the behavior of these youths. These citizens are eager to participate in finding solutions that will benefit the entire community.

The gang drug-trafficking phenomenon is no longer unique to any one community. Gang members have discovered that, for the cost of a plane or bus ticket, they can double or triple their profits in other cities, both within the state and throughout the country. As gang mobility increases, so also does the gang network grow, gaining new members and associates with the addition of each new drug turf. As profits increase, so also does the level of sophistication in the gang drug-trafficking operation. Gangs are said to be taking applications for membership; utilizing car phones and pagers to maintain contact with their drug network or even to call their bail bonds representatives or attorneys; using surveillance cameras and equipment to detect police investigations; applying business techniques in financing, marketing, pricing and even franchising their drug-trafficking operations; and structuring asset purchases to avoid cash transaction report-

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ing detection from tax-collecting authorities in their money laundering investigations.

The attributes of the gang drug-trafficking problem call for a concerted, statewide effort on the part of government and the community to seek and implement practical and effective solutions. The Task Force concluded that the problem of gangs and drugs is a total community problem and responsibility, rather than solely the responsibility of the criminal justice system. Testimony from various members of the community repeatedly demonstrated the need for interagency cooperation and coordination for the purposes of suppression, intervention and prevention. The criminal justice system can help control the problem, but cannot solve it. The solution to the problem lies in the community itself. It is only with the mobilization of all aspects of our society in enacting the recommendations and programs suggested in this report that progress can be made in finding solutions to this problem.

Immediate efforts are needed to reduce the violence and epidemic proportions of the gang drug-trafficking operation. Violent young gangsters should not be treated as juvenile delinquents because of their youth. Sixteen- and seventeen-year-old violent and drug-dealing offenders should be treated as adults by the court system and should be subjected to adult penalties. Only in this way will they get the message: commit an adult crime, serve adult time.

This new approach is needed for effective law enforcement and criminal justice solutions. Yet, the necessity for long-range prevention and intervention is also critical, or our society will be condemned to continue to combat this problem well into the future. This Task Force has identified numerous recommendations which, with the cooperation of all segments of society, can help to alleviate the gang and drug problem.

We must instill in young people basic human values, communicated to our youths in our homes, in our religious institutions and in our schools. We must change an "I don't care" attitude to a "we do care" attitude.

I invite you to read carefully the analyses, findings and recommendations presented in this report, to recognize the gravity of the gang and drug problem, and most importantly, to join us in solving the problem.

ROBERT H. PHILIBOSIAN  
*Chairman*

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## Executive Summary

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# Executive Summary

## Purpose of the Task Force

The California Council on Criminal Justice (CCCCJ), at the direction of Governor George Deukmejian, convened the State Task Force on Gangs and Drugs to recommend statewide policy and legislative proposals to address the growing threat of gangs and drugs.

## Background

Gang involvement in drug trafficking has expanded to dramatic proportions, bringing with it a reign of terror brought on by battles for sales territories and profits.

The gang and drug problem is not new to the State of California. In 1981, then-Attorney General George Deukmejian examined the criminal justice implications of gang violence. In 1985, the California Council on Criminal Justice convened the State Task Force on Youth Gang Violence to examine the growing problem of violent crimes committed by youth gangs throughout the state. This body developed numerous legislative and administrative recommendations for targeting both the prevention and suppression of youth gang violence.

In 1988, the State Task Force on Gangs and Drugs was reconvened to focus on the specific issues and concerns relating to the growing involvement of gangs in narcotics trafficking. This Executive Summary provides an overview of the public hearing process, describes the impact of gangs and drugs as experienced in the various regions of the state, and presents a Summary of Findings and a Summary of Recommendations that address the concerns and needs of local communities and local, state and federal agencies.

It is the objective of this Task Force Report to provide a thorough understanding and specific plan of action to combat the violence of gang drug-traffickers and to prevent negative gang and drug influences on the youth of tomorrow.

## Summary of Public Hearings

The State Task Force on Gangs and Drugs investigated the problem of gangs and their involvement in drug-trafficking and associated violence. Understanding that this is not a problem

*"...we each have a responsibility. The trail of blood from the violence on the streets leads to the door of every person who buys drugs, and that includes the casual users, because there is no victimless crime in dope dealing in our state." —G. Albert Howenstein, Jr., Executive Director, Office of Criminal Justice Planning*

*"If a foreign power did to us what gangs are doing to us on a yearly basis we would declare war on that foreign power." —Edward Hunt, District Attorney, Fresno County*

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unique to any one community, the Task Force held hearings throughout the state to hear testimony from representatives of small and large cities and counties, schools, social services agencies, government, businesses and industries, community organizations, and a broad range of criminal justice agencies.

The public told the Task Force of the need for immediate solutions to the expanding violence and terror and of the public outcry for stricter sentencing and treatment of drug-trafficking gang members. The Task Force listened to testimony from concerned citizens and gang members on the nature of gang- and drug-related violence, and on the effect that this form of terrorism has on our communities. Most criminal justice agencies are overwhelmed by the excessive caseloads, jail and prison overcrowding, and continuing violence on the streets. Yet, throughout the hearings, criminal justice officials spoke of the success of interagency task forces in the investigation and prosecution of gang drug-traffickers, stressing the importance and the value of vertical prosecution. (Vertical prosecution refers to a technique whereby one attorney handles all prosecution of a case from filing through sentencing.)

Judicial and other criminal justice representatives addressed the need for more efficient court processes and consistent sentencing and probation conditions for the gang and drug offender. Representatives from community organizations, service agencies and criminal justice entities stressed the overriding need for long-term solutions to the gang and drug problem through prevention and intervention programs. A majority of those who testified recommended a school-based, prevention education program starting with preschool and kindergarten and continuing through to the highest secondary grades.

In addition to the public hearings, the Task Force conducted written surveys of district attorneys, chiefs of police, sheriffs, and probation officers to solicit their ideas. The Task Force also received extensive written testimony.

The Task Force members have developed these Findings and Recommendations after hearing seven days of testimony and carefully analyzing the results. Through examining this issue from various geographical, agency and personal perspectives the Task Force has gained an in-depth understanding of the pervasiveness of the gang and drug problem, and a full appreciation of the needs of the individual communities in addressing these problems.

*"Given a look at some of the statistics over the last few years, in my view there is a direct corollary, a direct and maybe even a symbiotic relationship between crack, a variety of cocaine, and the formulation of these violence-oriented gangs."*

*—Joseph P. Russoniello, United States Attorney*

*"The socioeconomic factors involved with the drug problem and the gang activity must be considered when attempting to recommend solutions to the problem. Poverty, unemployment and the deteriorating family unit have large impacts on this problem."*

*—Daniel Morales, Assistant to Councilman Wesley Pratt, City of San Diego*

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## Summary of Findings

*"The 1988 problems of gangs and drugs build upon the traditional evils connected with drugs. The situation has been called a narcoterrorism, a blight, an epidemic, an infection, and perhaps the health analogies are correct, because gangs and drugs attack the community body as other diseases attack the human body."—John Dougherty, District Attorney, Sacramento County*

1. Some communities are literally held captive by the violence, intimidation and decay resulting from drug-trafficking by gangs.
2. Gang involvement in drug-trafficking has increased with the advent of crack cocaine, and gang members are operating with an increased level of sophistication and violence for the purpose of seizing and maintaining profitable drug territories.
3. Specialized law enforcement prevention, intervention and suppression approaches, coordinated with other criminal justice agencies, schools, businesses and community organizations, are effective approaches in addressing the gang and drug problem.
4. Prosecution units specializing in gang and drug cases, using vertical prosecution techniques in coordination with other criminal justice entities, are successful in targeting and incarcerating serious gang and drug offenders.
5. Intensified, specialized supervision of gang and drug probationers/parolees is a successful approach in monitoring their activities and enforcing compliance with probation/parole conditions.
6. Specialized treatment of gang and drug offenders within correctional facilities is successful in monitoring their activities and decreasing violence in the institutions.
7. A statewide information system is needed for law enforcement to investigate and suppress gang- and drug-related criminal activities.
8. Present California laws are not strict enough to address the activities of serious gang and drug offenders. Probation restrictions are not standardized nor consistently applied throughout the state.
9. Present court proceedings and criminal procedures are so lengthy and cumbersome that it is impossible to provide speedy trials.
10. The present training provided to the judiciary does not prepare judges to deal with serious gang and drug cases.
11. Federal agency support is necessary to address the growing sophistication, mobility and violence demonstrated by today's drug-trafficking gangs.

*"When people not only can't walk the streets, but can't even stand up in their living rooms safely, government has failed." —Gary Feess, Chief Assistant U. S. Attorney*



12. Gang crime suppression activities also improve the ability of law enforcement to suppress other crimes.
13. Local police and sheriffs departments presently do not have the effective resources to suppress gang and drug crimes.
14. The new California statute for asset forfeiture will sunset in 1994, diminishing the ability to seize the gains of gang drug dealers in the future.
15. The Serious Habitual Offender (SHO) Program funded by the Governor's Office of Criminal Justice Planning (OCJP) is an effective method for early identification of juvenile offenders in order to refer them to intensive counseling and intervention, which may deter them from ongoing delinquent or gang- and drug-related behavior.
16. The present capacity of local and state correctional facilities is inadequate to ensure the incarceration of serious gang and drug offenders.
17. The flow of narcotics into this state has increased in the past few years.
18. Current law does not hold parents or guardians responsible for the costs of detaining or incarcerating their childrer.
19. Early prevention, education and intervention are effective methods in keeping youths away from gangs and drugs.
20. Employment opportunities are an attractive and effective means of keeping youths away from gangs and drugs
21. Juvenile gang and drug offenders state that the juvenile justice system is a "joke" and poses no significant threat or deterrent to committing crimes.
22. Schools furnish the most effective means for providing gang and drug prevention education.
23. Local community-based programs, which involve the cooperation of individuals in the community, businesses, schools, religious organizations, and law enforcement and government agencies, are essential to combat the intimidation of the community from gang and drug violence and to prevent gang and drug activities.
24. Parental and adult role models play a vital role in a child's attitude toward gangs and drugs.

*"Kids see that the system is a joke, that unfortunately there are no consequences until they are 18 or so. That's clearly wrong. And the kids take advantage as any person would, because there are no consequences early on." —Dr. Stephan Fleisher, Executive Director, San Fernando Valley Child Guidance Clinic*

*"It took the death of a 15-year-old stabbed in one of our school malls to get us off the dime." —Elgie Bellizio, Executive Director, Sunrise House, Oakland*

*"The streets have more to offer these kids than we do, than society does. And that's just a stark naked fact." —Joe Debbs, President, A Guard Against Narcotics and Gangs (AGANG) Sacramento*

25. Many drug treatment programs do not address the unique problems associated with gang-related substance abuse.
26. Penal Code Section 100C diversion procedures are abused by gang members to avoid prosecution for narcotics trafficking.

## Summary of Recommendations

### LAW ENFORCEMENT RECOMMENDATIONS

1. Establish or consolidate gang and narcotics enforcement activities within a single, specialized gang and narcotics enforcement unit.
2. Provide ongoing training to the appropriate officers on methods of gang and drug enforcement, patrol and investigation, as well as on the need to integrate specialized operations with patrol and investigations.
3. Coordinate gang and drug enforcement and prevention within an interagency task force, including schools, prosecution, probation, corrections, and community organizations.
4. Coordinate efforts with fire marshals and health inspectors to abate crack houses (or other facilities used as gang gathering places) by enforcing local health, fire, building and safety codes.
5. Recruit officers, both men and women, from a representative cross section of ethnic groups, possessing bilingual skills and sensitivity to special language or cultural needs.
6. Coordinate law enforcement efforts with business and community organizations as well as with outreach and awareness programs to encourage community participation and victim/witness cooperation.
7. Notify parents or guardians of their children's gang affiliations.
8. Increase the number of peace officers in law enforcement agencies to enhance patrol and field operation staffing, placing more officers on the street to protect the community and to suppress gang- and drug-related crime.

*"In one incident they went in, they killed the gang leader, they killed his wife, his children, they killed the dogs, they strangled the parakeet, and the last thing they did as they walked out of the door is they turned the goldfish bowl upside down and the idea was very obvious that nothing living is coming out of that." —John Hughes, Special Agent, United States Immigration Organized Crime Drug Enforcement Task Force*

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9. Establish a Serious Habitual Offender (SHO) Program within each law enforcement agency to coordinate with prosecution and probation operations in targeting the most serious offenders for apprehension, prosecution and incarceration.
  10. Establish a community advisory group within all law enforcement departments to coordinate and select community-based organization programs that will most effectively provide community service, prevention, intervention, and community mobilization programs that are necessary to address the gang and drug problem.

*"We need to show people in those communities that there are people who do care about them, that there are opportunities that are available to them, but one of the main things we have to do is start changing their attitudes." —Steve Valdivia, Executive Director, Community Youth Gang Services, Los Angeles*

### PROSECUTION RECOMMENDATIONS

1. Establish vertical prosecution units focused on gang and drug offender cases.
2. Target first-time gang and drug offenders for stricter prosecution to discourage their criminal behavior.
3. Provide training to specialized prosecution units on the unique aspects and methods of gang and drug case prosecution.
4. Participate in or encourage the development of local multiagency task forces directed toward the apprehension, prosecution, and incarceration of gang and drug offenders.
5. Request the courts to place no bail holds on serious gang and drug offenders who may pose a danger to the community, victims or witnesses.

### CORRECTIONS RECOMMENDATIONS

1. Continue intelligence coordination between corrections and enforcement agencies.
2. Establish, under the direction of the California Department of Corrections and the Department of the Youth Authority, minimum-security state correctional facilities to house appropriate offenders in vacant or unused military facilities (as provided by the U.S. Department of Defense) to alleviate overcrowding and to permit the incarceration of violent, drug-dealing gang offenders. Inmates confined in these facilities should be assigned to work on job skills training that supports the renovation and maintenance of the grounds and buildings.

*"Young teenagers from the ages of 12 to 16 are not incorrigible; these youths, I think, if given real opportunities with legitimate means to achieve these opportunities can and will assimilate into the mainstream."*

*—Steve Edwards,  
Executive Director,  
Los Angeles County  
Sheriff's Activity  
League*

3. Continue present programs within correctional facilities to classify and segregate gang members, and to provide for tattoo removal and assistance in returning the gang members to the community.
4. Implement gang drug treatment and prevention programs within correctional institutions and as an element of preparation for release on parole/probation.
5. Continue to provide correctional officers with training in gang and drug offender supervision, classification and investigative techniques.
6. Modify construction standards for local jails to allow for quicker and less expensive facility construction without sacrificing safety and security.
7. Establish, under the direction of local jail corrections authorities, minimum-security county correctional facilities to house appropriate offenders in vacant or unused military facilities (as provided by the U.S. Department of Defense) to alleviate overcrowding and to permit the incarceration of violent, drug-dealing gang offenders. Inmates confined in these facilities should be assigned to work on job skills training that supports the renovation and maintenance of the grounds and buildings.
8. Recruit officers and agents, both men and women, from a representative cross section of ethnic groups possessing bilingual skills and sensitivity to special language or cultural needs.

## **PROBATION/PAROLE RECOMMENDATIONS**

1. Continue or establish specialized vertical probation and parole supervision units with reduced caseloads, focusing on the gang drug-trafficking offender.
2. Develop standardized gang control probation and parole conditions in conjunction with the courts and paroling authorities to be used statewide that will preclude continuing gang and drug involvement and will provide enhanced ability for parolee/probationer tracking. Require that the conditions be listed on an identification card that must be carried by the probationer/parolee at all times and be presented to any peace officer on request. The card must also include the name of the probation or parole officer and a 24-hour contact phone number for that agency.

3. Establish a centralized statewide registry to maintain information on all probationers and parolees, listing the specific probation and parole terms and conditions that apply to each individual.
4. Implement gang and drug probation and parole programs to more effectively manage gang parolees and probationers.
5. Provide training to specialized probation and parole supervision personnel on the aspects and methods for gang and drug offender supervision.
6. Recruit officers/agents, both men and women, from a representative cross section of ethnic groups possessing bilingual skills and sensitivity to special language or cultural needs.

## JUDICIAL RECOMMENDATIONS

1. Establish, through the California Center for Judicial Education and Research (CJER) and the State Judicial Council, a training program for judges to inform them of the unique aspects of gang and drug cases.
2. Establish regional courts to hear cases pertaining to a designated geographic/community area so that judges may become more aware of, and sensitive to, the crime problems occurring within a specific community.
3. Establish specialized courts, within larger communities, hearing only cases involving gangs and drugs so that judges may become more aware of the complex nature of the specific legal interpretations, criminal behavior and sentencing requirements relating to these cases.
4. Ensure that gang and drug offenders violating their probation are returned to the judge who sentenced them.
5. Establish special night court sessions within either regional or specialized gang and drug case courts in order to offer a convenient time for juvenile offenders to attend court *with their parents or guardians*.
6. Develop, through the State Judicial Council and the Chief Probation Officers Association, uniform, statewide standards for setting probation conditions for serious gang and drug offenders.

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## EXECUTIVE RECOMMENDATIONS

1. Consider the creation, through an executive order, of a Statewide Narcotics Enforcement Coordination Task Force.
2. Direct the California National Guard to concentrate surveillance and reconnaissance efforts along the California-Mexico border.
3. Direct the Governor's Office of Criminal Justice Planning to survey community-based organizations in order to establish a clearinghouse of information on successful models for prevention, intervention, and community mobilization programs and on methods for obtaining funding for such programs.
4. Direct the Commission on Peace Officer Standards and Training to provide instruction for law enforcement officers regarding the history, function and safe handling of assault-type weapons. Also direct the Governor's Office of Criminal Justice Planning to provide prosecutors with similar training.
5. Establish a computer-based information system for compiling and organizing municipal, county and statewide gang data, including gang-related narcotics trafficking intelligence.

## LEGISLATIVE RECOMMENDATIONS

1. Enact legislation that would provide stricter treatment of juveniles who commit serious crimes. The Task Force recommends the following changes to the Welfare and Institutions Code:
  - a. Amend the Welfare and Institutions Code, including Section 707, as well as Section 190 *et seq.*, of the Penal Code, to mandate that any 16- or 17-year-old juvenile who is charged with a serious "Proposition 8" felony, as defined in Section 1192.7 of the Penal Code, or who is charged with the sale or possession for sale of any controlled substance, or who is charged with any offense involving the use of any type of firearm or possession of a firearm at the time of commission or arrest, shall be automatically tried as an adult and subject to the imposition of an adult sentence;

- 
- b. Amend Welfare and Institutions Code Section 707, as well as Section 190 *et seq.*, of the Penal Code, defining the crime of murder and its punishment to mandate that 16- or 17-year-old juveniles charged with the commission of special circumstances murder be subject to the term of life imprisonment without the possibility of parole;
    - c. Amend Section 707 of the Welfare and Institutions Code to provide, in cases involving other felony offenses, that juveniles 16 years of age or older involved in gang activity as defined by Penal Code Section 186.2 are rebuttably presumed to be unfit for treatment by the juvenile court, and are suitable to be tried as adults; and
    - d. Further amend the Welfare and Institutions Code to provide that 14- and 15-year-old minors who are charged with the commission of special circumstances murder are to be tried as adults and, upon conviction, shall serve a minimum term of 20 years, including automatic transfer from the Department of the Youth Authority to the Department of Corrections upon attaining the age of 21 years.
  2. Enact a comprehensive Racketeer Influenced and Corrupt Organization Act (RICO) statute similar to the existing federal provision.
  3. Amend the state narcotics asset forfeiture laws to:
    - a. Eliminate the 1994 sunset clause from the statute language and make it identical to existing federal forfeiture provisions.
    - b. Provide for the forfeiture of any vehicle used in a drive-by shooting.
    - c. Commit an amount from the Asset Forfeiture Fund to the Gang Violence Suppression Program budget within the Governor's Office of Criminal Justice Planning.
  4. Enact legislation to establish policy to provide stricter treatment of offenders who use weapons:
    - a. Amend Subdivision (a) of Section 245 of the Penal Code by adding a provision that would make assault with a machine gun punishable by a mandatory term of life imprisonment with the possibility of parole;
    - b. Amend Subdivision (a) of Section 245 to provide for a mandatory term of 4, 8 or 12 years of imprisonment

*"For those who would kill and maim, they must either be locked up for the rest of their natural life or executed." —Cois Byrd, Sheriff, Riverside County*

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for assault with a high-capacity, semiautomatic firearm;

- c. Amend the Penal Code by adding a mandatory sentence enhancement section covering murder, shooting into a dwelling or vehicle, kidnapping, robbery, escape, or witness intimidation that would enhance the sentence for the underlying felony as follows:

- Use of a machine gun by a principal – an additional term of 5, 10 or 15 years.
- Use of a high-capacity semiautomatic firearm by a principal – an additional term of 3, 4 or 5 years; and
- Any principal armed with a machine gun – an additional term of 3, 4 or 5 years.

Sections 1203.06 and 12022.5 of the Penal Code, which together compose California's "Use a Gun – Go to Prison" law, require that personal use of a firearm receives a mandatory state prison sentence and the most severe sentence enhancement;

- d. Amend Section 1385 of the Penal Code to prohibit a judge from striking any sentence enhancement for misuse of a machine gun or high-capacity semiautomatic firearm;
- e. Amend the Penal Code to provide that the punishment for an ex-felon who possesses a machine gun will be a mandatory term of 4, 8 or 12 years, and a term of 3, 6 or 9 years for possession of a high-capacity semiautomatic firearm by an ex-felon;
- f. Amend the Penal Code to provide that carrying a semiautomatic firearm and an easily accessible, loaded high-capacity magazine for that specific semiautomatic firearm in an automobile be a felony punishable by a term of 1, 2 or 3 years;
- g. Amend Section 12220 of the Penal Code to provide a term of imprisonment of 3, 4 or 5 years for illegal possession of a machine gun; and
- h. Amend the Penal Code to provide that the intentional conversion of a firearm into a machine gun shall be punished by a term of imprisonment of 3, 4 or 5 years.
5. Amend Section 666 of the Penal Code by adding Section 11550 of the Health and Safety Code to the list of those violations that may be charged as an alternative felony/



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misdemeanor if the defendant has suffered a prior conviction for violation of Section 11550 or any of the offenses enumerated in Section 666.

6. Amend Section 11353.5 of the Health and Safety Code so that it conforms with Title 21 of the United States Code, Section 845a, relating to the distribution or manufacturing of drugs in or near schools and colleges.
7. Enact legislation that would eliminate, by constitutional amendment, postindictment preliminary hearings in cases in which the defendants have already been indicted by a grand jury.
8. Enact legislation to enable and to fund the Governor's Office of Criminal Justice Planning in administering a training program for prosecutors, law enforcement officers and the judiciary regarding the investigative functions of a criminal grand jury.
9. Enact legislation that would allow hearsay testimony in the preliminary hearing.
10. Revise the provisions of the Penal Code and the Rules of the Court relating to sentencing in order to limit a trial court's discretion to grant probation to narcotics traffickers.
11. Enact legislation, through constitutional amendment, that would require judicial officers to consider the protection of the public in setting bail or allowing a defendant to be released on his or her own recognizance in all criminal prosecutions.
12. Enact legislation that would amend Section 1078 of the Penal Code to provide for judicial *voir dire* of prospective jurors in criminal trials.
13. Enact legislation that would amend the California Constitution to allow *voir dire* of prospective jurors in open court, in capital cases.
14. Enact legislation that will expand the designation of Enterprise Zones and Economic and Employment Incentive Areas in order to provide increased economic development and job opportunities within gang-affected communities.
15. Enact legislation to eliminate heroin and cocaine addiction and drug sales from any consideration for diversion to Penal Code Section 1000 drug programs and allow the program to concentrate on the drug users who can bene-

*"Rock cocaine money. This is what it's all about. It is not all about your neighborhood, your 'hood,' it's not all about where you grew up and protection, it's about money; it's about rock cocaine and it's about flash."*  
—Mark Grimm, Sergeant, Bakersfield Police Department

fit from the educational and counseling concepts that are intended by these programs.

16. Enact legislation to place on the ballot a constitutional amendment that will require parents to be responsible for the costs of detaining their children within juvenile facilities.
17. Enact legislation to mandate that the Department of Corrections develop and implement a comprehensive narcotics treatment, education and diversion program for inmates in all of its penal institutions.
18. Enact legislation to amend the current provisions of the state's electronic surveillance law to parallel the federal statute.
19. Enact legislation that will provide for the forfeiture of any leasehold, and attendant deposits, where there has been illegal narcotics-related activity in the leased or rented property.
20. Enact legislation to provide adequate funding for the expansion of the prison system and/or any California detention facility, including secure facilities for juvenile offenders.
21. Amend Penal Code Section 594 (Vandalism) to make gang-related graffiti, regardless of the dollar amount of damage, an alternate misdemeanor or felony with increased penalties.
22. Enact legislation to implement a statewide curfew law and to recommend that communities with current curfew ordinances make a renewed, concentrated enforcement effort in the area of juvenile curfew violations.
23. Enact legislation to require that the State Department of Education, the Governor's Office of Criminal Justice Planning and the Department of the Youth Authority develop and implement a statewide mandated gang and drug prevention program within all public schools in the state to:
  - a. Teach social values and self-esteem to youths, commencing with kindergarten;
  - b. Teach social responsibility and, most importantly, family values and parenting skills;
  - c. Teach students in all grades how to avoid involvement with gangs and drugs;
  - d. Train teachers and administrators on how to implement this curriculum, and how to detect and intervene

*"Graffiti is the essence of gang membership, the essence of gang fear. It tells the people of that community that the gangs are in control." —Daryl Gates, Chief, Los Angeles Police Department*

- with gang- and drug-related or "at risk" behavior; and
- e. Mandate the California State Commission on Credentialing to require all teachers and administrators to complete the gang and drug prevention program as a requirement for certificate renewal.
24. Enact legislation to establish Juvenile Justice Centers within individual communities throughout the state.
  25. Enact legislation to fund and establish Juvenile Assessment Centers through the Governor's Office of Criminal Justice Planning, the California Department of the Youth Authority Youth Services Bureau, the probation authority and the juvenile court to screen juvenile status offenders. The process must take appropriate action within the current six-hour time limit in which the juvenile can be legally detained.
  26. Enact legislation to mandate that the State Department of Education establish a program to require testing of all juveniles in primary grades to determine physiological or psychological learning disabilities.

## FEDERAL AGENCY RECOMMENDATIONS

1. Increase the availability of federal resources to state and local gang- and drug-related case investigations.
2. Increase public awareness of the Internal Revenue Service's (IRS's) cash transaction reporting requirements for businesses, and enforce compliance with these regulations.
3. Increase the use of federal "cross designation" of local police officers and prosecutors to allow local authorities to use the federal system.
4. Coordinate Immigration and Naturalization Service (INS) investigations with state and local authorities to identify known offenders who may be suitable for deportation proceedings and also to increase the seizure of narcotics illegally imported across our borders.
5. Coordinate federal agency investigations with state and local authorities to identify opportunities for interdiction. Use military forces and their resources to interdict more effectively the flow of illegal narcotics into our country.

*"In a way gang violence is similar to the AIDS epidemic...When gang murders were committed in the gang areas, few people took notice. But when the murders spread to places like Magic Mountain, the Rose Parade, the Village of Westwood, people began paying some serious attention."*  
—Sherman Block, Sheriff, Los Angeles County

*"Year after year, the killing statistics continue to rise. We must develop a new arsenal of legal weapons to fight street gang crime. My office has found it effective to use abatement procedures against 'crack' houses to reduce the ability of gangs to deal drugs and death in our neighborhoods." —Jim Hahn, City Attorney, Los Angeles*

6. Conduct a nationwide investigation of gang relationships with international narcotics traffickers. Establish, through the Federal Bureau of Investigation (FBI), a nationwide data base for gang drug-trafficking case information.
7. Continue funding to support victim/witness protection and relocation.
8. Continue and expand funding to Head Start-type programs.
9. Adopt federal legislation that provides mandatory sentences for gang members, their associates, or others who cross interstate lines for the purpose of conducting gang-related drug activities.
10. Provide vacant or unused military facilities that would be suitable for the confinement of adult or juvenile inmates to the California Department of Corrections, the California Department of the Youth Authority or local governments.

## LOCAL GOVERNMENT RECOMMENDATIONS

1. Expand gang intervention programs to prevent continuing gang and drug involvement.
2. Set local government budget priorities to allocate funds to gang and drug prevention and enforcement programs.
3. Direct the Community Redevelopment Agency to develop job-generating, inner-city projects to develop residential communities and business/industry zones within affected communities.

## SCHOOL PROGRAM RECOMMENDATIONS

1. Establish a required gang and drug prevention program, coordinated with local law enforcement, community and business organizations.
2. Provide and require, for continuing certification, training for administrators and teachers to raise awareness of the gang and drug problem, and outline prevention education curricula.
3. Provide components in the school prevention education program to enhance parental awareness of gang and drug problems, and refer parents or guardians to community support groups.

4. Coordinate with community-based organizations and law enforcement agencies to develop and implement a parental skills training program.
5. Establish and enforce codes within the schools to prohibit the display of gang "colors" and the use of pagers or car phones on school grounds.
6. In cooperation with local government and state agencies, expand after school, weekend and summer youth programs to appeal to broader based groups, especially in the age range of 10–18 years.
7. Establish a program within all school systems to require the testing of juveniles in primary grades to determine physiological or psychological learning disabilities.

*"If there's one hope, it is to change the young people's minds before they get into this type of activity." —Robert Burgreen, Chief, San Diego Police Department*

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATIONS

1. Identify and recruit successful community members and business persons to serve as role models and mentors to youths.
2. Seek support from local businesses and industries for employment training and placement programs.
3. Provide for community mobilization and involvement through Neighborhood Watch programs to encourage citizen participation and victim/witness cooperation.
4. Encourage parental responsibility, establish parental support programs to increase awareness of gang and drug problems, and provide 24-hour hot lines and counseling. Enhancing parental skills is critical to mitigate the gang problem.
5. Establish, in coordination with local law enforcement agencies and the schools, a parental notification program to inform parents or guardians when their children are involved in gang and drug activity.
6. Establish, in coordination with religious organizations, a prevention and intervention program utilizing role models and mentors for counseling youths.
7. Establish prevention and intervention programs in communities with special language or cultural needs.
8. Implement programs to encourage teenagers to serve as role models and to participate in community development programs.

*"To work with gangs you must go and stand in the community, on the street corners, in the back alleys, in the parks where they are; gangs will not come to a community services program. They will not ask for help. That's their lifestyle, their way of thinking." —Bernie Sanchez, Compton Parent Group*

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## BUSINESS AND INDUSTRY RECOMMENDATIONS

1. Expand opportunities for business development through the state's Enterprise Zones.
2. Engage in "adopt a school," youth sports team sponsorship, inner-city job placement, and executive volunteer job training and counseling programs.
3. Develop training programs and work experience opportunities for youths, targeting both gang members and potential gang members.

## MEDIA RECOMMENDATIONS

1. Cover all aspects of the gang and drug problem, including the success of intervention and prevention programs.
2. Provide public service announcements and programming for public education on gang and drug prevention and parenting responsibilities.
3. Ensure that gang-related reporting does not glorify the gang culture or attribute acts to any one gang by name.

*"We do need jobs for the youth, positive jobs that lead somewhere. Look to private industry and begin to talk about apprenticeship training, prepare them in high school to face reality, because all kids are not bad."  
—Vernon Jones,  
Fresno Community Center*

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## **Gang and Drug Impact on California**

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*"We are a nation that thirsts and hungers for narcotics, and they're supplying it. They're supplying it to anyone who will buy. They sell it cheaply. They sell it in all kinds of forms, and they make it available to people who want to buy it." —Daryl Gates, Chief, Los Angeles Police Department*

*"I see the gang and drug problem that's sweeping all over this country as an absolute marriage. It's practically impossible to deal with one part of that problem without dealing with the other. Every major street gang, with any significant size, is making money in practically six-digit figures per year by peddling crack cocaine." —Denny Thompkins, Deputy Probation Officer, Alameda County*

## Gang and Drug Impact on California

The State of California is made up of many heterogeneous regions, each containing a distinctive social, community, government, industry and population mixture. For these reasons, the various regions experience different levels and types of gang and drug activity. The Task Force heard of these differences in testimony from concerned citizens and criminal justice representatives throughout the state. Comments received in this testimony are summarized in this section. From this testimony, the Task Force developed recommendations to address both urban and rural situations.

