

Gang Suppression

A Chapter from “**Varrio Warfare: Violence in the Latino Community**” ©1999-2006

Sometimes outright suppression or force is the only way to fight the gangs. Suppression tactics can be in many forms. Where delinquent gangs are present, truancy in schools and juvenile curfew laws can be enforced. Where gangs spraypaint graffiti, individuals who continuously vandalize property can be targeted for prosecution. Where gangs deal drugs certain “*Stay out of Drug Area*” (SODA) police sweeps can be very effective. Prosecution under these drug charges usually carries enhanced sentences. “*Problem Oriented Policing*” (POP) can target certain areas or known gang hangouts.

Police must ensure the gang doesn't just move across the street or to another department's jurisdiction after a big bust or gang injunction. California, and other parts of the country, have resorted to using “street injunctions”, a form of martial law to get chronic gang bangers off the street. These injunctions often ban targeted known gang members from "standing, sitting, walking, driving gathering or appearing anywhere in public view".⁹ Law enforcement has coined these laws, "legalized harassment". It has proven very effective in the worst areas of the city and other U.S. cities with gang problems are watching closely after the actions were approved in the California State Supreme Court in the 1997 "Acuna Case" and after Chicago struck down its gang injunctions in the 1999 “Morales Case”.

With suppression, one must be careful not to polarize the gangs. For instance in the early days of the fight against gang in Los Angeles, the police would often do sweeps in the Hispanic neighborhood varrios and black ghettos and lineup every youngster who fit the profile of a gangster, i.e., young, gang attire, lowrider, etc. Many times these kids were not involved in gangs but left with disdain for the police after being held suspects on a curb or down at the precinct or station and maybe become more inclined to join. Gang members would say, “See how they do us ese!” The peripheral youth would become agitated and maybe even join up.

Gang activity can ebb and intensify due to a variety of factors such as, the economy, “gang wars”, and police suppression efforts. In 1980 gang homicides numbered 351 in Los Angeles County, went down to 205 in 1982, up to 547 during 1989 and down to 450 in 1997. In Las Vegas, Nevada gang drive-by shootings numbered 125 in 1996 and fell to 87 in 1997.¹⁰ Violent gangs in Portland were met aggressively by the city's joint "Gang Enforcement Team". The Oregon Department of Corrections has identified over 52 different Hispanic gangs in its prison system.

Unfortunately, some gang workers in law enforcement and corrections have engaged in department rivalry and ego trips which work in the gang's favor. Most people in law enforcement, as well as corrections, found that understanding, studying, and sharing information on these disruptive groups' activities greatly increase stability in society, jail, and prison. There are local, regional, state, and national gang associations. One of the first was the California Gang Investigator's Association headed by long-time gang specialist Ret. Sgt. Wes McBride of the Los Angeles Sheriff's Office "*Operation Safe Streets*". A more recent group was the National Major Gang Task Force originally headed by gang expert Dale Welling which tracks gang violence in correctional settings.

One of the most important accomplishments in the fight to suppress gangs was the "Street Terrorism and Prevention Act" (STEP) which became effective in California in 1986.¹¹ "Three-strikes Laws" were also aimed at getting repeat violent offenders off the street. Prior to the three-strikes laws, many states had habitual offender laws but these were not as strongly worded as three-strikes measures. Many states have passed similar kinds of laws, which seem tough, however, few states are choosing to prosecute many individuals on a three-strikes clause. Some judges are afraid of locking up prisoners for life as a potentially expensive way to deal with crime. It can be harder to convict inmates who generally will not plea-bargain with the prosecutor under three-strike rules. The court systems are already backed up with such cases. Because these inmates have less to lose they are often put on a higher security level.

In contrast to other states, California is pushing hard to prosecute three strikes cases, many of which involve gang members. Over 40,000 people have been convicted since the passage of three-strikes laws there since 1984. Of those, over 4,000 were given sentences ranging from 25 years to life.¹² Many of these three-strikers were hard-core gang members. The Federal Bureau of Prison's statistics indicate that gang affiliated inmates are five times more likely to commit a serious violation of program rules than a non-affiliated inmate. The California Department of Corrections and Rehabilitation is taking active steps to deter violence. Assault rates have declined after several years of increases. In 1995, the Department's assault rate dropped to 1 in 12,500 per day while in the early 1970's it was 1 in 1,200.¹³

Make no mistake, jail and prisons can still be a dangerous place! In 1994, the Federal Bureau of Prisons constructed its new state of the art facility in Florence, Colorado. New "Super-Max or Ultra-Security" prisons are being built for violent inmates who continue to commit serious crimes inside the facility. All movement and privileges, including phone calls and recreational yard are severely limited. Except for boxer shorts and shower shoes, inmates in the MAX can only have legal work, writing materials, and a small amount of hygiene items at Pelican Bay State Prison's Security Housing Unit in California. Completed in December of 1989, this prison was built in the far Northwest corner of California. About as far away from Los Angeles as you can get!

