

GANG
SLAY
HEM



Combating **GANG** Activity In New York

SUPPRESSION • INTERVENTION • PREVENTION

May 2006

Gang
bill is
planned

Study:
Gangs
on rise
in Utica

'Bloods'
teen: Now
we killed
food kid

2003-2004
COURSE
2003-2004
COURSE
2003-2004
COURSE

21 arrested

21 arrested

Gang sting nails 95 bangers

City acknowledges
10-year problem

Cops: Gang members
lately shot woman

Fight gangs harder
take more cops

STATE OF NEW YORK
COMMISSION OF INVESTIGATION

**COMBATING GANG ACTIVITY
IN
NEW YORK**

SUPPRESSION ▫ INTERVENTION ▫ PREVENTION

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EXECUTIVE SUMMARY

Gangs, in various forms, have existed in New York State and other parts of the United States for centuries. They have been involved in a large number of criminal activities across the State. Recently, however, gang activity in New York has proliferated and become increasingly violent, and now poses a serious threat to the public's safety and welfare.

These findings are the result of a comprehensive study by the New York State Commission of Investigation that began in March 2005 – including three public hearings in Rochester, Hauppauge and Albany – to determine the magnitude of gang activity and analyze trends in New York, to explore successful suppression, intervention, and prevention programs within the State and elsewhere, and to explore legislative remedies and other solutions to deal effectively with this increasingly serious problem.

During the course of its investigation, the Commission heard testimony that gangs have become widespread and mobile. They travel from New York City to smaller communities throughout the State, where the narcotics trade can often bring them greater rewards with what they perceive to be less police scrutiny. Gangs are now active in urban settings from New York City to Buffalo. While those cities and others have been plagued by gang violence, gangs are no longer solely an urban problem. Today, gangs are operating upstate and downstate in suburban and rural areas. Both counties on Long Island have recently seen a significant growth in gang violence.

Gangs are also attracting younger members. The number of young victims – both gang members and innocent bystanders – is growing every day. The Commission heard from the mother of a pre-med student shot dead by gang members in broad daylight in Long Island and from a young woman who is paralyzed as a result of a gunshot wound inflicted by a gang. Law enforcement officials and other witnesses told of lives ended too soon by gang violence and of many others beaten, maimed, and disfigured for life by violent gang predators.

During the Commission's hearings in Rochester, Hauppauge, and Albany, law enforcement officials expressed frustration over not having the legal tools they need to combat problems caused by the growing number of gangs in the State. The Commission heard a number of suggestions for change in New York's laws that would help facilitate effective prosecutions of street gangs. The Commission also heard extensive testimony about the methods various law enforcement agencies are using to attack the problem of street gangs in their communities. Other witnesses testified about the need to approach gang violence and its causes more broadly, and to address some of the root causes of poverty and the destruction of neighborhoods. The Commission believes that sharing this kind of information will enable law enforcement and community support groups to combat gang crime and address the problems that lead to it much more effectively.

The picture, however, is not entirely bleak. Law enforcement has experienced dramatic successes from programs such as Operation IMPACT, which coordinates different law enforcement groups in an effort to fight crime in a unified manner. Prevention and intervention programs, such as the Council for Unity and S.T.R.O.N.G. Youth, Inc., have been successful in offering programs that provide positive alternatives to gang life. Alternative schools such as Alpha School in Brooklyn offer not only academic support, but also life skills and job training to at-risk and gang-involved youth. Prosecutors and law enforcement agencies have also become involved with prevention and intervention programs.

During its investigation, the Commission sought to learn what gangs are, why they are a problem, and which gangs are currently operating in New York State. The Commission also investigated the various suppression, intervention, and prevention approaches that government and private institutions have taken to address the problem of gangs. Finally, the Commission sought to learn what legal and programmatic changes can assist current gang suppression, intervention, and prevention efforts.

Based upon its investigation, the Commission recommends the following:

Clearly Define Gang Terminology in the Penal Law

The Commission recommends that the State amend the Penal Law to clearly define basic gang terms, including “gang” or “criminal street gang,” “gang member,” “gang activity,” and “gang-related offense.” These definitions will permit the prosecution of gang crime as a unique type of crime and facilitate its eradication through accurate tracking of statistics and gang crime hot spots.

Enhance Penalties for Gang-Related Crimes

The Commission recommends that the State enact a penal law statute designed to enhance, by one level, the penalty classifications and accompanying sentences for crimes committed on behalf of a gang or in furtherance of gang activity. This enhancement will reflect the heinous nature of such crimes and provide additional deterrence.

Criminalize Gang Recruitment

The Commission recommends that the State criminalize gang recruitment as a felony offense. This statute should contain provisions designed to address gang recruitment of minors by adults, recruitment at or near school grounds, and recruitment within a correctional facility.

Authorize the Use of Roving Wiretaps

The Commission recommends that the State amend the Criminal Procedure Law to permit courts to authorize the use of “roving” wiretaps allowing for the interception of telephone communications by the target of an investigation, irrespective of the particular telephone device being used. This recommendation responds to criminals’ ability to switch cell phones to thwart law enforcement’s efforts.

Review the State’s Accomplice Corroboration Requirement

Many State prosecutors told the Commission that the accomplice corroboration requirement is a significant impediment to prosecuting gang crimes. While the Commission recognizes that eliminating or amending the requirement would help prosecutors address gang crimes more effectively, the Commission is also mindful that accomplice testimony is inherently suspect. Indeed, the accomplice corroboration rule was designed to prevent convictions based

solely upon such testimony. Therefore, the Commission recommends that the Legislature carefully examine this issue further to determine whether eliminating or amending the requirement is warranted.

Create a Statewide Gang Database

The Commission recommends that the State create a comprehensive database to catalog information about gang members, gang associates, gang locations and gang-related crimes and activities.

Establish a State Witness Protection Program

The Commission recommends that the State create and fund a statewide witness protection program designed to provide protection and relocation services to witnesses and victims of gang crime who must testify at trial.

Expand Successful Prevention and Intervention Programs

The Commission recommends that the State expand successful gang prevention and intervention programs. Nearly every prosecutor with whom the Commission discussed gang issues recognized that suppression alone is insufficient to reduce gang crime: “We cannot arrest our way out of this problem.”

During its investigation, the Commission heard testimony about how gangs are expanding and changing. Los Angeles County Deputy District Attorney Janet Moore testified that gang activity is no longer merely an epidemic; gangs have now become endemic to our society. The Commission believes that New York must take action now to reverse this trend by embracing effective gang suppression, intervention, and prevention strategies. While some of these recommendations would require the expenditure of funds, the Commission believes the long-term benefits would not only be very significant but would be cost effective as well.

INTRODUCTION

What is a Gang?

Although the history of criminal gangs is not very well documented,¹ they appeared in some form centuries ago in Europe and have been present in the United States since its inception. Among the infamous American-born outlaw gangs were the “Jesse James Gang,” Butch Cassidy’s “Wild Bunch,” and the “Dalton Gang.” They were later joined by immigrant gangs, such as New York City’s “Five Points Gang” and Detroit’s “Purple Gang,” and depression-era gangs of the 1920s and 1930s, including Chicago’s “Capone Gang,” Bonnie and Clyde’s “Barrow Gang,” and the “John Dillinger Gang.” More recently, the nation has seen a dramatic rise in criminal street gangs, such as the Bloods, Crips, and Latin Kings.²

The term “gang” has frequently been applied to different groups of individuals. It is sometimes used to describe a group of people who work together or socialize regularly. It is also applied to groups of youths who band together for protection, using a common name, hand signals, tattoos or distinctive clothing to denote membership. More commonly, however, the term denotes a group that associates for a criminal purpose. This report, which is based on a yearlong study and hearings in Rochester, Hauppauge, and Albany, focuses on the latter. As such, the term “gang” as used in this report refers to criminal gangs.



Courtesy of New York State Police Investigator Jason Robles

A gang’s local unit is called a “set” or “clique.” A “set” or “clique” is akin to a chapter, except that a chapter, by definition, is part of a larger structure covering a wider geographic area. While some evidence suggests that gang sets are part of a larger organization in California,

¹ Sociologist and gang researcher Malcolm W. Klein has noted that little is known of gangs historically, though “[t]he term *gang* itself has been traced back at least to the writings of Chaucer in 1390 and appears in Shakespeare’s *The Merry Wives of Windsor*[.]” Malcolm W. Klein, *The American Street Gang* (1995), at 51.

² The various gangs currently operating in the U.S. and New York State are discussed later in this report.

where gangs have a longer history and deeper roots, that level of organization has not yet manifested itself in New York.

Most criminal gangs exist for financial gain and use similar tactics to achieve that goal.³ Gangs often establish a defined territory, or turf, within which they carry out their illegal activities. They usually recognize at least one leader of the group and sometimes employ an organizational command hierarchy. Gangs use force, threats, and physical violence to control their territory and prevent other criminal groups from operating within that area. Gangs often commit predatory crimes, stealing from or extorting local residents and businesses within their territory.

Today, most gangs consist entirely of men, although some include both male and female members, and a few consist solely of women. Generally, gangs “interact amongst themselves to the exclusion of others.”⁴ They do not, however, always have a group name, and they may or may not use symbols or proprietary colors. Nearly every ethnicity, race, nationality, and religion is represented within one gang or another. While some gangs originally based their membership on ethnicity, other gangs are increasingly becoming ethnically mixed. Oneida County District Attorney Michael Arcuri told the Commission that, in the city of Utica, New York, gangs “are made up of Black, Caucasian, Italian, Hispanic, Bosnian, and Russian youth from nearly all neighborhoods throughout the city.”⁵

Despite their many differences, gangs are not hard to describe. The idea of a gang is intuitive, but many different definitions exist.⁶ Perhaps as a result, many reports on gangs do not even seek to define the word “gang.”⁷ One dictionary defines a gang as “A group of persons working to unlawful or antisocial ends; especially: a band of antisocial adolescents.”⁸ While this

³ Some gangs, such as MS-13, exist mainly for other purposes, such as ethnic pride. Nevertheless, they use the same tactics as other gangs to control their territory. These issues are discussed later in this report.

⁴ Testimony of Rochester Police Officer Moses Robinson, October 25, 2005, at 24-25.

⁵ Testimony of Oneida County District Attorney Michael Arcuri, October 25, 2005, at 169.

⁶ See Mike Langston, *Addressing the Need for a Uniform Definition of Gang-Involved Crime*, FBI Law Enforcement Bulletin, February 2003, at 7 (noting that some definitions refer to likely ages of gang members, some refer to their usual activities, and some set a threshold membership number).

⁷ See, e.g., http://www.nagia.org/2005_national_gang_threat_assessment.pdf. (the 2005 National Gang Threat Assessment).

⁸ Merriam Webster Online Dictionary, 2006 (www.M-W.com)

definition may suffice for everyday use, it is not specific enough to adopt for legal purposes. A common definition of a gang is “a group of three or more individuals who engage in criminal activity and identify themselves with a common name or sign.”⁹ Thus, those states that specifically prohibit gang crime define it in terms of a “criminal street gang.”¹⁰

New York State law does not specifically criminalize gang crime, and does not define “gang” or “criminal street gang.” The New York statute “Gang Assault” is a misnomer, as it applies simply to assault by more than one person – a sort of “group” assault rather than assault by a criminal street gang.¹¹ By comparison, other states define “gang” or “criminal street gang,” and criminalize street gang activity.

California defines “criminal street gang” in its Street Terrorism Enforcement and Prevention (STEP) Act.¹² Under California Law, a Criminal Street Gang is “an ongoing organization or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more [enumerated] criminal acts¹³ having a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal gang activity.”¹⁴ The criminal offenses enumerated in the statute include drug crimes, intimidation of witnesses and victims, auto theft, most firearms offenses, and most serious felonies. A “pattern of criminal gang activity” is defined as the “commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more” enumerated offenses within a prescribed time period.¹⁵

⁹ www.ncjrs.org/spotlight/gangs/summary.html. (National Criminal Justice Reference Services website). The NCJRS is administered by the U.S. Department of Justice’s Office of Justice Programs.

¹⁰ See, e.g., Calif. Penal Code § 186.20(e), Tex. Penal Code § 71.01(d).

¹¹ Penal Law § 120.07 states, “A person is guilty of gang assault in the first degree when, with intent to cause serious physical injury to another person and when aided by two or more persons actually present, he causes serious physical injury to such person or to a third person.” Gang assault in the first degree is a class B felony. N.Y. Penal Law § 120.07 (McKinney’s 2006). Gang assault in the second degree is a class C felony. N.Y. Penal L. § 120.06 (McKinney’s 2006). *But see, People v. Fatal*, 187 Misc.2d 334, 723 N.Y.S.2d 609 (Sup. Ct. Kings Cty. 2001) (120.07 charge where members of the Bloods allegedly assaulted members of the Crips).

¹² Calif. Penal Code § 186.20, *et seq.* (2006).

¹³ The criminal acts are enumerated in California Penal Code § 186.22(e).

¹⁴ Calif. Penal Code § 186.22(f).

¹⁵ Calif. Penal Code § 186.22(e). That section requires that “at least one of these offenses occurred after the effective date of this chapter [September 23, 1998] and the last of these offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons.”

Some states, like Virginia, substantially follow California's definition.¹⁶ Other states' definitions are less specific. For example, Texas defines "criminal street gang" as: "Three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities."¹⁷

A number of recent New York State Legislative proposals seek to address the growth of gang crime by defining "Criminal Street Gang."¹⁸ For example, using language similar to that of California, one proposed New York Senate bill defines "Criminal Street Gang" as

any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in criminal street gang activity.¹⁹

Gang members and their victims largely come from impoverished areas. William Johnson, Mayor of the City of Rochester at the time of the Commission's hearings in that city, noted that

[v]irtually all gang members, and virtually all of the perpetrators and victims of violence in Rochester, come from an area of twenty census tracts where the poverty rate is at or above forty percent. In fact, the majority of all violent crime in the city and the entire five-

¹⁶ Virginia Penal Code § 18.2-46.1 (2006).

¹⁷ Tex. Penal Code § 71.01(d). *See also* Fla. Stat. Ch. 874.03 (2006) (definition more specific than Texas', but less specific than California's).

¹⁸ *See*, N.Y. S. 1277 (2005) (M. Nozzolio, Sponsor); N.Y. S. 1105 (2005) (B. Brown, Sponsor); N.Y. A. 213 (2005) (H. Weisenberg, Sponsor); N.Y. A. 7970 (2005) (J. Conte, Sponsor).

¹⁹ N.Y. S. 1926 (2005) (M. Balboni, Sponsor). Under that bill, "Criminal street gang activity" is defined as

the commission or attempted commission of, or solicitation or conspiracy to commit, two or more criminal acts that: were committed on separate occasions within a five year period; are neither isolated incidents, nor so closely related and connected in point of time or circumstance of commission as to constitute a criminal offense or criminal transaction, as such terms are defined in section 40.10 of the criminal procedure law; and further a criminal street gang by: (i) being related to one another through a common scheme or plan; or (ii) were committed, solicited, requested, importuned or intentionally aided by persons acting with the mental culpability required for the commission of such criminal acts and such person is a member of such criminal street gang.

county Rochester region takes place in these twenty inner-city census tracts where poverty is highly concentrated.²⁰

The Commission learned that sociological studies have shown that concentration of poverty, not poverty alone, has persistently negative effects on poor communities. As Mayor Johnson noted,

[W]hen twenty percent or more of a neighborhood's residents are poor, negative concentration effects begin. In other words, when many poor households are lumped together in a neighborhood, a critical mass is created. It's almost as if that neighborhood becomes radioactive. A chain reaction begins, social meltdown ignites [and] concentrated poverty is soon accompanied by high levels of drug abuse and alcoholism, accelerating family breakdown, neighborhood deterioration, high crime rates and, of course, gang activity. In other words, bad neighborhoods destroy good people.²¹

Joining a Gang

Gangs are attractive to young people for a variety of reasons, and not every gang member is attracted for the same reasons. Gangs provide members with a sense of community, personal power, and a source of potential income. They provide a "family" to those whose parents fail to become involved in their lives or who simply cannot spend sufficient time with their children because they are working long hours to make ends meet.

During its public hearings, the Commission heard testimony from Amory Sepulveda and Maureen Quintanilla, two young women whose lives were impacted by gangs. They told the Commission that some children, particularly those of immigrant parents, feel alienated from mainstream society and have a lack of self-esteem. To such youths, gangs give a sense of pride, however false. Young people are impressionable, often materialistic, and want to fit in with their peers. They are, therefore, vulnerable to the attraction of gangs even if they are financially

²⁰ Testimony of Rochester Mayor William Johnson, October 25, 2005, at 9-10. Rochester is comprised of eighty-three census tracts.

²¹ Testimony of William Johnson at 10-11.

secure. As the Commission heard, young people join gangs, even in comparatively affluent communities like Rockland County where jobs are readily available.

Young people also join gangs because they believe they have no other choice. Sometimes they are physically threatened and forced to join gangs. As gangs spread, many young people feel forced to “pick a side” in order to ensure their physical safety and well-being. Noteworthy is the tragic case of sixteen-year-old Bronx student-athlete Fernando Corea, who was gunned down outside his home in February 2005, for refusing to join a street gang. Similarly, Rochester Police Officer Moses Robinson described an incident in 2004 in which an eight-year-old Brooklyn boy was “attacked and slammed to the pavement by two classmates” outside his elementary school and “ordered to choose between the Bloods and the Crips.”²² Young people like these are vulnerable to physical and emotional attacks from gangs in their communities and in their schools. For some, the only reprieve is to pick a side.

Gang members generally must undergo some sort of initiation rite before joining a gang. Gang members may be “blessed in,” which means that the member is allowed to join because his or her parent or another family member is a gang member or died as one. During one of its public hearings, the Commission heard testimony from a young woman who had been a gang member. She testified that she had been blessed into the Bloods gang because her mother was a Blood.²³ No other steps were required for her to join the Bloods.

By contrast, other prospective gang members are “jumped in” or “beat in,” a rite in which the would-be gang member is physically assaulted by current members for a prescribed period of time. Often the new member sustains very serious injuries. Former gang member Maureen Quintanilla described for the Commission how badly she was injured during her initiation rites. She also testified that, after the beating, her new comrades left her alone at a local hospital emergency room. After being treated, Ms. Quintanilla had to find her own way home.

²² Testimony of P.O. Robinson at 37.

²³ Testimony of female Alpha School student, November 1, 2005, at 336 (the Commission has not cited the student’s name due to her age).

Prospective female members are sometimes “sexed in,” a ritual in which the prospective member has sexual intercourse with multiple or all male members of the gang set before being admitted. Some female gang members prefer to be “jumped in” rather than “sexed in” because of the negative stigma associated with having sex with multiple partners. Female gang members who have been “jumped in” feel that they are more respected by their male counterparts than those who were “sexed in.”