## The Nationwide Perspective

California is not alone in its fight against gang-related narcotics trafficking. Although New York and Miami are considered to be the primary points of entry for illicit narcotics that are distributed to the eastern half of the nation, the Federal Bureau of Investigation (FBI) estimates that one-third of all illicit drugs enter this country through the Mexican border.

The Drug Enforcement Agency (DEA) estimates that Asian gangs control 50 percent of all heroin trafficking in the United States. Traditional crime organizations, importing heroin from Marseilles, France through New York, also remain a major heroin trafficking organization. However, the increased presence of "Mexican Brown" heroin, which is considered to be prevalent in the Chicago area, is the result of Mexican-based drug trafficking operations.

Mobile Jamaican gangs, referred to as "Posses," are quite violent in seizing territories in eastern, southern and midwestern states. Haitian gangs are active in the nation's eastern and southeastern states; Dominican gangs are restricting their narcotics trafficking activities to the northeastern states. Outlaw motorcycle gangs are active in large-scale production and trafficking of methamphetamine.

California plays a major role in the national narcotics trafficking problem. The state's position on the Pacific Rim, as well as its border with Mexico, make it a convenient point of entry for illicit drugs. The FBI reports that Los Angeles is the primary point of entry for cocaine, which is distributed throughout California and on to other major cities in the western and south-



western states. Individuals associated with California's urban street gangs are traveling into other states to sell cocaine. Their presence has been documented in points as far north as Fairbanks, Alaska, and as far east as New Orleans, Louisiana.

The State Department of Justice operates two programs promoting narcotics trafficking suppression. The Marine Air Land Interdiction Network (MALIN) provides drug interdiction training. The Money Laundering Program in the Investigation and Enforcement Branch of the Division of Law Enforcement targets the investigation of cash transactions.

The national narcotics trafficking problem, and the role California plays in contributing to that problem, lends some perspective to the scope of the problem confronting this state's communities. The following summary presents a regional overview of the interrelated problems of gangs and drugs, and illustrates some of the solutions implemented by those communities.

## San Joaquin Valley Region

The San Joaquin Valley region includes the cities of Stockton, Fresno and Bakersfield. It is estimated that there are 72 active street gangs and 7 prison gangs within Fresno, Kings, Tulare, and Kern counties. Among the street gangs, 53 are Hispanic, 13 are Black, 4 are White and 2 are Asian. While the total membership is not known, authorities believe there are between 500 and 700 hardcore gang members affiliated with gangs in this four-county area.

Stockton, which had 10 gangs with a total of 800 members in 1979, has more recently identified 30 gangs with a total of over 1,200 members.

While there are many separate Hispanic gangs, territorial battles occur between gangs that affiliate with Northern and Southern California prison gang factions. These rivalries resulted in serious prison gang problems in Fresno area institutions in the 1970's. Corrections authorities were successful in reducing the gang violence through strict monitoring, intensified supervision, and segregation of rival gang members. Information gathered on gang member activities proved helpful in subsequent investigations. Gang members in this area have been known to commit strong-arm robberies against migrant farm workers with little fear of reprisal since the crimes are rarely reported.

Fresno's Substance Abuse Team focuses on gang member involvement in narcotics sales or use. Selected investigators and field personnel who have received training on specialized inves-

*"In short, some of these smaller communities out here are really coping with what has come from the bigger cities with very limited resources and for the most part, no assistance coming down from the state or federal government in terms of dollars. So we've been left, more or less, to kind of cope and muddle through this." —Ray Farmer, Chief, Rialto Police Department*

*"Graffiti, of course, is the newspapers of the streets. We try to keep track of what is going on, who, what, where and when. Basically, if you read the graffiti you can usually tell what's going on, who's out and who's doing what." —Carlos Mestas, Lieutenant, Fresno County Sheriffs Department*

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tigative and apprehension techniques are used in gang suppression. Fresno area schools also have existing programs for intervening with "at risk" youths and providing drug prevention education. The Sanger School District has established the Special Friends program, which uses paraprofessional counselors in the elementary schools to help identify and aid children who demonstrate "at risk" behavior. This program stresses early identification and treatment of these youths, in conjunction with the teaching of self-esteem and social values.

Interagency cooperation, exemplified by the San Joaquin Task Force on Gangs, is effective in coordinating and sharing information. Officials throughout the region support the benefits to be derived from gang and drug prevention, education, and intervention programs.

The Bakersfield area, only two hours away from central Los Angeles, has been particularly affected by the intrusion of Los Angeles-based street gang members selling crack. Over 400 Los Angeles-based gang members have been identified by local authorities. Authorities state that in 1985, cocaine only accounted for three percent of all drugs seized. In 1987, cocaine, mostly in the form of crack, accounted for 97 percent of all drugs seized. In response, the Kern County Sheriff's Criminal Apprehension Team (SCAT) has established a multiagency task force to target, apprehend and prosecute these gang drug dealers.

## Sacramento Valley Region

Gang and drug problems in the Sacramento Valley have changed in the last several years. Law enforcement officials estimate that there are 35 street gangs, totaling 1,700 members, currently operating in Sacramento. Increased gang membership has resulted in an increase in crime and violence. During 1987, 41 of the 89 homicides in Sacramento were related to gangs or drugs. Narcotics arrests rose 13 percent over the previous year.

Hispanic gangs have long existed in the various communities within the Sacramento Valley. Local officials have mitigated much of the gang violence that had occurred in the Hispanic community by establishing an advisory committee to the mayor of Sacramento, consisting of the Police Chief and leaders in the Hispanic community. Hispanic gangs are known to use marijuana, phencyclidine (PCP) and heroin, but are less involved in other types of narcotics.

Of growing concern to Sacramento officials is the emergence of crack cocaine trafficking among Black gangs which have ties to Southern California and Bay Area gangs. In the first quarter of

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*"Distribution of rock cocaine works on a employee-employer basis. Everyone works for somebody. Distribution of drugs provides jobs in neighborhoods where jobs are hard to come by. Cocaine money goes into the homes of gang members, where it's accepted." —Mark Crimm, Sergeant, Bakersfield Police Department*

1988, Sacramento Police Department arrested 147 Black gang members. Over 30 percent of those arrested were from Black street gangs from Southern California, 10 percent were from the Bay Area, and the balance were local residents who had allied themselves with the out-of-town traffickers.

This evolving alliance has changed the nature of the gang and drug problem in the Sacramento area. In 1985, over 50 percent of the gang-related probationers were Hispanic. Now, over 70 percent are Black. Local authorities also note that drug profits have enticed both Asians and Hispanics to associate with these urban street gangs in their narcotics-trafficking operations.

A greater profit margin has brought the drug trade from Los Angeles to Northern California. Los Angeles-based gang members can buy an ounce of crack cocaine in Southern California for as little as \$300, transport it to Sacramento and sell it for as much as \$2,800. With lower overhead costs than local competitors, Los Angeles-based gang members can easily cut prices and force local dealers out of business.

Local authorities have responded with a variety of prevention and enforcement efforts to combat this problem. The Sacramento Police Department has established a "buy/bust" operation, and has consolidated gang and narcotics enforcement teams into one unit to target drug-trafficking gangs. The County Sheriff Special Investigations Unit has worked in cooperation with the Probation Department and the District Attorney in targeting known gang and drug offenders.

As an example of community-based prevention programs, A Guard Against Narcotics and Gangs (AGANG) raised public awareness of the gang and drug problem, and fostered cooperation both in enforcement and in prevention efforts. The California Compact program in Sacramento combines the business community with the schools in providing educational and job incentives to youths who achieve established academic and attendance standards. This program offers opportunities to youths while also meeting the increasing demand of businesses and industries for qualified, technically skilled workers.

## Bay Area Region

Problems with gangs and drugs have increased in some parts of the Bay Area. The area is vulnerable to the illegal importation of narcotics through its international port facilities. Southeast Asian gangs are a growing concern to local officials. Asian gangs, once feared in San Francisco for their use of violence to control their racketeering operations, are now expanding their

*"The violence that I'm seeing right now is related to the fact that gangs seem to want to let people know that, '...hey, this is our area, we control it. If we can't buy you out, then we will shoot you out. If you don't want to join our local cartel, then we have other means to deal with you. That is we can declare war upon you and take your life.'" —Lee Smith, Deputy, Sacramento Sheriffs Department*

*"There is evidence that families have been involved in recruiting youths into gangs, as the money gained from gang-related drug trafficking helps to support the youth's family." —Wilmont Sweeney, Judge, Alameda Juvenile Court*

involvement in heroin and narcotics trafficking. East Bay and South Bay officials also have noted an increase in Asian gang heroin trafficking.

The 14 to 16 Black gangs identified in the San Francisco area heavily involved in trafficking crack cocaine and other narcotics. With as many as 3,000 to 4,000 members, these gangs are well established in the local communities and are expanding into the Sacramento area.

In Oakland, 66 drug-related homicides occurred in 1987, an increase over the 36 homicides of the previous year. The number of juveniles arrested on drug charges more than doubled between 1985 and 1987, from 455 to 927. The Alameda County District Attorney estimates that 75 percent of all adult court cases, and over 80 percent of all juvenile cases, are drug-related. Over 40 percent of admissions to the county's emergency mental health wards are diagnosed for cocaine psychosis.

Motorcycle gangs remain a problem in both the South Bay and East Bay communities, and continue to produce and traffic in methamphetamine. The South Bay communities continue to have a significant problem with Hispanic gangs and their usage and sale of PCP and marijuana. White supremacist gangs have also been noted in Santa Clara County.

Members of Southern California street gangs have appeared throughout the Bay Area, making inroads into the local drug market. The increased presence of crack in the San Jose area is attributed to the intrusion of these out-of-town dealers. Local police make between 150 and 175 arrests a month for possession, sale, or use of drugs.

San Francisco officials established a multiagency task force to address the growing problem of both gangs and drugs. This task force coordinates the efforts of the city's police, the district attorney's office and the probation department to target serious habitual gang and drug offenders. The city's Mentoring Program directs youths away from gang or drug involvement and toward positive education and career alternatives.

Among the South and East Bay district attorney's offices, vertical prosecution methods have been effective in gang- and drug-related cases. Complementing prosecution efforts, officials throughout the Bay Area deem as essential a gang and drug prevention education program aimed at the youngest, elementary-level schoolchildren.

*"One of the areas that we see the motorcycle gangs emerging constantly is the role as courier of the drugs. We also see them in areas of infiltration in what they refer to as watering holes, where they will simply, occupy a neighborhood bar, or a rural bar, for periods of time."*  
—Robert Winter, Sheriff, Santa Clara County

*"We cannot let those who deal in drugs or deal in communities think that the profits exceed the penalties that they're going to have to pay. And once we let them think that, we have lost the war on drugs."*  
—John J. Meehan, District Attorney, Alameda County

## Los Angeles/Orange County Region

### LOS ANGELES COUNTY

The problem of gangs and drugs in the Greater Los Angeles area has reached crisis proportions. In 1987, gang-related homicides totalled 387, an average of more than one per day. As of November 1988, gang-related homicides had increased over 24 percent from the previous year. The Los Angeles County Sheriff reports that over 1,400 murders committed within the last five years were gang-related. According to Los Angeles County Department of Health Services, cocaine-related deaths are up over 200 percent since 1985. The National Institute on Drug Abuse reports that one-fourth of the country's cocaine-related deaths occur in the Los Angeles area.

The indiscriminate violence exhibited by gang members often results in the death of innocent people. With ready access to assault-type weapons, gangs are better armed than most police. Electronic pagers and car phones are commonly used by gangs in this area to support their drug trafficking operations. Profits from these illicit businesses are used to buy homes, cars, jewelry and legitimate businesses. Operations of these gangs are increasingly mobile, and law enforcement authorities have noted the evolving participation of females within the gang structure.

It is reported that gangs are active in 70 of the 84 incorporated cities in Los Angeles County. Officials estimate that there are between 600 and 650 gangs in the county, with a total membership ranging between 60,000 and 80,000. Los Angeles County Sheriffs representatives stated that 68 percent of the arrests of gang members are for felony charges.

In the City of Los Angeles, there are approximately 250 gangs with a total membership in excess of 30,000. Los Angeles police officials stated that narcotics arrests more than doubled from 1981 to 1987, from 24,662 to 53,801. The amount of cocaine seized by police in the 10-year period between 1976 and 1986 increased by over 19,250 percent. Gang members who once carried "Saturday Night Specials," now select weapons such as Uzis and AK-47s.

State, county and city officials alike have developed numerous prevention and suppression programs to help address this growing problem. Suppression programs include the California Department of the Youth Authority's Gang Services Project in Watts; specialized, uniformed field units, such as the Sheriff's Gang Enforcement Team (GET); covert operations, such as the

*"I grew up in a home where my father was a drug addict. I grew up there and that was all that surrounded me... But, now I know what opportunities are out there. The things that I want to achieve I know I can do because someone has given me the chance."*

*-Robert Valdez,  
Former Gang Member*

*"Some members of a gang kidnapped a female, raped her numerous times, sodomized her, had forced oral copulation in an alley and then...decided she must be killed. It was a week after Christmas and they took her, put her in a dumpster, took an old Christmas tree, placed it on top of her and lit it on fire and she burned up, and survived. She lost a leg, a hand and both breasts and she was scarred from head to foot. I sentenced the defendant to 97 years in state prison, which was the maximum."*  
 —Ronald S. Coen, Judge, Los Angeles Superior Court

Los Angeles Police Department's Solicitation Task Force and the Buy/Bust Task Force; and Los Angeles County's Probation Violation Task Force. Sharing information has been an important element in the investigation of gang activity. Such activity can be effectively tracked and communicated through ongoing coordination between the departments and through utilization of information systems. The Gang Reporting Evaluation and Tracking system (GREAT) is one such multiagency information system operated by sheriffs, police, probation and district attorney's agencies. The Sheriff's Task Force Against Rock (STAR) program combines the resources of the Sheriff with the probation department and the municipal and superior courts to target the crack cocaine traffickers.

Specialized probation units, involving a smaller caseload, and intensified supervision of gang and drug offenders have been necessary because the Los Angeles County Probation Department caseload includes over 73,000 adult and over 18,000 juvenile probationers. The caseload of these specialized units is limited to no more than 50 to 60 probationers. Utilizing the tools of the department's Narcotics Testing Program and coordinating prosecution for probation violations with the District Attorney's Hardcore Prosecution Unit are useful methods of removing the repeat offender from the streets. Vertical prosecution of the gang and drug cases greatly enhances the capability of the district attorney to seek and obtain stricter penalties.

Several agencies have independently developed various forms of gang or drug prevention. One of the first, the Paramount Program, is a school-based program for antigang education that includes a community component that works with families to intervene and prevent the involvement of youths in gangs. This program has been replicated in other communities and is well regarded for its effective approach in educating youths. The Los Angeles Police Department's Drug Abuse Resistance Education (DARE) contains an antigang component and serves as a national model for school-based antidrug education programs. DARE uses law enforcement officers as instructors, which has also proven effective in improving police and student relations. The Los Angeles County Sheriffs Department Substance Abuse Narcotics Education (SANE) program uses law enforcement officers to coteach with regular teachers and trains teachers in the methods of drug prevention. SANE provides the schools with the tools for continuing narcotics prevention education. Both programs introduced antigang components to focus on teaching self-esteem and value structure. While many prevention education programs once commenced in the fifth grade, efforts are now

being made to start the education programs at first grade or even kindergarten.

The CYA's Gang Violence Reduction Project (GVRP) in East Los Angeles combines prevention and intervention activities, and is a model for other areas. The Reduction Street Violence Program (RSVP), operated by the Los Angeles County Probation Department in conjunction with the Community Youth Gang Services (CYGS) Project is one example of the gang intervention programs that represent an attempt to intervene in gang problems. Mothers Against Gangs in the Community (MAGIC) brings together community members to provide support to the community. The Governor's Office of Criminal Justice Planning funds over 20 gang prevention and suppression programs in Los Angeles County.

Private organizations are mobilizing to provide programs to address the problems of gangs and drugs. Through the Neighborhood Watch program, citizens are learning from local law enforcement officials about the nature of the gang and drug problem in their neighborhood and how they can resist the influence of gangs.

Religious organizations have established programs where concerned citizens may combine their resources to increase awareness, to provide support to victims and parents of gang members, and to intervene with gang members. These programs have made progress in providing spiritual support to youths and families.

Other cities also experience significant gang and drug problems. At one time there were over 800 gang members in the City of Pasadena. Through progressive enforcement and role model programs, the city has been successful in reducing the estimated number of gang members to 400. Pasadena's Youth Advisor Program is effective in bringing youths together to discuss the problems of gangs and drugs, and to direct them toward more positive alternatives.

The City of Inglewood has also been aggressive in its prevention and enforcement program. Having founded the Inglewood Coalition Against Drugs, city, business, community, and sports leaders coordinated efforts to support enforcement and public awareness campaigns.

Interagency cooperation, utilizing courts and vertical prosecution, has proven effective in attacking this growing problem. In addition to aggressive enforcement, the city has helped implement a DARE program in the schools. The community has also passed a tax initiative to fund additional police coverage.

*"Now the gangs are discovering that trafficking in drugs can put big money in their pockets. They have the human machinery to make it work, they have the coldness and the savage nature to keep people in line and to get people out of their way."*

*—Sherman Block, Sheriff, Los Angeles County*

*"Once disorganized and lacking both the leadership and resources, the gangs of today are organized, are goal minded, and well equipped with weapons, vehicles, electronic gadgetry, and fat budgets. The gangs of today, whether they realize it or not, are becoming business majors. They are involved in merchandising, franchising, retail and wholesale sales, and market expansion. Their product is illicit drugs, and the rock cocaine is the flagship of their line."* —Larry Carter, Lieutenant, Inglewood Police Department

*"We know — and the kids can tell you — that drugs are not being grown in south central or any place in Los Angeles...We must stop it at the port of entry. Take the product away and deny the would-be criminal an opportunity to sell it on our streets, and to fight for territorial control of their communities."*

*—Nate Holden, Councilman, City of Los Angeles*

*"The challenge we face in Orange County with the gangs is that they are highly visible, they're very target flexible, they're economically minded, and we all know that they're a threat to the very fiber of urban survival in California."—Chuck Smith, Mayor, City of Westminster*

Inglewood's reverse "STING" program was successful in arresting narcotics users. This program is a special suppression effort using undercover officers posing as drug dealers to apprehend drug purchasers. Local businesses have become involved in the program, sponsoring billboards and public service announcements that state, "Buying crack in Inglewood could put you between a rock and a hard place. Behind your rock could be a cop. Inglewood STINGS drug buyers."

The Los Angeles area is the primary location of the most violent gang-related warfare. However, gang members seeking less competition and greater profits are expanding their drug sales to new markets. The DEA reports that Los Angeles gang groups have been linked to selling narcotics in 46 states. Street gang members are moving throughout the state. A more recent phenomenon is that these gang members are associating with individuals from different ethnic groups in order to extend into other ethnically cohesive communities.

## ORANGE COUNTY

Orange County, which has historically experienced Hispanic gang activities, is now affected by the recruitment of local drug traffickers by Los Angeles gang members. Additionally, there has been an increase in Southeast Asian gang activity, including trafficking in controlled substances. Southeast Asian gangs are a growing threat in California and the rest of the United States. They are very mobile, traveling throughout the Southwest and Pacific Northwest to commit crimes and avoid detection. Southeast Asian gangs may be the next major gang problem faced in the United States because of the influx of Southeast Asian immigrants coupled with the impending change in the possession of the Crown Colony of Hong Kong. Westminster Police estimate that they receive two requests per week from out-of-state agencies seeking information on Vietnamese gangs from the Westminster area and 10 requests per week from California jurisdictions. Presently, there are an estimated 90 Southeast Asian gangs with a total membership in excess of 6,000 members in the Orange County area.

## SANTA BARBARA COUNTY

In Santa Barbara, gang membership has been reduced through targeted enforcement, vertical prosecution and public education. Officials estimate that these efforts have reduced gang member-



ship by over 40 percent, which has resulted in a 30 percent reduction in crimes.

## Inland Empire Region

The Inland Empire Region, including the counties of Riverside and San Bernardino, experiences its own problems with gang and drug activities. Given the proximity of the Inland Empire to the Los Angeles area, freeways provide street gangs from the Los Angeles region with easy access to the San Bernardino and Riverside communities. Drug trafficking, stemming from Los Angeles street gangs, has become a problem in the Inland Empire.

San Bernardino County officials estimate that 75 percent of the crack sales are related to Los Angeles-based gangs. In 1988, Riverside County established the Gangs and Narcotics Group Suppression program (GANGS). It is made up of four prosecutors, two investigators, and support staff to prosecute gang members and major drug dealers. Further, the Sheriff has implemented a computer program to track gang-related cases for the courts.

The Riverside County Sheriff, District Attorney and school districts have developed an interagency gang drug task force. San Bernardino has implemented the San Bernardino County Movement Against Street Hoodlums (SMASH), an interagency task force representing law enforcement, schools, district attorney and probation departments. Private industry has also implemented programs for youth gang members.

Rialto, a community in San Bernardino County with a population of 65,000, has identified over 200 gang members. These gang members were responsible for two recent homicides and 14 separate drive-by shootings.

Inland Empire officials are using vertical prosecution and specialized suppression and probation supervision approaches in handling gang and drug offenders. Information sharing with Los Angeles and Orange County officials is vital in identifying the gang offenders operating in the area.

## San Diego/Border Region

The County Probation Department estimates that there are 37 separate gangs operating in the county, claiming a membership of anywhere from 2,000 to 5,000 members. Within the city alone, over 1,900 gang members have been identified, and the police

*"The freeways that once carried families, commuters and interstate commerce are now frequented by gun-carrying dope-hauling gangsters who turned our major route from Los Angeles County into a conveyor belt of drugs and violence." —Dave Tolford, Investigator, Riverside County District Attorney's Office*

suspect that there are at least an additional 50 percent that have not been identified. Of the gangs within the city, 50 percent are Hispanic, 45 percent are Black, and 5 percent are Pacific Islanders. Officials also note an increase in Filipino gang activity within the area.

The overall increase in gang- and drug-related activity is demonstrated by the alarming level of related crime. The San Diego Police Department reports that in the first six months of 1988, 24 homicides were directly related to gang-involved narcotics activity. Additionally, there were 134 shootings, 87 assaults, and 23 separate incidents of shooting into a dwelling that were directly attributed to gangs and narcotics.

There is a large Hispanic population in the region, due to its proximity to the Mexican border, which leaves the region vulnerable to illegal importation of narcotics. Undocumented workers may become victims of gang violence since they seldom report crimes.

Public hearing testimony revealed that Los Angeles-based gang activity has extended into the San Diego region. Federal authorities recently targeted and arrested a major drug trafficker from a Los Angeles street gang who had established a significant network of street sales and crack houses.

Youth involvement in these crimes is expanding. Whereas 252 juveniles were arrested in 1980 on drug-related charges, there were 410 juveniles arrested on similar charges in 1987 within the City of San Diego. County probation officials report that over 80 percent of the youths placed in its youth camps were involved in drugs. Furthermore, probation officials estimate that over 70 percent of the juvenile wards come from homes where the parents are involved with drugs themselves.

Local officials claim that San Diego is the "Meth Capital" of the country, due to the high level of methamphetamine produced and used in the area. Statistics cited from the Drug Use Forecasting Program indicate that San Diego has the highest rate of overall drug use in the country among persons incarcerated in local corrections facilities, ranking San Diego higher in drug use among inmates and wards than New York, Chicago, Washington, D.C., and Detroit. This study indicates that as many as 82 percent of male inmates tested positive for drugs and over half of these positive reactions were for drugs other than marijuana. More women inmates than men tested positive for drugs: 87 percent. A higher incidence in the use of cocaine and injected narcotics was also noted among women as opposed to men. Furthermore, of the 57 percent of juvenile wards who tested

*"PCP, as we all know, is a very volatile drug and always remains active in the system, and can cause what can be labeled as schizoid behavior. Gangs use PCP in preparation for drive-by shootings and acts of violence, so that there's no remorse and no inhibition involved in the behavior."*  
—Roosevelt Bracks, House of Metamorphosis, Inc. San Diego

positive for drug use, over half of these wards indicated that criminal activity was their method for financing their drug use.

Imperial Valley, along the Mexican border, once had a serious Hispanic prison gang problem. Federal officials also cite a particular problem in drug smuggling across the border. Law enforcement agencies in the region combated this threat with a multiagency gang investigation effort. The Imperial Valley's Gang Investigators Association was established to work with the regular field patrol in developing information and targeting known offenders. Through these enhanced efforts, the gang problem in the area has been significantly reduced.

The San Diego Police Department has established a Gang Narcotics Team to work in conjunction with the multiagency Juvenile Drug Gang Enforcement (JUDGE) unit. The JUDGE unit utilizes vertical prosecution, intensified supervision, and targeted enforcement of serious gang and drug offenders. The Police Department has also established a drug prevention program in the schools, modeled after the DARE program in Los Angeles. Additionally, the San Diego Police Department operates the Juveniles Out of Gangs (JOG) program, designed for gang prevention education. The San Diego Youth and Community Services Organization has developed a promising program for gang intervention within the existing structure of Neighborhood Outreach. This gang intervention program works with about 600 youths each year, and reports that 96 percent of the youths involved in the program have no further contact with the juvenile justice system.

*"Today it's a very different picture and it's almost something that crept up on San Diego County; it's something we read about in Los Angeles County and thought would never come here. Well, it has long-ago arrived and like other diseases, it sometimes arrives and it sometimes changes and after it arrived and began to change, it began to change in a very ugly way."*  
—Doug Willingham, Deputy Chief Probation Office, San Diego County

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## **Findings Commentary**

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## Findings Commentary

*"As a mother of a victim I recall vividly the evening I received a telephone call stating that my son was in critical condition after being brutally beaten by a group of young men. Not knowing whether my son was dead or alive I was overwhelmed thinking of the strong and healthy young man that lay motionless and speechless. Pain, fear, anger and isolation are with me still. I still wonder how this could have happened to my son and my family."*  
 —Barbara Debbs, Founder, Mothers Against Crime, Sacramento

*"Apathy has flourished in Los Angeles County to the point that last year 387 lives were lost with hardly a ripple in the lives of most people in this community."*  
 —Sherman Block, Sheriff, Los Angeles County

### FINDING 1:

**Some communities are literally held captive by the violence, intimidation and decay resulting from drug-trafficking by gangs.**

Gangs are openly conducting drug sales on the streets of our neighborhoods; any street corner or crack house selected for drug sales brings with it a steady stream of narcotics buyers, open displays of weapons, and violence resulting from drug deals gone sour and drug turf retaliation.

Gangs use violence to control their drug turf. Witnesses or victims of gang-related crimes are subject to threats and retaliation. Gang members display their control through their actions by boldly displaying their gang "colors," exhibiting weapons and destroying the community with graffiti, vandalism and violence.

Many citizens are innocent victims of this violence, living in fear that a stroll down the street could make them the target of a stray bullet from a gang member's weapon. Parents often refuse to allow their children to play by their own homes or at their neighborhood parks. The elderly lock themselves in their homes, fearing harassment by gang members.

Throughout the hearings, the Task Force heard pleas from the citizens asking for support to help them regain control of their neighborhoods. Community-based prevention and intervention programs, coupled with strict and swift apprehension and prosecution of the gang offenders, are needed to improve the quality of life in gang-affected communities.

### FINDING 2:

**Gang involvement in drug-trafficking has increased with the advent of crack cocaine, and gang members are operating with an increased level of sophistication and violence for the purpose of seizing and maintaining profitable drug territories.**

The phenomenon of the gang drug connection rises from two major sources. First, crack cocaine ("crack") is a highly addictive, easily transportable and a relatively inexpensive narcotic. These attributes make crack a lucrative commodity for illicit drug-trafficking. Second, the gang structure furnishes the ideal

network for crack sales and distribution. Attracted by the profits and flashy life-style of the drug profiteer, gang members have demonstrated an entrepreneurial ability in establishing and maintaining drug sales territories.

Gangs involved in drug sales are using increasingly sophisticated methods of selling and distributing narcotics. Examples of such sophistication include:

- Using juveniles as runners or lookouts so that older gang members may avoid stricter adult prosecution;
- Purchasing car phones and pager systems to communicate locations of drug buys, or to notify their cohorts of law enforcement surveillance activity;
- Defining territories for marketing and transporting drugs; and
- Purchasing personal assets, such as vehicles, homes and legitimate businesses, to avoid detection from money laundering investigations.

In efforts to increase drug profits, gangs have sought new markets for their illegal drug sales. Gang members from Los Angeles are selling crack in cities throughout the state and the country. They recruit members from local gangs or bring in new members to traffic and sell their narcotics.

Traditionally, as individuals enter adulthood, their gang affiliation diminishes. With the profit motive of the drug market, more gang members are staying involved in drug-trafficking further into adulthood. Gangs use younger children to avoid detection or adult prosecution.

Asian gangs are involved in heroin trafficking and other racketeering operations, assisted by their affiliates along the Pacific Rim. Many immigrants do not report crimes to local authorities because of fear and intimidation.

White supremacist gangs have been found in various communities throughout the state. These gangs harass members of other ethnic groups, using intimidation, vandalism and even physical assaults. While members may use various drugs, these gangs are not involved in major narcotics trafficking operations.

Other types of gangs involved in the illicit drug trade include motorcycle gangs who produce and distribute methamphetamine throughout the state; Hispanic gangs who are involved in the sale and use of PCP and marijuana; and Jamaican and Columbian gangs who are moving to the West Coast.

Throughout the public hearings, the Task Force heard how the illicit profits have led to a higher level of gang violence. Capable

*A. "When I turned 15 that's when I decided I wanted to sell some drugs, so I started selling weed because all the older dudes were selling Shermans and I couldn't move up just like that since I was a youngster. Then after I was selling weed, I moved up to start selling crack."*

*—Secret Witness*

*Q. "What motivated you to start selling crack?"*

*—Task Force Member*

*A. "The money, the money was coming good and I saw the cars, I saw that the ladies liked it, and I saw how the police would, come down on it. But then the saying was 'how can they convict you when they don't have nothing?' So it was like I would never have it on me. I would have it stashed, so if they stopped me the only thing they could do was assume, but they wouldn't actually know. I liked it that way because I couldn't get busted." —Secret Witness*

of easily obtaining automatic weapons, these gang drug traffickers have shown no remorse in attacking their competitors or injuring innocent people.

The severity of the gang and drug problem requires immediate action from the criminal justice system to identify, prosecute and incarcerate these offenders. In order to combat the rising problem of gangs and drugs, the criminal justice community must have tools, such as asset forfeiture and money laundering investigations, to take the profits away from the drug profiteer. Stricter sentences, standardization of parole and probation conditions, federal agency involvement, and interagency coordination are among the recommended actions to resolve this problem.