Unlike most correctional facilities with large units or pods, the Pelican Bay SHU has only eight cells, four on the bottom tier, four on the top. Armed Officers can walk directly above the inmate during escort by two officers while the prisoner is in waist and leg restraints. Officers wear protective vests and often wear towels around their neck to prevent being stabbed. The SHU holds many violent members of the Mexican Mafia, Nuestra Familia, and other prison and street gangs. It has done a lot to effectively immobilize these Security Threat Groups, but still there are riots in general population.

Law enforcement has also had to step up its tactics in response to gang member's preponderance for street violence.¹⁴ In 1998, 63 police officers were shot to death, many by gang members who get "extra points" with the gang for killing an officer. The use of force can sometimes prevent violence from erupting into a riot or from getting more people hurt. Examples of the progressive stages of use of force are: presence, verbal commands, soft hands, chemicals like pepperspray, baton or other non-lethal weapons, and finally lethal force.

Any talk about the use of force or suppression cannot avoid the sensitive subject of "Police Brutality". The September 1999 LAPD "Rampart Scandal" involving a handful of rogue officers "crossing the thin blue line" in suppression efforts are a setback for the public's trust. The 18th injunctions and many other gang related cases and suppression actions were put at risk. There cannot be a "code of silence" when dealing with these groups. This includes use of force within prison and jail walls as has discovered during the investigations of Corcoran and Pelican Bay prisons. The vast majority of officers wearing the uniform proudly uphold the law and operate by ethics and morals worthy of a civil service employee. Only a small fraction of staff have crossed the line from use of force to abuse of power. This usually occurs where the officer has "personalized" an incident with a violator or offender.

Those officers, supervisors, and administrators should be held accountable for their actions or in-actions. The danger has been with us since the beginnings of law enforcement. What is more dangerous is to tie the hands of corrections or law enforcement to do their job. There is still a lot of distrust in the Latino community when it comes to dealing with the police. There has also been "coddling" of criminals by some in the community. There must be clear, legally defensible definitions, and validation criteria. Many of the suppression battles are not being held on the streets, but in this county's courtrooms. We must not give up in the battle against gangs and violence!

The following definitions were adopted by the CA State Anti-Gang Coordinating Committee after having been reviewed and approved by the California GREAT Node Advisory Committee. Definitions vary from state to state. (WA State is revising theirs)

Definition of "criminal street gang"

A criminal street gang is defined as any organization, association or group of three or more persons, whether formal or informal, which (1) has continuity of purpose, (2) seeks a group identity, and (3) has members who individually or collectively engage in or have engaged in a pattern of criminal activity. (Reference section 186.22(f) of the California Penal Code).

Definition of "gang-related" crime

A crime is considered to be "gang-related" if the suspect or the victim of the incident is a known member of a gang, or there is reliable information indicating that a gang member committed the offense.

Definition of "gang member"

A gang member is defined as anyone who (1) actively participates in a criminal street gang; (2) has knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity, and willfully promotes, futures, or assists in any criminal conduct by members of the gang. (Reference Section 186.22 of the California Penal Code).

Identification Criteria

An individual is identified as a gang member based on the following criteria:

- Admits gang membership or association.
- Is observed to associate on a regular basis with known gang members.
- Has tattoos indicating gang membership.
- Wears gang clothing, symbols, etc., to identify with a specific gang.
- Is in a photograph with known gang members and/or using gang-related hand signs.
- Name is on a gang document, hit list, or gang-related graffiti.
- Is identified as a gang member by a reliable source.
- Arrested in the company of identified gang members or associates.
- Corresponds with known gang members or writes and/or receives correspondence about gang activities.
- Writes about gangs (graffiti) on walls, books, paper, etc.

The factors listed above are guidelines only and one factor or a combination of factors may be used in assisting with gang identification. Contact your local police for details.