Sometimes, gang members “blood in” as an initiation rite. In that ritual, prospective gang members are required to slash innocent people or commit other acts of violence. A set leader sometimes supervises the violent act to assess the would-be member’s worthiness.²⁴

Gang Activities

As Rochester Police Officer Moses Robinson noted at the Commission’s October 2005 Rochester public hearing, “when we start talking about what is a gang, we have to understand . . . that if you're going to be involved in the gang, you're going to be asked to commit some criminal activity. It's not just something that you're going to join to have fun.” In the month prior to the Rochester hearing, there were nine gang-related homicides in that city. The dead included three teenagers.

Most gangs engage in drug dealing, at least to some extent. For some gangs, the purpose of membership is to protect members who make money by selling drugs. Other gangs deal drugs as a way to make money, but making money is not the reason for the gang. Rather, the gang is about getting some measure of pride and respect – albeit for how *badly* they behave – for people who have low self-esteem. In addition to drug dealing, gang activities – known as “gang banging” in street lingo – include murder, assault, extortion, burglary, firearms sales, and carjacking. Members are sometimes threatened with violence after they join if they do not “put in work” – commit crimes to support the gang’s leaders.

²⁴ See, e.g., Indictment, *United States v. Young*, Cr. 04-209, E.D.N.Y., ¶ 3.

Street gangs do not engage in the kinds of white-collar crime that typifies traditional organized crime. They are not sufficiently organized to engage in activities such as construction bid rigging, labor racketeering, or domination of industries such as sanitation. Moreover, violence of the type that is predominant among gangs is anomalous in the organized crime world because it is considered “bad for business.”

Gangs use violence to protect territory, to settle disputes with other gangs, to enforce gang rules, and to force members to commit crimes to support the gang’s leaders. Nevertheless, the use of violence frequently lacks a purpose other than to gain respect. The Commission learned that where there is continuing inter-gang violence, members often do not even recall what initially precipitated the violence.

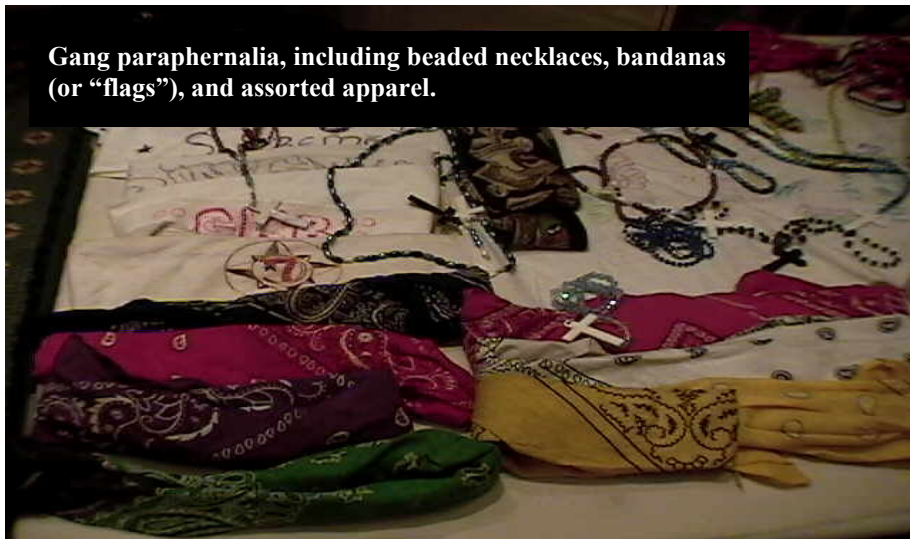
Many gang members advertise their allegiance by wearing clothing or bandanas in the gang’s colors – much like a team’s colors in baseball. They wear tattoos of the gang’s name and/or icon, such as a crown, pitchfork, or star. Many gangs place graffiti with the gang’s name and icons on walls and other surfaces to mark territory, and to cover rival gangs’ graffiti as a show of disrespect or defiance. Some gangs have elaborate hand signs reflecting membership in a particular gang.



Courtesy of NY State Police Investigator Hector Alcega

NEW YORK STATE GANGS

Gangs exist in some form throughout the United States. While some gang names are known nationally, and people throughout the country may call themselves members of that gang, current evidence suggests that these gangs are not really part of a nationwide organization. Some nationally known gangs, including MS-13 (also known as “Mara Salvatrucha”), the Ñetas, the Bloods, the Crips, and Latin Kings, are discussed below.



Gang paraphernalia, including beaded necklaces, bandanas (or “flags”), and assorted apparel.

Courtesy of Ron “Cook” Barrett

No national hierarchy appears to exist under which members maintain a certain rank, or through which local chapters formally report through a chain of command. Though a person may claim to be a member of a particular “national” gang, his set may operate independently, and may even fight with members of the same gang in a bordering neighborhood. While some gangs nominally operate under their own rules, it is difficult to generalize about a local gang set by its adopted name. Although a gang set may call itself a “Bloods gang” this does not necessarily mean that it operates in the same fashion as other Bloods sets or gangs. Moreover, east coast gangs often have little connection to west coast or Chicago gangs.

The adoption of a well-known gang name does not necessarily connote ties to a nationwide hierarchy. Gang sets in New York State claim connections or simply the same name as national criminal street gangs. As Moses Robinson of the Rochester Police Department told the Commission, “Kids who are involved in the drug trade . . . will take on the name of the

‘super gang’ because it creates fear and intimidation. It’s not that they’ve ever been in California [and] may not know anything about a Crip or Blood in California.’²⁵ While some gangs are traditionally African-American (e.g., the Crips) and some are traditionally Latino (e.g., the Latin Kings), not all members are necessarily of the same race or ethnicity.

Some gangs claim affiliation to a larger group or “nation” that have a fetishistic attachment to certain symbols and numbers. The two “nations” to which many gangs claim to be a part are the “Folk Nation” and “People Nation.” People Nation gangs include the number 5, or icons with five points or prongs, in their graffiti and tattoos. Icons include five-pointed crowns and stars. People Nation gangs wear bandanas and earrings on their left side and abhor wearing such symbols as six-pointed stars and bandanas worn on the right side. These behaviors are associated with rival Folk Nation gangs.

Some gangs are local or “homegrown” and claim no affiliation to any national gangs. Some homegrown gangs have many members within a large area, such as the Long Island gang “Salvadorans With Pride,” or “SWP,”²⁶ a rival gang to MS-13. Some local gangs consist of a small number of relatives and friends in a neighborhood. In Syracuse, two examples of neighborhood gangs that wreaked havoc on the City in the past few years are “Boot Camp” and “Elk Block.” Utica has a number of homegrown gangs, including the juvenile “Utica Thug Gang” and the all-female “No Limit Chix.” Several local gangs are currently operating in Utica, including ethnic Bosnian and Vietnamese gangs. In Westchester, local gangs include the Kings Demons Lords, or “KDL.” A comparatively small number of local gangs in New York State are comprised solely of women, including the No Limit Chix and the “Ghetto Gurlz for Life” in Utica.

The City of Newburgh²⁷ has some gangs with no apparent denomination. One such gang is comprised of Jamaican immigrants who associate with one another based upon the town in

²⁵ Testimony of P.O. Moses Robinson at 51.

²⁶ SWP operates almost entirely in Nassau County, but has some sets in Queens and Suffolk Counties.

²⁷ Through law enforcement initiatives, Newburgh has recently begun to limit open-air drug markets that had been a blight on that community.

Jamaica from which they immigrated. In the 1980s, these gangs engaged in turf wars with local African-American gangs, resulting in numerous homicides.

Many local gangs engage predominantly in predatory crimes, preying on and victimizing only persons of the same nationality or ethnicity. This is a very common practice among newer immigrant criminal groups, who are familiar with and able to take advantage of the customs and traditions of immigrants from their former countries. For example, members of local Vietnamese gangs in Utica who know that Vietnamese immigrants prefer to keep their money in a safe in their house rather than at a bank frequently invade the homes of Vietnamese residents to rob them. Similarly, Chinese gangs in New York City's Chinatown focus their criminal efforts on the immigrants who live and work in that community.²⁸

Many local gangs aspire to a greater gang status. These gangs are referred to as "wannabe" gangs – small, local gangs that potentially compete with larger, better-established gangs. Some people who are involved with gang suppression, intervention, and prevention stress the importance of not discounting wannabe gangs. They note that, because wannabe gangs have more to prove, they can potentially be more dangerous.²⁹

Several law enforcement agencies in New York have reported seeing instances in which gang members claim membership in more than one gang. Oneida County Undersheriff Peter Paravati informed the Commission that his office has seen Bloods and Crips gang members who also claim membership in a local Utica gang, such as the Utica Thug Gang, Brick Money, or Stack-a-mill.³⁰ The Commission heard similar testimony from Utica-area gang researchers Steve Darman and Maurice Pauline. Mr. Pauline testified that Brick Money is a "hybrid gang . . . that consists of Crips, Bloods, and . . . maybe some Latin Kings They'll put their differences

²⁸ The Commission found that some Chinese "gangs" do not fit neatly into a definition of traditional criminal street gangs, nor do they manifest the level of organization and coordination that typifies traditional organized crime (as does the traditional Italian Mafia). *See, e.g.*, James O. Finckenauer, Chinese Transnational Organized Crime: The Fuk Ching, National Institute of Justice, 2001 (available at www.ojp.usdoj.gov/nij/international/chinese.html). Similarly, while Outlaw Motorcycle Gangs like the Hells Angels act somewhat like criminal street gangs, they manifest high levels of organization and coordination in criminal activities such as international drug smuggling.

²⁹ Both Ron "Cook" Barrett, a gang specialist from Albany, and Wes Daily, President of the East Coast Gang Investigators Association, spoke at the Commission's Hauppauge hearing, noting that, "a wannabe is a gonna-be."

³⁰ Testimony of Oneida County Undersheriff Peter Paravati, October 25, 2005, at 169.

aside to make money.”³¹ The Commission also heard testimony at its Rochester public hearing about “set tripping,” which occurs when a member of one gang moves to another, often competing, gang. Set tripping may result when one gang member disrespects another, causing the disrespected member to flee to a rival gang. It also may occur simply for commercial reasons.

Despite the difficulty of generalizing, in order to familiarize the reader with some of the gangs in New York State, the Commission reports the following descriptions of nationally-known gangs.

The Crips

The Crips, an African-American street gang, was formed in South Central Los Angeles, California in the late 1960s and early 1970s.³² The Crips now exist throughout the United States using various clique names, such as “Hoover Crips” and “Rolling 60s.”³³ Crip gangs appeared in New York in or about 1989.³⁴



Courtesy of NY State Police Inv. Jason Robles

Witnesses at the Commission’s Rochester hearings told of gangs claiming to be Crips appearing Downstate in New York City, Rockland County, and Newburgh, and Upstate in Rochester, Utica, Binghamton, Albany and the areas surrounding those cities.³⁵

Crips refer to each other as “Cuz,” and frequently wear blue clothes, often with the letter “C” in them, such as Colorado Rockies baseball caps. Because their archrivals are the Bloods,

³¹ Testimony of Maurice Pauline at 200.

³² Some sources cite 1971 as the year of their formation (see <http://da.co.la.ca.us/pdf/swilliams.pdf>). One of the purported founders of the Crips, Stanley “Tookie” Williams, was executed in California in December 2005 for his role in a number of murders in 1979.

³³ See, e.g., Press Release, United States Attorney, D. Nev., May 13, 2004 (“Rolling 60s Gang Members Plead Guilty To Racketeering & Firearm Charges”) (available on the web at <http://www.usdoj.gov/usao/nv/home/pressrelease/may2004/givens051304.htm>).

³⁴ Testimony of P.O. Moses Robinson at 31.

³⁵ Testimony of P.O. Moses Robinson at 31; City of Newburgh Police Department Lt. Arnold Amthor at 259; Undersheriff Peter Paravati at 162; and City of Binghamton Council Member Anthony Massar at 290 and 299.

Crips use the letters “BK,” which is short for “Blood Killer,” in their graffiti, and cross out the B as a further slight to the Bloods. They also spell words that would ordinarily have a “CK,” such as the word “truck” with a “CC” (“tru~~ck~~”), to avoid writing the initials for “Crip Killer.”

The Bloods

The Bloods, a gang composed primarily of African-Americans, originated in the Compton section of Los Angeles in the 1970s and gained prominence for its acts of violence and drug trafficking. Many Blood sets still use the word “Piru,” the name of a Compton street, in their name. In the 1990s, after the gang expanded and gained power on the west coast, it spread to the east coast.³⁶ In New York, the Bloods initially operated within the Rikers Island jail system.

As noted above, the Bloods’ historic archrivals have been the Crips. The Bloods similarly graffiti “CK” with the C crossed out and display “CK” hand signs. Within the past two years, violence has erupted between the Bloods and other groups, including MS-13. Violence between these gangs has had wide-ranging effects. Rockland County District Attorney Michael



Blood “C.K.” – Crip Killer – hand sign

Bongiorno told the Commission about Blood set activity in a suburban town in his jurisdiction, including a vicious assault:

The leader of that gang saw someone in a phone booth, a teenager [and] thought the fellow was wearing colors to signify another gang. He went over and asked him, “Are you a gang member?” and the guy in the phone booth said, “No, I’m not.” [The gang leader] said, “I’ll be back.” He walked away and he [came] back, and with no reason, no provocation, pulls out a razor, slashes the victim in his face. Over a hundred stitches in the face because the guy was wearing [Crip colors].³⁷

³⁶ Indictment, *United States v. Young*, Cr. 04-209, E.D.N.Y., ¶¶ 1-2.

³⁷ Testimony of Rockland County District Attorney Michael Bongiorno, November 1, 2006, at 391.

Blood gang members are ranked according to a hierarchy, with “Original Gangsta,” or “OG” at the top, and “Baby Gangsta” at the bottom.³⁸ Law enforcement sources informed the Commission that some gangs who call themselves Bloods appear to have no ties to New York City, let alone Los Angeles. Furthermore, as more Blood sets appear and compete to sell drugs, more violence between different Blood gang sets results.

Like many other gangs, the Bloods wear clothes and jewelry of a specific color – theirs is red – and use hand signs and draw symbols such as a five-pointed star. Blood gang members sometimes refer to each other as “dog” (or “dawg”) and brand themselves with three dots in the shape of a triangle to represent a dog’s paw. During the raid of the Suffolk County house of a Blood set leader in 2005, detectives found a gang oath stating, “It’s about . . . killing and not caring, dying and not crying, having love for your set and hate for your enemy.”³⁹

The Commission learned of a number of instances in which Blood sets were unconnected to a national network. Buffalo Police Detective Kevin Maloney noted in the Commission’s Rochester hearing that the Buffalo Blood set called “Sex Money Murder” or “SMM” was actually

a couple of dozen individuals linked primarily by geography [whose] predicate offenses included selling dope, robbing other drug dealers, and violent assaults. These individuals essentially self-organized and adopted the patterns and practices of the nationally known Blood street gang in order to gain discipline and instill fear in their competitors.⁴⁰

Detective Maloney described the Gangster Killer Bloods, or “GKB,” as “the real deal.”⁴¹ GKB was a Bloods gang set that was connected to the Bloods’ leadership in New York City and within the prison system. GKB sent a general named James Jackson to Buffalo to “wipe out what they called ‘the clowns’ and form a ‘proper’ Bloods chapter.”⁴²

³⁸ Press Release, February 4, 2004, *United States v. Young*, Cr. 04-209, E.D.N.Y., at 3.

³⁹ Samuel Bruchey, *Gang ‘oath’ found*, *Newsday*, May 15, 2005, at A16.

⁴⁰ Testimony of Buffalo Police Detective Kevin Maloney, October 25, 2005, at 239.

⁴¹ Testimony of Det. Kevin Maloney at 240.

⁴² Testimony of Det. Kevin Maloney at 241. Detective Maloney testified that both SMM and GKB were successfully prosecuted.

Mara Salvatrucha (MS-13)

MS-13 is a gang comprised of immigrants from El Salvador and, to a lesser extent, Honduras and other parts of Central America. According to law enforcement sources, the majority of MS-13 members are foreign nationals who are in the United States illegally. The gang appears to have originated in California, and has spread to many other states including Virginia, where it has a significant number of members. MS-13 membership in New York State is concentrated mainly in Nassau County, although Rockland County has also reported MS-13 activity. Connections between MS-13 sets have permitted members in New York to flee to safe houses in Virginia and elsewhere.

In the past year, MS-13's extreme violence has been widely publicized.⁴³ The gang's members engage in narcotics distribution, car theft, and other criminal activity to earn money, but the gang does not exist for those purposes. Rather, in the words of one New York State Trooper who has investigated the gang, "they're violent to be violent. It's more about self-pride and being the baddest guy on the block."⁴⁴ Federal Racketeering Influenced and Corrupt Organizations Act ("RICO") indictments of MS-13 members note the gang's propensity for violent criminal activity, including murder, assault, rape, and firearms offenses in addition to cocaine distribution and robbery. MS-13's violent criminal activity is often directed at rival gangs. In New York, those rivals include the Salvadorans With Pride, the Latin Kings, and the Bloods. Violence is also directed towards members of MS-13 who are thought to be government informants.⁴⁵ MS-13 gang members' nihilist "laugh now, cry later" attitudes are reflected in their tattoos.



⁴³ See, e.g., *The Most Dangerous Gang in America*, Newsweek, March 28, 2005 (available online at <http://www.msnbc.msn.com/id/7244879/site/newsweek>); Nightline (ABC Television Broadcast August 4, 2005); *MS-13*, Reader's Digest, January 2006, at 100-107; Tom Brune, *MS-13 Busts Just a Start*, Newsday, March 15, 2005, at A15.

⁴⁴ Interview of New York State Police Investigator Jason Robles.

⁴⁵ See *United States v. Marquez-Larios*, 03 Cr. 851, Superceding Indictment S-2, E.D.N.Y. ¶¶ 1,6 and 8.

MS-13 is routinely described as one of the most violent gangs in the nation, and has been described in court testimony in New York as being organized. Recently, during a federal trial on Long Island, in trying to portray MS-13 as a criminal enterprise, the prosecutor called State Police Investigator Hector Alicea, a gang expert, to testify that MS-13 has some structure. Investigator Alicea testified that the gang has rules of conduct, its members share money and weapons, and its gang cliques have associational ties.⁴⁶ While the gang has attained a level of organization sufficient to be prosecuted under federal racketeering laws, the Commission found that MS-13 does not appear to be as organized as, for example, traditional Italian organized crime. Accordingly, the Commission found that some recent media reports have exaggerated the gang's level of organization.⁴⁷

Moreover, the Commission also heard testimony in its hearings and commentary throughout its investigation that some MS-13 members are less involved in gang activity and would leave the gang if they thought they could, but feel they have nowhere else to turn. Many are illegal immigrants, and are afraid to ask the police for help.⁴⁸ Few other resources exist. Moreover, as with many immigrants – illegal or legal – many face a language barrier in seeking assistance from police or others. Investigator Alicea testified that he has been able to help four MS-13 members leave the gang, and they have since helped him combat the gang by providing information. He was able to do that because he speaks Spanish and understands their culture, something many police officers do not.⁴⁹

The Ñetas

The Ñetas are a decades-old gang that originated in Puerto Rico and later grew within prison systems, including New York's. Ñeta members form sets upon release from prison and engage in criminal activities, including narcotics distribution and its attendant violent crime. Recently, in addition to its operations within prisons, the Ñetas have reportedly been operating

⁴⁶ Robin Topping, *Teen Was Killed to Make 'Quota,'* Newsday.com, April 13, 2006, at <http://www.newsday.com/news/local/longisland/ny-ligang0413,0,2505478.story>.