*Q. "You said your mother was in the hospital because she got shot. How did she get shot?"*

*—Task Force Member*

*A. "She and my sister had got shot four months after my father had passed away. It was sort of like a drive by. This guy had just got out of Chino Prison doing, I think 11 years straight. He was under the influence and me and a bunch of my home boys, were kicking back outside when we got into an argument with him. He hit me with a Thunderbird bottle in the back of my neck and he said I'll regret it. Then he took off in a van. We went running after him, and he came by and shot my mom and my little sister."*

*—Secret Witness*

### FINDING 3:

**Specialized law enforcement prevention, intervention and suppression approaches, coordinated with other criminal justice agencies, schools, businesses and community organizations, are effective approaches in addressing the gang and drug problem.**

The specialized law enforcement unit is critical in suppressing gang and drug crimes. Officers focus only on gang- and drug-related cases, and are provided with specialized training in case investigation techniques, narcotics laws, gang behavior, drug effects and undercover investigation. Further, training of regular field units on the attributes of gang and drug-trafficking activities has helped improve intelligence and the investigative processes. When these units coordinate with similar specialized prosecution, probation and corrections units, offenders can be targeted, apprehended and incarcerated. Coordinating these specialized law enforcement efforts with agencies responsible for municipal and county code enforcement (such as fire marshals and health inspectors) successfully closes gang-operated crack houses for violations of local health, fire, building and safety codes.

When balancing specialization with interagency coordination, law enforcement can also be effective in prevention and intervention programs. Drug and gang prevention education (such as the Paramount, DARE and SANE programs), in which officers participate in classroom instruction coordinated with local schools and community organizations, are effective in many jurisdictions. Officer involvement in recreation programs, parent notification and community awareness programs is an important means in assisting the community and developing cooperation between the community and the criminal justice system.

**FINDING 4:**

**Prosecution units specializing in gang and drug cases, using vertical prosecution techniques in coordination with other criminal justice entities, are successful in targeting and incarcerating serious gang and drug offenders.**

Vertical prosecution, the method whereby one attorney manages a single case from filing through sentencing, has been proven to be the most productive tool in attaining longer sentences for serious gang and drug offenders. This method of prosecution provides for more continuity throughout the court process. With specialized caseloads, attorneys learn unique aspects of gang and drug cases. Prosecutors become more aware of the criminal history of individual gang members and have the opportunity to structure a case for more effective prosecution. The Los Angeles County District Attorney's Hardcore Gang unit is the model of the success of vertical prosecution, and can be replicated in other communities experiencing severe gang problems.

*"What makes combating gangs so difficult is the lure of profits from drug trafficking. The fact that many youths involved in gangs are essentially in league with their parents — it's a situation where honest citizens have lost control."*

*—Charlotte Martinez, Deputy District Attorney, San Francisco*

**FINDING 5:**

**Intensified, specialized supervision of gang and drug probationers/parolees is a successful approach in monitoring their activities and enforcing compliance with probation/parole conditions.**

Specialized units, which have reduced caseloads for probation/parole officers supervising such offenders, provide more consistent and intense monitoring. The probation/parole officer can effectively supervise the offender, cooperating with local police officials in identifying probationers/parolees and targeting these individuals for apprehension for any violation of probation/parole. These officers, when provided with specialized training, learn the skills needed to handle gang and drug offenders. The success of these programs lies in interagency coordination, in reduced caseloads, in specialized terms and conditions of probation/parole, in sharing information, and in specialized training of probation/parole officers.

*"Gangs have always been here. What's new is the movement of gangs into drugs, taking advantage of a great untapped market in communities throughout California."*

*—Leonard Edwards, Judge, San Jose Superior Court*

**FINDING 6:**

**Specialized treatment of gang and drug offenders within correctional facilities is successful in monitoring their activities and decreasing violence in the institutions.**



*"Gangs offer three things: prestige, excitement, and camaraderie. Each of these should be achievable outside of gangs. Schools and community services should consider such alternatives."*  
 —Brian Van Camp, Chair and Founder, Citizens for a Better Sacramento

Correctional institutions are successfully addressing the gang and drug offender problem, by monitoring associations with other inmates/wards, and by developing information profiles on gang activities. The correctional officers who are knowledgeable about gang and drug activities can more successfully segregate rival gangs, thus mitigating the potential for violence within the institution.

### **FINDING 7:**

**A statewide information system is needed for law enforcement to investigate and suppress gang- and drug-related criminal activities.**

Given the increasing mobility of gang activity throughout the state, the exchange of intelligence information has become critical. Currently, no statewide centralized information system exists to identify gangs and gang membership beyond the boundaries of a single jurisdiction. Furthermore, no method is available to identify gang members as they relocate or move from one jurisdiction to another.

Criminal justice entities throughout the state stressed the need for immediate access to gang intelligence data and probation and parole conditions on gang and narcotics offenders.

### **FINDING 8:**

**Present California laws are not strict enough to address the activities of serious gang and drug offenders. Probation restrictions are not standardized nor consistently applied throughout the state.**

Present sentencing guidelines rarely result in consistent or strict treatment of the gang and drug offender. Due to "good-time/work-time" credits applied in correctional facilities, actual time served by an offender is only one-half the original sentence. The use of these credits diminishes the intent of stricter sentences in dealing with serious gang and drug offenders.

Another area related to sentencing is the imposition of probation terms and conditions. Probation restrictions may not be structured to deter gang offenders from continuing gang and drug activities. Additionally, probationers may violate these conditions numerous times before being incarcerated. Without the consistent enforcement of probation conditions, offenders may repeatedly violate their conditions of probation with relatively little fear of accountability. Standardized probation conditions

that would prohibit involvement in gang and drug-trafficking activity can enhance the ability of law enforcement and probation officers to monitor probationers.

### **FINDING 9:**

**Present court proceedings and criminal procedures are so lengthy and cumbersome that it is impossible to provide speedy trials.**

Several aspects of California law result in: (1) lengthy and costly court proceedings (2) possible danger to victims and witnesses (3) ineffective treatment of juvenile offenders, and (4) insufficient sentences for serious habitual gang offenders. A study recently completed by the National Center for State Courts found that the length of a trial in California is approximately 30 percent longer than in other states.

As identified by the 1986 State Task Force on Youth Gang Violence, the California Supreme Court decision, *Hawkins v. Superior Court* (1978) 22 Cal. 3d 584, has affected court caseloads, hampering the ability of the courts to provide a speedy trial process. This decision ruled that a defendant indicted by a grand jury, upon his or her request, must be granted a preliminary hearing before a trial.

California differs from most states in that present law does not allow for hearsay testimony in the preliminary hearing. Therefore, witnesses must testify at both the preliminary hearing and the trial, creating an increased risk of victim/witness intimidation.

The inability to utilize hearsay testimony within the preliminary hearing also places additional overtime expense on local law enforcement authorities. Every officer involved on a case may be required to testify in the preliminary hearing and the trial, thereby increasing law enforcement's court overtime costs.

The length of court proceedings is further burdened by cumbersome jury selection process and excessive continuances. Also, the present process of trying juveniles through the adult courts requires that a new certification hearing be held each time a juvenile is considered unfit for juvenile court proceedings. The burden is on the prosecutor each time to prove that the juvenile acted as an adult in the commission of the crime.

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**FINDING 10:**

**The present training provided to the judiciary does not prepare judges to deal with serious gang and drug cases.**

Gang and drug cases involve complex facets of the law that address narcotics trafficking, juvenile offenders and violent crimes. However, the judiciary is not provided with the specialized training necessary to address these problems. Gang and drug cases are heard in a variety of courts by judges who may not be familiar with the unique circumstances associated with the gang and drug problem.

Judges unfamiliar with the specific offender or the nuances of these cases may not be aware of methods to most effectively address these types of court proceedings. Judges may not yet be aware that gang offenders have become increasingly sophisticated in manipulating the criminal justice system. This sophistication may enable gang members to avoid detection and incarceration. They often use juveniles in drug operations in order to avoid adult penalties, and by requesting diversion to drug treatment programs, they often avoid incarceration. Further, judges may not be aware of the specific problems faced by individual communities within the court's jurisdiction. This is of particular concern in major urban areas where court jurisdictions are quite large.

The result of the present court organization is that offenders may travel with relative anonymity through the various court proceedings, and may not receive appropriate treatment in sentencing.

As specialized training has assisted other areas of the criminal justice system, such an approach may also aid the judiciary in adjudicating these cases. Through assigning cases to courts that hear only gang- and drug-related cases, judges will be aware of the activities of these individuals and will be able to consider these factors in sentencing. Additionally, establishing court locations within individual communities may provide judges with greater sensitivity to the unique problems experienced within the communities.

**FINDING 11:**

**Federal agency support is necessary to address the growing sophistication, mobility and violence demonstrated by today's drug-trafficking gangs.**

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*"The person who gets the drugs in is the one with the connections and usually the gangs will swallow that person up or he will become a very substantial member in a gang. He has the contacts and is able to bring the drugs in."*

*—Warren Parker, Counselor, San Joaquín Task Force on Youth Gangs*

California-based gangs are increasingly involved in the expansion of drug-trafficking networks throughout the state and the nation. Drug sales for gang members are more lucrative than ever, involving money laundering, interstate narcotics trafficking and overseas drug smuggling. As this criminal activity grows, it becomes more sophisticated, presenting increasing challenges to state and local criminal justice agencies. However, these agencies may not have the jurisdictional authority or resources to be able to investigate all aspects of these criminal activities. Cooperation between federal, state and local authorities may provide the tools necessary to investigate these aspects of the gang drug-trafficking operations.

Several resources within the federal system have been identified that may assist state and local entities in investigating the gang and drug profiteers. Local law enforcement officials report that drug sales are known to be lucrative. Gang drug dealers purchase homes, expensive cars and jewelry for cash with their profits. All financial institutions are required by Title 31 of the United States Code Section 5311 *et seq.*, to report cash transactions over \$10,000 or more on IRS Form 8300. Title 26 of the United States Code Section 6050I imposes an identical reporting requirement on any trade or business that makes a cash transaction of \$10,000 or more. However, many businesses may be unaware of this requirement. The IRS uses this and other mechanisms to investigate criminal tax evasion. Section 186.10 of the California Penal Code provides that making cash transactions exceeding \$5,000 through a financial institution with the intent to facilitate criminal activity or with the knowledge that such money is derived from criminal activity constitutes money laundering. While the IRS is restricted in sharing some confidential tax reporting information with other agencies, there is potential for coordinating investigations. Expansion of the cash reporting requirements in conjunction with an interagency investigation may prove effective in dealing with drug profiteers.

Narcotics are smuggled into this state through major ports in Los Angeles, San Diego and San Francisco Bay. Coordinated efforts with the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), the U.S. Customs and Border Patrol, and other officials prove effective in investigating these crimes and seizing narcotics at, or before, the point of entry. Since some of these operations involve undocumented aliens, the assistance of U.S. Immigration and Naturalization Service (INS) agents may aid in targeting gang drug traffickers for deportation. International drug-trafficking invokes federal jurisdiction. Given the stricter penalties afforded by the Federal Racketeer Influ-

enced and Corrupt Organization Act (RICO) statute, investigation of the gang-involved drug-trafficking activities are best suited for federal agency prosecution.

Interdiction of narcotics being smuggled through California's seaports could be assisted by replicating the highly successful South Florida Task Force, which was composed of personnel from the U.S. Customs Service, the Coast Guard and the DEA, and operated in conjunction with state and local law enforcement agencies.

*"The gangs are using weapons that can wipe out a whole squad before you can get a shot off." —Dan Foley, Sergeant, San Francisco Police Department*

## **FINDING 12:**

**Gang crime suppression activities also improve the ability of law enforcement to suppress other crimes.**

Increased efforts on the part of local law enforcement to provide protection to communities heavily affected by the gang and drug problem result in more patrol officers on the street and a greater ability to deter other crimes. Antigang patrols raise the awareness of the community as to the presence of law enforcement, and demonstrate to the citizens that the police officers and deputy sheriffs are concerned about the neighborhood. In the course of traditional patrols and other investigative activities, the law enforcement officer becomes more aware of other criminal activities taking place in the area. This intelligence is valuable in solving not only gang- and drug-related crimes, but other crimes that may occur in the area.

*"We feel like we're barely keeping our head above water with these drug problems. There's too much money to be made by these kids that are used as lookouts, runners, and actually salesmen on the street." —Lee Pesola, Deputy Chief, Fresno Police Department*

## **FINDING 13:**

**Local police and sheriffs departments presently do not have the effective resources to suppress gang and drug crimes.**

Throughout the public hearings, citizens and criminal justice officials testified that there simply are not enough police officers to effectively protect gang- and drug-influenced neighborhoods. Officers detain and arrest offenders, but community members state that once an officer leaves a neighborhood, the criminal activity starts again. Police and sheriffs resources have been stretched to their limits. In order to provide thorough coverage to a higher crime area, personnel and equipment must be borrowed from other areas or from special programs. Gang and drug problems are so severe that officers are completely obligated toward suppression activities, with little time to dedicate to desperately needed prevention and intervention programs.

## FINDING 14:

**The new California statute for asset forfeiture will sunset in 1994, diminishing the ability to seize the gains of gang drug dealers in the future.**

Both state and federal asset forfeiture laws were written to target the seizure of assets that were obtained from illegal narcotics sales by gang drug dealers. California recently passed an asset forfeiture law that enhances law enforcement's ability to seize such assets. However, this law contains a sunset clause that will repeal the law in 1994. The criminal justice community needs the tools to negate the profit potential that results from narcotics trafficking. The resources that are provided to local law enforcement agencies from asset seizures serve to augment the ongoing prevention and suppression. This asset forfeiture tool will be necessary in the future.

## FINDING 15:

**The Serious Habitual Offender (SHO) Program funded by the Governor's Office of Criminal Justice Planning (OCJP) is an effective method for early identification of juvenile offenders in order to refer them to intensive counseling and intervention, which may deter them from ongoing delinquent or gang- and drug-related behavior.**

This report describes individuals who either are or will become serious habitual offenders. Some communities, such as Oxnard and Inglewood, have developed specific programs to address the serious habitual offender and bring the entire array of criminal justice and social resources to bear on the person who is already a serious habitual offender or is destined to become so.

Before programs can be put into place to deal with these offenders, it is necessary to determine who they are. Various classification systems are used, depending upon the tack that will be taken. Criminal justice researchers have found that a characteristic pattern develops early in the criminal justice histories of these young people. The background of the serious habitual offender includes a history of family disruption, serious school problems, drug and alcohol abuse, and two or more contacts with law enforcement (regardless of whether previous contacts have resulted in petitions to the juvenile court). Unless these young people are identified early, and significant efforts are made to control their behavior and to provide remedial services and intervention, they are destined to become serious habitual offenders.

*"If he is unfortunate enough to have joined a violent gang or one with a poor reputation, by the time he is 25 he will have seen juvenile hall several times, forestry camp once or twice, Youth Authority and maybe even state prison, all in the name of that which he holds dear, his gang." —Mike Duran, Director, Gang Supervision Unit, Los Angeles County Probation Department*

Designating a young person as a serious habitual offender focuses the resources of law enforcement, probation, prosecution and the courts on that individual for special supervision, surveillance and suppression efforts. Once this occurs, the young person is or should be destined for stricter sentencing to the CYA, jail or CDC facilities rather than more lenient local juvenile justice programs.

SHO programs, whether designed as law enforcement suppression efforts or intervention programs, have been shown to be effective in detecting, controlling and, when applied early enough in a young person's criminal career, redirecting them to socially acceptable ways of behaving.

In any discussion of the suppression of serious habitual offenders, the issue of the costs and the availability of juvenile hall and jail space in the State of California have to be taken into account. At present, the juvenile halls and jails of the major counties in California are overcrowded and many have judicially imposed capacity limits that cannot be exceeded. Many of the recommendations contained in this report will result in additional incarceration in local and state correctional facilities. Given the current shortage of institutional beds in California, additional financial resources must be allocated for construction and operation of facilities if these recommendations are to be effective.

## FINDING 16:

**The present capacity of local and state correctional facilities is inadequate to ensure the incarceration of serious gang and drug offenders.**

Due to the present limited capacity of local jails and state prisons, the inmates remanded to them cannot be housed for the full term of their sentence. Many counties are under court orders to reduce jail overcrowding, resulting in the release of prisoners before their sentences are completed. The result is that the offenders do not take the sentence seriously because they know they will not have to serve their full term. The revolving doors of jails infuriate local community members who see these offenders back on the street continuing their criminal activities soon after they are released. Gang drug profiteers may too easily post bail and be released, only to return to the community once again to sell narcotics and to terrorize innocent citizens. Effective punishment of gang and drug offenders can only be accomplished if the prospect of incarceration is certain.

*"It's becoming kind of trendy to know a gang member in that area, to be associated with them, to be able to say, 'I am friends with this guy who's from this gang and if I got in trouble he would help me out.'" —Marianne Diaz, Community Youth Gang Services, Los Angeles*

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**FINDING 17:**

**The flow of narcotics into this state has increased in the past few years.**

Concerned citizens and criminal justice officials have stated that the amount of narcotics available on the streets has increased. As stated previously, narcotics seizures have increased, yet border and port surveillance and detection activities only result in the seizure of a small portion of the drugs.

Federal enforcement officials state that narcotics are smuggled across the Mexican border with relative ease. Increased efforts are required to interdict the flood of narcotics entering this country. It is also well known that drug dealers may travel across the Mexican border with relative ease. Increased efforts are required to interdict this flood of narcotics entering this country.

Much testimony received from gang members and drug treatment program administrators emphasized the connection between marijuana and other narcotics. Marijuana is a gateway drug to the use of PCP, heroin, crack and other forms of cocaine. Stricter enforcement of laws prohibiting marijuana possession, cultivation and use are required to discourage the use of this drug and to limit its potential to lead to serious narcotics addiction.

*"If you're going to get cocaine, it eventually comes from the Columbians. They control it, as far as this country's concerned." —Phil Steed, Western States Information Network, (WSIN)*

**FINDING 18:**

**Current law does not hold parents or guardians responsible for the costs of detaining or incarcerating their children.**

Juvenile offenders may be detained or incarcerated numerous times, but parents or guardians are not held responsible for the costs associated with housing their children. Increasing ward populations in juvenile facilities have resulted in higher costs to maintain these facilities. In 1984, the California Supreme Court (*in re Jerald C.* (1984) 36 Cal.3d 1) held that it was unconstitutional to collect such costs since such incarceration constituted punishment. In that same year, counties were granted the rights to collect "incidental costs," but full cost reimbursement still cannot be sought.

**FINDING 19:**

**Early prevention, education and intervention are effective methods in keeping youths away from gangs and drugs.**

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*"If we give them other alternatives, if we give them other options we will eradicate the disease, we'll prevent the problems. The funding which we hope will be forthcoming will be for the prevention. It's an old saying, everyone's heard it, 'an ounce of prevention is worth a pound of cure.'"*

*—David Rosenberg, Gang Intervention Program, San Diego*

Throughout the public hearing testimony, community members, law enforcement officers and others stressed the value of prevention. The involvement of young people in gangs and drugs is caused by a lack of individual responsibility and by numerous social, cultural, psychological and environmental influences; including peer pressure, the attraction of the gang culture and drug profits, the need for acceptance and identity, and low self-esteem. Youths who are referred to as being "at risk" are considered more likely than others to join gangs or to become involved in drugs. The key to successfully interceding with these youngsters is identifying their potential "at risk" behavior early in their lives, and providing constructive and viable alternatives to the gang drug life-style. In this effort, it is important to provide youths with the ethical and personal skills to handle the stresses placed upon them in today's society.

Intervening with youths peripherally involved in gangs and drugs is also important. The juvenile justice system, at present, does not always intervene with these youths early enough or in a strict enough manner. The SHO programs, such as the ones implemented by the Oxnard and Inglewood Police departments, contain components for early identification of "at risk" youths, providing intensive counseling and strict treatment of these young offenders. These programs are effective in deterring youths from continuing criminal or delinquent behavior.

## **FINDING 20:**

**Employment opportunities are an attractive and effective means of keeping youths away from gangs and drugs.**

Employment opportunities are attractive alternatives. A common statement in the public hearings was, "How do you motivate a kid to work for \$3.50 an hour at the local fast food restaurant when he or she sees the potential for earning \$500 a day selling crack?" While they are attracted to large drug profits, very few gang members earn large amounts of money selling narcotics. More inner-city youths become the *victims* of the narcotics, so the need for viable career opportunities remains.

Employment training programs that include instruction in basic work skills and provide marketable technical or trade expertise will better equip the individual to compete in the labor market. Job placement programs that furnish career counseling, interviewing techniques and placement referrals are effective in guiding a new worker through the maze of job search.

The California Department of Commerce Enterprise Zone Program, in addition to local Redevelopment Agency efforts, is an essential tool in redeveloping economically depressed communities and providing jobs to local youths. These designated development areas, many of which are in gang- and drug-affected neighborhoods, are provided with tax incentives to encourage business development for economic growth.

## **FINDING 21:**

**Juvenile gang and drug offenders state that the juvenile justice system is a "joke" and poses no significant threat or deterrent to committing crimes.**

Testimony received from gang members themselves during the public hearings revealed that gang members think that the penalties and treatment of juvenile offenders are a "joke." They repeatedly stated that jail was not a threat, because as juveniles they knew that their sentences would be minimal.

Adult gang drug traffickers use juveniles in their drug sales operations because they realize that juveniles are subject to less severe sanctions when compared to adult penalties. Some juvenile gang members consider the short period of detention as a "badge of courage," something to brag about when they return to the streets. Furthermore, the juvenile gang member may be arrested or detained numerous times before actually serving any time in a juvenile facility.

The Task Force received a strong and clear message from many witnesses that stricter treatment of the juvenile gang offender is required to deter "at risk" youths from becoming involved with gangs and drugs.

## **FINDING 22:**

**Schools furnish the most effective means for providing gang and drug prevention education.**

School-based programs are an effective means for gang prevention and/or drug prevention education. Key to the success of these programs is to start prevention education as early as kindergarten. Programs raise awareness of the gang and drug problem, and provide youths with the skills to resist drug use and gang involvement. Students learn to build self-esteem and social responsibility. Uniformed officers in the classrooms enhance the positive relationships between youths and law enforcement officers.

*"When I was first arrested, I was held in the jail for about one or two hours. I started with a battery and ended up with an attempted murder charge in the period of six years. I never stayed more than a week until I got the attempted murder charge. So it began to become a joke to me that getting busted was really, it was no big deal..."*

*—Marianne Diaz,  
Former Gang  
Member*

*"Many of our students by the time they get to seventh and eighth grade, have already been involved in drugs. Fourth, fifth, sixth graders are selling or carrying the rock cocaine."*

*—Lillian Williams,  
Outreach Consultant,  
De Anza  
Junior High  
School, San Diego*

*"When we began 31 percent of all the fifth graders indicated attitudes in favor of gangs and drugs. At the end of the program, only 7 percent indicated at risk attitudes." —Ernie Paculba, Coordinator, Gang Alternatives Project, Los Angeles Unified School District*

*"The usual arguments for not including the church in national decisions affecting the moral fiber of our citizens is the fear of specific evangelisms as they may differ from one church to another. Our problems today are too severe to worry of such unresolvable fears and competitions." —Father Andi Tision, Ethiopian Orthodox Church*

Schools can be successful in identifying and counseling the "at risk" youths/students. Schools can effectively monitor gang dress and behavior, minimizing the glamor and impact of the gang culture.

School-based programs also provide a constructive mechanism for increasing parental awareness and cooperation. Coordinating school antigang and antidrug programs with community-based organizations, government, law enforcement and business communities serves to assist the community in its efforts to fight the gang and drug problem.

Some gang- and drug-affected neighborhoods do not have school-based prevention programs in place. Some district administrators and school boards have refused to recognize gang problems in their schools. Additionally, some school districts have resisted the installation of antigang courses in their curricula.

Throughout the public hearings, the Task Force received testimony on the need for a coordinated, statewide effort in providing gang and drug prevention education starting in the kindergarten grades. School administrators and representatives, teaching professionals, and the teachers' unions must all be made aware of the pervasiveness of the gang and drug problem, and must understand the absolute need for a statewide effort to provide a gang and drug prevention education program. A mandate for a statewide curriculum must be developed.

### **FINDING 23:**

**Local community-based programs, which involve the cooperation of individuals in the community, businesses, schools, religious organizations, and law enforcement and government agencies, are essential to combat the intimidation of the community from gang and drug violence and to prevent gang and drug activities.**

The Task Force heard many local officials call for community-based approaches to address the gang and drug problem. No single approach can address all the needs of a community in fighting the problem of gangs and drugs. Examples of interagency approaches to community-based programs include:

- Law enforcement, business community and local government in community awareness programs to point out the adverse effects of gang and drug problems and the need for community action. For example, off-duty Los

Angeles police officers are conducting such a program, as are Orange County probation officers under an OCJP grant.

- Religious leaders and community members in immediate intervention programs, to identify "at risk" youths, provide intensive counseling, and bring local business representatives to provide job training and placement to deter "at risk" and other youths from gang and drug involvement.
- Community members, schoolteachers, students, and local business representatives in graffiti abatement and community beautification programs. For example, the "J.D. Junkman Crew" at Hollenbeck Junior High School has been successful in eliminating graffiti from their East Los Angeles school.
- Law enforcement, government, school and community members within various Neighborhood Watch programs to enlist cooperation from victims and witnesses in reporting crimes.

Local business community and industry should be included in this equation. Through this interagency cooperation, the structure for job training and placement, counseling, prevention, and intervention programs can be most effective.

The involvement of citizens in making positive changes in their neighborhoods, working in cooperation with local government officials and the religious community, is imperative.

*"I'm not proud to say that I'm a mother of gang members, some of my boys became involved in gangs and drugs. I lost two boys in connection with drugs. Programs should be established where the parents can have time to face the truth of their children's involvement in gangs and drugs, for the parents to seek out appropriate counseling."*  
—Virginia Lopez, Concerned Parents Group, East Los Angeles

## FINDING 24:

**Parental and adult role models play a vital role in a child's attitude toward gangs and drugs.**

Almost all gang members become involved in gang activities in their youth, usually through the influences of other gang members. Gang membership may, in some cases, actually be encouraged by family members who are also gang members.

In other cases, parents, guardians or family members may not know how to recognize a child's affiliation with gangs or the child may be adept at concealing the gang membership. Other parents or guardians may not see the gang involvement as a threat to their children's future. In all cases, however, the result is that the youths become involved in gang activities and, potentially, in drug use or sales.

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The Task Force found that parental awareness and guidance can play an important part in deterring young people from gang and drug involvement. While a stable family home environment does not ensure that a child will avoid gangs and drugs, gang counselors concur that guidance from a parent or guardian is important.

Many gang youths do come from broken or single-parent homes. Without the support and guidance of a parent or similar role model, young people succumb to the temptations of gang activities. The Task Force recognizes the importance of male role models in parenting, yet some fathers fail to accept their responsibilities as coparents and decline to provide support.

However, even though parents or guardians may be aware of their children's gang involvement, they may not have the skills and knowledge to intercede with a potential gang- or drug-related problem. Some parents or guardians may not wish help from outside authorities, fearing the shame that such a situation would bring to their families.

Further problems occur when parents neglect to take responsibility for their children's actions or protection. This lack of parental responsibility has contributed to the gang and drug problem. Parents who themselves are gang or drug involved provide little positive role model guidance to their children. Other families may actually be economically dependent on the illicit profits of drug sales.

All these circumstances point to the need for comprehensive parental awareness and training programs to provide parents with the skills necessary to address the problem of gangs and drugs with today's youths. However, where the positive parental role model is absent, the community may intercede with support groups, role model pairing and counseling. Role model programs, such as the San Francisco-based mentoring program, provide guidance, emotional support and camaraderie, and also lead youths to achieve their full potential and seek employment opportunities. Youth role models have proven an effective method for guiding youths away from gang and drug activity. Some reformed gang members, when carefully selected, monitored and trained, have been able to impress on young people the adverse effects of gang and drug involvement.

## FINDING 25:

Many drug treatment programs do not address the unique problems associated with gang-related substance abuse.

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*"We know that in 50 percent of Black homes – and the rate among non-Blacks is climbing also – there is no significant role model or father figure... So we provide role models... young Black men who have come up through the ghetto, who know the language of the streets, but who know that somehow with the help of God you can transcend what you have been." —Dr. Cecil Murray, Counselor, Youth Lock-In Program, Los Angeles*

The gang involvement in drug use and trafficking has contributed to the explosion of crack addiction, putting a severe strain on the available public drug treatment resources. While it is not possible for this Task Force to address in this report the massive problems of substance abuse, it is appropriate to discuss certain considerations regarding drug treatment programs and how they relate to the overall gang and drug problem. The Task Force recognizes that drug abuse is a serious problem in this state and throughout the nation. One example of this problem is the rising incidence of babies born addicted to narcotics as a direct result of their mothers' drug use during pregnancy.

The Task Force heard much testimony on the need for more drug and detoxification programs focused on those individuals who are more amenable to successful rehabilitation. However, the magnitude of the drug abuse problem cannot be addressed by many jurisdictions' existing drug treatment program resources.

## FINDING 26:

### **Penal Code Section 1000 diversion procedures are abused by gang members to avoid prosecution for narcotics trafficking.**

Another finding of the Task Force concerns the present use of drug treatment programs as a diversion alternative to incarceration. It was found that the diversion alternative is used by gang offenders as a method of avoiding prosecution. Much testimony from criminal justice agency representatives revealed that the drug program diversion, as defined by Penal Code Section 1000, is viewed as a right of defendants, not as a privilege for rehabilitation. As such, the present drug diversion alternative is frequently abused by the gang and drug offender. These concerns point toward the need to restructure the drug diversion alternative admission procedures to determine if the individual is appropriate for diversion.

Removing the gang offender from the gang life-style requires addressing and treating substance abuse problems that have evolved from the person's gang involvement. Drug diversion programs allowed by Penal Code Section 1000 provide short-term drug prevention education intended to deter a minor drug user from continuing his or her drug abuse. However, the Penal Code Section 1000 drug diversion program is not an effective alternative for the drug dealers or opiate abusers. Drug dealers do not need treatment, they need incarceration. The level of addiction associated with opiate narcotics cannot be overcome with diversion, but must be treated in a more intense treatment program.

*"We have drug rehabilitation programs in this country that have lines, waiting lists, that extend well beyond the life span of some people who are addicted. They'll be dead before they're treated." —Don Perata, Supervisor, 3rd District, Alameda County*

*"When 1000 PC originally was implemented, it was aimed and used for those that could benefit from diversion. Over the years, what has happened is it has, rather than become a privilege, it has become a right. And regardless of the drug involvement of the people referred for diversion, they get on that program automatically. There are no conditions of diversion. If they violate, there's no sanction which probation can impose. So it is being misused." —Barry Nidorf, Chief Probation Officer, Los Angeles County.*

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## **Recommendations Commentary**

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## Recommendations

### Commentary

#### Law Enforcement Recommendations

Law enforcement recommendations are directed toward both short-term and long-term solutions to fighting the violence associated with growing gang and drug crimes.

The Task Force recommends that law enforcement organizations implement the following recommendations in order to target and coordinate the investigation of gang and drug crimes.

#### LAW ENFORCEMENT RECOMMENDATION 1:

**Establish or consolidate gang and narcotics enforcement activities within a single, specialized gang and narcotics enforcement unit.**

The expanding involvement by gangs in narcotics trafficking requires a concerted effort by law enforcement agencies in enforcing and investigating these activities. Many police and sheriffs departments in the most heavily affected areas have found that the merger or close coordination of these units has enhanced intelligence gathering and case tracking. It is imperative that these units work closely with patrol officers to ensure effective information sharing regarding the investigation or suppression of gang and drug crimes.

#### LAW ENFORCEMENT RECOMMENDATION 2:

**Provide ongoing training to the appropriate officers on methods of gang and drug enforcement, patrol and investigation, as well as on the need to integrate specialized operations with patrol and investigations.**

As a result of the 1986 Task Force recommendations, training programs were developed for gang and drug investigators. These programs enhance the capability of law enforcement, probation, and corrections officials in monitoring, investigating, and enforcing gang and drug activities. Field patrol units are a valuable source of data about the ongoing activities within the community. When these officers are trained in gang profiling techniques (an approach to identify the characteristics and methods of operation

*"We need progressive teamwork between all agencies, proactive law enforcement, proactive prosecution and sentencing, and proactive after-sentencing supervision."*

*—Michael Boone, Detective, East Palo Alto Police Department*

*"Have you ever noticed that there's not that many rich dealers, yet you have a lot of wannabee rich dealers?"*

*—Anthony Borbon, Project Coordinator, Turning Point*



that apply to gangs or gang members), they offer important intelligence to ongoing investigations.

