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## **Evaluating Nevada's Anti-Gang Legislation and Gang Prosecution Units**

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## Table of Contents

	<u>Page</u>
Chapter 1. Introduction and Overview .....	1
Chapter 2. Street Gangs and the Law Enforcement Response in Nevada .....	5
Chapter 3. The Legislative Response to Gangs in Nevada .....	52
Chapter 4. Prosecuting Gang Crimes .....	77
Chapter 5. Summary and Conclusions .....	118
Appendixes	
Appendix A: Survey Instrument: Gang-Related Crime and Gang Prosecution in Nevada .....	133
Appendix B: Nevada's Anti-Gang Legislation .....	144
Appendix C: Codesheet for Case Processing History .....	151
Appendix D: Codesheet for Courtroom Observations .....	157

## List of Tables

	<u>Page</u>
Table 1. Active Gangs in Clark County .....	20
Table 2. Proportion of Index Crimes and Felony Drug Charges Filed Against Known Gang Members in Clark County, 1989-1995 .....	24
Table 3. Proportion of Defendants Charged with Specific Index Crimes and Felony Drug Offenses Who Were Known Gang Members in Clark County, 1989-1995 .....	25
Table 4. Active Gangs in Washoe County .....	42
Table 5. Proportion of Charges Filed Against Known Gang Members/ Associates in Washoe County, 1989-1995 .....	46
Table 6. Proportion of All Felony and Misdemeanor Defendants Who Were Known Gang Members/Associates in Washoe County, 1989-1995 .....	46
Table 7. Percentage of Criminal Justice Actors in Clark County and Washoe County Reporting Nevada's Anti-Gang Legislation Was Effective in Reducing Gang Related Crime .....	73
Table 8. Percentage of Criminal Justice Actors in Clark County and Washoe County Reporting Additional Anti-Gang Legislation Would Be Effective in Dealing with Gangs in Nevada .....	74
Table 9. Problems in Prosecuting Gang Cases .....	93
Table 10. Number of Charges Filed (Convicted) in Clark County Under Anti-Gang Legislation, 1989-1995 .....	100
Table 11. Number of Charges Filed (Convicted) in Washoe County Under Anti-Gang Legislation, 1989-1995 .....	102

**List of Tables (cont'd)**

	<u>Page</u>
Table 12. Related Charges Filed Against Gang Members/Associates in Clark and Washoe County, 1989-1995 .....	103
Table 13. Charging Practices and Dispositional Outcomes for Gang Cases Prosecuted in Clark County Before and After the Enactment of the Gang Enhancement Statute .....	104
Table 14. Demographic Profile of Defendants in Clark and Washoe County .....	106
Table 15. Criminal History of Defendants in Clark County and Washoe County .....	107
Table 16. Arrest Charges by Prosecution Unit and County .....	108
Table 17. Offense Characteristics by Prosecution Unit and County .....	110
Table 18. Case Dispositions by Prosecution Unit in Clark and Washoe County .....	112
Table 19. Coefficients from Logistic Regression of Conviction for Clark and Washoe County .....	113
Table 20. Coefficients from Logistic Regression of Imprisonment for Clark and Washoe County .....	114
Table 21. Coefficients from OLS Regression of Length of Prison Term for Clark and Washoe County .....	115

## List of Figures

	<u>Page</u>
Figure 1. Gang Stories in Clark County, 1983-1995.....	12
Figure 2. Gang Population in Clark County.....	18
Figure 3. Racial Composition of Gangs in Clark County.....	19
Figure 4. Arrest Histories of Gang Members/Associates in Clark County....	21
Figure 5. Gang Investigations Section (GIS) Organizational Chart.....	27
Figure 6. Gang Investigations Section (GIS) Officer's Perception of Gang Problem in Clark County.....	31
Figure 7. GIS Officer's Perception of Most Common Gang Crimes in Clark County.....	31
Figure 8. GIS Officer's Perception of Trends in Gang Membership.....	32
Figure 9. GIS Officer's Perception of Trends in Gang Crime.....	32
Figure 10. Gang Stories in Washoe County, 1983-1995.....	36
Figure 11. Organizational Placement of Washoe County's CAT/STEP Unit Within Reno Police Department's Community Affairs Division...	38
Figure 12. Gang Population in Washoe County.....	43
Figure 13. Racial Composition of Gangs in Washoe County.....	43
Figure 14. CAT Officer's Perception of Gang Problem in Washoe County...	47
Figure 15. CAT Officer's Perception of Most Common Gang Crimes in Washoe County.....	48
Figure 16. CAT Officer's Perception of Trends in Gang Membership.....	49
Figure 17. CAT Officer's Perception of Trends in Gang Crime.....	50