⁴⁷ See, e.g., *International Gang Brings Violence to U.S. Suburbs*, ABC News, September 20, 2005, available at <http://abcnews.go.com/Nightline/US/story?id=1025750&page=1> (stating, without support, that "MS-13 is not only violent, it is highly organized").

⁴⁸ Testimony of New York State Police Investigator Hector Alicea, November 1, 2005, at 172.

⁴⁹ Testimony of Investigator Hector Alicea, November 1, 2005, at 172-73 and 182-83.

on Long Island and in New York City. They also operate upstate to a smaller degree in, among other places, Buffalo.

The Commission's investigation reflected that some Ñeta sets have a hierarchical leadership structure, including a president, vice president, treasurer, and disciplinarian. In such sets, a coordinator organizes monthly meetings. Prospective Ñeta members are on probation for a period before being formally "blessed in" at a "universal" meeting of the chapters on March 30th of each year.⁵⁰

Like other gangs, Ñeta members often wear clothing in their gang's particular color scheme (red, white and black), and use hand signals to identify themselves to other members as well as to rival gangs. Similarly, they are tattooed with slogans including, among other things, "N.D.C.," for *Ñeta de Corazon*, Spanish for "Ñeta from the heart." The Ñetas have particularly stringent rules:

Each [Ñeta] member was required to follow a set of rules, which obligated him or her to obtain a "green light" before committing an act of violence, and to report suspected government informants to their leaders. Gang members who violated any of the rules were disciplined at ritualized beatings, typically at a monthly meeting by the chapter's disciplinarian.⁵¹

The Latin Kings

The Latin Kings were formed in Chicago in the 1970s. The gang also has a sister organization, the Latin Queens, and together they are known as the Almighty Latin King and Queen Nation, or "ALKQN." In 1986, Luis Felipe, calling himself, "King Blood," founded a Latin Kings chapter inside a New York State correctional facility. While the New York chapter has little or no connection to the original Chicago gang, New York members wear the traditional black and gold colors established by the gang's founders.

⁵⁰ See Press Release, June 3, 2004, United States Attorney, E.D.N.Y., at 1.

⁵¹ *Id.*

A 1997 federal indictment filed against Luis Felipe indicated that “[t]he aim of the organization was ostensibly to protect Hispanics from ethnic discrimination at the hands of other inmate organizations and hostile prison authorities. Subsequently, a civilian component was formed under Felipe’s leadership, often consisting of former inmates.”⁵² Despite that purported lofty aim, the Latin Kings are better known as a criminal organization “whose members and associates engage in acts of violence, armed robbery, narcotics trafficking, and murder.”⁵³

The 1990s saw the prosecution and incarceration of both high-ranking and lower-level members of the Latin Kings in New York, including Felipe and Antonio “King Tone” Fernandez.⁵⁴ Nevertheless, the gang continues to operate on Long Island, in New York City and, to a lesser degree, upstate.⁵⁵

Black Gangster Disciples

Gangs calling themselves Black Gangster Disciples, and variants, such as the Black Disciples, Gangsta Disciples, and Black Gangstas, operate in various places throughout New York, including Rochester and Binghamton.⁵⁶ The gang originated in Chicago, where it is much more prevalent. Gang members use “BGD,” in their graffiti, which is sometimes written in a six-pointed, Star of David, a “Folk Nation” symbol. In 2005, the United States Attorney’s Office for the Eastern District of New York charged members of a Brooklyn gang calling itself the Black Gangstas, Black Gangsta Disciples, and Folk Nation with five murders, including the killing of a rival Bloods gang member, and drug trafficking.⁵⁷

⁵² *United States v. Felipe*, 148 F.3d 101, 105 (2d Cir. 1997).

⁵³ *Id.*

⁵⁴ A television documentary (*Latin Kings: A Street Gang Story*, DCTV/HBO, 2003) followed Fernandez during the period in the mid-1990s prior to his incarceration. The documentary reflects Fernandez’s purported attempts to move the Latin Kings in a new direction – to act as a socially conscious organization – and his and other members’ apparent inability to stop engaging in criminal activities.

⁵⁵ See Kieran Crowley, *King Killer*, *New York Post*, July 14, 2005, at 19 (conviction of Latin Kings member for murdering a Long Island Rail Road commuter on his walk home from the Lynbrook train station in September 2003); Anthony M. DeStefano, *Alleged Kings in Court*, *Newsday*, August 18, 2005 (online edition); A royal roundup on Long Island: Latin Kings nabbed, *A.M. New York*, July 21, 2005 (hierarchy of Latin Kings in Suffolk County arrested and \$1.2 million worth of drugs seized).

⁵⁶ October 25, 2005 Testimony of P.O. Moses Robinson, at 25, and City of Binghamton Council Member Anthony Massar, at 290.

⁵⁷ See Superseding Indictment, *United States v. McTier*, Cr. 05-401 (E.D.N.Y.)

Black Gangster Disciple graffiti indicating allegiance to the Folk Nation. The numbers 2-7-4 inside of the six-pointed star represent the corresponding letters of the alphabet: B.G.D.



Courtesy of NY State Police Inv. Hector Alcega

Outlaw Motorcycle Gangs

Some outlaw motorcycle gangs (“OMG’s”) operate in New York State and are largely involved in narcotics trafficking. OMG’s in New York include the Hells Angels, the Pagans, and the Outlaws. While these OMG’s act somewhat like criminal street gangs in that they claim territory, some are unlike most street gangs in that they manifest high levels of organization and coordination in their criminal activities, including drug smuggling. While violent incidents are not unknown, OMG’s have not recently presented the same threat of violence to non-criminal communities throughout the State, as have street gangs like MS-13, the Bloods, and the Crips.⁵⁸

Still, OMG’s do maintain a presence in some areas, and that presence brings with it fear and intimidation. Oneida County District Attorney Michael Arcuri noted that his county has actually seen a recent increase in OMG activity, in large part due to local methamphetamine abuse.⁵⁹ Both the Hells Angels and Demons have been active in Utica and the surrounding rural area.

⁵⁸ In one violent clash between members of the Hells Angels and Pagans in February 2002, four people were shot, one fatally, at a Hells Angels gathering called the Hellraiser Ball. The shooter was later convicted of gun possession only.

⁵⁹ For a full discussion of recent issues surrounding methamphetamine abuse, see the Commission’s report on that topic: *Methamphetamine Use & Manufacture*, N.Y. State Comm. of Investigation, January 2005 (available on the Commission’s website, www.sic.state.ny.us).

GANGS' PROFOUND EFFECTS ON COMMUNITIES AND VICTIMS

Effects on Communities

Crime drives out legitimate businesses, making it harder for people to purchase basic goods and services, and lowers real estate values. Gang crime also affects the communities where it exists in the form of fear and the inability to move about. Residents in gang-dominated neighborhoods, who regularly hear gunshots and see young children wounded and killed by stray gunfire, have ample reason to be concerned for their well-being. The harmful effect on a community's psyche is also very significant.

Several participants at the Commission's hearings testified about the phenomenon of ever-younger children joining gangs. While some members are born or "blessed" in, children whose families do not belong to gangs are also joining, primarily due to issues of low self-esteem. Children face a constant barrage of advertisements, music videos, and other media that glorify the gang lifestyle. These children, who have few or no role models other than sports figures and entertainers, idolize gang members and their possessions.

Often, the negative environment in which children grow up – and in which their families are forced to cope – provides fertile ground for gangs to grow. At the Commission's Rochester hearing, Rochester Institute of Technology Professor John Klofas cited an example from his research of a family's disintegration as a result of gangs. He told of a woman in northeast Rochester who had been paying her mortgage of approximately three hundred twenty-five dollars per month for fifteen years, noting that,

as she has done that, she has watched the house across the street from her burn down, be taken down. The house next to her where there was a murder, burned down and would be taken down. The house from the other side of her, become a drug house and finally be taken down. And she watched as her child grew up, and she tried to protect her child in every way . . . and have one son murdered and another son . . . go to prison for major felonies.⁶⁰

⁶⁰ Testimony of Rochester Institute of Technology Professor John Klofas, October 25, 2005, at 114-115.

The Commission learned that environment does not affect children only after they begin walking and talking and interacting with people. Rather, children may become “monsters” due to events occurring in early childhood. As Meredith Wiley of Fight Crime: Invest in Kids⁶¹ noted,

There is a growing body of research that shows that infancy and early childhood is a crucial developmental stage, when we form the core of conscience [and] the ability to trust . . . others. This is the time that we lay down the foundation for life-long learning and complex thinking. . . . Those kids that we have been talking about – those angry rage-filled, hate-filled kids, coming out at age 10, 12, 13, 14, didn’t just wake up one morning to be that way. There was a developmental process that produced those kids that have them showing up that way. . . . Abuse and neglect [in early childhood has] a huge impact on the architecture in the neurochemistry of our brains, and they can create children who are primed for later aggression and violence.⁶²

Ms. Wiley also noted that children who are neglected or abused often continue the vicious cycle with their children.⁶³

Recent research allows neuroscientists to study brain growth in children.⁶⁴ These studies have shown that stress among neglected children causes their brains to grow less and to be configured differently. Cerebral cortex abnormalities are particularly problematic because they lower the likelihood that a person will be able to control violent responses when stressed or when a person has a “primitive urge to shoot someone.”⁶⁵ While these issues are not limited to gang crime, it is clear that they have a strong connection.

Similarly, many children enter kindergarten or even first grade unprepared to learn. This lack of preparation results in frustration, and lack of interest. Many at-risk children do not have

⁶¹ Fight Crime’s members in New York come from the law enforcement community, including District Attorneys Michael Bongiorno of Rockland County and Mike Green of Monroe County, or are victims of crime. Fight Crime New York is endorsed by the New York State Association of Chiefs of Police, New York State District Attorneys Association, and New York State Sheriffs’ Association.

⁶² Testimony of Meredith Wiley, November 1, 2005 at 450-52.

⁶³ Testimony of Meredith Wiley, November 1, 2005 at 461-464.

⁶⁴ This research includes the work of Dr. Bruce Perry from the Child Trauma Center in Houston, Texas.

⁶⁵ Testimony of Meredith Wiley, November 1, 2005 at 459.

access to quality pre-kindergarten programs that prepare them for school. They begin falling behind children who are not at risk.⁶⁶ During its investigation, the Commission learned of studies reflecting findings that at-risk children without quality pre-K programs were significantly more likely to commit violent crimes.

Once they are older, many at-risk youth feel they have little choice but to join a gang and have little perspective on the dangers of joining. A number of witnesses at the Commission's hearings commented that gangs take the place of families, which are absent in many children's lives. Children are looking for protection, a body of rules, and a sense of respect, and those needs are now being met, albeit improperly, by the street gangs.⁶⁷ Some youths claim to be fatalists, asserting that it does not matter to them if they die or are imprisoned.

Gang Crime Victims

Gang crime, and especially violent gang crime, affects its victims profoundly. Monroe County District Attorney Michael Green, describing the gang problem in Rochester, told the Commission,

So far this year we have had a two-year old shot and wounded on our streets, we've had gunshots claim the life of a twelve-year-old boy. Just recently, we had a sixteen-year-old girl shot dead on our city streets. As the events of this past year so vividly demonstrate, gun and gang violence continues to be a major issue in this community.⁶⁸

Three speakers at the Commission's hearings reported how gangs affected their lives and the lives of others in New York. Pamela Corrente, the mother of Damian Corrente, a young man killed by gangs, Amory Sepulveda, the victim of a gang shooting, and former gang member

⁶⁶ For example, Teach for America, the service corps of recent college graduates who teach in low-income schools, notes that nine-year-old children in urban and rural areas are already three grade levels behind kids in wealthier suburbs. Moreover, only about half of high school students in urban areas graduate, and those who do graduate often read below basic levels. See www.teachforamerica.org (findings are listed in a "pop-up" on educational inequity within the website).

⁶⁷ Testimony of Sergio Argueta, November 1, 2005, at 63.

⁶⁸ Testimony of Monroe County District Attorney Michael Green, October 25, 2005, at 57.

Maureen Quintanilla, talked about their terrible experiences. Their stories put in stark relief the problems that gangs cause.

Ms. Corrente told the Commission about her son, Damian, a twenty-one-year-old student at the State University of New York at Stony Brook. Damian was an excellent student who wanted to become a doctor. On January 14, 1999, while on a semester break, Damian was in his car running errands for his mother. Sometime during that afternoon, he gave a ride to Harold Zambrano, a childhood friend, and two others. At that time, Zambrano was a member of the Ñetas who had recently been assaulted by members of MS-13. During the ride, Zambrano saw three MS-13 members walking by a strip mall in Freeport and told Damian to stop the car. Zambrano got out and confronted the MS-13 members, who drew several guns and shot Zambrano, critically wounding him. They also shot several times into the car, hitting and killing Damian. The three suspects are still at large. Ms. Corrente told the Commission that the tragic death wreaked havoc on the Corrente family, and they moved to another state. She still works tirelessly to publicize the effects of gang violence and to provide programs that give young people an alternative to the gang lifestyle, including Operation Jump Start, a job-training program.

Amory Sepulveda, who inspired the Commission and others in attendance at the Commission's Hauppauge and Albany hearings, spoke about some of the issues that lead young people into gangs. Though she never joined a gang, she became friends with many gang members when she was younger, and ultimately became a victim of gang violence. From her wheelchair, Ms. Sepulveda described her experiences in coming to the United States from Chile in the fall of 1993 at age twelve and entering seventh grade. Ms. Sepulveda's father left her family when she was young. Her mother worked as a housekeeper to try to forge a better life, but had little free time to spend with her daughter. Ms. Sepulveda spoke little English when she arrived, and noted that she quickly felt like an outcast, even among Latinas who spoke English better than she. She was shunted into English as a Second Language classes with others who also were made to feel like outsiders, and many of them behaved poorly. No school or neighborhood group existed to bridge the gap that newcomers faced. Ms. Sepulveda tried to join

the school basketball team, but the combination of her weak English skills and ostracism by others on the team compelled her to leave.

As she grew older, Ms. Sepulveda was attracted to students who were popular but badly behaved, and she began cutting school. While she had shown some promise in class, and teachers did try to convince her to push forward with her studies, she lacked motivation. She attended school less frequently, and spent more time drinking and taking drugs with kids who were involved in the rival gangs MS-13 and Salvadorans With Pride. She also sold drugs occasionally to pay for her own habit.

One evening in July 1999, after spending time with friends in Hempstead, while trying to find a taxi to go home, Ms. Sepulveda became the victim of a drive-by shooting. She did not realize that she had been shot until she saw people running and heard someone shout, “someone got shot.” Her lungs were punctured and filled with blood; she could not move her lower body. At the age of eighteen, she found herself partially paralyzed as a result of her gunshot wound. She spent six months recuperating in a hospital, and then had to move to a nursing home because her mother’s house was not wheelchair-compatible. Ms. Sepulveda told the Commission that she spent four years at the nursing home, during which time many of her friends who were in gangs did not visit her. Only her real family did not abandon her. Now attending Nassau Community College, she also works with the gang intervention group S.T.R.O.N.G. Youth, Inc.⁶⁹ (“S.T.R.O.N.G. Youth”) to educate children about the dangers of gangs and the importance of improving self-esteem in appropriate ways.

Maureen Quintanilla, a 17-year-old from Long Island, told the Commission of her difficult experience with gangs. Born into a family in which almost everyone was an MS-13 gang member, she has not seen her father since she was three years old, and, while drunk, he took her with him to rob a local store.

⁶⁹ “S.T.R.O.N.G.” stands for “Struggling To Reunite Our New Generation.” This intervention group is discussed in greater detail later in this report.

Since she was a child, Ms. Quintanilla was taught that Hempstead's Main Street was "MS territory," and that blue was her family's color. Her home was a very violent place, which everyone referred to as "the crack house," because MS members dealt crack cocaine there. MS-13 members sometimes tortured captured members of the Bloods gang and others in her house. At age twelve, she was physically abused by an uncle who was an MS-13 member.

As a result of her hatred for MS-13, Ms. Quintanilla eventually joined their rivals, SWP. When she got into middle school, which she frequently did not attend, she hung out with her boyfriend, Sharkey, who was then a twenty-four year old SWP member. To become an SWP member, Ms. Quintanilla was "jumped in" – beaten up – and her injuries were so severe that she had to be brought to a local hospital. Other gang members dropped her off at the emergency room, leaving her to fend for herself. When she later called to ask for assistance getting home, her mother suggested that she take a taxicab, but refused to pay the fare.

Ms. Quintanilla's family threw her out of their home when she was twelve, after several violent incidents. During one incident, her boyfriend Sharkey struck her uncle with a beer bottle. During another, a female MS-13 member attacked her with a box cutter. After being evicted from her home, Ms. Quintanilla often slept at the home of her boyfriend or another SWP member's house. She hardly slept at all, however, since she frequently spent her nights partying with friends. When she did manage to get sleep, another family resident would wake her and throw her out after just a few hours. Ms. Quintanilla very rarely had funds to support herself and sometimes sold marijuana or convinced a friend to sell it for her in order to make money.

When Ms. Quintanilla was fourteen years old, her mother filed a petition in Family Court to have her declared a Person In Need of Supervision,⁷⁰ and Ms. Quintanilla was sent to a series of homes for runaways, but caused problems at each home. She ended up living in an Amish community in the Catskills where, although she didn't like her surroundings and wanted to be back in Hempstead, she learned a lot and calmed down. She met an old man at the settlement

⁷⁰ The New York State Family Court Act defines a "Person In Need of Supervision" (commonly referred to as "PINS") as a "person less than eighteen years of age who does not attend school in accordance with [provisions of the] education law or who is incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care" N.Y. Family Court Act § 712(a).

who became her mentor. As she told the Commission during her interview, “If you’re around people who are positive, you become like that.”

Ultimately, Ms. Quintanilla returned to Long Island, and initially worked in a fast food restaurant. In September 2005, she started working for S.T.R.O.N.G. Youth. Her message to young people is that gangs are “not true to you” and that gangs “are not going to get you nowhere.” As one example, Ms. Quintanilla told of being part of an SWP group that stole a car. When the police stopped the car, one SWP member had a gun, but told the police it belonged to Ms. Quintanilla. She noted that many of her former gang friends are now either in jail, dead, or addicted to drugs. SWP members now fight each other, and fight the Latin Kings, with whom “they used to be OK.”