Continued training of specialized units and field personnel will enhance gang and drug case investigations and the apprehension of known offenders.

### **LAW ENFORCEMENT RECOMMENDATION 3:**

**Coordinate gang and drug enforcement and prevention within an interagency task force, including schools, prosecution, probation, corrections, and community organizations.**

No one agency can effectively resolve the gang and drug problem. Only with a multifaceted cooperative effort can the growing violence be reduced. Effective enforcement against the gang and drug offender requires thorough investigation and intelligence from probation, corrections, and enforcement agencies; continuity in prosecution; and cooperation from the community and schools. Law enforcement officers should continue to be involved in school prevention program efforts. A critical element in prevention and intervention, law enforcement contributes knowledge of street activities and, in return, gains sensitivity to the needs of community, school, and business entities. Probation departments and correctional agencies can serve the prevention effort by bringing former gang probationers and/or parolees into the prevention, education and intervention programs.

*"The gang phenomena really has its origins in neighborhood decay and urban poverty, inadequate education, drug abuse. These kinds of things have contributed to today's gang violence problem and have intensified this situation throughout the state."*

*—Bruce Copeland, Deputy City Attorney, Los Angeles City Attorney's Gang Task Force*

### **LAW ENFORCEMENT RECOMMENDATION 4:**

**Coordinate efforts with fire marshals and health inspectors to abate crack houses (or other facilities used as gang gathering places) by enforcing local health, fire, building and safety codes.**

A crack house, where crack cocaine is processed, sold and used, brings with it a continuing stream of drug addicts, weapons and significant potential for violence. Crack houses may be abandoned, substandard buildings that have been reinforced to prevent entry by law enforcement. Abandoned or burned-out buildings also serve as places for other gang criminal activities. Arresting subjects in such buildings is not sufficient to close down these structures. In such cases, strict building code enforcement is effective in condemning the structures. Aggressive abatement and destruction of these structures should be pursued in all gang-affected areas.

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### **LAW ENFORCEMENT RECOMMENDATION 5:**

**Recruit officers, both men and women, from a representative cross section of ethnic groups, possessing bilingual skills and sensitivity to special language or cultural needs.**

Numerous gangs are formed within ethnic and immigrant communities. In some instances, members of immigrant communities may not speak English proficiently. Further, they may not have learned about the structure of government services in this country, or may not understand the intent of law enforcement efforts and the desire of authorities to cooperate with the community. Recruiting officers from a representative cross section of ethnic groups within the community who, where applicable, possess the needed bilingual skills, aid the law enforcement agency and the community in providing effective law enforcement support. (This recommendation also applies to probation and parole officers.)

### **LAW ENFORCEMENT RECOMMENDATION 6:**

**Coordinate law enforcement efforts with business and community organizations, as well as with outreach and awareness programs to encourage community participation and victim/witness cooperation.**

Community and business organizations are important links in the law enforcement equation. Both types of entities are held hostage by the increasing violence of gang and drug activities. Police and sheriffs actions alone will not resolve the problems of gangs and drugs. Departments must encourage officers to participate in public awareness, the Police or Sheriffs Athletic League or other community programs. Law enforcement interaction with the community and local businesses help to increase awareness of the gang and drug problem. Officers can help individuals understand the effect of the gang and drug problem on the community, interpreting the meaning of graffiti and providing guidance as to how the community and business can assist the law enforcement effort. Enlisting business resources to conduct community awareness campaigns illustrates private citizen and industry support for law enforcement.

Through ongoing communication and interaction, cooperation with authorities may be improved. Community support in reporting crimes and providing victim/witness testimony will lead to the successful apprehension and incarceration of gang and drug offenders.

*"I was just astounded, when we started doing this program, at the ignorance that parents have of what their children are doing or who they're hanging around with. They had no idea that the people that their children were associating with were identified gang members actively involved in thefts, burglaries, and criminal assaults."*  
—Al Guzman,  
Chief, Union City  
Police Department

## LAW ENFORCEMENT RECOMMENDATION 7:

### Notify parents or guardians of their children's gang affiliations.

Many times parents or guardians may be unaware of the warning signs of gang or drug involvement, or children may be cunning in hiding their gang affiliation from their parents. Parents or guardians need to be made aware of their children's activities. Schools, law enforcement agencies and community organizations must all help parents by intervening in the gang or drug activities of their children. The law enforcement community understands the criminal and life-threatening consequences that may result from gang membership. Law officers see the evolving associations that "wannabee" gang members develop with hardcore gangsters. These officers witness the juvenile "drug runners" and "lookouts" trying to gain notoriety with the gang so that they can be used for more profitable drug sales activities. School teachers and administrators see firsthand the "at risk" behavior of these teenagers who anticipate involvement with gangs. Community organization staff members provide perspective in understanding the unique effect that the gang and drug problem has on the community.

It is imperative that the law enforcement community be involved in a parent and guardian notification program. These programs should be structured to advise both parents and guardians of their children's evolving gang or drug affiliations and to refer them to the community-based parental support and training programs.

*"Police officers are so tired of redoing what they do. How would you like to redo every day what you did yesterday? They put somebody in jail, they come back, and they're back on the street. Then you put them in jail again, they're back on the street. The citizens look at the police and say, what are you guys doing? And the police officer shrugs and says oh, we're doing our best. We're...arresting them. And they're back on the street."*  
—Daryl Gates,  
Chief, Los Angeles  
Police Department

## LAW ENFORCEMENT RECOMMENDATION 8:

### Increase the number of peace officers in law enforcement agencies to enhance patrol and field operation staffing, placing more officers on the street to protect the community and to suppress gang- and drug-related crime.

Local law enforcement agency resources have been stretched to their limits in fighting the battle against gangs and drugs. Yet, concerned citizens continue to ask for more peace officer coverage in their communities. More officers should be provided to local law enforcement entities for patrol coverage and community protection. Increasing the number of officers on the street will demonstrate to the community that there is help in reducing the gang and drug violence and crime. More officers will enhance community support and coordination efforts in addition to improving intelligence gathering and crime suppression activities.

*"Mr. Miyoshi ran an auto parts store in South Central Los Angeles for close to 30 years, and he was robbed and murdered by a group of five street gang members ranging in age from 13 to 17 years.*

*The crime was particularly brutal for a number of reasons, the age of the person, his position in the community, the fact that he offered no resistance, it appeared that he was killed either to prevent his identification of the perpetrators...or that he was killed for the sheer sport of it. Either way, it was a very cold-blooded crime and demonstrated very clearly to me at the time that there are 13 year olds involved in heavy gang activity who are not children, even though they are frequently treated by the juvenile courts as if they were children."* —Judy

*Champagne, Judge, Los Angeles Municipal Court*

## **LAW ENFORCEMENT RECOMMENDATION 9:**

**Establish a Serious Habitual Offender (SHO) Program within each law enforcement agency to coordinate with prosecution and probation operations in targeting the most serious offenders for apprehension, prosecution and incarceration.**

As stated throughout this report, SHO is an effective method of identifying juvenile repeat offenders and targeting them for strict and swift apprehension and prosecution. Because this program also includes a component for accomplishing early identification of "at risk" youths, it is a critical link to early intervention with potential gang members. The SHO program is a valuable adjunct to specialized law enforcement gang and drug units, and should be established in all departments.

## **LAW ENFORCEMENT RECOMMENDATION 10:**

**Establish a community advisory group within all law enforcement departments to coordinate and select community-based organization programs that will most effectively provide community service, prevention, intervention, and community mobilization programs that are necessary to address the gang and drug problem.**

There are numerous community-based and religious organizations involved in various forms of gang intervention and prevention or community mobilization efforts. Law enforcement agencies must be provided with a mechanism to effectively coordinate their suppression, intervention and prevention programs with those of local community groups. The community advisory group is recommended by the Task Force to provide such a tool. This body can contribute to the exchange of information among these entities in order to develop a coordinated strategy for community group efforts. The Task Force recommends that law enforcement agencies establish such a group consisting of selected leaders of community-based organizations and religious organizations to set communitywide strategies and to coordinate program operations.

## **Prosecution Recommendations**

The Task Force has identified various recommendations focused on improving the coordination of prosecution efforts in managing gang- and narcotics-related cases. The following actions are recommended to enhance the resources for targeting these offenders.

## PROSECUTION RECOMMENDATION 1:

### Establish vertical prosecution units focused on gang and drug offender cases.

Vertical prosecution efforts, in which one attorney manages all aspects of a case, are most effective in providing continuity to the gang and drug offender cases. These cases involve complex court proceedings dealing with juvenile prosecution, narcotics laws and detailed local codes. The special prosecutors have the opportunity to develop expertise in these areas.

By having a single prosecuting attorney manage the case from its inception through the end of the court process, case details are handled more effectively. Vertical prosecution provides for more consistency in prosecuting all serious gang and drug offender cases, since prosecutors are better able to track the continuing criminal activities of known offenders. This results in stricter sentences for serious habitual offenders.

## PROSECUTION RECOMMENDATION 2:

### Target first-time gang and drug offenders for stricter prosecution to discourage their criminal behavior.

Testimony from former gang members and criminal justice representatives reveals that youth gang members may be arrested or detained numerous times before receiving a sentence of significant length. Without the threat of a stern sentence, these youths continue in their growing criminal involvement until they are well entrenched in the gang and drug culture. Juveniles are often used in the trafficking of narcotics; yet, juvenile drug dealers are often released on probation. Stricter initial sanctions from the legal community will deter youth involvement in criminal gang and drug activities.

## PROSECUTION RECOMMENDATION 3:

### Provide training to specialized prosecution units on the unique aspects and methods of gang and drug case prosecution.

Attorneys must be prepared to address the unique aspects of these cases. The curriculum for training such specialized prosecutors should include gang awareness, narcotics law, drug-trafficking, and automatic weapons operation. Further, the training should provide prosecutors with methods to seek bail

*"Vertical prosecution efforts are necessary so that prosecutors and judges can become familiar with the gangs, gang members, their tactics and their violence. Their constant exposure to the gangs, drug activities, and terrorism should educate them and evoke the appropriate sensitivity necessary to insure dispositions that will maximize the safety and welfare of society related to gang activity."*

—Donald Burnett, Chief, San Bernardino Police Department

*"I saw problems developing, so I went out and aggressively prosecuted misdemeanors. No big deal. It doesn't look pretty on the statistics, but what it does do is it prevents the misdemeanors from escalating into the felonies, into the homicides."*

—Michael Popolizio, Deputy District Attorney, Santa Clara County

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and sentence enhancements, and standardized parole and probation conditions, as recommended within this report.

#### **PROSECUTION RECOMMENDATION 4:**

**Participate in or encourage the development of local multi-agency task forces directed toward the apprehension, prosecution, and incarceration of gang and drug offenders.**

Numerous local criminal justice agencies have developed multiagency task forces for just this purpose. As cited throughout this report, the multiagency task force is a most effective method of targeting the serious habitual offender. In this process, the prosecuting authority plays a crucial role in building a complete case that will result in strict penalties. Using vertical prosecution, the specialized gang and drug prosecution unit can work closely with local law enforcement and probation and parole officials to identify the serious habitual offenders. The Task Force recommends that all prosecuting authorities participate in such multiagency organizations. Further, if a local multiagency gang and drug task force is not yet established, it is suggested that the district attorney spearhead the establishment of such a body within his or her jurisdiction.

#### **PROSECUTION RECOMMENDATION 5:**

**Request the courts to place no bail holds on serious gang and drug offenders who may pose a danger to the community, victims or witnesses.**

Currently, judges may grant no bail holds on felony cases for those defendants deemed to pose a danger to the community, including victims and witnesses. The Task Force recommends that prosecuting attorneys request no bail holds on all serious gang and drug offenders, particularly where there is potential for victim or witness intimidation or retaliation. The Task Force further suggests that the drug dealing gang member poses a threat to the community by virtue of the dangerous consequences known to be the results of narcotics addiction and drug turf battles. Therefore, the no bail hold should be requested in all felony cases involving known drug dealers.

### **Corrections Recommendations**

Corrections agencies are focal points for gathering intelligence data and for operating critical transition and treatment pro-

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*"...we have to realize that with the problems of witness intimidation and with the problems of opposing gang members being our witnesses, many people are afraid of coming into court to testify..."*

*—Charlotte Martinez, Deputy District Attorney, Oakland*

grams necessary to remove the offender from gang and drug influences. Various recommendations have been developed to effect important changes in corrections programs and to provide necessary resources toward accomplishing these actions.

### **CORRECTIONS RECOMMENDATION 1:**

#### **Continue intelligence coordination between corrections and enforcement agencies.**

As gang and drug offenders are prosecuted and move through the criminal justice system, monitoring their movements, associations, and activities is important to the ongoing investigative effort. Given the increasing mobility of gang activity, affiliations with prison gangs, and sophistication in organizations and operations, cooperation between corrections and enforcement is imperative. Current state law provides for the communication of parole and probationer release information to local authorities.

The Task Force recommends continued coordination in order to share information and resources in enforcing gang- and drug-related crimes. Regional information networking will improve gang and drug suppression.

### **CORRECTIONS RECOMMENDATION 2:**

**Establish, under the direction of the California Department of Corrections and the Department of the Youth Authority, minimum-security state correctional facilities to house appropriate offenders in vacant or unused military facilities (as provided by the U.S. Department of Defense) to alleviate overcrowding and to permit the incarceration of violent, drug-dealing gang offenders. Inmates confined in these facilities should be assigned to work on job skills training that supports the renovation and maintenance of the grounds and buildings.**

Current correctional facilities have reached capacity. As stricter sentences are sought and obtained by prosecutors, many correctional facilities face the possibility of having to institute early release programs in order to keep within mandated space standards. Correctional facilities construction is extremely costly, and expensive construction suitable for a high-security prison may not be necessary for minimum security facilities. Several former military bases provide the dormitory, kitchen and administrative services necessary for a minimum-security facility.

*"The courts have screamed and yelled in our county for years that they have no place to sentence someone other than jail or prison. There are just not that many programs out there to deal with children and their families in the areas of drug abuse and the gang syndrome." —P. F. "Jack" Calkins, Chief, Stockton Police Department*

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Such a minimum-security facility is appropriate housing for wards or inmates who are within one year of their release because they pose a lower risk of escape. While these facilities may require some restoration, the facilities may be suitable for a minimum-security prison.

Many gang-involved youths lack marketable employment skills. Similar to other minimum-security facilities and work programs, the military base camp could be used to provide training through hands-on work in renovation and restoration.

### **CORRECTIONS RECOMMENDATION 3:**

**Continue present programs within correctional facilities to classify and segregate gang members, and to provide for tattoo removal and assistance in returning the gang members to the community.**

Many state and local correctional programs find that considering gang affiliation and history in assigning an inmate within the facility is critical to controlling gang activities within the facility. Programs to assist former gang members in their efforts to return to the community, to resist gang affiliations through counseling, to have tattoos removed, and to receive ongoing supervision, are effective. The Task Force recommends continued efforts in these areas to maintain control of the gang and drug problem within the corrections field.

### **CORRECTIONS RECOMMENDATION 4:**

**Implement gang and drug treatment and prevention programs within correctional institutions and as an element of preparation for release on parole/probation.**

Narcotics abuse is a growing problem among inmates incarcerated in our correctional institutions. Drug prevention education is needed to separate these inmates from the influence of drugs. The Task Force recommends that correctional institutions establish such programs and work to define gang prevention education with recommended probation and parole condition guidelines to deter continuing drug involvement.

### **CORRECTIONS RECOMMENDATION 5:**

**Continue to provide correctional officers with training in gang and drug offender supervision, classification and investigative techniques.**

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Supervising the gang and drug offender within the correctional institution requires knowledge of the attributes and profiling techniques used to evaluate the gang offender for classification and assignment within the programs. Additionally, corrections staff should be knowledgeable about the unique aspects of the substance abuse programs directed toward these offenders, and methods for diverting gang members from further gang affiliation. The program curriculum should include an awareness of narcotics use in the gang culture and training on drug-trafficking, abuse, and types of drugs.

The California Department of the Youth Authority and the Department of Corrections have been successful in developing model programs for handling the gang inmate, or ward. The intensive supervision in a correctional facility provides the correctional officer with an ideal opportunity to work with gang offenders and to provide valuable intelligence information to others in the criminal justice system.

Correctional training programs should be implemented, on a statewide basis, in state and local institutions to enhance correctional treatment of the gang and drug offender.

*"Probably the best example of the power they (the gangs) wield is the fact that they were in the jail in such numbers that they were able to charge rent to other people for being put into the cell block with them." —Al Reid, Senior Special Agent, California Department of Corrections*

## **CORRECTIONS RECOMMENDATION 6:**

**Modify construction standards for local jails to allow for quicker and less expensive facility construction without sacrificing safety and security.**

Considerable testimony was given by law enforcement specialists, victims of gang violence and gang members themselves that all too often when a gang member is arrested, he or she is back out on the street too quickly. This situation contributes to the fear of the victims and neighborhood residents who are victimized by the gang violence. It also gives other gang members reason to believe that the criminal justice system is incapable of deterring them from their illegal activities.

One of the major reasons given for these quick releases is jail overcrowding. Local and state agencies responsible for providing incarceration facilities have found that existing jail standards cause delays in needed construction. These standards often may prevent the modification and use of existing and available facilities, creating the need for lengthy and extremely costly construction of new jail facilities.

## CORRECTIONS RECOMMENDATION 7:

Establish, under the direction of local jail corrections authorities, minimum-security county correctional facilities to house appropriate offenders in vacant or unused military facilities (as provided by the U.S. Department of Defense) to alleviate overcrowding and to permit the incarceration of violent, drug-dealing gang offenders. Inmates confined in these facilities should be assigned to work on job skills training that supports the renovation and maintenance of the grounds and buildings.

Similar to the recommendation directed for state correctional institutions, local agencies are also advised to establish minimum- or medium-security correctional facilities in vacant or unused military facilities. Local correctional agencies throughout the state face a severe overcrowding problem, and the prospect of using such facilities, as made available by the federal government, can help to alleviate the jail population control problem. These facilities also supply a prime opportunity to provide various job skills training programs, equipping the inmates with valuable employment skills to help them seek apprenticeships and employment opportunities upon their release.

## CORRECTIONS RECOMMENDATION 8:

Recruit officers and agents, both men and women, from a representative cross section of ethnic groups possessing bilingual skills and sensitivity to special language or cultural needs.

Similar to the recommendation made to law enforcement agencies and probation/parole entities, correctional organizations are also advised to recruit officers and agents from a cross section of ethnic groups. The populations supervised by correctional organizations cut across the wide range of ethnic groups, and personnel who possess bilingual language skills can more effectively understand the unique issues that relate to the special needs of linguistic and cultural minority group members.

## Probation/Parole Recommendations

Probation/parole activities are crucial in monitoring the activities of the gang and drug offender. The following actions are recommended for these agencies in supervising these offenders.

*"When a kid or a ward finally gets targeted for any type of program, he/she may have been busted 10 times. But they've probably done 300 crimes that they haven't been caught for."*

*—Reverend Robby Kelly, McAllister Institute of Treatment and Education (MITE, Inc.)*

*"We also estimate at this time that approximately half of the new commitments coming into prison have been involved in street gang activity at least as a juvenile and possibly up to the time that we get them." —Agent Guiton, Senior Special Agent, California Department of Corrections*

## PROBATION/PAROLE RECOMMENDATION 1:

**Continue or establish specialized vertical probation and parole supervision units with reduced caseloads, focusing on the gang drug-trafficking offender.**

The Task Force found that well-structured programs for probation and parole supervision of gang members are effective tools in combating gang violence and drug-trafficking. Where probation and parole field services include multiagency cooperation and coordination for intelligence and mutual support, progress has been made in certain areas of gang control. Conditions of probation and parole, including intensive supervision, drug testing, search and seizure of contraband, surveillance and direct counseling help probation officers and parole agents become more aware of gang members in ways that other agencies are not equipped to do. By virtue of the intense contact with their probationers and parolees, probation officers and parole agents become more aware of gang members' habits, patterns, practices and families. This places them in a better position to assist law enforcement officers in targeting and removing the high risk violent gang member from the street and redirecting the less sophisticated members away from deeper gang involvement.

Probation and parole operations find that intensified supervision of serious habitual gang offenders has been successful in tracking their activities. With the rising incidence of gang drug-trafficking, it is more important than ever before to provide specialized and intensified supervision. Gang drug dealers are subject to considerable influence from their fellow gangsters and, enticed by the profits of the drug trade, their potential for recidivism is high.

Therefore, the gang probationer or parolee should be subject to intense supervision, within strictly specified conditions, and detained for any violation of those conditions. As processes for probation or parole violation hearings are less cumbersome, they are highly efficient methods for handling the gang drug repeat offender. Reduced caseloads for probation and parole officers allow for more frequent contact and investigation of the individual's activities, in addition to enhanced coordination with local authorities.

Elements of the specialized gang and drug offender program should also provide the following:

- Implementation of gang and drug prevention programs within correctional institutions as elements of probation and parole;

*"What we're up against is an organized, aggressive bunch of people that are more afraid of one another than they are of us. Because every dealer that I talk to, or even every user that I talk to, tells me that they're much more concerned about the other users and the other dealers on the street than they are about law enforcement. At this point, we're a nuisance."*

*—Robert Creamer,  
Probation Officer,  
Santa Clara County*

*"We have problems in the institution with imitation gangsters, kids claiming that they're from Los Angeles gangs but have never been to Los Angeles."*

*—Jim Johnston, Deputy Probation Officer, Fresno County.*

*"They all knew before my mom knew about my gang membership, and the people I was hanging around with were gang related, wearing khakis and big old shirts. She saw the way I wore my makeup, my hair and big pants and that's when she knew. I used to come home with scars on my face, breaks around my skin when I got hit and it's like the people who constantly came looking for me were gang related."*

*—Secret Witness*

- Voluntary tattoo removal and assistance in returning the gang member to the community;
- Continuation or establishment of specialized vertical probation and parole supervision units using a consistent supervision case assignment patterned after the vertical prosecution concept;
- A statewide offender risk/need classification system modeled after the National Institute of Corrections case classification system;
- Encouragement of in-custody gang and drug prevention programs within probation correctional institutions as part of the probation case supervision process;
- Establishment of a central Statewide Registry for all probationers and parolees, containing information on the individual's description and specific terms of probation and parole; and
- A probationer and parolee identification card program as detailed below.

## PROBATION/PAROLE RECOMMENDATION 2:

Develop standardized gang control probation and parole conditions in conjunction with the courts and paroling authorities to be used statewide that will preclude continuing gang and drug involvement and will provide enhanced ability for parolee/probationer tracking. Require that the conditions be listed on an identification card that must be carried by the probationer/parolee at all times and be presented to any peace officer on request. The card must also include the name of the probation or parole officer and a 24-hour contact phone number for that agency.

The Task Force recommends that local law enforcement, prosecution, corrections and probation agencies work with the courts and paroling authorities in developing standardized probation and parole conditions for their jurisdictions to apply in the sentencing of all gang and drug offenders. The conditions should be listed on a probation/parole conditions identification card. This card should contain a person's picture and description, and the probationer or parolee should be required to carry the card at all times. The conditions should include:

- Prohibition of association with other gang members;
- Prohibition of the use of car phones and pagers by gang members;

- Prohibition of the display of gang colors, paraphernalia, hand signs and slogans;
- Mandatory submission to chemical testing on demand;
- Required participation in drug prevention and education programs;
- Specific curfew terms for all gang members;
- Mandatory submission to personal or vehicular search and seizure;
- Required participation in graffiti abatement programs;
- 24-hour contact telephone number of the probation/parole agency; and
- Probation or parole agent name.

The probationer or parolee should be required to sign a contract indicating that he or she agrees to and accepts the terms and conditions defined and acknowledges that any violation of these conditions and terms *will* result in an immediate hearing and incarceration.

Standardized probation conditions for known gang offenders provide law enforcement and probation with the ability to supervise their actions and to place probation/parole conditions within a statewide, automated data base system for access by other criminal justice agencies. Further, summary probation should not be allowed for known gang offenders.

### **PROBATION/PAROLE RECOMMENDATION 3:**

**Establish a centralized statewide registry to maintain information on all probationers and parolees, listing the specific probation and parole terms and conditions that apply to each individual.**

Effective supervision and monitoring of all probationers requires comprehensive information on their criminal history, sentence conditions and addresses. Presently, there is no statewide information system or registry for parolees or probationers; therefore, identifying probationers or parolees and tracking their movements can prove difficult for law enforcement, probation and parole officials. The Task Force recommends that probation and parole officials establish a statewide registry program where all probationers or parolees are required to carry an identification card that details the terms of their probation and/or parole. These individuals should be required to carry the card with them at all times and register with local authorities each time they move to

*"A lot of times parents are unaware that these kids wear these colors because maybe they want to affiliate with a certain element or certain gang members. But, it's surprising because those kids know what's going on, the elementary kids, fourth, fifth and sixth graders know what's going on." —Ted Alfaro, Program Director, Sacramento City Unified School District*

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another jurisdiction. The terms of probation and parole should be maintained by a statewide clearinghouse and entered into a computer data base for access by all criminal justice authorities.

#### **PROBATION/PAROLE RECOMMENDATION 4:**

**Implement gang and drug probation and parole programs to more effectively manage gang parolees and probationers.**

The California Department of the Youth Authority has developed model programs targeting the gang and drug offender. The transition "safe house" provides those wards who have made the decision to leave the gang with a support mechanism to align themselves within the mainstream of society. These programs enforce clothing and behavior standards, and provide employment training, placement and counseling.

The Task Force encourages local departments to consider such a program for local implementation.

#### **PROBATION/PAROLE RECOMMENDATION 5:**

**Provide training to specialized probation and parole supervision personnel on the aspects and methods for gang and drug offender supervision.**

The training curriculum should provide the officers with an understanding of the purpose for intensified supervision; the aspects and attributes of gang behavior, graffiti and the wearing of gang "colors"; the use and application of standardized probation/parole conditions; the need to communicate and coordinate supervision with local authorities; the methods employed in drug-trafficking; the use and abuse of narcotics; and the application of probation/parole violation proceedings.

While many supervision agencies have taken part in state operated training programs, both state and local agencies must provide such training to their field personnel to more effectively supervise the gang and drug offender.

The Board of Corrections Standards and Training for Corrections (STC) programs for gang supervision should be expanded to offer all of these training elements. All specialized agents or officers should participate in the training as a part of their annual training.

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*"Some provision for trained personnel in dealing with gangs needs to come into our community to work with us in educating the parents of the community and the police. We're not experts in working with gangs. We need personnel to come in and train us. We want to deal with our own problems, but we need that kind of expertise to come in and assist us." —Tris Hubbard, Director Student Services, Sweetwater Unified School District*

## PROBATION/PAROLE RECOMMENDATION 6:

**Recruit officers/agents, both men and women, from a representative cross section of ethnic groups possessing bilingual skills and sensitivity to special language or cultural needs.**

Probation and parole organizations must begin, like law enforcement and correctional agencies, to recruit officers/agents from a cross section of ethnic groups. Probation and parole operations include numerous transition and supervision programs. In addition to activities involved with community-level prevention and intervention programs, these programs interact with persons from various ethnic backgrounds. For these programs to achieve their objectives, they must recruit staff members who possess bilingual skills and an understanding of the unique cultural problems that affect the gang and drug offenders and ethnic communities.

## Judicial Recommendations

The courts are the focal point for the final actions affecting the gang and drug offender. Yet, courts are overburdened with cumbersome proceedings resulting in excessive caseloads. In order to more effectively address the gang and drug offender, enhanced judicial training and court specialization is recommended.

### JUDICIAL RECOMMENDATION 1:

**Establish, through the California Center for Judicial Education and Research (CJER) and the State Judicial Council, a training program for judges to inform them of the unique aspects of gang and drug cases.**

The State Judicial Council and the California Center for Judicial Education and Research are responsible for providing training and education programs for judges. As yet, there is no curriculum designated for providing judges with training on the unique aspects of the gang-involved, drug-trafficking case. Judicial considerations involved in the gang and drug cases may include characteristics of gang activity, sentencing enhancements, special probation conditions, juvenile certification proceedings, drug and detoxification diversion alternatives, sensitive victim and witness situations, and continuances. The Task Force recommends that the Judicial Council and CJER develop a program to instruct judges about these and other considerations that affect the gang- and drug-involved case, highlighting the

*"We've had many cases where Probation, DA and the Police Department are all in total agreement on what should happen to the individual, but we run into a stone wall when we get to the judges." —Jim McGinley, Sergeant, San Diego Task Force*

objectives of the Career Criminal Apprehension and Prosecution (C-CAP) Program, the Career Criminal Prosecution (CCP) Program, the Serious Habitual Offender (SHO) Program, and the growing problems of gang drug-trafficking and violence.

### **JUDICIAL RECOMMENDATION 2:**

**Establish regional courts to hear cases pertaining to a designated geographic/community area so that judges may become more aware of, and sensitive to, the crime problems occurring within a specific community.**

Within large metropolitan areas, judges may hear a variety of cases from numerous communities. As such, the courts may not be afforded the opportunity to learn of the specific attributes relating to any single community.

The concept of regional courts is not new. In fact, regional courts have proven quite effective in both the Compton and Hollywood areas in Los Angeles County. By establishing courts within the communities, judges may focus on individual community problems, and will become more familiar with the criminal history of repeat offenders that are operating in these communities. Further, they may establish a consistent judicial policy that will provide for more effective treatment of the gang and drug offender.

*"There has been a change in the types of cases coming to the juvenile court. Cases use to be such things as purse snatching, burglary at the worse. Now, the cases are virtually all related to drug offenses, drug-related violence."*  
—Wilmont Sweeney, Judge, Alameda Juvenile Court

### **JUDICIAL RECOMMENDATION 3:**

**Establish specialized courts, within larger communities, hearing only cases involving gangs and drugs so that judges may become more aware of the complex nature of the specific legal interpretations, criminal behavior and sentencing requirements relating to these cases.**

Gang- and drug-related cases contain many nuances. Judges must consider the complexity of narcotics laws, the potential for victim and witness intimidation, the attributes of gang behavior that influence the criminal act, and the manipulations of attorneys who may endeavor to delay unnecessarily the court proceedings. Weighing all of these factors within a general court caseload can be difficult. Specialized courts adjudicating gang and drug cases will provide judges with the opportunity to learn more about the attributes of these cases, leading to more effective adjudication. Further, judges may learn more of the specific criminal histories of repeat offenders.



Specialized courts adjudicating gang and narcotics cases, with judges specifically trained in the aspects of such cases, will provide continuity in the adjudication of the case.

#### **JUDICIAL RECOMMENDATION 4:**

**Ensure that gang and drug offenders violating their probation are returned to the judge who sentenced them.**

Within most jurisdictions, courts assign probation violation cases to the judge who originally sentenced the offender. However, given court caseloads and judicial schedules, probation violations may be heard by other judges who may be unaware of the severity of the offender's criminal history.

It is necessary to treat the gang drug repeat offender strictly and consistently. The Task Force recommends that probation violations for such offenders be heard by the sentencing judge, who will employ the stricter sentencing and probation guidelines recommended in this report.

#### **JUDICIAL RECOMMENDATION 5:**

**Establish special night court sessions within either regional or specialized gang and drug case courts in order to offer a convenient time for juvenile offenders to attend court with their parents or guardians.**

Present daytime court schedules may conflict with work schedules for parents or guardians. Hence, youthful offenders may come before the court without their parents or guardians. Parental involvement is a necessary step toward parental responsibility and effective youth guidance. The Task Force believes that night courts provide an opportunity for increased parental awareness of their children's potentially criminal behavior and ensure that parents are involved in whatever sentence or program is required for the child.