## CHAPTER 1

### INTRODUCTION AND OVERVIEW

This report summarizes the results of an evaluation of one state's response to street gangs. During the late 1980s and early 1990s, the two major cities in Nevada - Las Vegas (Clark County) and Reno (Washoe County) - experienced what could be characterized as a "gang panic" (Klein, 1995). The discovery and subsequent response to the gang problem in those cities followed a decade of tremendous growth in minority populations, including large numbers of jobless, young males. From 1980 to 1990, the number of unemployed Black and Hispanic males age 16 to 24 in Las Vegas and Reno nearly doubled (U.S. Census, 1983;1992). This demographic shift provides the context to perhaps understand the scale of the response to street gangs that occurred.

In response to several high profile, violent crimes by minority males, inevitably reported by law enforcement officials as being gang-related, Nevada lawmakers enacted a panoply of anti-gang legislation, much of it drafted by law enforcement personnel. Police gang units were created or augmented and tough suppression strategies were employed. Special prosecutorial units were developed within district attorney's offices to more effectively prosecute gang crimes, promising higher conviction rates and more severe sanctions for gang members who commit crimes.

#### **Research Questions Addressed in the Study**

Using a variety of methodological approaches, (e.g., content analysis, statistical analysis of

case processing, interviews with key criminal justice personnel and lawmakers, field observations, etc.), this study attempted to provide answers to five research questions.

□ First, what were the social, political, and economic impetuses and obstacles in the drafting and enactment of Nevada's anti-gang legislation?

□ Second, how often and under what specific conditions are the various anti-gang statutes used in the prosecution of gang members?

□ Third, how has the passage of the anti-gang statutes and the development of the gang prosecution units influenced the use of more conventional charging practices related to gang cases?

□ Fourth, does specialized gang prosecution produce higher rates of convictions, more prison sentences, and longer prison terms for gang offenders?

□ Fifth, what are the opinions and attitudes of criminal justice actors regarding the effectiveness of anti-gang legislation and specialized gang prosecution in addressing gang crime in Nevada?

Our answers to these questions, and related issues, are provided in the chapters which follow. Chapter 2 focuses on the role of law enforcement officials in the "discovery" of and

response to the gang problem in Las Vegas (Clark County) and Reno (Washoe County). Using local newspapers, police reports, and interviews with key officials, a narrative is presented that describes the evolution of the gang problem and the police response in both jurisdictions.

Through surveys, interviews, and ride-alongs with police gang officers we learned, and include in the report, their current perceptions of gangs and the extent of gang crime, as well as the street-level tactics they employ as gang officers. Court monitoring data is also presented that documents the actual extent and nature of gang crime in both jurisdictions over the past several years.

The legislative response to gangs in Nevada is the subject of Chapter 3. Ten pieces of anti-gang legislation were produced and enacted as a result of the 1989 and 1991 legislative sessions. Others were introduced but never made it out of committee. Through newspaper accounts, records from legislative hearings, and interviews with key state political figures we were able to reconstruct the events and identify the personalities that precipitated the introduction of the anti-gang legislation. Also discussed are the opinions of those who opposed the legislation and the impact these individuals had on the outcome and final product of the legislative process.

Chapter 4 has as its focus the specialized prosecution units that were implemented in Las Vegas and Reno. Convinced that gang cases were inherently difficult to prosecute and deserving of special treatment, officials in both cities funded new organizational forms that promised to maximize conviction rates and increase prison sentences for gang members who commit crime. Through these gang prosecution units, the statutory tools provided by the Nevada legislature could also be more effectively utilized. A large and diverse collection of data is used to evaluate the effectiveness of gang prosecution units in the two jurisdictions. The frequency and success in



the application of the anti-gang statutes is examined using aggregate court data in both cities. In-depth analysis of charging practices and dispositional outcomes was conducted using case-level data gathered from the files of gang prosecution units in Las Vegas and Reno.