Ms. Quintanilla had a difficult time leaving gang life. SWP did not want her to leave, fearing that she would inform law enforcement where they got their drugs and where they kept their guns. Her mother has received phone calls and has had her windows broken. SWP beat up her older brother in front of one of her younger brothers. Now, they are finally leaving her alone. In addition to her work with S.T.R.O.N.G. Youth, Ms. Quintanilla is currently studying to obtain her high school equivalency diploma.

GANG INFILTRATION OF INSTITUTIONS

Adult Correctional Facilities

During its investigation, the Commission learned that gangs have existed within correctional facilities throughout this country for decades. The New York chapter of the Latin Kings was founded in the Collins Correctional Facility in the Catskills region⁷¹ and, as noted above, a Bloods gang formed in New York City’s correctional system. During the course of the Commission’s investigation, numerous law enforcement officials identified correctional facilities

⁷¹ *United States v. Felipe*, 148 F.3d 101, 105 (2d Cir. 1998).

as a breeding ground for gangs and stated that the State's prison system is the primary place for gang recruitment.⁷²

Inmates' motivations for banding together inside of correctional facilities are similar to the motivations of individuals who are not incarcerated. The longing for companionship, the need for protection from other inmates, and the desire to engage in illegal activities are just some of the factors that lead inmates to join a prison gang. Within the confines of a prison, however, the choice to avoid the gangs or relocate to an area free of gang activity is rarely a viable option. For many inmates, the only perceived way to survive is to join a particular faction.

According to Michael Hogan, Director of the Crisis Intervention Unit of New York State Department of Correctional Services ("DOCS"), gangs were not perceived as a significant threat within the State's facilities until the early 1990s. In the 1950s and 1960s the prisoner power-base was made up of "white inmates and organized crime types."⁷³ In the 1970s and early 1980s,



Courtesy of NY State Police Investigator Hector Alfoea

African-Americans began to flood the system and assert themselves. By the late 1980s and into the 1990's the Hispanic population grew and began forming their own gangs for protection from other gangs. As prison demographics changed overtime, the influx of ethnic diversity, coupled with overcrowded and ill-equipped facilities, led to heightened tension between inmates and caused them to form collectives and take on gang monikers.⁷⁴

⁷² Testimony of P.O. Moses Robinson, October 25, 2005, at 39. A February 2006 National Geographic television special on gangs summed up the view of many law enforcement professionals with whom the Commission spoke when it called prisons the "finishing school" for gang members. Convicts leave with more criminal skills and "street" credibility than when they enter.

⁷³ Testimony of Michael Hogan, October 25, 2005, at 118-119.

⁷⁴ Interview of Michael Hogan.

Prison gangs pose a significant threat to prison staff and to other inmates. The crimes that they perpetrate inside the facilities range from simple assaults and weapons possession to narcotics sales and murder.⁷⁵ Unlike the inmates themselves, however, the criminality that prison gangs perpetrate is not confined to their respective facilities.

The case of Latin Kings New York chapter founder Luis “King Blood” Felipe highlights gangs’ ability to direct the perpetration of crimes and to terrorize communities from within prison. In 1986, Felipe founded the New York Latin Kings set while serving a nine-year prison sentence for second-degree manslaughter. While the chapter was originally formed as a prison organization, it soon began to function outside the facility, where gang members engaged in armed robbery, narcotics trafficking, assault and murder. In the early 1990s, DOCS attempted to dismantle the Latin Kings by breaking up the gang leadership and sending members to facilities throughout the State. This unwittingly assisted the gang, which became one of the dominant gangs in the State’s prison system.⁷⁶

Felipe was able to maintain his leadership position by frequently visiting and corresponding with various gang members. In 1993, State Correction officials intercepted letters from Felipe to another inmate, which confirmed his position as the leader of the Latin Kings, and detailed various criminal acts being planned by the gang. Armed with this information, State officials were able to obtain an order allowing them to inspect Felipe’s incoming and outgoing mail. The intercepted correspondence revealed Felipe’s directives to other gang members to murder six individuals, both inside and outside correctional facilities. For these offenses, Felipe and more than fifty other gang members were indicted by the United States Attorney’s Office for the Southern District of New York for their participation in various racketeering acts, including murder, attempted murder and conspiracy to murder. Felipe was convicted and sentenced to a term of life imprisonment.⁷⁷

As a “special condition of confinement,” the court that sentenced Felipe ordered that he: (1) be housed in solitary confinement and prohibited from contact with other prisoners; (2) be

⁷⁵ Interview of New York City Department of Correction Assistant Deputy Warden Marc Bullaro.

⁷⁶ Interview of Michael Hogan.

⁷⁷ See *United States v. Felipe*, 148 F.3d 101 (2d Cir. 1998).

prohibited from communicating with any of his co-defendants or any members of the Latin Kings; (3) be prohibited from corresponding with, and receiving visits from, anyone except his attorney and close family members who are approved by the court and whose visits are closely monitored; and (4) be prohibited from telephone contact with anyone except his attorney. When imposing these conditions, the court noted that, “the case presented unusual circumstances and raised unique concerns because the defendant, while in prison, had used his privileges to correspond with people outside the prison in order to maintain control over the criminal activities of the Latin Kings and cause the murders of a number of people.”⁷⁸

In 1994, to combat gang activity, DOCS introduced a behavior-based discipline system for its inmates, and implemented a rule to address the proliferation of gangs within the prison system:

Inmates shall not engage or encourage others to engage in unauthorized organizational activities or meetings, display, wear, possess, distribute or use unauthorized organizational insignia or materials. An unauthorized organization is any gang or organization that has not been approved by the Deputy Commissioner for Program Services. NYS Department of Correctional Services has a “non-recognition” policy in which unauthorized groups are not given formal recognition within our prison system or before the general public. Their existence within our system is managed with strategies that do not openly acknowledge their organizational structure; their leaders; their set of values or governing philosophies or any of their activities. We refuse to empower these unauthorized groups and their leaders by treating them as we would any other inmate in our custody that violated one of our rules.⁷⁹

Violations of this rule result in penalties including additional prison time and relocation to remote facilities throughout the State. For an inmate from New York City, the prospect of being relocated to a remote upstate facility and effectively losing the prospect of visits from family and friends may serve as a powerful deterrent.

⁷⁸ *Id.* at 107.

⁷⁹ N.Y. State Dept. of Correctional Svces. Rule 105.12.

Within the New York City Department of Correction, the task of combating gang activity lies with the Gang Intelligence Unit. Created in 1994 as an interdepartmental gang task force, the unit has evolved and expanded its duties to include the evaluation of gang activity within the facilities, tracking and monitoring of gangs (which the Department refers to as “Security Risk Groups”), and the utilization of a computerized gang-tracking system. Separately, one sergeant and three detectives from the New York City Police Department Intelligence Unit comprise the Rikers Island Gang Unit.

Of the approximately 14,000 inmates at Rikers Island, roughly 1,000 are involved in gangs. The Bloods have the largest number of members, but South and Central American gangs, such as MS-13, are growing in number. Other gangs within the Rikers Island system include the Ñetas, Latin Kings, and Crips.

The Commission learned that, within the City’s prison system, gangs create secret codes and send encrypted letters to disguise their communications with each other and the outside world. New York City correction officers and staff members are prohibited from listening to inmate phone calls and reading inmate mail, although they are permitted to open envelopes to ascertain that they do not contain contraband. Aware that their written correspondence is going to be opened, gang members have begun disguising their communications as legal documents. Upon first glance, what may look like a typical legal document may actually hold instructions for the perpetration of criminal activities.

While some prison systems separate their inmates based upon gang affiliation, New York State and City facilities do not follow this practice. Policymakers within the State and City departments of correction believe that separating gang members only emboldens and legitimizes gangs. Instead, New York facilities house rival gang members together, forcing them to interact with each other on a daily basis. Just as they must learn to co-exist in a law-abiding society, they must learn to co-exist inside the facilities without violence. Correction officials hope that forced social interaction will have a humanizing effect and gang members will begin to view their rivals as individuals.⁸⁰

⁸⁰ Interview of New York City Department of Correction Assistant Deputy Warden Marc Bullaro.

The institution of programs designed to better prepare inmates for a productive life upon release was touted by many of the witnesses who testified before the Commission. Most inmates incarcerated for gang related offenses do not receive life sentences and are released into communities throughout the State. For example, in 2003, 237 individuals originally from Oneida County who were released from correctional facilities throughout the State returned to that county; ninety percent of those individuals were men and approximately one-quarter were between the ages of seventeen and twenty-one.⁸¹ While some inmates may choose to return to their original communities upon release, like those in the Oneida example, others chose to relocate to the areas surrounding the facilities in which they were incarcerated, most of which are located in upstate New York. Absent any training or gang intervention program, gang members are opting to pick up where they left off before their incarceration by engaging in criminality. Now, however, they are doing so in smaller upstate cities where, for example, narcotics can be sold for higher prices due to less competition and supply. In upstate cities like Albany, law enforcement officials have been battling an influx of gang-involved former inmates who are now engaged in criminal activities in the areas surrounding the city.

The Commission learned that the majority of correctional facilities lack targeted programs aimed at providing inmates with adequate substance abuse treatment, mental health services, educational opportunities, and job training. As Monroe County District Attorney Michael Green noted,

The reality of the situation is that most of the people who are sent to state prison are going to return to the streets of our communities at some time, and we need to look at whether or not we're giving them drug and alcohol treatment they need, the education and job training that they need, so that when they do reenter our society, they don't return to terrorize our citizens again and again.⁸²

Research has shown that inmates who leave prison with some type of employment and stable housing are much more likely to make a successful transition back into society.⁸³ While

⁸¹ Testimony of Steven Darman, October 25, 2005, at 217. In an interview with the Commission, Mr. Darman noted that, based on anecdotal evidence, he has found this age group to be most likely to commit crimes.

⁸² Testimony of Michael Green, October 25, 2005, at 75.

⁸³ Testimony of Steven Darman, October 25, 2005, at 215.

incarceration temporarily protects public safety, rehabilitation furthers the overall goal of promoting public welfare.

Juvenile Justice Facilities

The New York State Office of Children and Family Services (“OCFS”) has thirty-five juvenile justice facilities located throughout the State. These facilities range in degree from secure, to limited-secure and non-secure.⁸⁴ Secure facilities are for juveniles with cases in criminal court, while limited-secure and non-secure facilities are for juveniles with cases in the family court system. Juveniles are initially placed in a facility based upon the level of infraction they commit. In some instances, however, facility assignment can be changed based upon a juvenile’s conduct while in placement.

The Commission learned that youth gangs are a significant problem within the State’s juvenile justice facilities, where gangs like the Bloods, Crips, MS-13, and the Latin Kings have made their presence known. Juveniles who are already gang-involved when they enter detention are spreading their gang message inside the facilities, corrupting fellow detainees who are young and impressionable. Gangs within juvenile facilities pose a significant safety risk to other detainees and staff members. Gang members physically attack each other, administrators and counselors, and cause violent disturbances within the facilities. The Commission learned that reports of female gang activity within the facilities have increased significantly in recent years. Whether or not this phenomenon is actually the result of increased female gang activity, or simply attributable to greater monitoring and reporting by facility staff members is unknown.⁸⁵

OCFS suppresses gang activity by transferring offending juveniles to more restrictive facilities and requiring that they spend additional time in confinement. Yet, OCFS realizes that

⁸⁴ Secure facilities house juvenile offenders (under sixteen years of age) and youthful offenders (generally under nineteen years of age) whose cases were adjudicated in the criminal court system due to higher levels of charged criminality. Such offenders have been sentenced to more time in confinement, and may be transferred to adult correctional facilities once they reach a certain age to serve out the remainder of their sentence. Limited and non-secure facilities house juvenile delinquents whose cases are adjudicated in the family court system. Juveniles housed in limited-secure and non-secure facilities have engaged in lower level criminality and have been sentenced to less time in confinement or some alternative form of monitoring by the courts.

⁸⁵ Interview of Gregory Owens, Director of Special Projects, Office of Strategic Planning and Policy Development, OCFS.

suppression alone is not the solution to youth violence and gang activity. In April 2005, OCFS instituted a policy initiative designed to target youth gangs and youth violence. This new policy employs strategic approaches to dealing with gangs within facilities, as well as the community at large. OCFS now supports and promotes the comprehensive gang model espoused by the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention ("OJJDP"). The model promotes collaborative partnerships between government agencies and community stakeholders such as local business owners, community-based organizations, clergy, and residents in an effort to target gang activity. While formulating its gang prevention strategies, OCFS has embraced programs with proven demonstrable results. This evidence-based programming philosophy allows OCFS to be more efficient and effective. In addition to new prevention and intervention strategies, OCFS is also investing in up-to-date gang awareness training for staff and attempting to incorporate more input from the juveniles housed within the facilities when formulating policies and programs.

OCFS is also targeting the roots of youth gang activity and youth violence by offering programs and services designed to address underlying emotional and psychological issues faced by juveniles in their custody. Eighty-five percent of the detainees within the State's juvenile justice system have experienced some type of trauma such as the loss of a parent or physical or mental abuse. This startling statistic has caused OCFS to take a more individualized therapeutic approach in dealing with the juveniles in their custody. As the Commission heard from numerous experts throughout this investigation, youth violence and gang activity usually have deep-seated roots that cannot be addressed appropriately with a "just say no to gangs" philosophy.

New York City's Department of Juvenile Justice ("DJJ") is responsible for the custody and care of detained juveniles, ages seven through fifteen, whose cases are pending or who are awaiting transfer to State facilities post-adjudication.⁸⁶ As compared to OCFS, which is responsible for juvenile custody on a long-term basis, DJJ has only a small window of opportunity to address mental health and behavior issues. Nevertheless, its staff is trained to

⁸⁶ A DJJ representative informed the Commission that detained juveniles spend an average of twenty-nine days in its custody.

recognize indicia of gang activity such as literature and clothing, and to confiscate such items. While not designed specifically to address gangs, DJJ has implemented a new behavior management program called “ASPIRE”⁸⁷ that rewards positive conduct. Youths also receive mental health services, drug screening and treatment through a program established in conjunction with the Vera Institute of Justice, and educational services. Finally, to ensure that necessary medical and mental health services are continued once a juvenile leaves its custody, DJJ provides discharge-planning services.

Schools

Youth gangs in schools contribute to a climate of fear and intimidation and undermine the academic process for many students. At the Commission’s October 2005 hearing, Mary Grenz Jalloh, Executive Director of the New York State Center for School Safety, cited recent government reports reflecting that nearly one-quarter of students between the ages of twelve and eighteen reported a gang presence in their schools.⁸⁸ Students expressed myriad concerns about gangs, including encountering gang members while walking to and from school and feeling threatened by displays of gang graffiti indicating territorial claims both inside and outside school; threats and harassment by gang members in or near school, potential gang violence within schools, the presence of weapons in schools, tension and fights between racially and ethnically divided groups or students, peer pressure to join a gang, and being mistaken for a gang member by other gang members or school staff.⁸⁹

The Commission learned that students are finding a number of different ways to deal with the gang presence in their schools. Unfortunately, for many students, the option of “just saying no” to gangs is not a realistic alternative. Some students succumb to the pressure of their gang-involved peers and join a gang. Others, fearing violent reprisals from the gangs, may become truant or stop attending school altogether. In some larger jurisdictions, students may apply for a “safety transfer,” which allows them to enroll in another school. Relocation, however, can be both socially and academically disruptive for the student, and students may face gang activity at

⁸⁷ “ASPIRE” stands for Action, Safety, Participation, Initiative, Responsibility and Education.

⁸⁸ Testimony of Mary Grenz Jalloh, October 25, 2005, at 141 (citing a 2000 report by OJJDP and the 2003 school crimes supplement to the National Crime Victimization Survey).

⁸⁹ Testimony of Mary Grenz Jalloh, October 25, 2005, at 142.

the school to which they transfer. Moreover, in smaller cities like Albany, where there is only one public high school for the entire city, a safety transfer is not an option.

Throughout its investigation, the Commission heard that schools are a major source of recruitment for gangs, second only to correctional facilities. Gangs target young people for a number of reasons. For recruiters, entreating others to join a gang artificially raises their self-esteem. More cynically, adult gang leaders recruit juveniles because they know that juveniles are not subject to the same criminal penalties. The Commission learned through its investigation that schools with a gang problem frequently do not acknowledge it. Sometimes this failure results from school administrators' view that any activity outside the school's gates is not a

“school” problem. For example, the Commission heard an account from Buffalo Police Department Detective Kevin Maloney regarding his experience picking up a juvenile Bloods gang member who was dressed completely in red clothing, had the Bloods “dawg paw” brand, was armed with a knife, and was selling marijuana. Detective Maloney brought the juvenile to the school principal. Much to Detective Maloney’s surprise, despite the obvious gang indicia, the principal denied that there were gang members in



Courtesy of NY State Police Inv. Jason Robles

the school. After pointing out to the principal that the student was dressed in gang colors, had a Bloods’ brand, and was selling marijuana in a Bloods gang area that is covered with Bloods gang graffiti, Detective Maloney stated his belief that the school did in fact have a gang problem. Detective Maloney told the Commission that he was stunned when the principal told him that, as long as the student’s conduct did not take place while the student was on school grounds, the principal did not consider it a school problem.⁹⁰ Students do not shed their gang mentality and their gang loyalties at the schoolhouse steps.

School administrators may also be reluctant to acknowledge a gang presence because such acknowledgement can be detrimental to the school and the surrounding community. With the enactment of the federal No Child Left Behind Act in 2002, schools are now ranked based

⁹⁰ Testimony of Kevin Maloney, October 25, 2005, at 248.

upon, among other things, the number of reported violent incidents. Those schools with a large number of incidents are considered persistently dangerous schools. This negative connotation besmirches the school's reputation, including that of its staff and students. It can also affect the real estate values of the homes surrounding the schools. As a result, new families are reluctant to move into such communities and existing families want to move out,⁹¹ with the inevitable result of reducing the value of their homes and limiting their freedom of choice.

In July 2000, Governor George E. Pataki signed into law Project SAVE (Safe schools Against Violence in Education), comprehensive legislation to promote a safe and effective learning environment within New York State's schools.⁹² Schools throughout the State are required to abide by the components of Project SAVE, which include the creation of district-wide safety plans, codes of conduct, removal procedures, uniform violent incident reporting systems and school violence prevention training. In accordance with this legislation, schools throughout the State have developed different strategies for combating gang activity and school violence, including the assignment of school safety officers, implementation of gang prevention programs, and enrollment of some students in Secondary Opportunity Schools. These strategies suppress gang activity while simultaneously providing intervention and prevention services for students.

Many schools throughout the State utilize a school-based law enforcement staff to provide a safe and secure learning environment for students and staff members. For example, the New York City Department of Education ("DOE")⁹³ and Police Department ("NYPD") actively assist school administration officials in combating crime, violence and disruption within their schools.⁹⁴ The NYPD and DOE have placed School Safety Agents ("SSAs")⁹⁵ within individual schools and assigned Field Intelligence Officers ("FIOs") to gather and disseminate information about gang activities within New York City Schools. SSAs are required to

⁹¹ Testimony of Mary Grenz Jalloh, October 25, 2005, at 145-46.