#### **JUDICIAL RECOMMENDATION 6:**

**Develop, through the State Judicial Council and the Chief Probation Officers Association, uniform statewide standards for setting probation conditions for serious gang and drug offenders.**

Present laws allow for probation conditions to be recommended by the probation officer and prosecutor and to be

*"I have found in my task force that juveniles are being recruited actively by adults. They say, 'look, nothing's going to happen to you if you are the one holding the dope when the cops come.' And our courts are proving them to be right. So what's happening is that juveniles who are being caught, become extremely cocky about the fact that nothing's going to happen to them, and then nothing does happen to them, and so then we're back to square one." —Jim McGinley, Sergeant, San Diego "Judge" Task Force*

*"The juvenile justice system doesn't work. I think that kids have to be shown early on that they have to be responsible to the public, whether or not they're responsible to their parents." —Edward Hunt, District Attorney, Fresno County*

*"It's no secret what I do to gang members who are convicted in my court. That's the only thing that'll get their attention and more importantly, the attention of their associates." —Ronald S. Coen, Judge, Los Angeles Superior Court*

imposed by the courtroom judge. This results in the imposition of numerous types of probation sentences. Since probation conditions are not readily available to field patrol or probation officers, it can be difficult to determine if probationers are in compliance with their sentences. Probation conditions structured to deter gang and drug activities are more effective in dealing with the gang offender. The Task Force therefore recommends that the State Judicial Council and the Chief Probation Officers' Association establish guidelines for standardized probation sentencing policies to be considered by judges in defining probation terms and conditions.

## Executive Recommendations

The Task Force has identified several efforts that are suggested for consideration for executive action. The following directives may be accomplished by addressing the statewide gang and drug problem.

### EXECUTIVE RECOMMENDATION 1:

**Consider the creation, through an executive order, of a Statewide Narcotics Enforcement Coordination Task Force.**

The Task Force recommends that Governor Deukmejian issue an Executive Order creating a Narcotics Enforcement Coordination Task Force composed of himself, the Adjutant General of the California National Guard, the Executive Director of OCJP, three district attorneys, three sheriffs, and three chiefs of police, representing the north, central, and south parts of the state, and balanced between small, medium and large jurisdictions and, at the discretion of the Governor, to include the appointment of other constitutional officers.

The proposed task force will create a network that will allow the coordination of this state's law enforcement efforts for maximum efficiency against street gangs and narcotics traffickers. Additionally, it will assist in identifying and targeting of the major narcotics vendors operating in California, including the expansion-minded street gangs, for enhanced enforcement and prosecution efforts. Perhaps most importantly, this task force will provide an organizational structure to battle narcotics trafficking in an effective, comprehensive manner that uses existing resources.

Such a task force may also enhance the statewide use of asset forfeiture as an instrument to combat narcotics trafficking. Many aspects of the forfeiture program particularly lend themselves to

interagency and intergovernmental arrangements. In many jurisdictions, the essential elements for development of a cooperative narcotics enforcement and asset forfeiture program already exist.

Additionally, it is recommended that the Governor, as the Commander-in-Chief of the California National Guard, marshal the resources of that agency in the task force's efforts against narcotics trafficking. The resources that the National Guard could make available to law enforcement efforts, such as helicopters and surveillance equipment, would be of enormous benefit to financially hard-pressed rural law enforcement agencies.

This proposed task force would also allow the Governor to explore the feasibility of using interlocking regional task forces to combat narcotics trafficking and the attendant violence it incurs at the local level. If each regional task force would be composed not only of a member from each county within a designated region, but also of one member from each geographically adjoining regional task force, then this would "interlock" the regional task forces. The result would be the creation of regional and statewide narcotics enforcement efforts.

This task force concept would also allow the "cross designation" of a prosecutor from one county as a prosecutor in another county, when a regionally active narcotics trafficker is subject to prosecution in more than one county. Such cross designation will result in more efficient prosecution, with less reason for "plea bargaining," and will increase the probability of achieving consecutive sentencing for multiple offenses. Cross designation, and the inherent network resulting from such regional task forces, would also assist in the identification and tracing of assets if a forfeiture action is initiated against a trafficker.

The interlocking nature of the suggested regional task forces, when complemented with the proposed Narcotics Enforcement Coordination Task Force, will create a narcotics enforcement network. The existing resources of OCJP would afford an enhanced ability to plan, coordinate and fund programs that the Narcotics Enforcement Coordination Task Force would implement to counter narcotics trafficking.

*"We need to get together and gang up on the gangs; we're stronger, we can do it, but it has to be done cooperatively." —Corrine Sanchez, Executive Director of El Proyecto Del Barrio*

## EXECUTIVE RECOMMENDATION 2:

**Direct the California National Guard to concentrate surveillance and reconnaissance efforts along the California-Mexico border.**

Enhanced state and federal law enforcement efforts in the urban areas of the San Diego region are pushing the routes of drug

*"We have to become serious about the importation of drugs into this country. The integrity of our borders is non-existent. If I was going to invade this country, I would use small aircraft, I'd come in from the south, I'd come across the border low and slow, I would not be challenged, probably would not be detected. If I were detected, I'd try to evade. If I couldn't evade I'd turn around and fly back south. And I'd know that I was in no jeopardy or nobody would make a serious effort to stop me." —Phillip Pounders, Captain, San Bernardino County Sheriffs Department*

importation further east along California's border with Mexico. The resources of the California National Guard, in terms of surveillance and reconnaissance performed with helicopters, aircraft, and land-based vehicles, should be committed to enhance local law enforcement's efforts to prevent the flow of illegal drugs into the state in the rural areas along the border.

National Guard troops who have peace officer status in their civilian careers could be deputized in the border jurisdictions to apprehend drug smugglers that are discovered during the surveillance activities. Such activities could be given priority during the two week assignment that each National Guard unit completes annually, in addition to the regular duties of the Guard throughout the year. The resources of the National Guard that could be dedicated to the assistance of local law enforcement efforts in the border area are considerable, and should be committed as recommended.

### EXECUTIVE RECOMMENDATION 3:

**Direct the Governor's Office of Criminal Justice Planning to survey community-based organizations in order to establish a clearinghouse of information on successful models for prevention, intervention, and community mobilization programs and on methods for obtaining funding for such programs.**

The Task Force recognizes that one of the keys to reducing and preventing criminal activities of gangs, or simply gang membership among young people, is through the services of effective community-based organizations (CBOs). Through the Gang Violence Suppression Program, funded in part by the state and administered by OCJP, the state has a means to provide funds for local assistance to CBOs. Because state revenues are limited, prevention programs run by CBOs cannot be completely funded in every community where there is a need for such programs. However, there is a need to compile information on representative CBOs throughout the state that have demonstrated their effectiveness in working with gangs to prevent violence, or with "at risk" youths to encourage them to remain out of gangs. Effective and innovative programs could be used as models to be replicated in other communities.

OCJP should be directed to survey known CBOs to compile information on successful CBO service models. Such information could be made available to both public and private agencies upon request to assist them in replicating successful programs in

their own communities. In addition, OCJP should be directed to provide, upon request, information to CBOs on sources of possible funding.

#### **EXECUTIVE RECOMMENDATION 4:**

**Direct the Commission on Peace Officer Standards and Training to provide instruction for law enforcement officers regarding the history, function and safe handling of assault-type weapons. Also direct the Governor's Office of Criminal Justice Planning to provide prosecutors with similar training.**

The use of assault-type firearms by gang members has created the need for both prosecutors and law enforcement officers to receive training in the history, function and safe handling of these weapons. Police officers are generally only familiar with the firearms issued to them by their departments, and most prosecutors have little, if any, knowledge or training regarding firearms. The high-capacity magazines and the ability to select a fully automatic mode of fire could result in the disastrous accidental discharge of multiple rounds of ammunition if such a firearm is mishandled in an office or, even worse, a courtroom.

All criminal justice agencies involved in the seizure or handling of assault-type weapons require training on the specific methods for handling these dangerous weapons, whether they are encountered in field operations or handled as evidence in the courtroom. Through executive order, the Governor's Office of Criminal Justice Planning and the Commission on Peace Officer Standards and Training may develop such training programs.

#### **EXECUTIVE RECOMMENDATION 5**

**Establish a computer-based information system for compiling and organizing municipal, county and statewide gang data, including gang-related narcotics trafficking intelligence.**

A recent phenomenon of criminal gang activity, particularly with the increased involvement of gangs in the trafficking of drugs, is that an individual gang is now less likely to confine its activities to a single neighborhood or community. Los Angeles gang members are now turning up in the San Francisco Bay Area, Sacramento, the Central Valley, San Diego and the Inland Empire. Since criminal gang activity is increasingly taken into

*"A centralized statewide computer tracking system is needed that all law enforcement can access in order to track and monitor the activities of gang members and drug dispensers."  
—Bill Lockwood, Supervisor Gang Information Service Unit, California Department of the Youth Authority*

*"Both the state and the federal government must institute an intelligence network to track gang members to assist the local law enforcement with their arrests and prosecution for criminal acts."*

—Lee Dohm,  
Deputy Chief,  
Sacramento Police  
Department

*Q. "What opened your eyes to the undesirable nature of your gang activity?" —Task Force Member*

*A. "When the man slammed that door behind me and told me I had a five-year maximum."*  
—Secret Witness

other communities, there is a need to improve the ability of law enforcement agencies in different jurisdictions to share information about gangs and known gang offenders for investigative purposes.

The 1986 State Task Force on Youth Gang Violence recommended a statewide information system and clearinghouse for gang activity tracking. Since that time, gang-related drug-tracking has exploded. While the Los Angeles Police and Sheriffs departments have developed the Gang Reporting Evaluation and Tracking system (GREAT), a statewide system is still not available. GREAT maintains gang intelligence data, tracking gang activities and probation/parole conditions of known gang offenders. This is a highly effective tool in monitoring and investigating gang activities and removing gang members from the streets.

The Administration and the Legislature committed \$200,000 in the 1988–1989 fiscal year for OCJP to study the design and application of such a computerized system beyond the Los Angeles region. Additionally, AB 3414 (Chapter 1247, Statutes of 1988) gives OCJP specific guidelines and issues to consider in its study of expanding the system. It is recommended that the Governor and the Legislature provide the resources necessary to replicate the GREAT system in other regions of the state when the OCJP study and system design recommendations are completed.

The expansion of gangs and their importation of drugs throughout the state make it even more critical to design and develop a statewide gang information network and clearinghouse. The statewide system should provide local law enforcement officials with gang analysis files. This system would greatly improve communication, cooperation and coordination among all criminal justice entities throughout the state.

## Legislative Recommendations

The California State Legislature can have a significant effect on the continuing fight against gangs and drugs. Legislative recommendations to increase penalties, streamline court procedures, and improve resources for the community and criminal justice system, must be implemented to support effective solutions to the gang and drug problem. The Task Force recommends the following legislative and policy actions.

## LEGISLATIVE RECOMMENDATION 1:

Enact legislation that would provide stricter treatment of juveniles who commit serious crimes. The Task Force recommends the following changes to the Welfare and Institutions Code:

- a. Amend the Welfare and Institutions Code, including Section 707, as well as Section 190 *et seq.*, of the Penal Code, to mandate that any 16- or 17-year-old juvenile who is charged with a serious "Proposition 8" felony, as defined in Section 1192.7 of the Penal Code, or who is charged with the sale or possession for sale of any controlled substance, or who is charged with any offense involving the use of any type of firearm or possession of a firearm at the time of commission or arrest, shall be automatically tried as an adult and subject to the imposition of an adult sentence.

Under current law, an adult of 18 years of age or older can be punished severely for the commission of serious felonies, narcotics trafficking, or offenses involving the use of a firearm. However, a person under the age of 18 years, if found guilty of the identical offense, receives a disproportionately lighter sentence if found suitable for treatment by the juvenile court.

- b. Amend Welfare and Institutions Code Section 707, as well as Section 190 *et seq.*, of the Penal Code, defining the crime of murder and its punishment to mandate that 16- or 17-year-old juveniles charged with the commission of special circumstances murder be subject to the term of life imprisonment without the possibility of parole.

In a case of special circumstances murder, even if the juvenile is tried as an adult under current law, a 16- or 17-year-old cannot be sentenced to death or life without the possibility of parole.

It is urged that this treatment of 16- and 17-year-old murderers be changed as recommended.

- c. Amend Section 707 of the Welfare and Institutions Code to provide, in cases involving felony offenses, that all juveniles 16 years of age or older involved in gang activity as defined by Penal Code Section 186.2

*Q. "...You were arrested at age nine, but you were arrested 40 or 50 times before you were treated as an adult. Would it have made a difference in your life style at all if the judge who handled you the first time for bike theft had maybe slammed you a little harder?" —Task Force Member*

*A. "Yes, I think it would have, if they would have went harder on me at that time." —Secret Witness*

*Q. "Why do you think that is?" —Task Force Member*

*A. "Because they kept on giving me breaks and so I got comfortable, I didn't care if I came back." —Secret Witness*

are rebuttably presumed to be unfit for treatment by the juvenile court, and are suitable to be tried as adults.

Violent street gang activity has been proven to be directly related to the ages of the participants, with the most violent conduct occurring between the ages of 16 and 21. Existing law must be revised to allow the criminal justice system to deal more realistically with juveniles who commit adult crimes.

- d. **Further amend the Welfare and Institutions Code to provide that 14- and 15-year-old minors who are charged with the commission of special circumstances murder are to be tried as adults and, upon conviction, shall serve a minimum term of 20 years, including automatic transfer from the Department of the Youth Authority to the Department of Corrections upon attaining the age of 21 years.**

*Q. "When you were 16...if you knew that you could have gotten the death penalty when you were 16 for committing homicide, would that have made any difference to you?"*

*—Task Force Member*

*A. "Yeah, but I knew I couldn't get the death penalty."*

*—Secret Witness*

Street gang members have demonstrated the acumen to recognize that the younger an offender is, the more lenient he or she will be treated by the court system. This has resulted in the gangs using the younger "pee-wees" ("wannabees") as shooters in felonies involving the use of firearms. The current law must be amended to deter younger murderers who currently do not face lengthy incarceration.

## **LEGISLATIVE RECOMMENDATION 2:**

**Enact a comprehensive Racketeer Influenced and Corrupt Organization Act (RICO) statute similar to the existing federal provision.**

Since 1970, the federal government and some states have enacted RICO statutes. Under the federal statute, 18 USC 1961–1968, the penalty for acquiring a business with criminally tainted money is confiscation of the business, even if the business is run legitimately. Criminal forfeiture also is authorized if the legitimate business is used for an illegal activity, such as a front for bookmaking, or where the business was acquired or controlled through illegal methods such as extortion. The rationale behind the federal RICO statute is the eradication of the financial benefits of organized criminal activities, and a resultant deterrence of infiltration into legitimate businesses.



California's Health and Safety Code provides for forfeiture of illegally obtained assets in narcotics cases, and Penal Code Section 186 (California Control of Profits of Organized Crime Act) also provides for the forfeiture of profits acquired as a result of specified criminal activities. However, this state lacks a comprehensive RICO statute similar to the federal model. A comprehensive California RICO statute, prohibiting conspiracy to commit acts relating to racketeering, would give prosecutors a proven and effective tool to successfully convict narcotics traffickers and nullify the benefits of their illegal activities. The need for such legislation will become particularly urgent if the youths currently engaged in drug-related gang activity become better organized, like traditional organized crime groups, and start funneling their ill-gotten assets into legitimate businesses.

### LEGISLATIVE RECOMMENDATION 3:

Amend the state narcotics asset forfeiture laws to:

- a. Eliminate the 1994 sunset clause from the statute language and make it identical to existing federal forfeiture provisions.

Legislation initiated by Governor Deukmejian for antidrug/gang statutes called for the utilization of asset forfeiture to create an adverse business climate for drug traffickers by seizing their assets and thereby reducing the profitability of their illicit commercial activity. However, the existing statutes contain a 1994 sunset clause which will invalidate this valuable enforcement tool. The Governor's Office of Criminal Justice Planning has given considerable support and effort to help formulate AB 4162 by Assemblyman Katz (Chapter 1492, Statutes of 1988) into a forfeiture statute that parallels the federal forfeiture provisions. As good as this latest revision is, it is recommended that California's asset forfeiture provisions be further amended so they are identical to the existing federal statute and that the sunset clause be eliminated.

- b. Provide for the forfeiture of any vehicle used in a drive-by shooting.

AB 3104 by Assemblyman Zeltner, which provides for the forfeiture of vehicles used in drive-by shootings, was defeated in the Assembly Committee on Public Safety.

*"We think that our department, along with every other department, should have an extremely large asset seizure. You're dealing coke and you have a BMW, that BMW should belong to the City and County of San Francisco. If you have a house, a legitimate business that's derived as the result of profits of criminal activity, that should belong to the people of the City and County of San Francisco. Take the money out. That's the first step. Strict enforcement on those people that are doing it, doing it hard." —Tom Gerard, Inspector, San Francisco Police Department*

*"What we need are laws that are going to act swiftly on these people, which are going to deny them of their liberty, and which will have their assets forfeited quickly."*

*—Robert Martinez,  
Judge, Los Angeles  
Superior Court*

As a result, there is currently no effective mechanism for the forfeiture of a vehicle used in a drive-by shooting that would allow the proceeds from such a forfeiture to be used by law enforcement authorities. Such a forfeiture provision would deter drive-by shootings and assist law enforcement in gang related investigations.

- c. **Commit an amount from the Asset Forfeiture Fund to the Gang Violence Suppression Program budget within the Governor's Office of Criminal Justice Planning.**

AB 4162 (Chapter 1492, Statutes of 1988) reformed the procedures by which assets involved in certain controlled substances offenses are seized and forfeited. The bill also directs that 90 percent of the value of the assets forfeited be distributed to the state and local law enforcement agencies that participated in the investigation leading up to the seizure, and which processed the forfeiture. The remaining 10 percent of the assets is to be deposited into a newly created Asset Forfeiture Distribution Fund, that is administered by the Governor's Office of Criminal Justice Planning. From this Fund, the Department of Mental Health's Primary Prevention Program is to receive \$1.5 million annually, and \$1 million is to be available to appropriate to the Los Angeles County Office of Education, in 1989 and 1990 only, to administer a gang prevention program authorized for Los Angeles schools in AB 3723 (Chapter 1250, Statutes of 1988).

Considering that the need to provide enhanced gang and drug prevention programs is statewide in nature, it is recommended that once funding of the Los Angeles schools project is completed after 1990, the state drug asset forfeiture law be amended to direct \$1 million annually from the Asset Forfeiture Distribution Fund to the Gang Violence Suppression Program to allow for expanded funding of community-based organizations providing gang and drug prevention services.

## LEGISLATIVE RECOMMENDATION 4:

Enact legislation to establish policy to provide stricter treatment of offenders who use weapons:

- a. Amend Subdivision (a) of Section 245 of the Penal Code by adding a provision that would make assault with a machine gun punishable by a mandatory term of life imprisonment with the possibility of parole.

Assault with a deadly weapon, committed with a machine gun, currently is treated the same as an assault with a single-shot firearm. Given the deadly nature of a fully automatic firearm, and the potential for the indiscriminate killing or wounding of innocent bystanders, it is recommended that Subdivision (a) of Section 245 of the Penal Code be amended by adding a provision that would make assault with a machine gun punishable by a mandatory term of life imprisonment with the possibility of parole.

- b. Amend Subdivision (a) of Section 245 to provide for a mandatory term of 4, 8 or 12 years of imprisonment for assault with a high-capacity, semiautomatic firearm.

A semiautomatic firearm requires manipulation of the trigger mechanism for each shot fired, and does not shoot a continuous stream of bullets as does a fully automatic weapon. Hence, while possessing a high degree of "fire power," it does not present such a high degree of lethality or danger to innocent bystanders as does a machine gun. Therefore, it is recommended that the use of a semiautomatic firearm, equipped with a high-capacity magazine, in an assault be proportionately punished less severely than use of a machine gun. Such proportionate punishment, still recognizing that a semiautomatic firearm equipped with a high-capacity magazine is potentially more dangerous than a semiautomatic firearm traditionally used for sporting purposes, would be accomplished by amending Subdivision (a) of Section 245 to provide for a mandatory term of 4, 8 or 12 years of imprisonment.

- c. Amend the Penal Code by adding a mandatory sentence enhancement section covering murder, shooting into a dwelling or vehicle, kidnapping,

*"I have been in some homes where those bullets came flying through the walls; fortunately, no one died in those, but I did see, what these people have to live with every day. Now, that's not America. That's not the way it should be, and it seems incumbent on us to guarantee that the people feel some degree of safety in conducting their business, walking around the streets, and sitting and relaxing in the confines of their own homes."*  
—Paul Zeltner,  
Assembly Member,  
54th District,  
Lakewood

robbery, escape, or witness intimidation that would enhance the sentence for the underlying felony as follows:

- Use of a machine gun by a principal—an additional term of 5, 10 or 15 years;
- Use of a high-capacity semiautomatic firearm by a principal—an additional term of 3, 4 or 5 years; and
- Any principal armed with a machine gun – an additional term of 3, 4 or 5 years.

Sections 1203.06 and 12022.5 of the Penal Code, which together compose California's "Use A Gun – Go To Prison" law, require that personal use of a firearm receives a mandatory state prison sentence and the most severe sentence enhancement.

It is necessary in the context of street gang prosecution to modify this situation by making the mandatory sentencing provision applicable to all principals to any of the violent felonies enumerated where a firearm is used, irrespective of which one of the principals personally used the firearm. Inasmuch as the aggravating factors attending the use of a machine gun or a high-capacity semiautomatic firearm in an assault also are present when such firearms are used in perpetration of any violent felony, it is recommended that mandatory sentencing and severe sentence enhancements should apply to all principals to violent felonies where such weapons are used.

- d. **Amend Section 1385 of the Penal Code to prohibit a judge from striking any sentence enhancement for misuse of a machine gun or high-capacity semiautomatic firearm.**

Section 1385 of the Penal Code and the California Rules of Court give the trial courts of this state virtually unlimited discretion to "strike" sentence enhancements. The only existing limitation on this discretion is found in Subdivision (b) of Section 1385 of the Penal Code, which precludes striking the five-year sentence enhancement imposed for prior serious felony convictions.

It is recommended that the sentence enhancements proposed above be mandatory, due to the danger that the misuse of machine guns and high-capacity semiautomatic firearms presents to society.

*"There's a need to develop measures to curb the ready availability of assault type weapons. That is not a plea for gun control. Please don't mistake it for such. I'm sure you've had paraded before you the various types of weapons that these folks don't hesitate to use out there. When a 16-year-old kid can wind up with a weapon for his own purposes to maim, destroy, and take human life, there's something seriously wrong." —Peter Sarna, Captain, Oakland Police Department*

- e. **Amend the Penal Code to provide that the punishment for an ex-felon who possesses a machine gun will be a mandatory term of 4, 8 or 12 years, and a term of 3, 6 or 9 years for possession of a high-capacity semiautomatic firearm by an ex-felon.**

Currently, possession of a machine gun is a felony punishable by 16 months, or two or three years in state prison, without provision for higher penalties for such illegal possession by a convicted felon. It is therefore recommended that a section be added to the Penal Code punishing an ex-felon who possesses a machine gun with a mandatory term of 4, 8 or 12 years, and a term of 3, 6 or 9 years for possession of a high-capacity semiautomatic firearm by an ex-felon;

- f. **Amend the Penal Code to provide that carrying a semiautomatic firearm and an easily accessible, loaded high-capacity magazine for that specific semiautomatic firearm in an automobile be a felony punishable by a term of 1, 2 or 3 years.**

To deter drive-by shootings involving high-capacity semiautomatic firearms, it is further recommended that the Penal Code be amended to provide that carrying a semiautomatic firearm and a loaded high-capacity magazine for that specific semiautomatic firearm simultaneously in an automobile be a felony punishable by a term of 1, 2 or 3 years.

- g. **Amend Section 12220 of the Penal Code to provide a term of imprisonment of 3, 4 or 5 years for illegal possession of a machine gun.**

The current punishment for possession of a machine gun is 16 months or two or three years of imprisonment. The increasing prevalence of automatic weapons in gang related violence indicates that the current penal sanctions are not sufficient to deter the illegal possession or use of machine guns. Hence, it is recommended that the penal sanctions for illegal possession of a machine gun be raised to 3, 4 or 5 years.

- h. **Amend the Penal Code to provide that the intentional conversion of a firearm into a machine gun shall be punished by a term of imprisonment of 3, 4 or 5 years.**

*"We have a number of photographs that have been seized during search warrants where you can find infants – and I mean infants – being posed by their parents with Mac 10 machine guns, wearing gang colors. You literally have generations of gang members." —Keith Burt, Assistant District Attorney, San Diego County*

*"I find parents who are denying the fact that their children are drug users or gang-bangers; who are fearful of their own children; who are supportive of the fact that their children are bringing in money that helps them buy a better car, helps them improve their house." —Sister Elisa Martinez, Coordinator, Concerned Parent Program, East Los Angeles*

Although it is currently a felony to possess a combination of parts designed and intended to convert any firearm into a machine gun, there is a need to provide a proportionately higher punishment for the act of intentionally converting a firearm into a machine gun.

Note: The range of years for the sentence enhancements is based (a) upon the proposed sentencing schedule in SB 2500, which will totally restructure the determinate sentencing law, and (b) an attempt to make the enhancement for use of a machine gun proportionally higher than for use of a semiautomatic firearm.

### **LEGISLATIVE RECOMMENDATION 5:**

**Amend Section 666 of the Penal Code by adding Section 11550 of the Health and Safety Code to the list of those violations that may be charged as an alternative felony/misdemeanor if the defendant has suffered a prior conviction for violation of Section 11550 or any of the offenses enumerated in Section 666.**

Section 11550 of the Health and Safety Code provides that anyone who is under the influence of a controlled substance, including heroin, is guilty of a misdemeanor, regardless of the number of prior convictions for violation of that section.

Section 11550 has resulted in the creation of a cycle of arrest, conviction, and incarceration, followed by almost immediate rearrest of narcotics addicts who fail to "kick" their drug habits while incarcerated for short periods of time. The current, overly lenient misdemeanor sentence provided in Section 11550 provides neither an adequate deterrent, nor a sentence that is proportionate to the harm that habitual narcotics offenders cause society.

Individuals who are habitually under the influence of narcotics present a greater danger to society than narcotics users who are apprehended and stop their abuse of narcotics. Given that the habitual narcotics abuser, without fail, supports his or her habit by property crime and/or theft offenses, charging the habitual narcotics user with a felony for being under the influence of drugs is proportionate to the harm that such an offender causes the community. Additionally, the prospect of doing "hard time" in a state prison may act as a deterrent to further abuse of controlled substances.

## LEGISLATIVE RECOMMENDATION 6:

**Amend Section 11353.5 of the Health and Safety Code so that it conforms with Title 21 of the United States Code, Section 845a, relating to the distribution or manufacturing of drugs in or near schools and colleges.**

Title 21 of the United States Code, Section 845a, provides that a person convicted of distributing or manufacturing a controlled substance on a school ground, or within 1,000 feet of a school ground, shall be punished by a term of imprisonment, or fine, or both, twice that which is normally authorized as a penalty for selling or manufacturing narcotics. Additionally, a first time offense of selling or manufacturing drugs on or within 1,000 feet of a school requires a parole term twice the length of the normal parole term required for simply selling or manufacturing drugs.

In 1988, the Legislature passed, and the Governor signed two bills relating to the sale of drugs on or near school grounds. SB 2698 by Senator Ed Davis (Chapter 1266, Statutes of 1988) applies the higher sentence of 5, 7 or 9 years to anyone convicted of selling or providing drugs on school grounds to a minor under the age of 18, provided that the offender is at least five years older than the minor who was subject to the sale. AB 3451 by Assembly Member Jack O'Connell (Chapter 1248, Statutes of 1988) doubles the sentence for sale, or possession for sale of cocaine, heroin, or PCP, if the offense takes place on, or within 1,000 feet of a school ground.

While the passage of these two bills brings important additional tools to law enforcement in combating drug dealing to school age youth, they do not bring California's laws up to full conformity with the federal statute. It is recommended that state law be further amended to require double the fine, if a fine is levied against an offender, for the specified drug offenses committed on or near school grounds, and that the term of parole for a first offense be twice that given to one convicted for a standard offense of sale, or possession for sale, of controlled substances..

## LEGISLATIVE RECOMMENDATION 7:

**Enact legislation that would eliminate, by constitutional amendment, postindictment preliminary hearings in cases in which the defendants have already been indicted by a grand jury.**

The use of the grand jury by either prosecutors or law enforcement agencies has declined since *Hawkins v. Superior Court*

*"The Hawkins case is probably one of the major stumbling blocks of the criminal justice system that has come down from the former supreme court." —Ronald S. Coen, Judge, Los Angeles Superior Court*

*"Before Hawkins the grand jury system had benefits similar to the federal courts and was of far more use to the prosecutors. It's time, in my opinion, that's the legislature reverse Hawkins and re-instate the California grand jury with its traditional powers." —John Dougherty, District Attorney, Sacramento County*

(1978) 22 Cal.3d 584 held that a defendant accused by way of an indictment has a right to a preliminary hearing. This decision adds significantly to the length of the jury and trial process. The grand jury indictment provides for a thorough review of charges sufficient to hold the defendant over for trial. The 1986 State Task Force on Youth Gang Violence also found the *Hawkins* decision to place undue burdens on court processes and recommended measures to overturn this decision. The growing court caseloads of gang and drug cases require more speedy trials to ensure swift justice. The Task Force recommends legislation that will, by constitutional amendment, eliminate the preliminary hearing in cases in which the defendant has been indicted by a grand jury.

### LEGISLATIVE RECOMMENDATION 8:

**Enact legislation to enable and to fund the Governor's Office of Criminal Justice Planning in administering a training program for prosecutors, law enforcement officers and the judiciary regarding the investigative functions of a criminal grand jury.**

The Task Force recommends that OCJP allocate funds to train the judiciary, prosecutors and law enforcement officers on the utilization of the grand jury system as both an investigative and a prosecution resource. The reduction in the use of the grand jury has resulted in a commensurate reduction in prosecutors' experience with grand jury processes. These attorneys require further training in preparing grand jury presentations.

Inasmuch as a major narcotics trafficking prosecution may include money laundering, asset forfeiture considerations and a complex conspiracy, the use of the grand jury should be a viable option more readily utilized by law enforcement and prosecution authorities.

A grand jury still may inquire into all public offenses committed or triable within its county and present them to the Superior Court by indictment. Therefore, if the grand jury is made aware of a narcotics trafficking operation that has been ongoing within its county, it may investigate the operation.

This broad scope of inquiry, together with its subpoena power, makes the grand jury an ideal tool to utilize when tracking the paper trail of a money laundering operation, tracing assets subject to forfeiture, or determining the scope of a conspiracy to sell drugs. Although a person accused by way of an indictment has the right to a preliminary hearing, utilization of the grand jury will result in the prosecution having a well-prepared case to present



to the court. It will also result in a case that has been prepared to the satisfaction of a group of individuals representing a cross section of the community and who mirror the composition of a trial jury.

Unfortunately, the use of the grand jury by either prosecutors or law enforcement agencies has declined since the State Supreme Court's Hawkins decision. As a result, very few judges, prosecutors or police investigators have experience with grand juries. The Task Force recommends, therefore, that training conferences for the Career Criminal Apprehension Program; the Career Criminal Prosecution Program and the Major Narcotics Vendor Program; and the Gang Violence Suppression Program, include materials dealing with the use of the grand jury as an enforcement and prosecution tool.