⁹² See <http://www.mhric.org/scss/save.html> (New York State Center for School Safety website section describing Project SAVE).

⁹³ The Department of Education is responsible for more than 1,400 schools that serve over 1.1 million students.

⁹⁴ Prior to 1998, the Division of School safety was a separate entity. The incorporation of the division into the NYPD allows both agencies to maximize their crime fighting efforts in the schools.

⁹⁵ The SSAs differ from regular police officers, in that they are contractually bound to remain at a particular facility and do not perform routine law enforcement duties outside of the schools.

document and report immediately any gang recruitment activities, gang graffiti, and gang-related crimes and violence observed on or near the school grounds. FIOs attend weekly meetings of the NYPD's Gang Unit in Brooklyn to share the information that the SSAs have gathered, which is also later disseminated to school and other law enforcement officials. Recently, these efforts appear to have had a positive effect, as the number of violent crimes within New York City public schools decreased sixteen percent from 2004 to 2005.⁹⁶ Similarly, schools outside of New York City have addressed gang issues by adding School Resource Officers. Rochester Police Department School Resource Officer Moses Robinson testified that, through his interaction with students at his school, he was able to gather information on one of the city's most violent gangs, Dip Set, long before the gang was known to law enforcement.⁹⁷

Because a strong law enforcement presence is now required to provide adequate school safety, some school systems have taken steps to ensure that their schools are still perceived as academic institutions and not police or penal facilities. In New York City, SSA's are trained to use positive reinforcement and problem solving techniques when dealing with gang problems.⁹⁸ Officer Robinson testified that, to be effective at his school, he needs to wear multiple hats. In addition to being a law enforcement officer, he attacks gang activities by providing classroom instruction to students and informal counseling to students and parents, and conducting safety, alcohol treatment and drug prevention programs.⁹⁹

Gang Prevention and Intervention Curricula

During its investigation, the Commission learned of a number of positive school curricula that address gang problems within schools. While "mainstream" institutional programs are commonly implemented by school districts, new and innovative programs are also making strides in gang prevention and intervention.

⁹⁶ Interview of Rose Albanese-DePinto.

⁹⁷ Testimony of Moses Robinson, October 25, 2005, at 41.

⁹⁸ For a discussion of the Vera Institute of Justice's "Affirm" curriculum, which is used to train SSAs, see http://www.vera.org/project/project1_1.asp?section_id=5&project_id=2.

⁹⁹ Testimony of Moses Robinson, October 25, 2005, at 36.

Throughout New York State, schools are utilizing the Gang Resistance Education and Training (“G.R.E.A.T.”) Program. The G.R.E.A.T. Program, which now operates nationwide, was developed in 1991 by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and the Phoenix Police Department. The program, which is taught in school classrooms by law enforcement officers, is intended to immunize students against delinquency, youth violence, and gang membership.¹⁰⁰ In 1995, the United States Department of Justice, Office of Justice Programs initiated a five-year longitudinal evaluation of the program which showed that students who completed the program had lower levels of victimization, more negative views about gangs, and more favorable views about law enforcement. In addition, the program reduced risk-seeking behaviors and increased association with peers involved in pro-social activities.¹⁰¹ The G.R.E.A.T. program does have its detractors, who are concerned that the program’s successes are minimal and that its “just say no” perspective has little real world application for inner-city children who are surrounded by gangs. Those detractors argue that the G.R.E.A.T. program fails to empower and engage its target audience of at-risk youth and to address the underlying psychological and social issues they face.

Council for Unity is a gang intervention program that has operated in schools in New York City, and other locations throughout the State, as well as in foreign countries.¹⁰² The brainchild of Robert DeSena, a former New York City English teacher, Council for Unity works to empower its participants and increase their self-esteem by allowing them to work together to resolve gang issues and other conflicts. Council for Unity’s participants proactively seek to provide a family culture and find ways to achieve unity where there is fragmentation along ethnic and other lines.

Council for Unity was founded in 1975 at John Dewey High School in Coney Island, Brooklyn. The organization’s birth was the result of a response to a gang incident there between African-American and Italian gangs. Mr. DeSena, then still a teacher, intervened, and mediated

¹⁰⁰ See www.great-online.org.

¹⁰¹ See Finn-Aage Esbensen, *Evaluating G.R.E.A.T.: A School-Based Gang Prevention Program*, U.S. Dep’t of Justice, Office of Justice Programs, National Inst. of Justice, June 2004 (available on the Internet at www.ncjrs.gov/pdffiles1/nij/198604.pdf).

¹⁰² The organization now reaches inmates in juvenile detention and correctional facilities. It also reaches populations that cannot otherwise be reached through schools. Instead it reaches those populations through community centers in partnership with the Boys & Girls Clubs of America.

a settlement crafted by the gang members themselves. Two years later, the original members helped resolve a racial incident at the school. The program has grown, and is now in forty New York City schools, an institutional foster home in Yonkers, and schools in Riverhead, Central Islip, and Brentwood, which are located on Long Island.¹⁰³ Alumni coordinate community projects and perform outreach work. The program is funded by a number of entities, including the New York State Department for Youth and Community Development, the New York City Department of Education, and various New York State Board of Cooperative Educational Services programs.

According to its own statistics and those measured by the New York City Department of Education, attendance and graduation rates have risen dramatically in schools with Council for Unity chapters. The organization's success is not only reflected in numbers, however, as Kyle Harmon demonstrated at both the Commission's Rochester and Albany hearings. Mr. Harmon is now a Site Coordinator for Council for Unity, but joined the group as a member at Christopher Columbus High School in New York City.

Mr. Harmon testified that, as a fifteen-year-old high school student, he lacked self-esteem. After a Bloods gang member killed a close friend, he joined a rival Crips gang. Two years after joining the gang, Mr. Harmon stumbled onto a Council for Unity school trip. Initially attracted by the prospect of a free lunch, he stayed with the group because he found that they were discussing the kinds of issues he was facing, including low self-esteem, and losing family members. He found that the setting enabled him and his classmates to change themselves. It allowed members of different cultures to understand each other and to focus on their success in a real way. A large percentage – Mr. Harmon believed it was approximately ninety percent – of the class graduated, and many of those who did went on to college.

¹⁰³ Council for Unity also has international chapters in schools in Sweden and Moldova, and in other locations in the United States including Kentucky and San Francisco, California.

Secondary Opportunity Schools

In New York City, students who have amassed serious infractions of the disciplinary code¹⁰⁴ can enroll in a Secondary Opportunity School (“SOS”). Such schools serve a vital function by addressing the behavioral and academic needs of students who are no longer allowed to remain in a traditional school setting. Children are assigned to an SOS to significantly change their attitude, behavior, and academic performance.

The Commission learned about the positive aspects of one SOS through the testimony of Barry Addison, who refers to himself as “Mr. B.” Mr. B is the Chief Executive Officer of Alpha School, which was established in 1970 and is located in the heart of East New York, a low-income Brooklyn neighborhood. Currently, approximately 115 students between the ages of sixteen and twenty-one years old are enrolled in the school. They were sent to Alpha School after exhibiting bad behavior, including fighting, gang-related violations, and chronic truancy.

Mr. B told the Commission that a regimen of love and understanding, coupled with discipline and structure, are the keys to the school’s success. Unlike traditional schools that focus primarily on academics, Alpha School recognizes that its students face a multitude of issues that may inhibit their ability to excel academically. Using a holistic approach, Alpha School administrators deal with their students’ mental and emotional well being before addressing their academic needs. Mr. B and his staff are trained to recognize a student in need of assistance. Students who experience difficulty in class are removed and brought to a faculty member who will discuss with the student any problems he or she is having. Frequently, the faculty member will inquire about the student’s financial stability, family issues, and personal relationships to determine what assistance may be needed. In addition to offering academic

¹⁰⁴ The City’s Department of Education annually distributes its Citywide Standards of Discipline and Intervention Measures (the “Code”) to every child. The contents of the Code are constantly updated and introduced to the students in the context of an academic lesson, after which, the students are required to bring the copy home for their parents’ review. The Code not only includes general prohibitions against violence and crime, but specifically includes infractions based upon gang-related behavior (e.g., wearing gang related apparel, writing graffiti, making gestures or signs) and engaging in threatening, dangerous or violent gang-related behavior. The Code also categorizes the accompanying disciplinary response for each infraction, which ranges from student-teacher conferences to suspensions and/or expulsions.

instruction, Alpha School offers substance abuse and mental health counseling, job training and career development services.

In June 2005, Alpha School graduated more than forty students who were registered to attend college in the fall. In the nine years since he has been in charge of Alpha School, Mr. B has not had one incident of violence and has never had to have the police respond to his facility, even though there are no metal detectors or security officers within the facility.¹⁰⁵

SUPPRESSION

Federal Investigation and Prosecution

In New York State, federal prosecutors and agents are intimately involved in investigating and prosecuting gangs.¹⁰⁶ With ever-increasing frequency, these federal authorities work closely – and in many cases together – with members of the State and local law enforcement community under programs such as Operations IMPACT and Cease Fire. Joint task forces like the Long Island Gang Task Force (comprised of members of the FBI and New York State Police) play an important role in combating gang activity. The following are some of the legal and strategic tools used by federal authorities.

RICO Cases

Enacted in 1970 as a tool to combat organized crime, the Racketeer Influenced and Corrupt Organizations (“RICO”) Act¹⁰⁷ provided federal authorities with powerful new prosecutorial tools. Originally intended to enable federal prosecutions of traditional organized crime groups, the statute’s application has since been expanded, and prosecutors now use it to target criminal street gangs. Under RICO, a person who commits any two of thirty-five designated crimes within a ten-year period and has committed those crimes with a similar purpose or result can be charged with racketeering. Included in the enumerated offenses is any

¹⁰⁵ Testimony of Barry Addison, November 1, 2005, at 324.

¹⁰⁶ By contrast, in California, federal prosecutors have very little involvement, in part because local prosecutors’ offices are much larger in Los Angeles and other areas with historically high gang concentration, and California has enacted comprehensive gang legislation that addresses these issues.

¹⁰⁷ 18 U.S.C. §§ 1961-68 (2006).

act or threat involving murder, kidnapping, arson, robbery, extortion or dealing in controlled substances. Because these are typical street gangs' activities, federal prosecutors have been able to use RICO to target and prosecute them.

The RICO statute enables prosecutors to charge defendants with engaging in a criminal enterprise. The offenses committed by individual defendants in furtherance of the criminal enterprise, which are referred to in the statute as "overt acts," are used solely to support the prosecution's conspiracy theory. RICO allows federal prosecutors to include offenses committed by an individual defendant even if the defendant has previously been charged with and/or acquitted of the offense in a state court. Since a RICO prosecution does not charge a defendant with the specific overt act offenses, federal and state constitutional double jeopardy protections do not apply.

The recent prosecution of the Boot Camp gang in Syracuse is an example of a successful federal gang prosecution. In 2002, Syracuse saw an unprecedented twenty-five homicides. Many were attributable to Boot Camp, a gang of approximately thirty African-American men under the age of twenty-five who engaged in narcotics trafficking and gun sales, as well as the violence attendant to those activities. Most Boot Camp members grew up together on Syracuse's south side. Boot Camp members dressed in fatigue uniforms, "threw" hand signs to show their gang affiliation, and wore gang tattoos. The Gang even had a subset of younger members between twelve and fifteen years old, which they dubbed "Baby Boot Camp."

Before the United States Attorney's Office became involved, Boot Camp members were typically arrested by local law enforcement for weapons or narcotics offenses and were prosecuted within the State system. Boot Camp defendants would frequently plead guilty and receive light sentences. After serving their time, they would return to their illegal activities. Victims and witnesses were afraid to cooperate with local authorities and the gang was emboldened to engage in more criminal activity since members believed they could act with virtual impunity. In January 2003, the United States Attorney's Office for the Northern District of New York in conjunction with the Central New York Gang Task Force (the Syracuse City Police Department, the Onondaga County Sheriff's Office and the Onondaga County District

Attorney's Office) began investigating street gangs in Syracuse. The team eventually set its sights on Boot Camp and began investigating Boot Camp's illegal activities. The United States Attorney's Office and the Task Force together were able to review and analyze old arrest and conviction records, incident reports and other documentation that had been compiled on individual gang members and use it to build a strong RICO case against twenty-six Boot Camp members. All of the Boot Camp members have since pleaded guilty or been convicted of one or more federal offenses and are currently serving average sentences of fifteen years.

The Boot Camp case represents the first time that the RICO statute was utilized to prosecute a street gang in Syracuse and sent a strong message to other gangs in the area. Since the Boot Camp prosecution, the City of Syracuse has seen a forty percent drop in the homicide rate and a ninety-two percent drop in narcotics activity in the former Boot Camp territory. As a result of the case, federal and local law enforcement agencies in Syracuse have formed task forces to foster continued cooperation in these types of investigations.

The federal prosecution of a local gang is significant because it reflects the reluctance of local prosecutors to utilize New York State's Organized Crime Control Act ("OCCA") to prosecute gangs.¹⁰⁸ As the Commission learned by discussing this issue with local prosecutors, although OCCA is patterned after RICO, the State statute is more complex, and more difficult to apply than its federal counterpart. Additionally, an OCCA violation is classified only as a B felony. Since many of the crimes committed by gang members are class A felonies, under which defendants can be sentenced to substantially longer prison terms, local prosecutors have no reason to seek convictions under OCCA.

Project Safe Neighborhoods

As testimony before the Commission elicited, gangs traffic in guns for profit and also use them to facilitate other criminal activities. Project Safe Neighborhoods is a nationwide program designed to reduce gun crime throughout the country by developing and promoting strategic problem solving collaborations between local and federal law enforcement agencies, researchers

¹⁰⁸ N.Y. Penal Law § 460.20 (2006).

and community based organizations.¹⁰⁹ In 2001, President George W. Bush announced this initiative, and over \$1 billion has been allocated to the program in its first four years. The funds are being used to hire new prosecutors and investigators, provide training, promote gun safety, and develop and support community outreach programs and other gun violence reduction strategies.

Prosecuting firearms violations is another area where local prosecutors often look to the federal government for assistance. The Commission heard testimony from Grace Cucchissi, Deputy Bureau Chief of the Narcotics and Gang Bureau in the Nassau County District Attorney's Office, that she is responsible for the administration of the Project Safe Neighborhood Gun program in her jurisdiction. When a defendant is arrested locally for possession or use of a firearm, Ms. Cucchissi makes a determination about whether to prosecute the case locally or refer the matter to ATF and the United States Attorney's Office for federal prosecution. This determination usually depends on which jurisdiction can mete out stiffer punishment.

Deportation

The federal government is also using deportation as a tool to combat criminal street gangs. In February 2005, the United States Bureau of Immigration and Customs Enforcement ("ICE")¹¹⁰ launched Operation Community Shield, a national law enforcement initiative designed to apply ICE's law enforcement powers to violent street gangs. While the initial focus of ICE was MS-13, the program was expanded to include all violent street gangs that pose a risk to the public for which deportation was applicable.

In the first year of Operation Community Shield, more than 2,388 known gang members and gang associates were been arrested nationwide.¹¹¹ ICE has offices in Buffalo, New York City and Long Island. According to ICE, the Long Island immigrant population is almost

¹⁰⁹ See <http://www.projectsafeneighborhoods.gov/about/index.html>.

¹¹⁰ The largest investigative arm of the Department of Homeland Security, ICE is responsible for investigation, intelligence collection and analysis, detention and deportation of criminals. ICE also works actively with other federal, state and local law enforcement agencies. ICE was created in March 2003 by the merger of the U.S. Customs Service, the U.S. Immigration and Naturalization Service and the Federal Protective Service.

¹¹¹ See www.dhs.gov/dhspublic/display?content=5478

400,000,¹¹² and the ICE office there has been responsible for the identification, apprehension and initiation of deportation procedures for more than one hundred violent gang members, including some local MS-13 clique leaders.¹¹³ ICE has been involved in more than twenty criminal arrests of MS-13 members in New York for offenses including Felony Reentry after Deportation, Possession of Narcotics with Intent to Distribute, Possession of Weapons, and Rape.¹¹⁴ In addition to its work on Long Island, ICE works with prosecutors in other locations such as Rockland County,¹¹⁵ where ICE currently conducts sweeps for illegal aliens in gang-infested areas.

ICE has also partnered with DOCS in an effort to identify inmates who are in the United States illegally and ensure that those inmates are deported upon completion of their sentences. ICE has representatives within the State's DOCS reception center. Those representatives are responsible for inmate classification and work to ensure that no inmates are released when they should be deported.¹¹⁶ The Commission learned, however, through discussions with immigration officials and prosecutors that no system exists through which defendants who are in this country illegally are automatically "red flagged" upon arrest. As a result, some illegal aliens who could be subject to deportation are being released when their immigration status goes unchecked.

The government's deportation strategy is not without its critics, who charge that the program has led to the spread of gangs like MS-13 throughout Central and South America. Moreover, as the Commission learned from numerous members of law enforcement, deported gang members return to the United States, traveling with comparative ease over the porous southern border. Ismael Cisneros, one of the MS-13 gang members convicted of killing a witness, noted in December 2005 that "they deported me and I came back and everyone they deport is going to come back."¹¹⁷

¹¹² In its testimony submitted to the Commission, ICE cited the 2000 U.S. Census as the basis for this figure. *See* Written testimony submitted by Jeffrey Knopf, ICE, November 1, 2005, at 3.

¹¹³ *Id.* These statistics are current as of November 1, 2005, when ICE submitted testimony at the Commission's hearing in Hauppauge.

¹¹⁴ Written testimony submitted by Jeffrey Knopf, ICE, November 1, 2005, at 3.

¹¹⁵ Testimony of Michael Bongiorno, November 1, 2005, at 402.

¹¹⁶ Interview of Richard Roy, Inspector General, New York State Department of Correctional Services.

¹¹⁷ 60 Minutes: The Fight Against MS-13 (CBS television broadcast, Dec. 4, 2005) (transcript available at www.cbsnews.com/stories/2005/12/01/60minutes/main1090941_page3.shtml).

Witness Protection Statute

The Federal Witness Protection Program¹¹⁸ is designed to provide long-term protection for witnesses, their family members and close associates. The program offers the assignment of new identities where retribution is a concern. It has been used to protect witnesses like Sammy “The Bull” Gravano and Henry Hill in organized crime cases, and now is used to protect witnesses in gang prosecutions. In virtually all instances, witnesses are protected in cases being tried in federal courts, though the applicable statute does provide for witness protection in state prosecutions.¹¹⁹

Historically, the program has successfully protected witnesses and their families who follow the program’s rules: stay inconspicuous and avoid contact with those who might reveal their whereabouts. The program allows prosecutors to offer an avenue of protection to those who would otherwise refuse to testify for fear of retribution. Recently, the Justice Department has had difficulty with enrollees who lack discipline and fail to follow the program’s rules. The most notorious incident of this sort involved Brenda Paz, a seventeen year-old former MS-13 member who was witness to several murders. Ms. Paz continued to associate with her old friends, and ultimately left her safe house and returned to northern Virginia where MS-13 members killed her and dumped her body in a river.¹²⁰

Obstacles to Federal Investigation and Prosecution of Gangs

While federal prosecutors have been a vital part of gang suppression in New York, they face both jurisdictional and pragmatic constraints. Authority to prosecute juveniles is quite limited.¹²¹ Since many gang members are younger than eighteen, federal prosecution does not address most juvenile criminal issues. Jurisdiction also proscribes federal prosecution of “simple” homicides, where no federal jurisdictional issues are implicated.¹²²

¹¹⁸ 18 U.S.C. § 3521.

¹¹⁹ In the Commission’s investigation, it found no local prosecutors who had used the federal witness protection program for a witness.

¹²⁰ See Daren Briscoe, *The New Face of Witness Protection*, Newsweek, May 2, 2005, at 56.

¹²¹ See 18 U.S.C. § 5032 (2006).

¹²² See U.S. Const. Art III, § 2. Federal prosecution of homicide can only occur where, e.g., the victim is a federal agent or where the victim is transported across state lines.

The Commission found that, as a practical matter, in some instances, local prosecutors are most familiar with and in the best position to target local gangs. Moreover, federal prosecutors have limited manpower compared to local prosecutors. For example, in Rochester, the United States Attorney's Office has eleven assistants who prosecute criminal cases. By comparison, the Monroe County District Attorney has seventy criminal prosecutors. The enactment of comprehensive gang legislation would permit local prosecutors to target gang activity specifically and effectively.¹²³

New York State Prosecutions and Related Joint Programs

During its investigation, the Commission met with many of the State's district attorneys, members of the Attorney General's office, and members of the juvenile justice community, many of whom testified or submitted testimony at the Commission's hearings. The Commission learned how they work with the police to investigate and prosecute gangs, and about their successes to date. The Commission also learned of the weaknesses and difficulties that police and prosecutors encounter in trying to combat street gang crime.

Local prosecutors and police officials in New York State are working hard to combat gangs, often with limited resources. They have made strategic changes consistent with programs such as Operation IMPACT and Operation Cease Fire, which are discussed below. For example, some district attorneys, such as Monroe County District Attorney Michael Green, are limiting plea bargaining and seeking longer State prison sentences for violent criminals, drug dealers, and those who possess illegal guns. District Attorney Green's office has carried out enforcement actions against local gangs such as Thurston Zoo and Dip Set, both of which were tied to numerous homicides in Rochester. Additionally, local prosecutors are now working with each other, and with other local, State, and federal agencies to combat gangs. The Queens County District Attorney's Office works with the NYPD, ICE, and State probation and parole

¹²³ For example, in California, the enactment of comprehensive gang legislation allows district attorneys' offices to handle gang crime effectively without significant involvement from federal prosecutors. The Commission notes that California's multi-generational gangs are significantly different from New York's, and are a greater problem. According to the Los Angeles County District Attorney's office, Los Angeles alone has 1,400 documented gangs.

officials.¹²⁴ On Long Island, where Nassau and Suffolk Counties run almost seamlessly into one another, prosecutors from each county's district attorney's office work together. As representatives from both counties noted, prosecutors need to ignore boundaries and work together because "gangs know no boundaries."

Similarly, several years ago, the Erie County District Attorney's Office began coordinating with different law enforcement agencies to combat gangs in the Buffalo area. The first gang set that the Buffalo Police Department investigated was a Blood set described previously, Sex Money Murder. That gang set was responsible for multiple homicides and wreaked havoc in Buffalo and neighboring Cheektowaga in late 2002. Through the combined efforts of the Buffalo and Cheektowaga Police, SMM was prosecuted, and its principals are now serving lengthy prison terms.

Buffalo Police Detective Kevin Maloney testified that, in 2003, after SMM was taken down, a new gang, the "Gangster Killer Bloods" (or "GKB"), stepped in to take their place. Buffalo-area law enforcement investigated GKB proactively, using shared intelligence from several Erie County agencies, including the District Attorney's Office, Probation Department, and Sheriff's Department, as well as several State agencies, including the State Police, Department of Criminal Justice Services and Division of Parole. Ultimately, GKB's leader was murdered by his chief lieutenant. The shooter later confessed to that crime and all of the gang's other leaders were prosecuted.

The Erie County District Attorney's office uses a regional police database that is coordinated and vetted by the Buffalo Police Department.¹²⁵ The database is updated on a daily basis. Erie County has also seen coordinated responses among the Sheriff, Police, and United States Drug Enforcement Administration. Using the database and other tools at its disposal, the District Attorney and federal prosecutors successfully shut down a gang set called the "Buffalo Taliban" (unrelated to the terrorist group) that had tried to take the place of the GKB.

¹²⁴ The Queens District Attorney's Office also co-hosts an annual Violent Gang Information Sharing Conference with the Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network.

¹²⁵ Due to a reorganization of the Buffalo Police Department in early 2006, the Special Services Unit responsible for this database is to be phased out.

Although they often result in positive outcomes, gang prosecutions can create significantly increased workloads for assistant district attorneys and other staff members in the State’s prosecution offices. According to Monroe County District Attorney Green, felony convictions in that county have increased approximately thirty-four percent in the past year, and prison sentences have increased almost two hundred percent, resulting in a great deal more work for his office.¹²⁶ Similarly, Queens County Assistant District Attorney Michael Brovner told the Commission that assistants in his office who are assigned to gang prosecutions are on call twenty-four hours a day responding to crime scenes, overseeing police line-ups and taking video confessions.¹²⁷

Representatives of local police agencies and district attorney’s offices who were questioned by the Commission consistently cited the gathering, analysis, and sharing of intelligence information as the key to successfully prosecuting gangs. As Buffalo Detective Maloney noted, law enforcement officials in his city made “complete sharing [of information] the norm, and holding back an as-needed exception.”¹²⁸ As an example, the Buffalo Police Department gave its complete gang list – which it referred to as its “Holy Grail” – to the State Police, State Division of Parole, State Department of Probation, and the Erie County District Attorney’s Office. Detective Maloney told the Commission that, “[a]ll those things that traditionally were held close within law enforcement intelligence, we gave it out. We just made it our pattern and practice.”¹²⁹ Furthermore, several New York cities, including Buffalo and Rochester, have learned to use police officers on patrol as active intelligence gatherers and are educating police and non-traditional partners about gangs.

Operation IMPACT

In 2004, Governor Pataki announced the establishment of Operation IMPACT, a law enforcement initiative designed to target the seventeen counties outside of New York City with disproportionately high crime rates. The IMPACT program requires that individual counties form partnerships among federal, State and local law enforcement agencies in order to target

¹²⁶ Testimony of Michael Green, October 25, 2005, at 66.

¹²⁷ Testimony of Michael Brovner, November 1, 2005, at 355.

¹²⁸ Testimony of Kevin Maloney, October 25, 2005, at 243.

¹²⁹ *Id.*

crime in a more comprehensive manner. IMPACT funding is currently almost \$17 million per year.

The four guiding principles that underpin Operation IMPACT are:

Law enforcement works best as a team

State Director of Criminal Justice Chauncey Parker testified about the importance of all area law enforcement agencies literally sitting at the same table to come up with joint strategies to combat crime: “It’s almost like the image of D-Day.”¹³⁰ The Commission has seen this exemplified first-hand in Rochester at an Operation Cease Fire meeting, as well as in jurisdictions such as Buffalo and Nassau County, where the Street Gang Task Force is composed of federal, State, and local law enforcement agencies.

Law enforcement must think like a business

Mr. Parker testified that using timely and accurate statistics allows stakeholders to craft appropriate strategies to respond to criminal activity, noting that police can better respond to crime occurring regularly at a certain time in a certain pattern if they know when and how it is occurring.

Sharing information is absolutely essential

Mr. Parker noted that all IMPACT participants must input data into the Safety Net database that is maintained in Albany and New York City. He impressed upon the Commission the importance of information sharing in a State where the Thruway and other roads facilitate drug trafficking:

It becomes important because a gang member from Syracuse who comes to Washington Heights to buy cocaine to sell on the streets of Syracuse may get arrested in New York City and he becomes a target in New York City, but Syracuse never knows because nobody ever put that information in a central database. [The Safety Net database] is basically the air traffic control system for

¹³⁰ Testimony of Chauncey G. Parker, January 10, 2006, at 121.

criminal justice. That's something that's critical and we connect the dots throughout the State.¹³¹

While Safety Net is effective as a “traffic control” mechanism – alerting a law enforcement agency that another agency is investigating the same person – it is not an intelligence database. That is, law enforcement cannot use it to find out information about a particular target from that database, such as what gang set he belongs to. To address that need, a separate gang database would be required.

Effective strategies are required

This principle connects back to the second principle as data reflect whether strategies are effective at lowering crime. Mr. Parker noted that while violent crime in Rochester had initially been reduced under Operation Cease Fire, it has risen again, requiring a review and reconsideration of strategy and its implementation.

Operation IMPACT has been of tremendous assistance to local law enforcement in providing the assistance of the State Police, Department of Probation, and Division of Parole to patrol high crime areas, make arrests, and gather intelligence. The intelligence allows the Division of Parole to identify gang members and place curfews and travel restrictions on them in addition to intensive supervision. Parole has also intensified its drug testing of gang members as part of its IMPACT initiative. IMPACT sites have seen, to varying degrees, successful crime reduction.¹³² A number of district attorneys and local police chiefs impressed upon the Commission the importance of Operation IMPACT not only as a substantive crime fighting measure, but also as a critical method of paying for prosecutors' salaries and police overtime.

Suffolk County District Attorney Thomas Spota termed the results of the IMPACT task force as “startling.” From the inception of the Suffolk County Task Force in early October through the beginning of November 2005, the Task Force made 113 arrests. In one arrest not long before the Commission's Hauppauge hearing on November 1, 2005, task force members

¹³¹ Testimony of Chauncey G. Parker, January 10, 2006, at 125.

¹³² Of the seventeen IMPACT sites, Newburgh had the highest reduction of violent crime – seventeen percent from October 2004 through October 2005.

helped solve three attempted murders from another jurisdiction, and were also responsible for the subsequent apprehension of the perpetrator of those offenses in upstate New York.¹³³

The Commission heard testimony from Buffalo Police Detective Kevin Maloney that, as a result of Operation IMPACT, for the first time in the history of the department, Buffalo Police Officers and New York State Troopers were working together as partners, riding in the same patrol car while patrolling high crime areas.¹³⁴

Operation Cease Fire

Another innovative program being utilized by law enforcement agencies throughout New York State is Operation Cease Fire, which was created by Professor David M. Kennedy, Director of the Center for Crime Prevention and Control at John Jay College of Criminal Justice in New York City. Debuting in 1996 as the chief intervention tool of the Boston Gun Project, a groundbreaking, problem-solving, policing exercise aimed at serious youth violence, Operation Cease Fire is a violence reduction strategy that utilizes the resources of law enforcement agencies, community based programs and social services providers. It has received critical acclaim nationally and has been the recipient of numerous awards.

Professor Kennedy testified¹³⁵ that Cease Fire addresses gang crime based on the following principles:

- Gangs are mostly loose, fluid organizations of young men engaging in crime.
- While gangs are serious, lethal, and enormously damaging to communities, they are not highly organized criminal enterprises.
- Analysis of gang crime reveals that ninety to ninety five percent is not about making money, and rarely committed at the behest of someone in charge.

¹³³ Testimony of Thomas Spota, November 1, 2006, at 24-25.

¹³⁴ Testimony of Kevin Maloney, October 25, 2006, at 244.

¹³⁵ Testimony of David Kennedy, November 1, 2006, at 517.

- Gang violence is infrequently about money. Rather, it is the result of social friction. As Professor Kennedy testified, “This is not about economics. It’s about the Hatfields and McCoys, and it is about respect.”
- While some gangs claim connection to the Bloods or Crips, they usually are not connected to the west coast, and the purported connection to a nationally known gang almost never affects their behavior.
- Gang members are usually not sociopaths, though they can be lethal when they are caught up in a group dynamic where peer pressure is a motivating force. What too many believe is centrally directed activity is “simply the toxic outcome of that kind of unwritten, unspoken peer pressure.”
- While law enforcement generally cannot threaten juveniles with incarceration, it can incarcerate older members of gangs, who can pressure younger members who engage in violence.

Cease Fire makes an example out of the worst group in a given area. Law enforcement focuses its efforts on that group, making sure that parole and probation violations are addressed, and that criminal activity is prosecuted to the fullest extent possible. Once all members of the initial group are prosecuted, with its worst offenders incarcerated for decades, law enforcement gathers the members of other groups to attend a “call-in” meeting. At the call-in, which is usually conducted in a courtroom, representatives of numerous law enforcement agencies warn the members of the audience that future violence will be met with a targeted, coordinated response. A slide show is projected on a wall, consisting of photographs of gang members who have been targeted, prosecuted and sentenced to stiff prison terms. The message is clear: stop engaging in violence or you and your entire group will be next. At the call-ins, audience members are also offered alternatives to gang life. For example, in Rochester, after a frank discussion with street outreach workers, Pathways to Peace, a local community outreach program, conducts job training, and provides information about employment and educational opportunities.

Through this strategy, Operation Cease Fire attempts to reverse the peer pressure of each group. Instead of pressuring each other to engage in violence, gang members pressure each other

not to engage in criminal behavior, especially violent criminal behavior, which will attract law enforcement's attention to the entire gang. Moreover, the program works because it enables gang members to put down their guns without losing face.

Operation Cease Fire has been beneficial even in areas such as Newburgh where the operation's emphasis on collaboration – and not just with law enforcement – has resulted in successful outreach to the community in a very short time period. Although the operation had been operating for a matter of weeks at the time of the Commission's Rochester hearing in October 2005, Newburgh Police Lieutenant Arnold "Butch" Amthor testified about its effectiveness. Lieutenant Amthor noted that since the program was initiated, Newburgh had experienced no crimes of violence in the target geographic area, and had essentially shut down its gang-operated, "open air" drug markets that had operated in plain view.

Organized Crime Task Force Investigations and Prosecutions

The New York State Organized Crime Task Force¹³⁶ ("OCTF") also plays a significant role in addressing gang crime throughout the State. Focusing on and dedicating resources to narcotics trafficking cases, OCTF has increasingly assisted in lower-level and street-level cases. These efforts have led to arrest of more than 750 people on narcotics charges and the seizure of more than 1,360 kilos of cocaine, 42 kilos of heroin, 464 firearms, and the forfeiture of more than \$22.7 million from 1999 through 2005.¹³⁷

In 1994, OCTF established a permanent partnership with the Syracuse-based Drug Interdiction and Recovery Team ("DIRT") that has since borne fruit. The DIRT partnership consists of long-time, permanent members OCTF, the Onondaga County District Attorney's Office, and the Syracuse Police, as well as newer members: the United States Drug Enforcement

¹³⁶ Created by the enactment of New York State Executive Law §70-a in 1970, and placed within the Department of Law (the Attorney General's Office), OCTF is authorized to "conduct investigations and prosecutions of organized crime activities carried on either between two or more counties of this state or between this state and another jurisdiction." OCTF's staff is small, consisting statewide of fourteen attorneys and sixty investigators. J. Christopher Prather, the Deputy Attorney General in Charge, met with the Commission and subsequently submitted testimony to the Commission dated October 27, 2005.

¹³⁷ Submitted testimony of J. Christopher Prather, Deputy Attorney General in Charge, Organized Crime Task Force, October 27, 2005, at 1.

Administration and the United States Attorney's Office for the Northern District of New York. This task force's operations have led to multiple successful drug trafficking prosecutions.

Other task forces established by OCTF that are more ad hoc are still successful, including task forces in Niagara and Erie Counties. Most recently, the Ulster County District Attorney and the Kingston Police Department invited OCTF to assist in combating a nascent gang problem in Kingston, New York. Using two undercover officers supplied by OCTF, and a third undercover borrowed from a nearby police department, the team was able to make numerous drug buys from street dealers in Kingston. In cooperation with the Ulster County District Attorney, the cases were divided for prosecution.¹³⁸

OCTF also provides technical assistance to local law enforcement in certain cases using its authority under New York's Executive Law.¹³⁹ It uses and shares a high-tech system it built for executing court-authorized eavesdropping warrants. That system allows OCTF to maintain connections to high-speed data lines and switches that allow eavesdropping of devices such as cell phones and text message devices. Because OCTF has built and maintains this system, local law enforcement agents with whom the system is shared need not replicate it, saving time and money. The State Police are also connected to OCTF's network.

Obstacles to State Investigation and Prosecution of Gangs

As with statutes against hate crimes and organized crime, society views violent gang crime as particularly abhorrent and intolerable. It is appalling in its senselessness. A unique mindset is at work in maiming an innocent victim with a box cutter as part of an initiation rite, or in killing a person who enters a particular gang's territory. Moreover, the recruitment of children to engage in violent criminal acts is heinous. Combating gang crime requires a targeted response, and a number of individuals indicated to the Commission the following obstacles to successful gang investigations and prosecutions.

¹³⁸ At the time of this report's publication, these prosecutions were still pending.

¹³⁹ See N.Y. Exec. Law § 70-a.

Lack of Statutory Definition of “Street Crime Gang”

As noted above, New York State currently has no statutory definition of criminal street gang. It also lacks a penal statute that truly addresses gang crime, where “gang” means “criminal street gang.” The Commission learned through its investigation that the lack of a definition of “criminal street gang” and related terms has caused confusion between agencies and affected their ability to collectively target the problem in the most appropriate fashion. Numerous witnesses told the Commission that the lack of uniform gang definitions severely impacts accurate reporting of gang incidents and gang activity, which in turn may lead to statistical miscalculations that affect policy decisions, funding allocations, and resource deployment.

The Commission also learned that the lack of a gang statute might preclude the introduction of evidence of gang membership. Currently, if a prosecutor tries to introduce evidence of gang membership, a defendant can argue undue prejudice. Allowing prosecutors to introduce evidence of gang affiliation is appropriate because it clarifies the issues in gang cases, and puts into context for juries a defendant’s motivation for what otherwise appear to be totally senseless acts.

Inability to Obtain Roving Wiretaps

A number of prosecutors and others in law enforcement have noted that criminals are becoming more creative in avoiding the reach of law enforcement. Where, in the past, police could easily conduct wiretap surveillance of telephone conversations, the advent of cell phones, and particularly “disposable” cell phones has made that task much more difficult. Currently, prosecutors must seek a warrant to tap a given device. The prosecutor must show probable cause that a target is using a particular device to facilitate criminal activity and that evidence of the criminal activity will be obtained by tapping the device. Once probable cause can be shown, the court order authorizing the use of wiretap surveillance is limited to the particular device identified in the order. When a member of a gang switches phones, a prosecutor must seek a new warrant for the new phone. Several prosecutors complained that the relevant statutes have not kept pace with technology. They seek a change that would permit “roving” wiretaps, where the warrant specifies the target, not the particular phone being used.