### **LEGISLATIVE RECOMMENDATION 9:**

**Enact legislation that would allow hearsay testimony in the preliminary hearing.**

Current law does not allow for hearsay testimony in the preliminary hearing. When victims and witnesses are required to be present at a preliminary hearing, they are subjected to additional stress of cross-examination and potential intimidation from the defendant or his associates. This is of particular concern in gang- and drug-related cases, where intimidation and retaliation of victims and witnesses is common, and victim or witness cooperation is oftentimes limited.

Allowing hearsay testimony within the preliminary hearing would also be beneficial from a law enforcement perspective. Presently, every officer involved in a case investigation may need to come forth and describe the details of the case for which they have firsthand knowledge. This requires assigning officers away from their patrol or investigative activities, many times on a costly officer court overtime basis. This affects overall personnel costs for all departments and puts a strain on officer resources. If hearsay testimony were allowed, a single officer could represent the facts of the investigation in the preliminary hearing, subject to the verification of the facts within the subsequent trial.

*"Well, I like to think I can spot a gang member when he comes into my court just based on all the years of my work in the D.A.'s office, but I'm not sure that that is shared by some of my colleagues. We sometimes see just the tip of the problem in the municipal court."*  
—Judy Champagne, Judge, Los Angeles Municipal Court

### **LEGISLATIVE RECOMMENDATION 10:**

**Revise the provisions of the Penal Code and the Rules of the Court relating to sentencing in order to limit a trial court's discretion to grant probation to narcotics traffickers.**

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Statistics compiled by the California Bureau of Criminal Statistics reveal that of those arrested in California for narcotics trafficking, only 4 percent are sentenced to prison. Of those later convicted in this state's courts for narcotics trafficking offenses, only 17 percent were sentenced to prison. These statistics clearly demonstrate that there is a need to impose some form of mandatory sentence in cases involving narcotics trafficking as is also recommended in the Washington drug strategy.

It is recommended that Subdivision (a) of Section 1203.073 of the Penal Code and the Rules of Court relating to sentencing be amended to limit a trial court's discretion to grant probation to narcotics traffickers.

All too often, lenient judges utilize Rule 414 of the California Rules of Court as a justification to grant dealers probation. Rule 414 provides that the criteria for granting probation include the "danger of addiction to or abuse of alcohol, narcotics, dangerous drugs, or other mood or consciousness altering substances" that, as an "unusual case," justifies a grant of probation. Inasmuch as narcotics traffickers are often narcotics users themselves, the application of this provision of Rule 414 in narcotics trafficking cases must be severely limited, if not disallowed.

### **LEGISLATIVE RECOMMENDATION 11:**

**Enact legislation, through constitutional amendment, that would require judicial officers to consider the protection of the public in setting bail or allowing a defendant to be released on his or her own recognizance in all criminal prosecutions.**

Gang members often appear in court charged with misdemeanor dangerous weapons offenses, such as: carrying a concealed firearm, (Penal Code Section 12025), possessing a sawed-off shotgun (Penal Code Section 12020), carrying a loaded firearm in a public place (Penal Code Section 12031), knowingly permitting a person to discharge a firearm from a motor vehicle (Penal Code Section 12034), or exhibiting a firearm in a threatening manner (Penal Code Section 417). Penal Code Section 1270 presently requires judicial officers to order the release of persons charged with misdemeanor offenses on their own recognizance unless the court finds that an own-recognizance release will not reasonably assure the appearance of the defendant, as required. The indiscriminate use of deadly and dangerous weapons by drug-dealing gang members was well documented during the Task Force's public hearings. Equally well documented was the concern expressed by citizens

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dismayed because gang members, arrested for seemingly serious weapons offenses, were back on the street the very next day. The court should have the authority to consider the protection of society in light of the offenses charged, or the defendant's prior record, in determining whether to release the defendant on his or her own recognizance or the level at which to set bail.

### LEGISLATIVE RECOMMENDATION 12:

**Enact legislation that would amend Section 1078 of the Penal Code to provide for judicial *voir dire* of prospective jurors in criminal trials.**

Criminal trials are often unnecessarily prolonged by attorneys who use the jury selection process to argue their cases. The length of trials in California is approximately 30 percent longer than in Colorado and New Jersey. This finding comes from the first nationwide study on trial time. The primary difference between California and the other states occurs during *voir dire*. In California, the attorneys have the primary responsibility for conducting *voir dire*. In federal courts and most state courts, the judges conduct *voir dire*. There are significant time savings to be gained in promoting judicial *voir dire*. To remedy this situation and to reduce court congestion, it is recommended that Section 1078 of the Penal Code be amended to provide that all questions designed solely for assisting in the intelligent exercise of the right to peremptory challenges, and not applicable to the determination of bias, shall be propounded by the court. If either the defense or the prosecution requests a question or inquiry to be presented to the panel of prospective jurors, the court would, in its discretion, propound the question unless it determines that such an inquiry is clearly inappropriate.

*"Our courts should be efficient and they should process cases swiftly, but really they do neither." —Richard Niedorf, Judge, Los Angeles Municipal Court*

### LEGISLATIVE RECOMMENDATION 13:

**Enact legislation that would amend the California Constitution to allow *voir dire* of prospective jurors in open court, in capital cases.**

The California Supreme Court in a 1980 decision (*Hovey v. Superior Court* 28 Cal.3d 1) required that *voir dire* of prospective jurors' attitudes on capital punishment be conducted individually and in private sessions in the judge's chambers.

Prosecution of death penalty cases is often unnecessarily prolonged by the *in camera* jury selection process in capital cases. To remedy this and to reduce court congestion, it is recommended

that the California Constitution be amended to eliminate the current requirement of individual *in camera voir dire* of prospective jurors in capital cases.

#### **LEGISLATIVE RECOMMENDATION 14:**

**Enact legislation that will expand the designation of Enterprise Zones and Economic and Employment Incentive Areas in order to provide increased economic development and job opportunities within gang-affected communities.**

The California Legislature has established, through the Department of Commerce, the Enterprise Zone and Employment Incentive Area programs to provide incentives for business development in economically depressed communities. Presently, there are 19 such designated Enterprise Zones and Employment Incentive Areas within the state. These programs encourage the placement or expansion of businesses in these areas in order to provide job opportunities and economic revitalization. Expansion of these areas is imperative in addressing one of the root causes of criminal gang activities and drug dealing, namely, the lack of sufficient job opportunities.

*"I say the business community has to be there with the kind of compact or business partnership program that we've been working on really in the later years. I think it has to get to that level in the schools, and this is going to be done by tutors or mentoring programs or adopt-a-school, where the business people come into the school room. They show that, yes, it is possible to make some money if you stay in this program and there is excitement and comraderie and prestige." —Brian Van Camp, Chair and Founder, Citizens for Better Sacramento*

#### **LEGISLATIVE RECOMMENDATION 15:**

**Enact legislation to eliminate heroin and cocaine addiction and drug sales from any consideration for diversion to Penal Code Section 1000 drug programs and allow the program to concentrate on the drug users who can benefit from the educational and counseling concepts that are intended by these programs.**

Present law allows any defendant arrested on drug related charges to request diversion to a drug treatment program in lieu of prosecution and potential incarceration. The present drug diversion alternative is frequently abused by the drug offender who repeatedly cycles through these drug education programs. The statute and programs were designed for short-term drug education, not long-term intensive treatment. Drug sellers and addicts do not and cannot benefit from this program; the drug addicts, because the type of treatment they need involves structure, control and intensive treatment; the sellers, because the program is used as a subterfuge to avoid facing the penalties for drug sales.

## LEGISLATIVE RECOMMENDATION 16:

**Enact legislation to place on the ballot a constitutional amendment that will require parents to be responsible for the costs of detaining their children within juvenile facilities.**

Each jurisdiction is presently responsible for the costs associated with housing juveniles within juvenile detainment facilities. Juveniles may be detained numerous times on status offenses, such as curfew violations. Considering the level of juvenile involvement in gangs, a mechanism within the law to encourage parental responsibility for the child's actions is deemed necessary.

In 1984 the California Supreme Court (*in re Jerald C.* (1984) 36 Cal.3d 1) ruled that it was unconstitutional to collect such costs due to the punishment aspect of the juvenile court law. Subsequent legislation in 1984 allowed counties to collect for incidental costs that would be required of parents, no matter where a juvenile was located. This recommendation is needed to address the constitutional question and to allow counties to collect costs that are legitimately the obligation of the parents.

*"It's an interesting experience to sit at the juvenile center and read the booking sheets of the minors who are booked into the juvenile hall. You get the sudden feeling that you're in the wrong town, because you note that most of those kids have Southern California addresses." —Robert Keldgord, Chief Probation Officer, Sacramento County*

## LEGISLATIVE RECOMMENDATION 17:

**Enact legislation to mandate that the Department of Corrections develop and implement a comprehensive narcotics treatment, education and diversion program for all inmates in all of its penal institutions.**

Other states have successfully formulated antinarcotics strategies that California may wish to emulate that include innovative education and treatment programs directed at convicted narcotics offenders. California has a myriad of drug education and treatment programs, administered by both state and local agencies, but the California Rehabilitation Center is the only Department of Corrections institution offering a comprehensive drug rehabilitation program for sentenced offenders.

Inasmuch as most crime is related to narcotics abuse, it is submitted that California's prisons represent a "captive market" of narcotics consumers in the literal sense. It is, therefore, recommended that legislation be introduced that would mandate the Department of Corrections to develop and implement a comprehensive narcotics treatment, education and diversion program for inmates in all of its institutions.

Section 2931 of the Penal Code should be amended to provide that Department of Corrections inmates shall not be awarded

*"What seems to be the more difficult thing now is implementation. It's very good to say we should have drug treatment programs and prevention programs, but what kind of programs and who funds them." —John Conley, Orange County*

*"A recent arrest of a Los Angeles gang member revealed the following:*

*\$9,000 in small denominations, an \$80,000 home purchased with a down payment of \$27,000 in 5s, 10s and 20s delivered to the escrow company in a brown paper bag. A pool at the residence was purchased with \$12,000 in cash. A Mercedes-Benz was in the garage."*

*—Ed Harvey, Detective, Riverside County Sheriff's Department*

*"...Anytime we work a major organization now, our policy...is to work the criminal drug violations and parallel it with financial investigation so that we can track the assets, the cash flows. When we present the case for indictment, we can also forfeit and seize the organization's moneys and assets to put them out of the money game completely, if we're successful."*

*—George Vinson, Supervising Senior Resident Agent, FBI*

"good-time"/"work-time" sentence credits unless they successfully complete a comprehensive narcotics treatment, education and diversion program.

### **LEGISLATIVE RECOMMENDATION 18:**

**Enact legislation to amend the current provisions of the state's electronic surveillance law to parallel the federal statute.**

Electronic surveillance, commonly known as "wiretapping," provides an effective tool for investigating serious offenses. Wiretaps allow investigators to move quickly and effectively against criminal activity. The current California wiretap law, amended in 1988, allows for the use of wiretaps in investigating suspected drug offenses. Evidence gained related to such offenses may be used in court. However, evidence gained through the use of the wiretaps related to other serious offenses, such as murder or kidnapping, cannot be used in court. The state's electronic surveillance law should be amended to parallel the federal law, thereby broadening the scope of the use of wiretaps to investigate serious felonies other than drug offenses.

### **LEGISLATIVE RECOMMENDATION 19:**

**Enact legislation that will provide for the forfeiture of any leasehold, and attendant deposits, where there has been illegal narcotics-related activity in the leased or rented property.**

The mobility of gang/drug—trafficking operations leads to the use of rented homes and apartments for drug use and sales. Landlords may have little clout in evicting such undesirable tenants. These types of tenants bring with them potential gang- and drug-related crime and violence. Neighborhoods are unnecessarily subjected to the presence of drug-dependent individuals and drug buyer and dealer traffic.

The State of Washington's strategy against drug—trafficking contains an innovative forfeiture provision that the Task Force recommends that California adopt. If a rental agreement for a dwelling or commercial building prohibits a tenant from engaging in illegal activities on the premises, a landlord may evict a tenant for *any* violation of Washington's state narcotics laws and the tenant forfeits all deposits to the landlord. Such an eviction operates as a legal defense protecting the landlord from any collateral prosecution regarding those drugs. In the event that

police find or seize drugs in a rented building, they must notify the landlord so he or she can initiate the eviction proceedings.

Such a statute will have a most beneficial effect on enforcement efforts against "crack houses" and "shooting galleries" or other places that become a narcotics trafficking problem. By placing the burden on the landlord to initiate the eviction, this statute does not increase the existing work load of either law enforcement or prosecutors. It is, therefore, suggested that Section 1161 of the Code of Civil Procedure be amended to incorporate provisions providing for eviction of narcotics abusers, as well as for the forfeiture of their leasehold and all deposits.

### **LEGISLATIVE RECOMMENDATION 20:**

**Enact legislation to provide adequate funding for the expansion of the prison system and/or any California detention facility, including secure facilities for juvenile offenders.**

Expanded resources are required to support the growing demand for corrections facilities, personnel and training. Overcrowding is a statewide problem. However, jails throughout the state are overcrowded. Los Angeles County facilities hold well over 23,000 inmates in buildings originally designed to hold 12,000. The California Department of Corrections reported that for the third straight year, over 90 percent of the prison violence involved or was instigated by 10 percent of the active inmate population.

To accomplish the mission of aggressive enforcement, prosecution, and removing criminal gang members and drug pushers from the streets, additional correctional institutions are needed so that prescribed sentences can be meted out to those who have been convicted.

*"Led by their school counselor, about 15 Hollenbeck Junior High School students have met at 6:00 a.m. every day since last fall to paint over graffiti sprayed on the classroom buildings at night. The crew kept painting over a graffiti message that showed up every morning until the vandals finally scrawled, 'We Quit', and never defaced the wall again." —Alex Cota, Concerned Citizen, Los Angeles*

### **LEGISLATIVE RECOMMENDATION 21:**

**Amend Penal Code Section 594 (Vandalism) to make gang-related graffiti, regardless of the dollar amount of damage, an alternate misdemeanor or felony with increased penalties.**

Graffiti contributes to urban deterioration. Although gangs are not the exclusive perpetrators, they are responsible for almost all graffiti found in our inner-city neighborhoods. Increased punishment for these perpetrators should be a priority.

## LEGISLATIVE RECOMMENDATION 22:

**Enact legislation to implement a statewide curfew law and to recommend that communities with current curfew ordinances make a renewed, concentrated enforcement effort in the area of juvenile curfew violations.**

According to Los Angeles Police authorities, there is evidence that strict enforcement of curfew laws results in a significant reduction of street crime. In addition to providing probable cause for detention, it serves to remove the "lookouts," "drug supply runners" and gun bearers from our streets. This weakens the gang and their drug-trafficking activities, making them even more susceptible to other enforcement efforts. There is a correlation between curfew violations and the extent of crime in an area. In the absence of applicable state law, cities and counties should enact and enforce curfew laws that meet community needs.

Presently, for the first offense, the juvenile is released into the custody of his parents or legal guardians, and both are counseled. Subsequent offenses can result in the juvenile being jailed in Central Juvenile Hall for contempt of court if he refuses a court order to obey the law. The California Supreme Court recently ruled in favor of detention, in juvenile hall, for curfew violators found in contempt of court. Strict enforcement of curfew laws will help to abate the gang and drug problem.

*"We need to stop treating first time offenders with kid gloves. Start increasing the periods of incarceration by weekly, monthly increments, it's called being accountable, responsible for one's actions."*

*—Mike Ramirez,  
Parole Agent,  
California  
Department of the  
Youth Authority*

## LEGISLATIVE RECOMMENDATION 23:

**Enact legislation to require that the State Department of Education, the Governor's Governor's Office of Criminal Justice Planning and the Department of the Youth Authority develop and implement a statewide mandated gang and drug prevention program within all public schools in the state to:**

- a. Teach social values and self-esteem to youths, commencing with kindergarten;
- b. Teach social responsibility and, most importantly, family values and parenting skills;
- c. Teach students in all grades how to avoid involvement with gangs and drugs;



- d. Train teachers and administrators on how to implement this curriculum, and how to detect and intervene with gang- and drug-related or "at risk" behavior; and
- e. Mandate the California State Commission on Credentialing to require all teachers and administrators to complete the gang and drug prevention program as a requirement for certificate renewal.

A uniform policy must be established and legislation enacted to provide funding and guidelines to ensure that an approved curriculum for a statewide school based gang and drug prevention program be implemented. Statewide direction is needed to guide the schools in implementing this program. The program must be aimed at diverting the state's youths by providing them with the personal skills and value systems necessary to compete successfully in this world. Statewide policy must be defined to impress upon teachers and administrators the importance of gang and drug prevention education and the critical role that the schools play in fighting this growing problem.

*"I think we must teach standards, we must get away from the 1960s idea that there are no values. We must begin to focus on the values that we hold dearly in America, the values that got us to where we are, and we must be willing to enforce those standards with quick justice, especially for the very young." —Dr. B. David Brooks, President, Thomas Jefferson Research Center*

## LEGISLATIVE RECOMMENDATION 24:

**Enact legislation to establish Juvenile Justice Centers within individual communities throughout the state.**

The Juvenile Justice Center program is a community-based hearing panel composed of a judge, probation officers, an investigative officer(s) from local law enforcement agencies and a representative from the school district. With each subsequent arrest, juveniles are returned to the assigned Juvenile Justice Center to be heard by the same hearing panel that is familiar with the juvenile's case. The juveniles are reviewed and screened by the panel to determine their individual needs.

This continuity enables the system to more effectively adjudicate juvenile cases with efficiency, while monitoring the juveniles' progress. The system improves the cooperative efforts and communication between the affected agencies and the court.

The Juvenile Justice Centers afford the opportunity for those concerned to concentrate their efforts on resolving the problem. Juvenile offenders and their parents are unable to escape through the anonymity of appearing in several courts. Currently, two such

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community-based Juvenile Justice Centers have proven successful in the Los Angeles area offering an ideal model for statewide implementation.

### **LEGISLATIVE RECOMMENDATION 25:**

**Enact legislation to fund and establish Juvenile Assessment Centers through the Governor's Office of Criminal Justice Planning and the California Department of the Youth Authority Youth Services Bureau, the probation authority and the juvenile court to screen juvenile status offenders. The process must take appropriate action within the current six-hour time limit in which the juvenile can be legally detained.**

The Juvenile Assessment Centers, as proposed, would be staffed by the juvenile court, State Department of Social Services and appropriate county agencies, which would have as their primary objective the welfare of the juvenile. The juvenile assessment center also would concern itself largely with family preservation or family reunification. The legislation should provide the juvenile court with the authority and sufficient time to review and screen status offenders in a secure facility long enough to determine the individual needs of the juvenile and evaluate the family problems or environment. The juvenile court should be able to place a juvenile into a shelter if the home environment is found to be unsatisfactory. The Assessment Centers would provide the juvenile and/or the parents with:

- Education testing and assessment;
- Counseling;
- Psychological testing and therapy;
- Health services; and
- Referral to public or private agencies for additional assistance.

### **LEGISLATIVE RECOMMENDATION 26:**

**Enact legislation to mandate that the State Department of Education establish a program to require testing of all juveniles in primary grades to determine physiological or psychological learning disabilities.**

Many of the "at risk" juveniles who drop out of school have physical or mental impairments that result in learning deficiencies. These disabilities or deficiencies include lack of good

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*"We have got to replace that hero who is making three hundred dollars per day."*  
—Robert Winter,  
Sheriff, Santa  
Clara County

hearing, poor eyesight, dyslexia and even lack of memory retention as a result of malnutrition or unbalanced diet. The disorders or poor health create a learning disability not conducive to the scholastic endeavors in a school environment. The juvenile becomes frustrated, discouraged, depressed and often becomes a disciplinary problem. Those experiencing failure may leave school in an effort to escape from the situation. The juvenile ultimately drops out, is unemployed and falls prey to the insidious allure of gangs and drugs.

We must test children at an early age and attempt to ascertain if there is a learning handicap to reduce the attrition rate and to provide the necessary health services or remedial training.

## Federal Agency Recommendations

State and local authorities are not able to combat the problem of drug trafficking by street gangs alone. The Task Force recommends increased cooperation with federal authorities to curtail the violence and increased availability of drugs occasioned by gang activity.

### FEDERAL AGENCY RECOMMENDATION 1:

**Increase the availability of federal resources to state and local gang- and drug-related case investigations.**

As the mobility of gang members continues to increase, interagency coordination is imperative. Local criminal justice authorities can no longer address the complexity and interstate mobility of the gang drug traffickers. Additional resources are needed from authorities if investigations are to result in increased incarceration of gang members.

More federal narcotics enforcement agents are needed. Personnel should be added to the Los Angeles based Drug Enforcement Administration, Federal Bureau of Investigation, U.S. Attorney's Office, U.S. Coast Guard and the U.S. Customs. More personnel are needed to expand investigations and to prosecute narcotics violations.

California communities adjacent to ports are valuable cocaine markets for drug traffickers, but they are also the point of transshipment of drugs, primarily cocaine, to other regions. According to Los Angeles police authorities, the Columbian cocaine cartels, and Mexican drug-trafficking organizations are smuggling huge quantities of cocaine across the southwestern border into Los Angeles for transshipment to cities in other states and to Asian countries.

*"You can't expel an unskilled, uneducated gang member out of the school and put him in the community because you're just moving the problem from one place to the other. That is tantamount to feeding the recruitment process for gangs. Schools should assume greater responsibility for problem kids."*

*—Thomas Wright, Deputy Probation Officer, Orange County*

*"The problem we have is that due to our free society and mobility, we don't take the time to really know who is living next-door."*

*—Sam Lazar, Chairman, Oakland Citizen Crime Prevention Community Program*

Federal law has traditionally been aimed at the high-level interstate and international drug organizations. However, the Los Angeles street gang drug trafficking situation requires a commitment of federal resources to assist local law enforcement agencies in addressing the increased violence and mobility of drug traffickers.

The Task Force recommends that federal authorities, including the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Internal Revenue Service, and U.S. Customs coordinate investigations of known gang drug traffickers with state and local authorities.

*"The federal government, the IRS specifically, has a form, called form 8300. Auto dealerships, coin shops, any businesses, title companies are required to report any cash transaction over \$10,000. Someone comes in and buys a Mercedes for \$35,000 or buys an expensive vehicle with cash, they're required to report that. And if they fail to, they're committing a federal crime." —Kent Spjute, Special Agent, Internal Revenue Service*

## **FEDERAL AGENCY RECOMMENDATION 2:**

**Increase public awareness of the Internal Revenue Service's (IRS's) cash transaction reporting requirements for businesses, and enforce compliance with these regulations.**

As of 1984, the IRS established cash transaction reporting requirements for all businesses. All cash transactions over \$10,000 are required to be reported to the IRS using Form 8300. Regardless of this requirement, it is suspected that many businesses may not report these transactions because they are unaware of the reporting requirement. At the federal level, all financial institutions are required by Title 31 of the United States Code, Section 5311 *et seq.*, to report cash transactions of \$10,000 or more on IRS Form 8300. Title 26 of the United States Code, Section 6050I, imposes an identical reporting requirement on anyone who is engaged in a trade or business who makes a cash transaction of \$10,000 or more.

Section 186.10 of the Penal Code provides that making cash transactions exceeding \$5,000, through a financial institution, with the intent to facilitate criminal activity or with knowledge that such money is derived from criminal activity, constitutes money laundering. The statute does not make any provision for a reporting requirement to either the IRS or the Franchise Tax Board.

The Task Force recommends that the IRS instruct all businesses of this reporting requirement. Further, the Task Force encourages the IRS to coordinate with the appropriate state and local authorities on the investigation of transactions involving suspicious purchases of large assets for cash by known gang offenders.

### FEDERAL AGENCY RECOMMENDATION 3:

**Increase the use of federal "cross designation" of local police officers and prosecutors to allow local authorities to use the federal system.**

The Federal Racketeer Influenced and Corrupt Organization Act (RICO) statute and asset forfeiture laws allow for effective prosecution of continuing criminal enterprises. The federal system may be utilized by local agency personnel who are "cross designated" as either specific agents or special prosecutors by federal authorities. Federal and local authorities should consider cross designating local authorities in pursuing RICO and asset forfeiture prosecutions in federal courts.

### FEDERAL AGENCY RECOMMENDATION 4:

**Coordinate Immigration and Naturalization Service (INS) investigations with state and local authorities to identify known offenders who may be suitable for deportation proceedings and also to increase the seizure of narcotics illegally imported across our borders.**

Federal law allows for the deportation of immigrants convicted of crimes. The INS is the federal agency responsible for controlling the immigration of individuals into the United States. When gang drug-trafficking offenders are not U.S. citizens, deportation should be pursued. The Task Force recommends that the INS work closely with state and local officials to deport aliens involved in criminal activity.

If a foreign national is convicted of a crime, it is recommended that deportation occur after completion of the full sentence imposed by the court.

### FEDERAL AGENCY RECOMMENDATION 5:

**Coordinate federal agency investigations with state and local authorities to identify opportunities for interdiction. Use military forces and their resources to interdict more effectively the flow of illegal narcotics into our country.**

The Task Force recommends federal authorities to make a more concerted effort of interdiction. While interdiction is not a panacea for the drug problem, it can restrict the flow of narcotics to our streets. The Immigration and Naturalization Service has proven effective in interdiction, seizing 60 percent of all the narcotics seized by federal authorities.

*"...We just seized five luxury cars in Madera County for the local authorities that were purchased. \$25-, \$30,000 cars, with cash. The dealerships admitted that these people had come in and paid \$9,000 at a crack over four or five payments."*

*—George Vinson, Supervising Senior Resident Agent, Federal Bureau of Investigation*

*"As many as 33 percent of the gangs in San Diego are documented with INS as having immigration files."*  
*—Anthony DiBase, U.S. Immigration and Naturalization Service*

The military forces can play a role in assisting federal, state and local law enforcement agencies in the flow of narcotics into our country. Employment of the military's material resources, i.e., detection devices, surveillance equipment, aircraft, etc., would provide added efficiency to law enforcement's interdiction efforts.

#### **FEDERAL AGENCY RECOMMENDATION 6:**

**Conduct a nationwide investigation of gang relationships with international narcotics traffickers. Establish, through the Federal Bureau of Investigation (FBI), a nationwide data base for gang drug-trafficking case information.**

Cocaine trafficking involves national and international issues. California state agencies are not structured to address the interstate nature of this problem. Federal government agencies have authority to investigate interstate trafficking by gangs from California. Although the DEA and the FBI are investigating interstate drug-trafficking, the Task Force recommends a concerted effort in investigating both interstate drug-trafficking by gangs and the associations that these gangs may have with international traffickers. Further, the FBI should establish a national gang criminal history data base and make it available to local criminal justice agencies through the National Law Enforcement Telecommunications System (NLETS).

#### **FEDERAL AGENCY RECOMMENDATION 7:**

**Continue funding to support victim/witness protection and relocation.**

Victims of, and witnesses to gang-related cases are subject to considerable intimidation from gang members attempting to avoid prosecution. Federal programs that protect victims and witnesses are vital in encouraging their cooperation. The Task Force recommends that the federal government continue to support victim and witness protection and relocation programs to shield the rights of these individuals.

#### **FEDERAL AGENCY RECOMMENDATION 8:**

**Continue and expand funding to Head Start-type programs.**

The Task Force believes that early prevention is the most effective tool in fighting the gang and drug problem. Throughout the public hearings, the Task Force heard of the need for early

*"We (i.e., society, culture) put value on riches, so kids want it, and want it soon. Gangs are where the children are." —Marvis Peoples, Pastor, Liberty Hill Baptist Church*

education in moral values and social skills. The Head Start programs established in the 1960's were designed to provide youths with these values and skills. The Head Start programs provide an increased opportunity for youths to complete high school and to avoid trouble with the law. Head Start breaks the circle of poverty through education and awareness. It is recommended that the federal government continue and expand its efforts in providing early education to children.

### **FEDERAL AGENCY RECOMMENDATION 9:**

**Adopt federal legislation that provides mandatory sentences for gang members, their associates, or others who cross interstate lines for the purpose of conducting gang-related drug activities.**

Los Angeles gang-related cocaine trafficking is an interstate operation and a national crisis. Traffickers purchase cocaine in Los Angeles for approximately \$13,500 a kilo, and, according to the Drug Enforcement Administration (DEA), can sell it for up to \$50,000 in other states. Given the profit potential for interstate trafficking, a federal approach is needed to apprehend known gang offenders.

### **FEDERAL AGENCY RECOMMENDATION 10:**

**Provide vacant or unused military facilities that would be suitable for the confinement of adult or juvenile inmates to the California Department of Corrections, the California Department of the Youth Authority, or local governments.**

The U.S. Department of Defense is responsible for managing military facilities throughout the country. These facilities provide many of the accommodations necessary to house large numbers of people within a secure environment. Military reorganizations have resulted in the closure of many of these bases, leaving them available for other uses. The Task Force recommends that the U. S. Department of Defense identify properties and buildings suitable for conversion to corrections facilities and make these available to local and state corrections agencies for use as medium- or minimum-security corrections institutions. The transformation of the grounds and structures could be accomplished through job training and apprenticeship programs in which inmates would learn trade skills.

*"Gang members come from broken, unloved families. The kids say, 'Nobody cared. The gang offered me love.' Without prevention, there are only three ways out of gangs: death, drugs, or prison."*  
—Ida Sydnor,  
Executive Director,  
Black Sacramento  
Christian Club  
Organizers

*"Community mobilization...the ultimate solution to gang violence lies within the deeply rooted moral values of the vast majority of people who live within violence riddled communities."*

—Richard Alarcon,  
Los Angeles  
Mayor's Criminal  
Justice Planning  
Office

*"Funds to combat gang activity should be cooperative in nature; that is, funding should be directed to community approaches, not just to police and the district attorney." —Robert Keldgord, Chief Probation Officer, Sacramento County*

## Local Government Recommendations

Local government entities are recommended to take an active role in coordinating gang and drug prevention, intervention and suppression programs. The following actions are recommended for local governments in targeting resources to address the gang and drug problem.

### LOCAL GOVERNMENT RECOMMENDATION 1:

#### **Expand gang intervention programs to prevent continuing gang and drug involvement.**

The Community Youth Gang Services Project in Los Angeles, for example, intercedes in potentially volatile situations and counsels gang members in conflict resolution techniques. Remediating the immediate danger, these counselors also help youths avoid future violence and continuing gang or drug involvement.

### LOCAL GOVERNMENT RECOMMENDATION 2:

#### **Set local government budget priorities to allocate funds to gang and drug prevention and enforcement programs.**

Drug prevention and enforcement programs, funded and administered locally, can be responsive to the unique needs of their community, gathering the resources of local law enforcement agencies and community-based organizations.

These programs aid in identifying "at risk" youths and in deterring affiliations with gangs and drugs. These programs demonstrate to youths that someone cares about their future. Providing youth counseling, crisis intervention, employment advice and other services, these programs help to ensure a resolution for the gang and drug problem in our communities.

### LOCAL GOVERNMENT RECOMMENDATION 3:

#### **Direct the Community Redevelopment Agency to develop job-generating, inner-city projects to develop residential communities and business/industry zones within affected communities.**

Programs which operate in conjunction with local Community Redevelopment programs, would consolidate the resources of the state and local agencies, helping resolve the economic blight that plagues our inner-city communities. The Task Force recommends that local Redevelopment Agencies focus resources on



designated Enterprise Zone communities for funding and support to provide economic and employment opportunity for the citizens of these areas.

## School Program Recommendations

The school system is the focal point for childhood education. As such, it provides an effective mechanism for prevention education. The Task Force recommends the following actions for schools in addressing the growing problem of gangs and drugs.

### SCHOOL PROGRAM RECOMMENDATION 1:

**Establish a required gang and drug prevention program, coordinated with local law enforcement, community and business organizations.**

Presently, there is no statewide curriculum for gang and drug prevention. Early antigang and antidrug education is vital in preventing future gang and drug problems. The schools provide an effective vehicle for administering such programs. Several jurisdictions cited below have developed programs, which include the teaching of social values, gang awareness, and methods for effectively averting gang involvement and drug use.

The Paramount Program, the Los Angeles Police Department Drug Abuse Resistance Education (DARE) program and the Los Angeles Sheriff's Department Substance Abuse Narcotics Education (SANE) program are exemplary models of prevention programs; the Paramount program is designed for antigang education, while SANE and DARE focus primarily on drug prevention, but include gang prevention components. Further, programs to counsel and intervene with "at risk" youths are valuable in providing critical social skills, self-esteem and value structures. The Task Force believes that a statewide program, incorporating the elements of these individual curricula must be implemented in schools in order to accomplish effective long-range prevention. As defined in the Legislative Recommendations, the optimum school-based gang and drug prevention education program must incorporate the following elements:

- Teach social values and self-esteem to children, commencing with kindergarten;
- Teach social responsibility and, most importantly, family values and parenting skills;
- Teach students in all grades how to avoid gang and drug involvement;

*"Right here in Los Angeles County, the school district has been very slow in embracing the preventative approach, and I believe that over the years this has contributed to youngsters joining gangs. If nothing is done, more youngsters will join gangs as time passes by." —Tony Ostos, Paramount Program, City of Paramount*

*"The State Department of Education must develop and mandate anti-gang, anti-drug curriculum for grades K through 12. We must cut off the source of gang recruitment, our children." —Lee Dohm, Deputy Chief, Sacramento Police Department*

*"About a month ago my son was being recruited to join a gang, he's 14, my daughter's 13, I was totally shocked. I went to the school and the school told me, 'We don't have a gang problem here, if we have any gang members we kick them out of school.' The following day my son was assaulted at school." —Jan Marmolejo, Concerned Parent, Elk Grove Unified School District*

- Train teachers and administrators on how to implement this curriculum and how to detect and intervene with gang- and drug-related or "at risk" behavior;
- Require all teachers and administrators to complete, through mandate by the State Commission on Credentialing, the gang and drug prevention training program as a requirement for certificate renewal;
- Involve the teachers' unions in supporting the gang and drug prevention programs; and
- Enlist support from the community for these programs.

Gang and drug activity is rapidly permeating communities throughout the state. In order to fend off this impending threat, concerted efforts in prevention education are necessary throughout the state. The Task Force strongly recommends that all schools adopt programs for gang and drug prevention.

## **SCHOOL PROGRAM RECOMMENDATION 2:**

**Provide and require, for continuing certification, training for administrators and teachers to raise awareness of the gang and drug problem, and outline prevention education curricula.**

School administrators and teachers may not have the experience to address gang and drug problems as they emerge within our schools and neighborhoods. At first, the symptoms of gang and drug activity may seem insignificant. Yet, unchecked, they continue and grow. School-based education programs are effective in combating this threat. To encourage the schools' participation, the Task Force recommends that training be presented to administrators and teachers. This training should be structured to help educators become aware of the gang and drug problems in the state and in their district and, further, to identify the needs for gang and drug prevention education.

## **SCHOOL PROGRAM RECOMMENDATION 3:**

**Provide components in the school prevention education program to enhance parental awareness of gang and drug problems, and refer parents or guardians to community support groups.**

The effectiveness of gang and drug prevention education requires parental involvement in encouraging and counseling their children. Parents and guardians may be unaware of the gang

and drug threat or may not know how to avert such activities among their children. Los Angeles Police authorities state that nearly all studies or hearings on the subject of gangs and drugs cite that moral family support and caring parents are important factors in deterring youth from participating in gangs and using drugs. Parental awareness is key to enlisting the support and continuing guidance of parents.

School districts should work with local law enforcement agencies in the administration of parental awareness programs. The school prevention education program should include a component to improve parental awareness and to provide parents and guardians with some ability to address the problem within the home.

#### **SCHOOL PROGRAM RECOMMENDATION 4:**

**Coordinate with community-based organizations and law enforcement agencies to develop and implement a parental skills training program.**

Parental awareness alone will not resolve the growing problem of youth involvement with gangs and drugs. Social institutions and family structures in gang-affected communities are faced with difficult problems in the prevention of gang and drug involvement among their young people. Schools, in cooperation with community organizations and law enforcement agencies, provide a structure for implementing a parental skills curriculum. Once parents and guardians have been notified that their child is affiliated with gangs and drugs, they need a resource to instruct them on methods for guiding and controlling the child's behavior and actions. Parental skills training is a critical need and is a recommended priority of this Task Force.

#### **SCHOOL PROGRAM RECOMMENDATION 5:**

**Establish and enforce codes within the schools to prohibit the display of gang "colors" and the use of pagers or car phones on school grounds.**

The wearing of gang colors publicizes gang presence and control. Our schools should be safe harbors for our youths, not a realm for intimidation. Use of pagers, car phones and other devices on or near the school grounds to arrange drug deals increases a gang's ability to intimidate other students. Allowing these actions brings credibility to the gang, and adversely affects students in our schools. Prohibiting the use of colors and commu-

*"...Parents need support groups, the parents need to work with the law enforcement, schools, churches, we need to get the parents involved."*

*—Brother Modesto Leon, Coordinator, Concerned Parents of East and South Central Los Angeles*

*"...When I was going to elementary school...they know (teachers) there's kids out there now that are starting from eight to nine years old...going out there selling drugs...taking care of business...they're supposed to be educating people, but they don't educate people about real life, reality, what's really happening out there...I guess they're scared to tell anyone."*

*—Secret Witness*

nication devices helps administrators gain control of the school environment and minimize the gang influence.

*"By the 21st century one in four students will be failing, dropping out of our schooling process."*

*—Pam Rice, President, Communications Companies International*

*"Gang members are not interested in challenges. They reject school, they reject jobs because they are beneath them. They have a very superior conception of themselves, and that's what allows them to kill people, because they see themselves as above ordinary persons." —Dr. Stephan Fleisher, Executive Director, San Fernando Valley Child Guidance Clinic*

## **SCHOOL PROGRAM RECOMMENDATION 6:**

**In cooperation with local government and state agencies, expand after school, weekend and summer youth programs to appeal to broader based groups, especially in the age range of 10–18 years.**

Youths need a safe alternative to gangs. The goal of this recommendation is to provide for the safety of our youths and also to promote a healthy atmosphere for growth, through cultural or sporting activities. The program should provide for the security of the children and access to parks and recreation facilities with adequate lighting and personnel. All agencies at all levels are recommended to work with the schools in implementing youth programs.

## **SCHOOL PROGRAM RECOMMENDATION 7:**

**Establish a program within all school systems to require the testing of juveniles in primary grades to determine physiological or psychological learning disabilities.**

A crucial element in prevention is the early identification of "at risk" youths. Early testing for physiological or psychological learning disabilities can help teachers recognize the potential "at risk" behavior at its earliest stages, where immediate counseling and specialized education programs can most effectively treat the potential problem. The Task Force recommends that the State Department of Education implement a statewide program to test juveniles in primary grades to determine learning disabilities and that all school districts implement such a program immediately.

## **Community-Based Organizations Recommendations**

The communities are most affected by the violence stemming from gang drug-trafficking activities. Hence, there is a definite need to involve the community in concerted prevention, intervention and cooperative enforcement efforts. The Task Force recommends that community organizations seek solutions to the gang and drug problem through the following actions.

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 1:

**Identify and recruit successful community members and business persons to serve as role models and mentors to youths.**

Youths require adult guidance and support to address the continuing challenges of maturing. Identifying career, education and development opportunities requires adult counseling and advice. The Task Force recommends that community-based organizations seek out individuals who may serve as effective role models in counseling youths. It is recommended that these organizations identify individuals who have been successful in business or the community and recruit them to become involved in mentor pairing programs, where youths can be matched with a parent figure. Testimony from citizens in gang- and drug-affected communities reveals that finding suitable role models is a difficult task. Individuals from economically depressed inner-city communities who achieve some level of success or financial viability, often leave the inner city for other neighborhoods. Efforts should be made not only to identify role models who still reside within the community, but also to search out suitable role models among those who have left the neighborhood.

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 2:

**Seek support from local businesses and industries for employment training and placement programs.**

Many gang- and drug-affected communities are plagued with high unemployment rates. The Task Force heard testimony that job opportunities can deter gang and drug involvement. Local businesses that hire gang members and "at risk" youths have proven successful in extricating youths from the gang environment and in providing employment. These employment opportunities succeed because they provide camaraderie and guidance to the employee and in return demand responsibility and accountability.

Moreover, they offer a fair wage for a day's work. Even small businesses can have a positive effect on gang members and "at risk" youths. Many youths do not possess the skills to either seek a job or obtain meaningful employment. Business and industry are key to providing employment development. The Task Force

*"We are comprised of a group of mothers who have gotten fed up with the gang violence, the terror, and the drugs in our area, and the slayings of our innocent children and innocent adults. We came forth as citizens, concerned citizens and parents to address the issues of gang violence because we feel that the police, anybody that's in office cannot conquer this problem alone, because it starts in the home."*  
—Patricia Patrick, Director, Mothers Against Gangs in the Community (MAGIC)

*"Money doesn't solve problems, people solve problems. We have given these gangs the right to exist, the people are responsible for it and the people have to turn it around." —Edward Vincent, Mayor, City of Inglewood*

*"...We need a comprehensive innovative program capable of bringing families back together, restoring respect for adults, parents, teachers and property." —Robert Henning, Councilman, City of Lynwood*

recommends that business and industrial communities participate in job training, development and placement programs to provide career-oriented job opportunities to individuals within designated State Department of Commerce Enterprise Zone communities. These programs provide valuable skills to the labor force, can promote economic security within the community, and provide overall economic growth for business and industry.

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 3:

**Provide for community mobilization and involvement through Neighborhood Watch programs to encourage citizen participation and victim/witness cooperation.**

Innocent citizens suffer the repercussions of gang- and drug-related crime. They are literally held hostage in their own homes, fearing the danger of drive-by shootings or gang intimidation; they are disgusted by the blatant drug-dealing on the streets. Neighborhood watch programs are a valuable method of bringing neighborhoods together to solve growing crime problems. The Task Force recommends the development of these programs in all communities. Law enforcement officers can work with these programs to educate residents about the nature of gang- and drug-related crimes, to interpret graffiti and to inform them of their responsibility to report suspected criminal activity. Positive interaction between law enforcement officials and residents instills a cooperative spirit, which demonstrates the police are there to serve and protect, and provides further incentives to eradicate crime through victim and witness cooperation.

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 4:

**Encourage parental responsibility, establish parental support programs to increase awareness of gang and drug problems, and provide 24-hour hot lines and counseling. Enhancing parental skills is critical to mitigate the gang problem.**

Parents in communities with high levels of gang activity and parents or guardians of gang members can be overwhelmed by the growing problem of gangs and drugs. Some may be unaware of the attributes of gang and drug activity; others may not care, but many seek help. The community family is an effective

method for providing support, awareness and guidance to parents. Through community-based programs, "at risk" youngsters can be identified, their parents or guardians can be notified, and family counseling can be provided to address and resolve the causes of the gang- and/or drug-related problem.

Parental awareness and support is the key to prevention and is critical to effective early intervention. Parents and guardians may be encouraged to take responsibility for their children and to teach them social values and instill self-esteem. The Task Force recommends community-based agencies develop parental support programs with counseling and 24-hour hot lines for parents of gang members and parents of victims of gang- and drug-related crimes. Self-help groups, where parents or guardians can meet to share their problems and work together to identify solutions, are also suggested as a component of the parental support program.

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 5:

**Establish, in coordination with local law enforcement agencies and the schools, a parental notification program to inform parents or guardians when their children are involved in gang and drug activity.**

An important function of a community-based gang and drug prevention program is to increase awareness among parents of the potential for individual youths to become involved in gangs and drugs. Public hearing testimony indicates that youths can be quite successful in hiding their gang and drug problem from their parents or guardians, or that parents may not be aware of the seriousness of a pending gang and drug involvement. Often law enforcement and school officials see firsthand the "at risk" behavior of a child. Identifying these youths early, before they become intertwined in the gang and drug culture, is crucial to saving them from the destruction that is all too often the result of gangs and drugs. The Task Force recommends cooperation between the schools, law enforcement agencies and community groups in establishing a parental notification program in order to bring the potential problem into focus and to prevent further gang and drug involvement.

*"...At the age of 12, I ran away from home and joined a gang. At the age of 14 I joined a program that was called Neighborhood Youth Corps. This individual spoke to me, sat me down, counseled me, and I really got touched by the idea that this individual was trying to help me." —Alfredo Rosa, President, Los Angeles BACA*

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 6:

**Establish, in coordination with religious organizations, a prevention and intervention program utilizing role models and mentors for counseling youths.**

*"No law enforcement can work without community expertise. No one can come in my backyard and tell me what needs to be in there, what works the best. These youngsters are moving up, mobilizing through their own college which we call SW University, Side Walk University. And they major in survival."*  
—V. G. Guinses, Executive Director, SEY Yes, Inc.

Religious organizations play an important role within the inner city and within gang- and drug-affected communities. They are, many times, focal points for community activities and family gatherings, providing spiritual support to the neighborhood. Several programs for prevention and early intervention, operated by religious organizations, have been successful at removing youths from association with gangs and drugs. The success of these programs lies in the individual interaction between youths and positive adult role models. These mentors take an active and ongoing interest in the youths, guiding them in their growth and counseling them to avoid the influences of gangs and drugs.

Religious organizations are effective in identifying adults in the community who have stable family and employment situations, who have been successful in local business and who are sensitive to the attitude of youths to serve as mentors. Additionally, these program administrators have recognized that many individuals who would make good mentors because of their success and stability have moved away from the inner city. They have been effective in recruiting persons who were raised in the community, enlisting their support as mentors to encourage youths to select positive alternatives for their future. The Task Force recommends the cooperation between community groups and religious organizations in developing and expanding such programs.

*"It's very crucial that culturally sensitive instruction take place in the school systems in order for the youth to not feel alienated and drop out."* —Bong Kim, Director, Korean Youth Center

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 7:

**Establish prevention and intervention programs in communities with special language or cultural needs.**

Within the past decade, a large number of Southeast Asian immigrants have entered this country and have been faced with numerous challenges in adapting to Western culture and in supporting their families. Southeast Asian gangs often prey upon the immigrant community with little fear of reprisal for their actions because their victims seldom report the crimes. Family pride may prevent parents from seeking counseling or advice on how to address these situations. Special sensitivity to the problems



confronted by Southeast Asian immigrants is necessary in order to encourage cooperation with local government and law enforcement representatives, and to provide the desperately needed support to the community. The Task Force recommends the ongoing operation of specialized Southeast Asian gang prevention and community support programs.

## COMMUNITY-BASED ORGANIZATIONS

### RECOMMENDATION 8:

**Implement programs to encourage teenagers to serve as role models and to participate in community development programs.**

The National Crime Prevention Council's model programs have proven effective in encouraging youths to participate in teen counseling and tutoring programs. City of Pasadena Youth Advisor Programs, which use teenagers to counsel other youths against gang and drug involvement, have proven successful. Girl Scouts, Boy Scouts, Girls Clubs and Boys Clubs programs have also proven effective in providing positive alternatives to youths, teaching social values and self-esteem, and encouraging participation in the community. The Task Force recommends that such programs be implemented, encouraging youths to take part in youth peer counseling and other community action programs.

## Business and Industry Recommendations

Business and industry provide for economic growth that results in job opportunities within communities. Such opportunities provide legitimate alternatives to involvement in gang/drug trafficking. The Task Force recommends that businesses join local governments, community-based organizations, law enforcement agencies and schools in a cooperative effort to decrease the threat of gangs within communities.

### BUSINESS AND INDUSTRY RECOMMENDATION 1:

**Expand opportunities for business development through the state's Enterprise Zones.**

The State Department of Commerce manages the state's Enterprise Zone Program. Intended to promote economic growth, the Enterprise Zone Program offers tax incentives to businesses that locate or expand within designated economically depressed areas. Encouraging business development within such areas pro-

*"You know what, to tell you the truth, I don't think it's society that can change it around. What's going to have to change it around is us. We came in here willing to talk about some of the stuff that's going on. There's a lot of people in the gangs that are willing to do this, but they're scared and hopefully by us going out there talking to the junior high school or the elementary school students to try to get them to come forward and talk about their problems, talk to their families and to the police, then we could make a difference. But the police ain't going to do it, because there are certain things that you're taught while you're in a gang. That is once you're a gang member you're always a gang member. Once the police, always the police. So have we got to do it ourselves because we are ex-gang members."*

—Secret Witness

*"Job programs need to have a future, they need to have career development, career advancement. Dead-end mental positions with low pay will not be an attraction for very long for these kids." —Betsy Lindsay, Consultant*

*"The often stated sentence that 'somebody that's making \$400 a day dealing drugs is simply not going to take a job at a fast food place' is wrong. Not everybody's making \$400 a day dealing drugs." —Bill Dawson, Executive Director, Community Resources and Self-Help (CRASH, Inc.)*

vides job opportunities where they are most needed, and improves the overall quality of life within these communities. Many of the areas most heavily affected by gangs and drug-trafficking are within designated Enterprise Zones. The Task Force received testimony that despite the large amount of money to be made selling drugs, gang members would prefer to make their living in legitimate employment.

The Governor's Office of Criminal Justice Planning is required to give priority to funding criminal justice programs located within designated Enterprise Zones. Likewise, the Department of Commerce should be required to give priority to designating gang-impacted areas as Enterprise Zones. In addition, business communities should work with their local governments to seek the designation of gang-impacted areas as Enterprise Zones by making application to the Department of Commerce.

### **BUSINESS AND INDUSTRY RECOMMENDATION 2:**

**Engage in "adopt-a-school," youth sports team sponsorship, inner-city job placement, and executive volunteer job training and counseling programs.**

The business community can offer valuable resources to assist economically depressed and gang-affected areas. Through an "adopt-a-school" program, businesses can provide schools with needed equipment, additional financial resources, and expertise in the classrooms, which all add to enhancing the quality of education. Sports activities for youths provide positive alternatives to gang involvement for juveniles. Training in interview skills, apprenticeship training or internships, and employment placement are vital to provide realistic opportunities for youths.

The Task Force recommends that local business work with the local government, schools, religious organizations and law enforcement officials in assisting with job training and placement programs. Employees in local businesses are encouraged to participate in mentor programs, where they will be paired with a youth to whom they can provide guidance in selecting positive alternatives to gang and drug involvement.

### **BUSINESS AND INDUSTRY RECOMMENDATION 3:**

**Develop training programs and work experience opportunities for youths, targeting both gang members and potential gang members.**

The State Employment Development Department administers the Job Training Partnership Act (JTPA), which funds job training programs for private and public organizations. The state also administers the Greater Avenues for Independence (GAIN) program, which funds training programs and work experience opportunities for those who are receiving Aid to Families with Dependent Children (AFDC).

The Task Force recommends that these programs be utilized by both private and public agencies to assist gang members and potential gang members in obtaining job training and work experience.

## Media Recommendations

Explicit media coverage of the gang and drug situation throughout the state and country has been beneficial in raising community awareness of the severity of the gang and drug problem. The Task Force recommends ongoing cooperation from the media in seeking solutions to this dilemma.

### MEDIA RECOMMENDATION 1:

**Cover all aspects of the gang and drug problem, including the success of intervention and prevention programs.**

Gang- and drug-related crime and related violence are grave problems, deserving significant coverage from the media. Yet, media reports can also instill fear, immobilizing a community; entice gang intimidation of innocent citizens; and glamorize the gang culture. The community, local government, religious organizations, schools and criminal justice agencies have been successful in combating the problem of gangs and drugs, and in providing positive alternatives to youths. These efforts and alternatives offer hope to the community and to youths. The Task Force recommends the media examine all components of the gang and drug situation, and consider providing more pro-active coverage of the positive efforts of youths and the successes in the fight against gangs and drugs.

### MEDIA RECOMMENDATION 2:

**Provide public service announcements and programming for public education on gang and drug prevention and parenting responsibilities.**

*"Media executives must commit their resources to create effective anti-drug/gang public service announcements during prime time. Also, they should provide effective anti-drug/gang warnings on commercials that encourage drug/gang involvement."*  
—Gus Frias,  
Director, Orange  
County Department  
of Education  
Operation Safe  
Schools

*"I think we need to enlist the media in an effort to promote a true understanding of the pain and suffering that is associated with violence and gang activities."*

*—Marian LaFollette, Assembly Member, 30th District, Northridge*

*"We also need to be careful about saying all the minority youth in minority neighborhoods are making a lot of money off the narcotics traffic. That's really not the case. Most of the Black and Hispanic youth are not getting rich, they're getting hurt." —James Robenson, Chief, Pasadena Police Department*

These messages should inform the schools and community organizations as to the organizations' role in gang and drug prevention. Further, these messages should deter youths from gang and drug involvement (similar to the "Just Say No" campaign) and provide information to parents on parenting skills and responsibilities.

Public education requires communication, and the most effective method of communication is through the media. Television and radio public service announcements are an effective way to enlist public cooperation and participation. In-depth news specials furnish complete analyses, educating the public about the unique perspectives and problems of the gang and drug situation. Recent news coverage and special programming have been quite effective in raising public awareness of the problem of gangs and drugs. Further efforts are needed in prevention education. The Task Force recommends that the media assist in the gang and drug prevention education and public awareness campaigns through special programming and public service messages.

### **MEDIA RECOMMENDATION 3:**

**Ensure that gang-related reporting does not glorify the gang culture or attribute acts to any one gang by name.**

It is important to inform the public of the gang- and drug-related incidents in their communities. However, responsible and careful reporting techniques must be employed, so that the media coverage does not serve to perpetuate the gang phenomenon. Entertainment pieces on gang-related stories, such as the movie "Colors," are strongly discouraged.

Gang members seek notoriety for their acts, and they sometimes obtain it through the reporting of the media. This reporting approach provides exactly the type of forum desired by gang members, helping gangs achieve their infamous status in the community, and contributing to the level of intimidation experienced by innocent citizens. Attributing heinous acts to specific gang members, naming gangs, or publishing pictures of gang members or their graffiti only add to the credentials of the gang member. Sensational reporting styles are to be avoided because they glamorize the gang life-style, adding to the gang mystique.

The entertainment industry should exercise great caution in its treatment of gang and drug topics. The movie "Colors" proved to have a volatile effect on gang members, as evidenced by the drive-by killing in Stockton. Testimony from gang members themselves cite their attraction to the "bad boy" image of the gangster. Schools, community workers, and criminal justice

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officials tell numerous stories of how children, as young as seven and eight years old, who would otherwise not be exposed to the gang behavior, mimic the gang actions in the stories they see or hear in the mass media and motion pictures. Many officials indicate that shortly after the showing of the movie "Colors," gang-type behavior started to be demonstrated in their schools, including the wearing of colors and flashing of hand signs.

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## Appendices

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**APPENDIX A****Witnesses Before the State Task  
Force on Gangs and Drugs  
June–July, 1988**

Presenters at each hearing are listed according to the order in which they appeared before the Task Force.

**Hearing in Sacramento, California****June 15, 1988 (In order of appearance)**

**The Honorable Jim Streng**, Chairman, Board of Supervisors,  
Sacramento County

**G. Albert Howenstein, Jr.**, Executive Director, Governor's  
Office of Criminal Justice Planning

**The Honorable Leonard Edwards**, Judge, San Jose Superior  
Court

**Lee Dohm**, Deputy Chief, Sacramento Police Department

**Secret Witness, "Bill,"** San Francisco Gang Member

**Secret Witness, "George,"** Northern California Gang Member

**The Honorable John Dougherty**, District Attorney, Sacramento  
County

**Robert E. Keldgord**, Chief Probation Officer, Sacramento  
County

**Mark Hedlund**, Reporter, KXTV, Channel 10 Television Station,  
Sacramento

**Brian R. Van Camp**, Chair and Founder, Citizens for a Better  
Sacramento

**P.F. "Jack" Calkins**, Chief of Police, Stockton Police Department

**Lee Smith**, Deputy, Sacramento County Sheriffs Department

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**Secret Witness, "Frank,"** Los Angeles Gang Member

**The Honorable Paul Zeltner,** Assembly Member, 54th District,  
Lakewood

**Ida Sydnor,** Executive Director, Black Sacramento Christian  
Club Organizers

**The Honorable Marian LaFollette,** Assembly Member, 38th  
District, Northridge

**Barbara McFalls,** Meadowview Improvement Committee

**Marc Rodriquez,** Program Coordinator, Washington  
Neighborhood Center

**Barbara Debbs,** Founder, Mothers Against Crime

**Phil Steed,** Western States Information Network (WSIN)

**Jim Guiton,** Senior Special Agent, California Department of  
Corrections

**Warren Parker,** Counselor, San Joaquin Task Force on Youth  
Gangs

**Ted Alfaro,** Program Director, Sacramento Unified School  
District

**Beverly Fisher,** Social Worker, Vacaville Police Department

**Joe Debbs,** Founder and President, A Guard Against Narcotics  
and Gangs (AGANG)

**Vernon J. Freeman,** Executive Director, United Christian Centers  
of Sacramento

**Jan Marmolejo,** Mother, Elk Grove School District

**Manuela Serna,** Member, Sacramento Mayor's Hispanic  
Advisory Committee

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## Hearing in Oakland, California

**June 16, 1988**

**The Honorable John J. Meehan**, District Attorney, Alameda County

**The Honorable Don Perata**, Supervisor, Third District, Alameda County

**Robert Creamer**, Probation Officer, Santa Clara County

**Nathan Miley**, Oakland Church and Community Organization

**Secret Witness, "Tom,"** Gang Member

**Secret Witness, "Bill,"** Oakland Gang Member

**The Honorable Robert Winter**, Sheriff, Santa Clara County

**Marvis V. Peoples**, Pastor, Liberty Hill Baptist Church

**Al Guzman**, Chief, Union City Police Department

**Ken Terao**, Prevention Coordinator, San Mateo County Alcohol and Drug Program

**The Honorable Wilmont Sweeney**, Presiding Judge, Alameda County Juvenile Court

**Michael Boone**, Detective, East Palo Alto Police Department

**Daniel J. Foley**, Sergeant, San Francisco Police Department

**Rowland Garrido**, Senior Adult Probation Officer, San Francisco County Probation Department

**Willie Porter**, Director, East Oakland Recovery Center

**Tom Gerard**, Inspector, San Francisco Police Department

**Will Pitman**, Lieutenant, Berkeley Police Department

**Joseph P. Russoniello**, United States Attorney, Northern District of California, United States Department of Justice

**Charlotte Martinez and Walter Aldridge**, Deputy District Attorneys, San Francisco County

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**Peter Sarna**, Captain, and **Jim Hahn**, Lieutenant, Oakland Police Department

**Elgie Bellizio**, Executive Director, **Linda Washington**, Instructor, Sunrise House

**Sam Lazar**, Chairman, Oakland Citizen Crime Prevention Community Program

**Denny Thompkins**, Deputy Probation Officer, Alameda County Probation

## **Hearing in Los Angeles, California**

**June 29, 1988**

**Tom Silver**, Chief Deputy to Supervisor Michael D. Antonovich, Fifth District, Los Angeles County

**The Honorable Nate Holden**, City Councilman, City of Los Angeles

**Daryl Gates**, Chief, Los Angeles Police Department

**Barry Nidorf**, Chief Probation Officer, Los Angeles County

**The Honorable Edward Vincent**, Mayor, City of Inglewood

**Larry Carter**, Lieutenant, Inglewood Police Department

**Michael Genelin**, Deputy District Attorney, Chairman, Los Angeles Inter-Agency Gang Task Force

Secret Witness, "**John**," Gang Member

Secret Witness, "**Jack**," Gang Member

**Richard Alarcon**, Gangs/Drugs Programs Coordinator, Los Angeles Mayor's Criminal Justice Planning Office

**Richard Tefank**, Chief, Pomona Police Department

**The Honorable Ronald S. Coen**, Judge, Los Angeles Superior Court

**Dr. Ted Price**, Director, Division of Juvenile Court and Community Schools, Los Angeles County Office of Education

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**The Honorable Sherman Block**, Sheriff, Los Angeles County

**Tony Massengale**, Los Angeles South Central Organizing Committee

**Marie Karajci**, East Valleys Organization

**Dr. Irma Strantz**, Director, Los Angeles County Drug Abuse Program

**Dr. Ralph Dawson**, Director, Center for Black on Black Crime

**Dr. Cecil Murray**, **William Tanksley**, Counselors, and **Joe Hamilton**, Client, Youth Lock-In

**Robert Smith**, Vice President/Director, Community Health Program Division, Watts Health Foundation

**The Honorable Richard Niedorf**, Judge, West Los Angeles Municipal Court

**The Honorable Judith L. Champagne**, Judge, San Pedro Branch, Los Angeles Municipal Court

**Dr. B. David Brooks**, President, Thomas Jefferson Research Center

**Dr. Stephan Fleisher**, Executive Director, San Fernando Valley Child Guidance Clinic

**Chilton Alphonse**, Director, Community Youth Sports and Arts Foundation

**Corinne Sanchez**, Executive Director, El Proyecto del Barrio, Inc.

**Steve Edwards**, Executive Director, Los Angeles County Sheriff's Athletic League

**Bruce Copeland**, Deputy City Attorney, City Attorney's Gang Task Force

**Alex Cota**, Private Citizen

**Emma White**, President, Community Block Club

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## Hearing in Los Angeles, California

**June 30, 1988**

**Randall Silverston, Ph.D.,** Research Director, Childhelp, USA

**Thomas G. Wright,** Deputy Probation Officer, Orange County Probation

**Secret Witness, "Hom,"** Vietnamese Gang Member

**Alex Cota, Dr. James Person and the JD Junkman Crew,**  
Hollenbeck Junior High School

**Marianne Diaz-Parton,** Field Supervisor, Community Youth Gang Services Project

**Steve Valdivia,** Executive Director, Community Youth Gang Services Project

**The Honorable Robert Henning,** City Councilman, City of Lynwood

**The Honorable Cynthia G. Geter,** Commissioner, City of Lynwood

**Ed Harvey,** Detective, Riverside County Sheriffs Department

**M. David Tolford,** Deputy District Attorney, Riverside County

**Secret Witness, "Howard,"** Gang Member

**Secret Witness, "Duck,"** Los Angeles Gang Member

**Gil Garcia,** Director, Gang Violence Reduction Project, Department of the Youth Authority

**Alfredo Rosa,** President, Los Angeles Bowlers Against Child Abuse

**Gary Feess,** Chief Assistant U.S. Attorney, Central District of California

**Mike Duran,** Director, Specialized Gang Supervision Unit, Los Angeles County Probation Department

**The Honorable Robert Martinez,** Judge, Los Angeles Superior Court

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**V. G. Guinses**, Executive Director, SEY Yes, Inc.