Lack of Witness Protection Program

Through its investigation, the Commission was told that witness protection is as important an issue in local prosecutions of gangs as it is at the federal level. Gangs thrive on the fear they generate in their communities. Many district attorneys and their assistants told the Commission that victims and witnesses fear retribution from gang members and are often too afraid to talk about a crime, let alone testify at trial. Threats by gang members against witnesses and their families and friends have also caused some witnesses to leave their homes and relocate elsewhere. The unavailability of key witnesses often undermines a prosecutor's ability to gain a conviction.

Queens County Assistant District Attorney Michael Brovner provided an anecdote at the Commission's Hauppauge hearing that reflects the difficulty prosecutors frequently face in connection with gang prosecutions. In one of his recent gang cases, on the eve of trial, members of the gang beat the victim's brother and stole his cell phone. The gang members then text-messaged a death threat to everyone listed in the cell phone's "phone book."¹⁴⁰ Another prosecutor noted an incident in which a gang member, just before leaving a courtroom in which he had been sentenced, threatened a witness.

New York lacks a law or simple mechanism by which any local prosecutor can protect witnesses.¹⁴¹ District Attorneys' offices with larger budgets or with access to additional funds seized from and forfeited by criminal enterprises can occasionally afford to pay to protect witnesses, but smaller offices cannot. Moreover, money spent on witness protection is lost to other projects. While the Federal Witness Protection Program theoretically can be applied to local prosecutions, it is almost never used. Virtually every district attorney that the Commission contacted supports a statewide or national witness protection program to assist local prosecutions.

¹⁴⁰ Testimony of Michael Brovner, November 1, 2005, at 361.

¹⁴¹ While not a witness protection program, the New York State Crime Victim's Board does offer assistance to crime victims. Staff members accompany the victim to court proceedings. They provide up-to-date notifications of case developments, assistance with transportation to and from court, referrals to other agencies, and financial aid for expenses incurred as a result of a crime.

A number of prosecutors noted the expense in protecting witnesses, in part because the witness is not the only one who needs to be protected. Deanna Rodriguez, Chief of the Kings County District Attorney's Office's Gang Unit, testified that

when we have a witness who saw a gang-related crime, we don't only have to worry about protecting that witness, we have to protect his grandfather, [his] father, his mother, his siblings; all of whom have to live in the same area, where the gang members know that if they can't get the witness, they will know where the witness' family members are.¹⁴²

In 2003, United States Senators Charles Schumer of New York, Orrin Hatch of Utah, and Richard Durbin of Illinois introduced federal legislation¹⁴³ that would have established

within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in homicide and major violent crime cases and to provide Federal grants for such protection.¹⁴⁴

The bill would have appropriated \$90 million for each of years 2005, 2006, and 2007, but the bill did not pass. In 2005, Representative Elijah E. Cummings of Maryland introduced a similar bill in the House of Representatives¹⁴⁵ and, in February 2006,¹⁴⁶ Senator Schumer introduced a bill that is virtually identical to the 2003 bill.

Accomplice Corroboration Requirement

During its investigation, the Commission heard testimony concerning New York State's accomplice corroboration requirement – the prohibition against a conviction based solely upon the testimony of an accomplice – which greatly hampers the prosecution of violent gang crimes.

¹⁴² Testimony of Deanna Rodriguez, November 1, 2005, at 370.

¹⁴³ The Witness Security and Protection Act of 2003, S. 1982 (108th Congress, December 9, 2003).

¹⁴⁴ Witness Security and Protection Act of 2003, S. 1982, 108th Congress (2003).

¹⁴⁵ H.R. 908 (2005)

¹⁴⁶ S. 2246 (2006).

Federal law contains no such accomplice corroboration requirement,¹⁴⁷ nor does the Common Law. Specifically, New York’s Criminal Procedure Law¹⁴⁸ states:

A defendant may not be convicted of any offense upon the testimony of an accomplice unsupported by corroborative evidence tending to connect the defendant with the commission of such offense.¹⁴⁹

Many prosecutors with whom the Commission discussed this issue and the State’s Director of Criminal Justice supported the elimination of New York’s statutory requirement or its amendment to allow one accomplice’s testimony to serve as sufficient corroboration for another accomplice’s testimony.

As several prosecutors noted during the Commission’s investigation, while the statute’s requirements may be minimal, corroborative evidence must exist. Very often, the only evidence connecting gang defendants to their crimes is the testimony of fellow gang members. Gang leaders often resemble organized crime bosses in attempting to immunize themselves from detection and state prosecution. They deal through intermediaries and rarely execute underlying offenses. While undercover operations do result in prosecutable cases against gang members, prosecutors working within the State system too frequently cannot indict when accomplice testimony, no matter how credible, is the only evidence available. Daniel Alonso, a former New York County Assistant District Attorney and federal prosecutor,¹⁵⁰ testified before the Commission and noted that,

[i]n New York, ten accomplices can testify about the same crime against the eleventh person and everybody could be convinced beyond a reasonable doubt – or any doubt whatsoever – and that is not legally sufficient evidence.¹⁵¹

¹⁴⁷ Federal law only requires that accomplices’ testimony – or even one accomplice’s testimony – not be incredible on its face and be capable of establishing guilt beyond a reasonable doubt. See *United States v. Gordon*, 987 F.2d 902, 906 (2d Cir. 1993).

¹⁴⁸ N.Y. Crim. P. L. § 60.22(1).

¹⁴⁹ Subsection (2) of section 60.22 defines “accomplice.”

¹⁵⁰ Until the fall of 2005, Mr. Alonso served as Chief of the Criminal Division in the United States Attorney’s Office for the Eastern District of New York.

¹⁵¹ Testimony of Daniel R. Alonso, Esq., November 1, 2005, at 485.

Mr. Alonso testified that, had the federal government been hampered by this requirement, “many housing projects in the neighborhoods that we’ve cleaned up would still be terrorized to this day.”¹⁵² He provided the example of Emile Dixon, the leader of an East Flatbush gang called the Patio Crew, a violent local gang engaged in drug dealing. Dixon, whose motto was “snitches must die,” was convicted in federal court of killing two people based upon accomplice testimony. One victim was a witness against him in a State case, and the other an innocent man visiting a friend who was caught in gun crossfire. While some local prosecutors noted that they call upon federal authorities to avoid the State law requirement, others argued that they should not have to rely on available work schedules of federal prosecutors in order to address the scourge of gang crime. Finally, prosecutors criticized the statute for assuming that jurors are not capable of assessing witness credibility.¹⁵³ They believe that common sense allows witnesses to take into consideration any facts that suggest that a witness such as an accomplice may lack credibility, especially if the jury receives an instruction from the court to pay particular attention to such testimony.

GANG INTERVENTION AND PREVENTION

Intervention

During the Commission’s investigation, law enforcement officials constantly invoked the mantra, “we can’t arrest our way out of this problem.”¹⁵⁴ While fully mindful of the role law enforcement and prosecutors need to play, Monroe County District Attorney Michael Green commented,

We’re kidding ourselves if we think that arresting, convicting, and incarcerating a few more people will end gang violence and make the problem of gangs go away. Any true solution to this problem

¹⁵² Testimony of Daniel R. Alonso, Esq., November 1, 2005, at 485.

¹⁵³ Defense concerns can be addressed through an expanded instruction to a jury as to how it should scrutinize accomplice testimony. *See, e.g.*, K. O’Malley, J. Grenig, & W. Lee, *Federal Jury Practice and Instructions, Criminal*, vol. 1A § 15.04 (5th ed. 2000).

¹⁵⁴ Despite this positive rhetoric, the Commission noted a sense of mutual mistrust between law enforcement and the intervention/prevention community. This mistrust is generally voiced subtly and indirectly. Representatives of the law enforcement community appear to believe that the intervention/prevention community sees no role for suppression, and some representatives of the intervention/prevention community appear to believe that law enforcement suspects them of failing to report criminal activity.

must involve efforts to get at the underlying reasons for gangs and violence. What are we doing to provide for the large percentage of children living in poverty in our city? According to one source, Rochester has the highest child poverty rate of any city in the State of New York. What are we doing to help our children who are growing up without the necessary parental guidance? What are we doing to make sure that our children arrive at school ready and able to learn? What are we doing to provide mentors, and safe and positive environments for our at-risk teens? What are we doing to connect our young adults with decent jobs? What are we doing about teen pregnancy, fourteen year olds who show up at school pregnant; or show up looking for social services? Are we aggressively intervening at that point? These efforts shouldn't, and can't be left to law enforcement alone.¹⁵⁵

The Commission's investigation revealed a number of intervention programs that seek to persuade gang members to leave their gangs and become more productive. Those programs, and related prevention¹⁵⁶ programs, which are discussed below, are run by a wide variety of public and private groups in New York State. These groups include many adjuncts to law-enforcement agencies, such as United States Attorneys' offices "Weed and Seed" programs, as well as county youth programs run by district attorneys offices, such as Monroe County's Project Step-Up¹⁵⁷ and Nassau County's Rising Star Program. Secondary Opportunity Schools in New York City, discussed earlier, also function as intervention programs. Similarly, programs within schools and prisons, such as those run by the Council for Unity, function as both intervention and prevention programs.

In June 2000, Sergio Argueta, a former gang member, founded S.T.R.O.N.G. Youth, a non-profit intervention organization dedicated to persuading young people in gangs to stop acting violently towards one another. The organization is based in Hempstead, Long Island, an area of significant recent gang activity. The impetus for founding S.T.R.O.N.G. Youth was the

¹⁵⁵ Testimony of Michael Green, October 25, 2005, at 59-60.

¹⁵⁶ Where intervention programs focus on youth already in gangs, prevention programs seek to prevent youth from joining gangs in the first place. To some extent, the distinction is arbitrary, and unimportant. A number of programs (e.g., after school programs) can be considered both intervention and prevention programs.

¹⁵⁷ Monroe County District Attorney Michael Green testified that Project Step-Up is "a program to get at-risk teens off the streets [to] connect with positive mentors through the Boys and Girls Club." Testimony of Michael Green, October 25, 2005, at 61.

murder of a young man named Eric Rivera. Mr. Rivera was beaten to death by alleged gang members on Long Island after attending the Puerto Rican Day parade in Manhattan.

Currently, Mr. Argueta runs a series of anti-gang workshops for youth, often working with others who have been affected by gang violence such as Amory Sepulveda, Maureen Quintanilla, and Pamela Corrente. These presentations are extremely powerful because they show the human cost of gang activity. Mr. Argueta and other S.T.R.O.N.G. Youth volunteers also engage in other constructive projects, such as painting over walls covered with gang graffiti and holding peace rallies. The Nassau County Youth Board has donated computers to allow members to help find jobs for young people.

Mr. Argueta stresses the need for programs that empower youth and address young peoples' need for recognition. He notes that youths need a sense of community and family, but working parents and schools often fail to meet that need, while gangs do. He has visited Homeboy Industries, a gang intervention and prevention program in Los Angeles, and would like to expand S.T.R.O.N.G. Youth to include the type of programs that Homeboy Industries has, including job skills training and tattoo removal. Mr. Argueta, who told the Commission of his past gang affiliations, has worked his way through college, and is now pursuing a Master's degree in social work while running S.T.R.O.N.G. Youth.

The outreach workers for Rochester's Pathways to Peace direct young city residents toward an array of community resources to prevent gang violence. This team is highly motivated, and establishes essential links among service providers, participating youths, and their families. Pathways also monitors the young participants' progress to ensure that at-risk youth become productive citizens. The organization has been an essential component of Rochester's anti-gang programs as it offers a constructive alternative to gang life.

Pathways faces two main problems: convincing employers to employ former gang members, many of whom have criminal records, and convincing gang members to take jobs that often pay less than dealing drugs. Its director, Keenan Allen, alerted the Commission to an institutional disincentive to obtaining a legal, "on-the-books," job. With the high incidence of

teen pregnancy, many young fathers are required to pay child support. For them, taking a legal job can result in the garnishment of wages, leaving them with little money. Recognizing that fathers should be financially responsible for supporting their children, he urged that programs be set up to address this structural disincentive.

Prevention

During its investigation, the Commission met with many members of law enforcement. Virtually every prosecutor with whom the Commission spoke indicated that suppression of gang activities and intervention with gang members is insufficient to address the problem. They realize that society must find ways to prevent young people from joining gangs. The Commission learned of studies that show it is possible to prevent crime at the earliest stages of life and even before. Other studies demonstrate the efficacy of after school and related programs in addressing youth crime.

Early Stage Intervention

Through its investigation of gangs, the Commission learned of studies of the effect of home visitation services in such programs as the Nurse Family Partnership in Elmira, New York. In that study, nurses visited low-income, unmarried women and their babies during pregnancy and through the infants' second birthday. The nurses provided coaching and training to the parents, who were at-risk of abusing and neglecting their children. In the Nurse Family Partnership, young mothers received coaching in parenting and life skills, and learned to manage their lives and be productive citizens.

Studies of the Elmira trial program showed dramatic results in reducing crime and the cost of social programs. It reduced child abuse and arrests and convictions of both mothers and their children. Participants – both the mothers and children once they became adolescents – showed fewer behavioral problems, and were less inclined to smoke or consume alcohol. The children had significantly fewer sexual partners at age fifteen. Analysis of the program reflected

that, on average, the mothers were on welfare thirty fewer months after the birth of their first child.¹⁵⁸

The Nurse Family Partnership program currently operates in three boroughs in New York City¹⁵⁹ under the aegis of the New York City Health Department, with funds provided by the City and, to a limited extent, grants from outside foundations. The program currently serves only 1,000 families at a cost of roughly \$5,500 per family. This program is also being initiated in Rochester and Syracuse.

Similarly, studies reflect the efficacy of school programs that begin before kindergarten. High-quality, pre-kindergarten programs prepare children to learn in kindergarten and beyond, and provide an environment in which they begin to learn appropriate social skills. One study reflected findings that at-risk children without quality pre-kindergarten were seventy percent more likely to commit violent crimes.¹⁶⁰

After School Programs

Some children who might not otherwise join a gang do so because so few alternatives exist in the form of after school programs. State Police Investigator Hector Alicea testified about his experience confronting an eight-year-old second grade child who was smoking marijuana. When asked why he was doing it, the child responded, “What do you want me to do? Mom is not home, there's nobody there. I don't understand the homework.”¹⁶¹ Not surprisingly, studies show that after school hours – between three and six on school days – are a prime time for juvenile crime. Hundreds of thousands of teens are out across the State with little or no supervision and no place to go. Larry Busching, Chief of the New York City Corporation Counsel’s Family Court Division, testified that this time period is when children are most likely to injure someone or be injured.¹⁶²

¹⁵⁸ See www.FightCrime.org.

¹⁵⁹ A site in the Bronx is scheduled to commence operations in the Spring of 2006.

¹⁶⁰ The Chicago Child-Parent Centers study. See <http://www.waisman.wisc.edu/cls/index.htmlx>.

¹⁶¹ Testimony of Hector Alicea, November 1, 2005, at 180.

¹⁶² Testimony of Larry Busching, November 1, 2005, at 429.

During its investigation, the Commission learned of the efficacy of after school programs in averting violence. High-quality after school programs have been shown to lower crime rates among juveniles. One Columbia University study that compared statistical data from five housing projects with newly established Boys and Girls Clubs to data from five housing projects without clubs. The housing projects with clubs had dramatically lower levels of vandalism and drug activity.¹⁶³

Moreover, after school programs cost less than \$1,600 per student,¹⁶⁴ while detaining a juvenile costs approximately \$120,000 to 150,000 per year in New York City.¹⁶⁵ Similarly, as Mr. Busching noted, the Police Athletic League basketball program in which he coaches 120 children, costs one-tenth the amount it costs to detain one juvenile gang member for a year. Surveys and anecdotal evidence from interviews with children reflect a significant, unmet need in New York, and support the notion that when children are given a place to engage in productive activities, they will be less likely to engage in criminal behavior.

Deviant Peer Contagion

In analyzing prevention and intervention issues, the Commission heard testimony and reviewed research conducted by social scientists and criminologists that cautioned against policies that result in the grouping of at-risk youths in such programs. These experts are concerned that, while many intervention and prevention programs are well-intentioned, they fail to take into consideration the phenomenon of “deviant peer contagion,” in which the concentration of deviant youths reinforces and exacerbates delinquent behavior. Social scientist Steven Darman, who testified before and submitted a supporting memorandum to the Commission, expressed concern about policies that result in youths who have not committed serious crimes being grouped with those who have, making the less deviant youths more deviant:

The concentration of delinquent, violent, gang-involved youth reinforces delinquent, violent and gang-related behavior, even when there are adults from mainstream society present. Based on

¹⁶³ See www.fightcrime.org/ny.

¹⁶⁴ Fight Crime’s cost figure for after school programs comes from the non-profit organization The After School Corporation, or “TASC.”

¹⁶⁵ Testimony of Larry Busching, November 1, 2005, at 430.

what we know at this point, kids who spend time in programs designed for deviant youth only (e.g., group homes, alternative schools, detention centers, jails and prisons) are more likely to get involved in criminal and gang-related activity than those who are not exposed to concentrated peer groups that deviate from mainstream values and practices.

We need to protect public safety first and foremost. However, arresting and incarcerating youth gang members who have not committed serious or violent crimes can increase the prevalence and contribute to the diffusion of youth gang activity, violence, and crime.¹⁶⁶

A recent *Social Policy Report* comprehensively studying this issue notes that the rationale for removing deviant youths from mainstream institutions is that it is “financially and logistically more efficient to treat deviant youth in groups rather than individually, and the public prefers that deviant youth be segregated so that they cannot disrupt or endanger classrooms or communities.”¹⁶⁷ That report noted numerous research studies on education, mental health, and juvenile justice policies in which such aggregation results in self-labeling by the child himself – in essence, “if I am here, I am delinquent” – and labeling by others. This labeling results in self-fulfilling prophecies, and the youths become more delinquent.¹⁶⁸ Another, more basic, mechanism by which deviant peer contagion occurs is through increased opportunity: less deviant youth learn from more deviant youth about drugs, weapons, guns, and an opportunity to partner in criminal activities.¹⁶⁹

The *Social Policy Report* study found that many programs in different areas aggregate deviant youth. For example, academic programs that “track” low-performing students by removing them from mainstream educational systems and assembling them in homogenous groups. Similarly, educational policies like the No Child Left Behind Act, which utilizes grade retention of deviant or non-performing students and federally mandated zero-tolerance policies, make removal of disruptive students from schools and their aggregation easier. The study also

¹⁶⁶ Memorandum of Steven Darman submitted to the Commission, October 25, 2005, at 1.

¹⁶⁷ Kenneth A. Dodge, Thomas J. Dishion, and Jennifer E. Lansford, *Deviant Peer Influences in Intervention and Public Policy for Youth*, Social Policy Report, 2006, at 3 (available at www.srcd.org/documents/publications/SPR/spr20-1.pdf).