**Patricia A. Patrick**, Chief Executive Officer, Mothers Against Gangs in the Community (MAGIC)

**Ernie Paculba**, Program Coordinator, Gang Alternative Projects (GAP), Los Angeles Unified School District

**Bong Kim**, Director, Korean Youth Center

**Tony Ostos**, Paramount Program, City of Paramount

**Juana Lambert**, Diversion Alternatives for Youth (Project DAY), Jackie Robinson Foundation

**Bernie Sanchez and Margarita Cornejo**, Compton Parent Group

**Anthony Borbon**, Project Coordinator, Turning Point

**Susan Flores**, Director of Human Services, City of Los Angeles

**Betsy Lindsay**, Criminal Justice Consultant

**Sister Elisa Martinez, Virginia Lopez, Brother Modesto Leon**, Director, Concerned Parents of East and South Central Los Angeles

**Robert Valdez**, Former Gang Member, Concerned Parents of East and South Central Los Angeles

**Howard O. Watts**, Los Angeles, California

**Mike Ramirez**, Parole Agent, Youth Training School, Department of the Youth Authority

**Jeffrey Wilson**, Los Angeles, California

**A. "Brodie" Broderon**, Guardian Angel, Burbank, California

**Leonard Shapiro**, Publisher, The Observer Newsletter

**Esther Chow**, Court Victims, Rosemead, California

**Al Thompson**, Baldwin Park, California

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## Hearing in Fresno, California

July 13, 1988

**The Honorable Sharon Levy**, Supervisor, Second District

**The Honorable Edward Hunt**, District Attorney, Fresno County

**Lee Pesola**, Deputy Chief, Fresno Police Department

**Secret Witness, "Bill,"** Gang Member

**Secret Witness, "Jack,"** Gang Member

**Billy Ware**, Supervisor, Renaissance Adolescent Center

**Robert Patterson**, Chief, Bakersfield Police Department

**The Honorable John Smith**, Sheriff, Kern County

**Francine Joy Lane**, Deputy District Attorney, Kern County

**Rick McHale**, Deputy, Kern County Sheriffs Department

**Mark Grimm**, Sergeant, Bakersfield Police Department

**Al Reid**, Senior Special Agent, California Department of  
Corrections

**Carlos Mestas**, Lieutenant, Fresno County Sheriffs Department

**Gail S. Nicolay**, Senior Probation Officer, Santa Barbara County

**Michael Popolizio**, Deputy District Attorney, Santa Clara County

**Steven R. Carlson, M.S.**, Psychologist, Early Intervention  
Program, Sanger Unified School District

**David Dawson and Jim Johnston**, Deputy Probation Officers,  
Juvenile Division, Fresno County Probation Department

**George Vinson**, Supervising Senior Resident Agent, Federal  
Bureau of Investigation, Fresno

**Ralph Thompson and Kent Spjute**, Special Agents, Internal  
Revenue Service – CID

**Al Grasso**, Lead Worker, Substance Abuse Team, Fresno County  
Health Department

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**Vernon Jones**, Community Recreation Supervisor, City of Fresno  
Parks and Recreation Department

**Alfonso Hernandez**, Director, Chicano Youth Center

**Joseph Islas**, Youth Director, Victory Outreach Ministries  
Treatment Centers

**Earl Spencer**, Private Citizen

## **Hearing in San Diego, California**

### **July 20, 1988**

**Doug Willingham**, Deputy Chief Probation Officer, San Diego  
County

**David Rosenburg**, Director, and **Raul Garcia**, Youth and  
Community Services Gang Intervention Program

**Gail Hoagland**, Youth Development Coordinator, San Diego  
Youth and Community Services

**Ray Farmer**, Chief, Rialto Police Department

**Phil Donahue**, Special Agent in Charge of San Diego Field  
Offices, Department of Justice, Bureau of Narcotic  
Enforcement

**Lillian Williams**, Outreach Consultant, De Anza Junior High  
School

Secret Witness, "Virginia"

Secret Witness, "Pete"

**John Hughes**, Special Agent, United States Immigration and  
Naturalization Service, Organized Crime Drug Enforcement  
Task Force

**John Conley**, Deputy District Attorney, Orange County

**Daniel R. Morales**, Special Assistant to Councilman Wesley  
Pratt, Fourth District, City of San Diego

**James M. Robenson**, Chief, Pasadena Police Department

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**Bill Dawson**, Executive Director, Community Resources and Self-Help (CRASH, Inc.)

**Robert Burgreen**, Chief, San Diego Police Department

**Jim McGinley**, Sergeant, San Diego Police Department—Juvenile Drug Gang Enforcement (JUDGE) Task Force

**Phillip Pounders**, Captain, San Bernardino County Sheriffs Department

**The Honorable Chuck Smith**, Mayor, City of Westminster

**Mike Ratcliff**, Detective Commander, Westminster Police Department, City of Westminster

**Marcus Frank**, Detective, City of Westminster

**Michael Hackett**, Chief Deputy, Imperial County Sheriffs Department

**The Honorable Cois Byrd**, Sheriff, Riverside County

**Donald J. Burnett**, Chief, San Bernardino Police Department

**Tris Hubbard**, Director of Student Services, Sweetwater Unified School District

**Loren Tarantino**, Assistant Principal, Sweetwater Unified School District

**Estela Corona**, Neighborhood Watch, Sweetwater Unified School District

**Dennis Mason**, Officer, San Diego Police Department, School Task Force

**Bill Lockwood**, Supervisor, Gang Information Service Unit, California Department of the Youth Authority

**Coronda Williams**, Drug Abuse Counselor, Episcopal Community Services, South Bay Drug Abuse Services

**Roosevelt Bracks**, Evening Supervisor/Public Relations, House of Metamorphosis, Inc.

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## Hearing in San Diego, California

**July 21, 1988**

**Susan Pennell**, Director, Criminal Justice Research Unit, San Diego Association of Governments

**Bobby Stearns**, Chairman, Adolescent Resource Network

**Father Amdi Tision**, Ethiopian Orthodox Church

**Pam Rice**, President, Communications Companies International

**Anthony J. DiBiase**, Special Agent, United States Immigration and Naturalization Service, San Diego District Office of Investigations

**Jimmie Slack**, Administrative Assistant to Supervisor Leon Williams, Fourth District

**Brian Michaels**, Chief Deputy District Attorney, San Diego County

**Keith Burt**, Assistant District Attorney, San Diego County

**John Davidson**, Deputy District Attorney, San Diego County

**Reverend Robby Kelly**, McAlister Institute of Treatment and Education, (MITE, Inc.)

**Gus Frias**, Project Director, Orange County Department of Education, Operation Safe Schools

**Tony Ramirez**, Youth For Progress, Inc.

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## APPENDIX B

### Biographies of the Task Force Members

**The Honorable Robert H. Philibosian** is the Chairman of the California Council on Criminal Justice and also of the State Task Force on Gangs and Drugs. The former Los Angeles County District Attorney is currently a partner in the international firm of Baker & McKenzie specializing in government law. As District Attorney, Mr. Philibosian directed an active legislative program and was instrumental in the passage of laws protecting crime victims, particularly in the areas of sexual assault and child abuse. Mr. Philibosian served as Chief Deputy Attorney General under former Attorney General and current Governor George Deukmejian. He is co-author of the *California Uniform Crime Charging Manual*, and a member of the State Board of Corrections. Mr. Philibosian holds a Juris Doctorate degree from Southwestern University School of Law and a Bachelor of Arts degree in Political Science from Stanford University.

**The Honorable Lance A. Ito** is the Vice Chairman of the State Task Force on Gangs and Drugs. He was recently appointed by Governor George Deukmejian to the Los Angeles Judicial District of the Municipal Court of California where he serves as the Supervising Judge of the Traffic Courts Building and Chair of the Municipal Court Judges Association Committee on Gang Violence. Judge Ito has previously served as the Vice Chairman of the State Task Force on Youth Gang Violence (1985-86) and Vice Chairman of the State Task Force on Victims' Rights (1987). Judge Ito practiced criminal law for 11 years with the Los Angeles County District Attorney's Office, where he was one of the founding members of the Hardcore Gangs Division. Judge Ito was appointed to the California Council on Criminal Justice by the Senate Rules Committee and serves as Chairman of the Judicial Procedures Committee.

**Ernest B. Bradford** was appointed by Governor George Deukmejian to serve as special assistant to the Director for the Department of Alcohol and Drug (ADP) programs. Mr. Bradford resigned his position as County Veterans Service officer in Contra Costa County to join ADP. He joined the Veterans

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Service Department shortly after his retirement from the United States Marine Corps. His interim employment was with the Veterans Administration Regional office in San Francisco, California. He is a graduate of the University of San Francisco, where he earned a Bachelor of Science degree in Human Relations and Organizational Behavior.

**Rotea J. Gilford** served as a Deputy Mayor of San Francisco until July 1988 and reported directly to the Mayor on budgets, planning and development for public protection agencies. Mr. Gilford was also a member of the San Francisco Police Department before joining the Mayor's Office. Appointed to the California Council on Criminal Justice by the Speaker of the Assembly, Mr. Gilford is a member of numerous professional organizations, including Officers of Justice of the San Francisco Police Department, the National Forum for Black Public Administrators, and the California Association of Black Correctional and Probation Officers.

**Gloria Herrera Grotefend** has served with the Los Angeles County Sheriffs Department since 1972. Sergeant Grotefend's experience with the Sheriffs Department is diverse, and includes custody, patrol, detectives and administrative assignments. She is a graduate from the Delinquency Control Institute at the University of Southern California. Appointed to the California Council on Criminal Justice by Governor George Deukmejian, Sergeant Grotefend is a member of numerous professional law enforcement organizations.

**Ray Johnson** has served as Chief of Police for the City of Inglewood since 1986. Prior to accepting his post with Inglewood, he spent 21 years with the California Highway Patrol and held a wide range of assignments and positions. Chief Johnson's rise through the ranks of the Highway Patrol culminated in 1983. He commanded over 1,800 personnel as Olympic Operations Commander during the 1984 Olympics.

The Chief holds a Bachelor's degree from California State University in Sacramento. He has served as guest lecturer and instructor in state and local law enforcement academies and colleges. As Inglewood's Police Chief, he was the 1987 President of the Peace Officers' Association of Los Angeles County. He currently serves in active roles in the Senate Task Force on Child Abuse, California District Attorney's Association, California Peace Officers' Association, California Police Chiefs'

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Association, Los Angeles Police Chiefs, the Association of Black Law Enforcement Executives (A.B.L.E.), the National Association of Black Law Enforcement Executives (N.O.B.L.E.) and the National Criminal Justice Association. In addition, Chief Johnson is a member and contributes to many other professional organizations.

**Robert O. Price** served as the Chief of the Bakersfield Police Department from 1972 until his retirement in 1988. He began as a Patrolman in the Bakersfield Police Department and was promoted to the ranks of Sergeant, Lieutenant and Captain before his appointment as Chief. He is a graduate of the FBI National Academy. Prior to his appointment to the California Council on Criminal Justice, Chief Price served on the California Commission on Crime Control and Violence Prevention. Chief Price is now serving as the Executive Director of the Bakersfield Association of Retarded Citizens, and as the Chairman of the State Advisory Group on Juvenile Justice and Delinquency Prevention.

**Vance W. Raye, Esq.** is a graduate of the University of Oklahoma and the University of Oklahoma College of Law. He practiced law briefly before entering military service as an Assistant Staff Judge Advocate in the Air Force. Attaining the rank of Captain, he served as Chief of the Civil Law Division and Chief Prosecutor at Beale Air Force Base, California.

After his military service, Mr. Raye was appointed a Deputy Attorney General in the Civil Division of the California Attorney General's office. He was assigned to the Government Law Section and served as legal counsel to the Governor, Lieutenant Governor, and in numerous cases. He also authored numerous Attorney General opinions on questions of government law and contributed to *California Public Contract Law*, a published legal analysis of California state contracting procedures.

In 1978, he was reassigned from litigation duties to serve as the Attorney General's liaison to the California Legislature on civil legislative matters. In 1980, he was appointed as Senior Assistant Attorney General in charge of legislative affairs and directing the legislative program of the Department of Justice.

With the election of Governor Deukmejian, he was selected first as legal counsel to the Governor's transition team and later served as Deputy Legislative Secretary. In April of 1983, he was

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appointed Legal Affairs Secretary, a position which he continues to hold.

**James Rowland** has worked in the criminal justice system for 34 years. He was appointed Director of the California Department of Corrections on June 1, 1987, after service as Director of the California Department of the Youth Authority for four years.

His career started as law enforcement officer with the San Bernardino County Sheriffs Office. In addition, his experience has included parole, probation, institutions and management consulting. He served as the Chief Probation Officer for Fresno County for 10 years and for Kings County for one year.

Mr. Rowland was the Past President of the California Probation, Parole and Correctional Association. He is the immediate Past President of the National Organization for Victims Assistance. He also served on numerous probation and law enforcement committees.

In addition to developing delinquency prevention programs and intervention programs for offenders, he has developed several programs to aid victims of crime. Mr. Rowland is one of two Californians selected by Harvard University to participate in a national think tank on juvenile justice. He is also a member of the California Board of Corrections.

**The Honorable Eunice N. Sato** was a member of the Long Beach City Council for over 10 years and served as Mayor from 1980 to 1982. The former Mayor of Long Beach (and the first Asian female to hold that office), Ms. Sato is a member of the California Council on Criminal Justice, the State Advisory Group on Juvenile Justice and Delinquency Prevention, the California Task Force to Promote Self-Esteem and Personal and Social Responsibility, the Industry Education Council of the California Board of Directors, and the Legislative Council Steering Committee of the Girl Scouts of California. She has also been the president, officer or board member of over 25 civic, community and church groups over the past 30 years. She was named International Honorary Member of Alpha Iota Sorority (businesswomen) in 1987. Ms. Sato was commended 20 years ago for community service by the Coordinating Council, a countywide organization for juvenile delinquency prevention. Her service has included membership on the League of California

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Cities Public Safety Policy Committee during her years on the City Council.

**Michael A. Schumacher, Ph.D.** has served as the Chief Probation Officer of Orange County since 1979. In addition to holding various positions in the Probation Department, he has served as the Juvenile Court Administrator for the Orange County Superior Court. Dr. Schumacher is currently the Vice President of the Chief Probation Officers of Southern California, is a Past President of the California Probation, Parole and Correctional Association, and served as a Commissioner on the 1983 California Commission for Revision of the Juvenile Court Law. He has authored many publications regarding the administration of criminal justice and is a member of the part-time faculty of the University of Southern California and California State University, Long Beach.

**C. A. Terhune** is director of the California Department of the Youth Authority (CYA), being appointed to that position by Governor Deukmejian on June 29, 1987. He worked his way up through the ranks during a CYA career that began in 1955. Mr. Terhune has been a parole agent; department budget officer; parole executive; assistant superintendent; superintendent of four CYA institutions; deputy director of the Parole and Institutions Branch; and deputy of the Institutions and Camps Branch, before being named to the department's top job.

Besides the California Council on Criminal Justice, Mr. Terhune serves on the Board of Corrections and on the Governor's Policy Council on Drug and Alcohol Abuse. He is a member of the California Correctional Executives Council, the California Probation, Parole and Correctional Association and the American Correctional Association (ACA). He serves on the Board of Delegates and as a member of the Accreditation Committee of the ACA.

**The Honorable Grover C. Trask, II** was elected District Attorney of Riverside County in 1982 after serving eight years as a Deputy District Attorney. Mr. Trask was instrumental in developing the Riverside County Victim/Witness Assistance Program and the Child Abuse/Sexual Abuse Program. He is a contributing author on criminal procedure to the California Continuing Education of the Bar (CEB) and the University of California. He presently chairs the Blue Ribbon Commission on Prison Overcrowding and he is the Past President of the California District Attorneys Association (1987-88). In addition to the

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California Council on Criminal Justice, Mr. Trask also serves as a member on the Statewide Advisory Board on Drug Suppression in Schools.

**Edward Veit** currently serves as the Deputy Director for the Parole and Community Services Division of the California Department of Corrections. He began his career in the criminal justice system as a deputy sheriff for the Los Angeles Sheriffs Department in 1950. Since 1960, he has had a wide variety of correctional assignments, including Executive Officer for the Board of Corrections as well as Assistant Deputy Director for the California Department of Corrections. Mr. Veit is a member of numerous criminal justice professional associations and has written a number of articles on the criminal justice system.

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## APPENDIX C

# California Council on Criminal Justice

The California Council on Criminal Justice is the primary advisory board to the Governor and the Legislature on criminal justice issues and policies. The Council is composed of 37 members: 19 members appointed by the Governor; 8 members appointed by the Senate Rules Committee; and 8 members appointed by the Speaker of the Assembly. By statute, the Attorney General and the Administrative Director of the Courts also serve as members.

Goals of the Council include:

- Identification of current and future issues involving the administration of justice;
- Development of recommendations concerning criminal identification, apprehension, prosecution, incarceration and reintegration into society;
- Analysis of criminal justice legislation;
- Assistance to criminal justice and law enforcement agencies in the development and effective use of resources; and
- Coordination of studies and recommendations with other advisory boards in the state on issues common to adult and juvenile justice.

In addition, special committees composed of Council members are established for comprehensive research and evaluation of current criminal justice issues. Staff support to the Council is provided by the Governor's Office of Criminal Justice Planning.

California Council on Criminal Justice members are:

The Honorable Robert H. Philibosian, Chairman  
Commissioner James E. Smith, Vice Chairman  
Theron Bursell  
The Honorable Ann Chargin  
Franklin Cibula  
The Honorable William Connell  
The Honorable Lloyd Connelly  
James Steve Counelis, Ph.D.  
The Honorable Osby Davis  
William E. Davis

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The Honorable Jerry Diefenderfer  
Dolores Garcia  
Ernest D. Garcia  
Colin M. Gilbert  
Rotea J. Gilford  
Gloria Herrera Grotefend  
Sylvester Herring  
Clothilde V. Hewlett  
The Honorable Lance A. Ito  
Maurice James  
Ray Johnson  
Lois Lundberg  
The Honorable Alice A. Lytle  
Craig Meacham  
Olivia M. Navarro—Anaforian  
The Honorable Robert Presley  
Robert O. Price  
Harold K. Ratliff  
James Rowland  
The Honorable Eunice N. Sato  
Michael A. Schumacher, Ph.D.  
The Honorable Jozelle Smith  
C. A. Terhune  
The Honorable Grover C. Trask, II  
The Honorable John D. Van de Kamp  
The Honorable Robert E. Winter  
The Honorable Harvey R. Zall

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## APPENDIX D

# Status of the Implementation of Recommendations for State Action Defined by the 1986 State Task Force on Youth Gang Violence

**November 1988**

The California Council on Criminal Justice 1986 State Task Force on Youth Gang Violence recommended numerous legislative and program alternatives to address the problems associated with youth gang violence. The status of the implementation of these recommendations, as of November, 1988, is described in the follow pages.

- 1. Design and develop a statewide gang information system and clearinghouse.**

AB 3414 by Assemblymember Longshore authorizes the Governor's Office of Criminal Justice Planning to provide recommendations regarding the design of a statewide gang information data system. The bill was signed by the Governor.

Additionally, the Governor's budget for the 1988-89 fiscal year contains \$200,000 to allow OCJP to conduct this study.

- 2. Implement a school-based gang narcotics prevention program to operate cooperatively with local law enforcement agencies.**

In 1986, AB 1990 by Assemblymember Teresa Hughes was enacted which added the education component to the OCJP Gang Violence Suppression (GVS) Program. In fiscal year 1987/88, approximately \$200,000 was earmarked for school gang prevention and intervention activities.

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**3. Provide technical assistance to local law enforcement agencies for gang crime analysis.**

In 1986, OCJP added the law enforcement component GVS program for the first time. Eleven projects were funded to increase their ability to apprehend criminal gang members, including resources to automate their gang files. Many of the automated systems include or connect with department crime analysis systems. Staff members of these projects have attended training to improve their capability to identify gang activity and to better process the information they gather.

In addition, OCJP provided funding to the City of Inglewood through a California Career Criminal Apprehension Program state-of-the-art grant to develop a manual of instruction on the procedures for establishing automated gang intelligence systems. The manual has been completed and is available to all interested law enforcement agencies.

**4. Establish a model project within the Department of Youth Authority to identify youth gang members and intensify parole supervision.**

In November 1986, the Governor appropriated monies to the Department of the Youth Authority to establish a model project known as the Gang Services Project in South Central Los Angeles. The Gang Services Project consists of six parole agents who carry individual caseloads of 25. The parole agents utilize surveillance and highly structure parole supervision.

**5. Establish or expand special units in probation department to supervise gang members.**

In 1986, through the expansion of the GVS Program, six grants were provided to probation departments to establish special units for intensive supervision of known gang members. Probation officers have reduced caseloads of gang members so that they can more easily identify and bring to court probation violators.

**6. Establish a Southeast Asian youth gang prevention and intervention program.**

The Vietnamese Community Center of Orange County, Inc., is receiving GVS Program funds primarily to work

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with Southeast Asian youths. In addition, Turning Point Family Services, Inc., also of Orange County, has a significant Southeast Asian population within its target area and provides services to these youths.

**7. Establish statewide standards within custodial institutions to restrict any activity encouraging or condoning gang membership.**

According to the Department of Youth Authority (CYA), there are statewide regulations on mail and dress; however, each institution has its own standards, for internal purposes, to restrict gang activity. The Parole Services Branch does write standards into each ward's parole conditions that prevent wards from associating with or participating in gang membership. In addition, through a grant from OCJP, CYA has acquired additional positions that are used to identify, track and monitor gang members. This information is entered in CYA's computer system, OBITS, and is available to law enforcement personnel throughout the state.

Based on information throughout the Department of Corrections (CDC), known active gang members are housed in segregated housing units in Level 4 institutions, namely Folsom and Tehachapi. These facilities provide a higher degree of security, as well as restricted inmate interaction through no contact visits, segregated inmates and segregation within segregated cell blocks.

**8. Establish a model gang intervention program using ex-gang members and community street workers to work in mobile units providing intervention service.**

One of the GVS Program projects in Los Angeles, the Community Youth Gang Services Project, successfully uses this model. Other projects are undertaking activities that use parts of this model, such as training students, teachers, counselors and volunteers in conflict resolution and establishing hot lines where community members can anonymously inform officials of violent and potentially violent situations.

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## Enforcement Recommendations

1. **Increase the penalty for defendants, 16 or 17 years of age, found guilty of murder in the first degree with special circumstances to confinement in the state prison for life without possibility of parole or a term of 35 years to life.**

In 1987, SB 1392 was introduced by Senator Ken Maddy on behalf of the California Council on Criminal Justice (CCCJ) to accomplish this recommendation. This bill was dropped in lieu of SB 271 by Senator Ed Royce, which failed passage in the Assembly Committee on Public Safety.

In 1988, Assemblymember Tim Leslie amended AB 3230 to accomplish this recommendation. This measure passed the Assembly, but died in the Senate Judiciary Committee. Additionally, the Assembly amended this provision into SB 44 authored by Senator Bill Lockyer, a bill relating to the death penalty. The Senate never voted to concur on Assembly amendments.

2. **Amend the law relative to shooting into an inhabited dwelling or occupied vehicle to:**
  - a. **Increase the sentence to 5, 7 or 12 years in state prison;**
  - b. **Provide for the forfeiture of the vehicle used in drive-by shootings, the proceeds of the forfeiture or the vehicle itself to be used by law enforcement for gang investigation; and**
  - c. **Require mandatory state prison.**

Assemblymember Phillip Wyman introduced AB 4157 in 1986 on behalf of CCCJ to accomplish this recommendation. This measure failed passage in the Assembly Committee on Public Safety.

After extensive negotiations, AB 3445 by Assemblymember Teresa Hughes was amended on behalf of CCCJ to increase the sentence for shooting into an inhabited dwelling from 2, 3 or 4 years to 3, 5 or 7 years. This measure was signed into law and became effective January 1, 1987.

In 1988, AB 3104 by Assemblymember Paul Zeltner was amended to authorize local law enforcement to seek the forfeiture of a motor vehicle if there is a preponderance

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of evidence that the vehicle was used in an incidence of drive-by shooting. This measure passed the Senate, but at a subsequent hearing on the bill in the Assembly Committee on Public Safety, a motion to send the bill to the Assembly floor with a recommendation to concur in Senate amendments failed.

Also in 1988, Assemblymember Gil Ferguson amended AB 4422 to delete the power of a court to strike the enhancement for shooting at an occupied motor vehicle causing injury or death. The bill also increased the sentence enhancement for drive-by shootings that inflict injury or result in death from 5 years to 8 years. The bill's sentencing enhancement provision was amended on the Assembly floor to require life without the possibility of parole for a person convicted of a drive-by shooting. The bill passed the Assembly, but died in the Senate.

3. **Increase the punishment for adults furnishing controlled substances, including phencyclidine, to minors, and for adults who use a minor as an agent; require mandatory state prison and eliminate the good-time, work-time provisions.**

Senator John Seymour introduced SB 1960 in 1986 on behalf of CCCJ to accomplish this recommendation. The bill increased the punishment from 3, 4 or 5 years to 3, 5 or 7 years. This measure also included no probation but did not change the good-time, work-time provision. SB 1960 was signed into law and became effective January 1, 1987.

In 1987, Senator Rebecca Morgan introduced SB 1305 to increase the punishment to 5, 7 or 12 years. This measure failed passage in the Senate Judiciary Committee.

4. **Amend the law to allow for the following:**
  - a. **24-hour search warrants in narcotics cases, crimes involving deadly or dangerous weapons, or any violent felony crimes as defined in Penal Code Section 667.5; and**
  - b. **Inclusion of officer safety as a valid reason for a nighttime search warrant endorsement.**

Assemblymember Dave Kelley introduced AB 2938 in 1986 on behalf of CCCJ to accomplish this recommendation. The measure was amended in the Assembly to delete the 24-hour search warrant provision and to add

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public safety (in addition to officer safety) as a valid reason for nighttime endorsement. The bill was signed into law by the Governor and became effective January 1, 1987.

**5. Increase the punishment for possession of controlled substances for sale to include mandatory state prison for large-quantity sales of controlled substances.**

SB 1441 was introduced in 1987 by Senator John Doolittle on behalf of CCCJ to accomplish this recommendation. This bill failed passage in the Senate Judiciary Committee.

In 1988, AB 4000 was amended by Assemblymember Larry Stirling to accomplish this recommendation. However, the bill was amended in the Assembly Committee on Public Safety, and no longer addressed this issue.

**6. Amend the death penalty law to include those who kill a witness in any trial, proceeding or inquiry authorized by law.**

SB 612 was introduced in 1987 by Senator Robert Presley on behalf of CCCJ to accomplish this recommendation. SB 612 was dropped in lieu of SB 44 by Senator Bill Lockyer. This bill passed the Senate, but was amended in the Assembly by adding a number of other death penalty provisions. The amended version of SB 44 was approved by the Assembly, but was referred back to the Senate Judiciary Committee for review of the Assembly amendments, where it died. Additionally, Assemblymember Marian LaFollette amended AB 3452 in 1988 to accomplish this recommendation. The bill passed the Assembly, but died in the Senate Judiciary Committee.

**7. Ensure the confidentiality of victims' and witnesses' names, addresses and telephone numbers.**

No action taken. Constitutional problems precluded introduction of the bill.

**8. Increase the maximum detention for violation of juvenile probation to one year.**

In 1986, Assemblymember Pat Johnston introduced AB 3061 which, in its original version, proposed to

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allow probation officers to file petitions in juvenile court to revoke probation for noncriminal probation violations. This provision was amended out in Assembly Committee on Public Safety.

9. **Require the authority setting the conditions of parole to contact local law enforcement agencies in advance of the parole date when the parolee is being released or transferred into their jurisdiction.**

Based upon information from CDC, Penal Code Section 3358.6 requires the Board of Prison Terms or CDC to notify the local sheriff or police at least 15 days prior to the release; and if the parolee is released to a county other than the county from which he or she was committed, the Board or CDC shall provide a written notice to the sheriff or police chief, or both, at least 45 days prior to the release.

According to CYA, existing law requires CYA to contact local law enforcement agencies at least 30 days in advance of a parole date when the parolee is being released.

10. **Eliminate, by constitutional amendment, post-indictment preliminary hearings in cases in which defendants have already been indicted by a grand jury.**

In 1987, Assemblymember Paul Zeltner introduced ACA 19 to accomplish this recommendation. In addition, this recommendation was embodied as part of ACA 50, authored by Assemblymember Ross Johnson in the same year. Both measures failed passage in the Assembly Committee on Public Safety.

## **Training Recommendations**

1. **Require the Governor's Office of Criminal Justice Planning to provide special training for prosecutors in the areas of gang violence, vertical prosecution, gang identification, witness intimidation and related topics.**

In 1986, AB 3445 by Assemblymember Teresa Hughes passed the Legislature and was signed into law by Governor Deukmejian, which allotted an annual appropriation of \$100,000 from the local Public Prosecutors and



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Public Defenders and to OCJP for the training of prosecutors in the areas of gang violence, witness intimidation, vertical prosecution and gang identification. OCJP has made an award to the California District Attorneys Association to carry out the mandate of this legislation.

2. **Require the Governor's Office of Criminal Justice Planning, in cooperation with the Commission on Peace Officer Standards and Training, the Department of Youth Authority and other criminal Justice agencies, to provide training to law enforcement, probation and correctional agencies on gang violence.**

The training would include, but would not be limited to, the following topics: types of gangs, recognition of gangs, investigative techniques, tactics for disbanding gangs and the forecasting of future gang trends.

The Commission on Peace Officer Standard and Training has certified two courses dealing exclusively with gang topics: Gang Awareness, an 8-hour course offered by the City of Los Angeles Police Department; and Gangs and Subcultures, a 40-hour course offered by the Los Angeles County Sheriffs Office. In addition, CDC and CYA staff indicate that they already include these topics in their staff training program.

The Southern California Gang Investigators Association and the Northern California Gang Investigators Association rotate the sponsorship of an annual 4-day training program for law enforcement personnel. In 1987, the Southern California Gang Investigators Association conducted, and OCJP cosponsored, a similar program geared for educators and community-based agencies.

3. **Require the Judicial Council of California to develop and implement a course of instruction on the nature of gang crime, identification of gang members, special victim/witness issues and other related topics.**

In 1988, SB 2017 by Senator Cecil Green required the Judicial Council, in consultation with the Governor's Office of Criminal Justice Planning, to direct the Center for Judicial Education and Research to establish Judicial training programs on youth gang violence. The bill failed final passage in the Assembly.

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## APPENDIX E

# Glossary of Terms

## Program Acronyms

AGANG	"A Guard Against Narcotics and Gangs" – Sacramento Area Program
BNE	California Bureau of Narcotics Enforcement
CCCJ	California Council on Criminal Justice
CDC	California Department of Corrections
CJER	California Center for Judicial Education and Research
CYA	California Department of the Youth Authority
CYGS	Los Angeles "Community Youth Gang Services"
DARE	Los Angeles Police Department "Drug Abuse Resistance Education" Program
DEA	United States Drug Enforcement Agency
DOJ	California Department of Justice
FBI	Federal Bureau of Investigation
GET	Los Angeles County Sheriffs Department "Gang Enforcement Team"
GREAT	Los Angeles County "Gang Reporting Evaluation and Tracking" Computer System
GVRP	California Department of the Youth Authority "Gang Violence Reduction Program"

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INS	United States Immigration and Naturalization Service
IRS	United States Internal Revenue Service
JOG	San Diego Police Department "Juvenile Out of Gangs" Program
JUDGE	San Diego County "Juvenile Drug Gang Enforcement" – Multi-Agency Task Force
MAGIC	Los Angeles "Mothers Against Gangs in the Community"
OCJP	California Governor's Office of Criminal Justice Planning
PAL	Police Athletic League
POST	California Commission on Peace Officer Standards and Training
RSVP	Los Angeles County Probation "Reduction in Street Violence Program"
SANE	Los Angeles County Sheriffs Department "Substance Abuse Narcotic Education Program"
SCAT	Kern County Sheriffs Department Criminal Apprehension Team
SHO	"Serious Habitual Offender" Program
STAR	Los Angeles County Sheriffs Department Task Force Against Rock Cocaine
STC	California Board of Corrections Standards and Training for Corrections

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## Other Terms

AK-47	Assault-type semiautomatic/automatic firearm
Buy/Bust	Police undercover operation where officers pose as drug buyers and apprehend drug dealers and drug users in the course of buying illegal narcotics
"crack"	A highly addictive form of cocaine. Also referred to as "rock"
PCP	Phencyclidine – a hallucinogenic narcotic
RICO	United States Racketeer Influenced and Corrupt Organization Act – federal statutes designed for the investigation and prosecution of organized crime
"rock"	See "crack"
Stash	Narcotics or money stored by drug dealers or users in a secluded location for the purpose of avoiding discovery by law enforcement officers
STING	Undercover program – officers posing as sellers arrest drug buyers
Uzi	Assault-type semiautomatic/automatic firearm
"Wannabees"	Refers to those youths who want to be gang members, often peripherally involved with the gangs who seek more hardcore involvement

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