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

found that unstructured settings that are unsupervised by authority figures (e.g., youth recreation centers designed as places for kids to hang out or play basketball) may create an opportunity for youths to provide each other with drugs, weapons, and criminal knowledge. Forty-three percent of all publicized reports on group programs showed a negative adverse effect on youth.

As the *Social Policy Report's* editor notes,

The research is clear. The policy solution is not. While placing youth who show behavior problems with other youth who show similar problems aggravates rather than remedies the problems, such young people do require segregation from the general population and treatment or prevention efforts relevant to their problems.¹⁷⁰

Nevertheless, the study found that the effects of deviant peer contagion could be minimized through the following means:

- Use of experienced leaders and well trained counselors to administer the program;
- Constant monitoring and supervision of youth with little “free time” or unstructured group interaction;
- A reward structure which offers positive reinforcement to participants;
- Behavioral approaches which aim to shape the participants “morals” and encourage responsible decision making; and
- Maintain the group for only a short duration, because contagion grows with duration.

Incorporating these ideas will maximize the overall effectiveness of gang prevention and intervention programs and policies.

¹⁷⁰ *Id.* at 1.

CONCLUSIONS AND RECOMMENDATIONS

Gangs are not a new phenomenon in New York. Until recently, however, the geographic scope of gang activity was limited and gang members tended to be older. Based upon a comprehensive, yearlong investigation, the Commission concludes that gang activities now pose a serious and widespread threat to the public safety and welfare of the citizens of New York State. Gangs no longer operate solely within cities. They now operate in suburban and rural areas. Gangs are also attracting younger people, both citizens and newly-arrived immigrants, some of whom have entered the country illegally.

Recent high-profile cases from New York City and throughout upstate New York indicate that gangs are involved in many criminal activities across the State, including narcotics trafficking, extortion, assaults, robberies, and burglaries. Gang members are becoming increasingly mobile, traveling from larger cities to suburban and rural areas to conduct their illegal activities. They are also becoming increasingly violent, leading to the deaths of more gang members and innocent victims.

Gangs have traditionally found new members among disenfranchised young adults from poverty-stricken neighborhoods, as well as within the State's prisons. Now, however, gangs are infiltrating schools and aggressively recruiting young people, preying on their low self-esteem and unfulfilled need for acceptance and affection. Impressionable children are drawn to gangs by the allure of the flashy lifestyle that is glorified by today's pop culture in movies, television programs, magazines, and music videos. Often, however, the fear and threat of gang violence is enough to persuade a young person to join a gang.

Law enforcement agencies, government officials, and private organizations are dedicating significant efforts and resources to combat this growing problem. Nevertheless, they lack many of the tools they need to do it most effectively. The Commission concludes that more needs to be done to ensure that New York State does not succumb to the type of overwhelming gang activity that has plagued cities such as Los Angeles, Chicago, and Little Rock. Accordingly, the Commission recommends that the State expand successful prevention and

intervention programs that help young people avoid and abandon the trappings of gang affiliation and enact comprehensive gang legislation that will enable law enforcement to effectively identify, arrest, and prosecute current gang members. This legislation should incorporate the following recommendations:

Clearly Define Gang Terminology in the Penal Law

The Commission recommends that the State amend the Penal Law to clearly define basic gang terms, including “gang” (or “criminal street gang”), “gang member,” “gang activity,” and “gang-related offense.” These terms need to be clearly defined within the law in order to establish effective anti-gang laws. Legislative definitions will allow law enforcement to suppress gang activity effectively using accurate statistics, and serve as the foundation upon which law and policy can be formulated.¹⁷¹

Enhance Penalties for Gang-Related Crimes

The Commission recommends that the State enact a penal law statute designed to enhance, by one level, the penalty classifications and accompanying sentences for crimes committed on behalf of a gang or in furtherance of gang activity. New York law currently provides enhanced penalties for hate crimes, which are crimes based upon bias or prejudice, and this can serve as a starting point for crafting gang penalty enhancements. The Commission also recommends enhanced penalties for repeat gang offenders who continually violate designated gang-related offenses. This legislation could follow the paradigm of New York State Driving While Intoxicated/Driving While Impaired legislation, which provides for sentence enhancements for individuals arrested for a DWI offense who already have a previous DWI conviction within the preceding ten years.

More than twenty other states have already established some type of gang crime penalty enhancement legislation. Some states, such as California, enhance the minimum period of

¹⁷¹ If the Legislature enacts legislation defining the word “gang,” the Commission recommends that it rename the existing Penal Law “Gang Assault” statute (Sections 120.06 and 120.07) to avoid confusion. As noted earlier in this report, that statute does not apply to assault by a “gang;” it applies to assault by a group of people.

incarceration for crimes committed in furtherance of a gang. Others, such as Florida, give trial judges the discretion to enhance penalties for gang-related crimes without establishing a defined term of imprisonment in the enhancement statute. The Commission recommends that New York follow these examples. Enhancing the penalties for offenses committed for or on behalf of a gang will not only serve as a deterrent but will also ensure that appropriate penalties are meted out for these heinous crimes.

Criminalize Gang Recruitment

The Commission recommends that the State criminalize gang recruitment, and provide that such activity will constitute a felony offense. The Commission learned from numerous witnesses that gang recruitment in and near schools and in correctional facilities is growing, and poses significant danger to young people who are being forced to join gangs. This statute should contain enumerated provisions designed to address recruitment of minors by adults, recruitment at or near school grounds, and recruitment within a correctional facility. It is imperative that gangs and individual gang members be held criminally responsible for preying on young people who are especially susceptible to the corrupting influences of gang activity. A number of states, including Illinois and North Dakota, have enacted laws that penalize encouraging or compelling minors to join gangs.

Authorize the Use of “Roving” Wiretaps

The Commission recommends that the State change existing restrictions on the ability of law enforcement agencies to use wiretap surveillance as a tool to fight gang crime and criminal activity in general. Current New York State law permits law enforcement officials to apply for a wiretap order from a court only for a particular telephone device that has been, is being, or will be used by an individual in furtherance of a crime. Recent advances in technology, however, have helped savvy criminals negate the effectiveness of a wiretap. Many criminals, including gang leaders and members, routinely use inexpensive cellular telephones that can be easily purchased at local convenience stores and disposed of after being used for a short period of time. When the target of a wiretap investigation replaces a telephone being used in furtherance of the criminal activity, law enforcement officials conducting the investigation must identify the

number of the new telephone and then apply to the court that issued the wiretap order for an amendment that would allow them to intercept and record communications on the new telephone. This process may take considerable time and effort. By constantly switching disposable telephones, criminals can easily prevent law enforcement from intercepting their telephone conversations.

The Commission recommends that the State amend the Criminal Procedure Law to permit courts to authorize “roving” wiretaps. This would allow law enforcement officials to seek a court-ordered warrant that would enable them to intercept any communications made by the target of a criminal investigation via any telephone that is used in the furtherance of the criminal activity.

Review the State’s Accomplice Corroboration Requirement

The Commission recommends that the Legislature consider either eliminating the State’s accomplice corroboration requirement or amending the requirement to allow one accomplice’s testimony to serve as sufficient corroboration for another accomplice’s testimony. The Commission recognizes that eliminating or amending the requirement would help prosecutors address gang crimes more effectively. Nevertheless, the Commission is also mindful that accomplice testimony is inherently suspect and that the accomplice corroboration rule was designed to prevent convictions based solely upon such testimony. Therefore, the Commission recommends that the Legislature examine this issue further to determine whether eliminating or amending the requirement is warranted.

Several witnesses who testified before the Commission identified the accomplice corroboration requirement as one of the greatest impediments to prosecuting gang crimes in the State. As noted, gang leaders emulating organized crime bosses frequently attempt to insulate themselves from prosecution by directing underlings to commit crimes. Too often, the only evidence connecting gang leaders to their crimes is the testimony of fellow gang members. While undercover operations sometimes result in prosecutable cases against gang members,

prosecutors working within the State system too frequently cannot indict a gang member because they cannot find sufficient evidence to corroborate accomplice testimony.

The elimination of the accomplice corroboration rule has historically received support from both major political parties. In 1937, the New York Commission on the Administration of Justice recommended the elimination of the accomplice corroboration requirement. In 1986, former New York Governor Mario Cuomo also sought the abolition of this provision. The Commission concludes that determining whether to eliminate or amend the requirement warrants further review by the Legislature.

One potential alternative would be to replace the requirement with a standard jury instruction concerning the reliability of accomplice testimony. Under current New York law, juries are trusted to make important credibility determinations without the benefit of corroborative evidence. In criminal trials, they are frequently called upon to assess the credibility of a jailhouse informant or a single eyewitness to a crime, both of which have been shown to lack reliability. Accomplice testimony may be addressed similarly.

Establish a State Witness Protection Program

Witness intimidation is another major impediment to successful gang prosecutions in New York. Witnesses to gang crimes usually live either within or in close proximity to the area within which the gang operates. By threatening potential witnesses and their family members with physical violence, gang members dissuade many individuals from testifying in court, severely undermining the strength of a prosecutor's case against them.

Currently, local prosecutors may seek federal protection for a witness if a national interest can be shown and the State agrees to pay for the cost of protection for that particular witness. Not all district attorneys in the State can afford to utilize the federal program or fund their own quasi-witness protection programs. Those that can are forced to divert funds that are essential to other law enforcement programs.

To alleviate these concerns, the Commission recommends that the State create a witness protection program that essentially mirrors the federal government's witness protection program.¹⁷² This would enable prosecutors to relocate witnesses to other parts of the State and transport them to court so that they may testify at trial. The witnesses would then be able to avoid any contact with members of the gang against whom they might be testifying.

Create a Statewide Gang Database

The Commission also recommends that the State create a comprehensive database to catalog information about gang members, gang associates, gang locations and gang-related crimes and activities. Responsibility for creating and maintaining the database should be delegated to either the Division of Criminal Justice Services or the State Police and access to the information maintained in the database should be restricted to law enforcement agencies. The Commission recommends that the State require the development of uniform criteria for admitting information into the database, as well as procedures for the expungement of information from the database.

Expand Successful Prevention and Intervention Programs

Finally, the Commission recommends that the State expand successful gang prevention and intervention programs to help law enforcement agents, government officials and private organizations combat the recent growth of gangs and gang-related activities. Expanding successful programs such as the Nurse Family Partnership has received overwhelming support from the State's prosecutors, who recognize that suppression alone is insufficient to reduce gang crime. Prevention and intervention programs provide positive avenues for at-risk and gang-involved youth, allowing them to avoid or abandon the trappings of gang affiliation.

Additionally, the Commission recommends that school-based and neighborhood-based programs be set up to help children from different backgrounds and social groups meet and assimilate more easily into our society. Children of immigrants are at particular risk of joining

¹⁷² Alternatively, the Commission supports federal legislation providing funding for state witness protection that was recently introduced by United States Senator Charles Schumer. *See* S. 2246 (2006).

gangs due to negative peer pressure and low self-esteem. As gang victim Amory Sepulveda noted, immigrants and their children often feel alienated from society due to language barriers and cultural differences. They are, therefore, potentially easy recruits for gangs. School programs that encourage students who are part of a school's social fabric to welcome those who are not could be set up inexpensively. For example, students could receive community service credit to participate in such a program, which could take place during study periods or after school.

The Commission recognizes that some of these recommendations would require the expenditure of funds. Nevertheless, the Commission believes the long-term benefits would not only be very significant but would be cost effective as well. During its investigation, the Commission heard testimony about how gangs are expanding and changing. Gang activity is no longer merely an epidemic; gangs have now become endemic to our society. The Commission believes that New York must take action now to reverse this trend by embracing effective gang suppression, intervention, and prevention strategies.

ACKNOWLEDGEMENTS

The Commission wishes to thank the many people who assisted us in this investigation and provided insight into gangs in New York and elsewhere. In particular, the Commission would like to thank those witnesses who testified at the Commission's three public hearings, which were held on October 25, 2005, in Rochester, New York; on November 1, 2005, in Hauppauge, New York; and on January 10, 2006, in Albany, New York. Witness lists for all three hearings are included in the following pages.

The Commission also thanks the following government agencies and private organizations for their assistance:

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Albany Police Department
Alpha School
Buffalo Police Department
City of Albany Mayor's Office
Communities in Schools
Council for Unity
East Coast Gang Investigator's Association
Erie County District Attorney's Office
Federal Bureau of Investigation
Fight Crime: Invest in Kids
Homeboy Industries
Kings County District Attorney's Office
Los Angeles City Attorney's Office
Los Angeles County District Attorney's Office
Los Angeles County Probation Department
Los Angeles County Sheriff's Department
Los Angeles Police Department
Monroe County District Attorney's Office
Monroe County Sheriff's Office
Nassau County District Attorney's Office
Nassau County Police Department
New York City Department of Correction
New York City Department of Education
New York City Department of Juvenile Justice
New York City Law Department
New York City Police Department
New York County District Attorney's Office
New York State Attorney General's Organized Crime Task Force

New York State Center for School Safety
New York State Department of Correctional Services
New York State Department of Education
New York State Department of Probation
New York State Division of Criminal Justice Services
New York State Division of Parole
New York State Office of Children and Family Services
New York State Police
Newburgh Police Department
Office of Assembly Member Joseph R. Lentol
Oneida County District Attorney's Office
Oneida County Sheriff's Office
Onondaga County District Attorney's Office
Onondaga County Sheriff's Office
Orleans County District Attorney's Office
Pathways to Peace
Port Authority of New York and New Jersey
Queens County District Attorney's Office
Richmond County District Attorney's Office
Rochester Police Department
Rockland County District Attorney's Office
S.T.R.O.N.G. Youth, Inc
Social Science Associates
Suffolk County District Attorney's Office
Suffolk County Police Department
Syracuse Police Department
United States Attorney's Office for the Eastern District of New York
United States Attorney's Office for the Northern District of New York
United States Attorney's Office for the Southern District of New York
United States Attorney's Office for the Western District of New York
United States Department of Homeland Security – Immigration and Customs Enforcement
Westchester County Jail

ROCHESTER HEARING WITNESS LIST
October 25, 2005

(In order of appearance)

Honorable William A. Johnson, Jr.
Mayor
City of Rochester

Moses E. Robinson
School Resource Officer
East Division
Rochester Police Department

Honorable Michael C. Green
District Attorney
Monroe County District Attorney's Office

John M. Klofas
Professor
Department of Criminal Justice
Rochester Institute of Technology

Jeffery C. Clark
Lieutenant
Special Investigations Section
Rochester Police Department

Christopher Delaney
Research Analyst
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Bradley E. Tyler
Assistant United States Attorney
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Councilman
Binghamton, New York

HAUPPAUGE HEARING WITNESS LIST
November 1, 2005

(In order of appearance)

Honorable Thomas J. Spota
District Attorney
Suffolk County District Attorney's Office

Richard Dormer
Commissioner
Suffolk County Police Department

James C. Burke
Inspector
Suffolk County Police Department
Organized Crime Bureau

Ronald "Cook" Barrett
Gang Prevention Specialist
Department of Youth and Workforce Services

Wes Daily
President
East Coast Gang Investigator's Association

Sergio Argueta
President & Founder
S.T.R.O.N.G. Youth, Inc.

Ms. Amory Sepulveda

Ms. Pamela Corrente

Hector Alicea
Investigator
New York State Police
Street Gang Task Force

Martin Ralph
Lieutenant
New York State Police
Street Gang Task Force

James H. Lawrence
Commissioner of Police
Nassau County Police Department

Robert M. Turk
Inspector
Nassau County Police Department

Grace Cucchissi
Deputy Chief
Narcotics & Gang Bureau
Nassau County District Attorney's Office

Janet S. Moore
Deputy District Attorney
Bureau of Central Operations
Los Angeles County District Attorney's Office

Jacqueline Lacey
Deputy District Attorney
Bureau of Specialized Projects
Los Angeles County District Attorney's Office

Honorable Velmanette Montgomery
New York State Senate
18th Senate District

Barry "Mr. B." Addison
Chief Executive Officer
Alpha School

Michael Brovner
Assistant District Attorney
Gang Violence & Hate Crimes Bureau
Queens County District Attorney's Office

Karen Schoenberg
Deputy Chief
Supreme Court Bureau
Office of the Richmond County District Attorney

Deanna M. Rodriguez
Chief
Gang Bureau
Kings County District Attorney's Office

Honorable William Scarborough
New York State Assembly
29th Assembly District

Honorable Michael E. Bongiorno
District Attorney
Rockland County District Attorney's Office

Larry Busching
Chief
Family Court Division
New York City Law Department

Meredith Wiley
State Director
Fight Crime: Invest in Kids New York

Daniel R. Alonso, Esq.

David M. Kennedy
Director
Center for Crime Prevention and Control
John Jay College of Criminal Justice

Ted Davis
Investigator
Bureau of Special Services
New York State Division of Parole

Jeff Knopf
Special Agent/Group Supervisor
United States Immigration and Customs Enforcement
(testimony submitted in writing)

ALBANY HEARING WITNESS LIST
January 10, 2006

(In order of appearance)

Honorable David Soares
Albany County District Attorney
Albany County Courthouse

Moses E. Robinson
School Resource Officer
East Division
Rochester Police Department

Sergio Argueta
President & Founder
S.T.R.O.N.G. Youth, Inc.

Ms. Amory Sepulveda

Ms. Maureen Quintanilla

Mary Grenz Jalloh
Executive Director
New York State Center for School Safety

Kyle Harmon
Site Coordinator
Council for Unity

Daniel R. Alonso, Esq.

Chauncey G. Parker
Commissioner & Director
New York State Division of Criminal Justice Services

RESOURCE LIST

Office of Juvenile Justice and Delinquency Prevention
U.S. Department of Justice, Office of Justice Programs
810 Seventh Street NW
Washington, DC 20531
202-307-5911
www.ojjdp.ncjrs.org

National Youth Gang Center
Institute for Intergovernmental Research
P.O. Box 12729
Tallahassee, FL 32317
(850) 385-0600
www.iir.com/nygc

National Gang Crime Research Center
P.O. Box 990
Peotone, IL 60468-0990
(708) 258-9111
www.ngcrc.com

National Youth Violence Prevention Resource Center
P.O. Box 10809
Rockville, MD 20849-0809
1-866-SAFEYOUTH
www.safeyouth.org

United States Department of Homeland Security
Immigration and Customs Enforcement Service
Operation Community Shield
www.ice.gov

New York State Division of Criminal Justice Services
4 Tower Place – 10th Floor
Albany, New York 12203-3764
www.criminaljustice.state.ny.us

New York State Center for School Safety
175 Route 32 North
New Paltz, NY 12561
845-255-8989
www.mhric.org/scss

New York State Office of Children and Family Services
Capital View Office Park
52 Washington Street
Rensselaer, New York 12144-2796
(518) 473-7793
www.ocfs.state.ny.us

The Capital Region Gang Prevention Center
175 Central Avenue
Albany, New York 12206
(518) 434-5723
www.nysgangprevention.com

East Coast Gang Investigators Association
www.ecgia.org