Chapter 5 summarizes the results of the study and sets forth the conclusions we have reached from the project.

## CHAPTER TWO

### STREET GANGS AND LAW ENFORCEMENT STRATEGIES IN NEVADA

In response to reported increases in gang activity, specialized law enforcement strategies directed specifically at street gangs have emerged in urban areas across the county. These police suppression strategies often involve the creation of organizational units targeting gang activity, gang identification and tracking systems, and multi agency law enforcement task forces. Though there are anecdotal claims, there are currently no reliable assessments of the effectiveness of these suppression strategies in reducing gang membership or gang crime (Spergel, 1995). No such assessment is provided here. The findings of this study do suggest, however, that law enforcement is capable of distorting and amplifying the threat of street gangs, in part out of its own lack of understanding of gangs, but also in the pursuit of organizational interests.

#### **Gangs and the Law Enforcement Response in Clark County**

We know there have been street gangs in Las Vegas since the 1960s. Most were formed by transplanted youth gang members from southern California, their families lured by the jobs created as the resort city boomed. These gangs, however, were few, not particularly troublesome, and confined largely to public housing projects and minority communities in the Westside and in North Las Vegas (Nerlander & Ferguson, 1990). An incident in the late 1970s reveals the level of police concern regarding gangs at that time. In 1979, an officer on routine patrol stopped a black male in Gerson Park (a public housing project in the Westside), curious as to the meaning of the letters "CRIPS" running across the shoulder of his jacket (Hawkins, 1995). Surprised by the

question, the teen explained that he had been a member of the Crips gang in Los Angeles, but his mother and he had recently moved to Las Vegas to escape gang violence. Only later did police realize that this teen's story was not an isolated case. In the weeks that followed, a group emerged in the housing project calling themselves the Gerson Park Kingsmen, the first Crip gang sect known to have developed in the city.

### The Emergence of a Gang Problem in Las Vegas

The emergence of a gang has a ripple effect: when a gang forms in one neighborhood, those in another must organize for protection. The result is often a violent clash, such as that which occurred early in January of 1983 in Las Vegas. In celebration of what would have been Martin Luther King's 54th birthday, thousands of Las Vegans had assembled in West Las Vegas to watch a parade of high school bands, clowns and drill teams. Late in the afternoon, a fight between two neighborhood gangs broke out at Nucleus Plaza, a local shopping center. Police reinforcements responded quickly, but retreated when confronted by an angry mob hurling threats and rocks. The fight spilled over to a nearby housing project, shots were fired killing one and wounding three others. A fifth person sustained serious head injuries from a blow from a blunt object. Three days later, yet another person was shot in Westside in what police called a "related incident." Retaliatory violence among gangs continued throughout the remainder of the year.

Reports of gang activity increased in 1983, punctuated by two brutal slaying that received considerable media attention. In May, Timothy Weaver Bradley, a fifteen year old black male and Piru gangster, gunned down Ronald Lee Holmes, a member of the rival "Cqs" gang during a party held in a North Las Vegas home. Bradley fired the weapon, a .357 magnum stolen just 12 hours

earlier from his employer, when an older brother of the victim pulled a gun on Eleverino "Googa" Williams, a fellow Piru member, and ordered him to leave the party. District Attorney Mike O'Callaghan confessed it would be a "complicated" case to prosecute given that the 200 persons in attendance at the raucous gathering had "not seen anything." Nonetheless, the prosecutor elected to pursue the death penalty for Bradley because his state of mind at the time was "outrageously, wantonly violent, horrible and inhuman," his conduct "evil, corrupt, and perverted (Sun, 1983).

A second incident occurred in December when the body of 16 year old Esteban Aragonéz was found at 2 a.m. lying in an intersection in North Las Vegas. Described by the media as a "perceptive, sensitive boy who wrote mellifluous prose and poetry," police knew Aragonéz as a member of the 28th Street Barrios, a Hispanic gang known for its deadly rivalries with all other gangs in the Las Vegas area. Apparently, Aragonéz and his friends had a run-in with members of the Lil Locos at a party over some trivial issue. Unarmed, Aragonéz attempted to run away, but while so doing was stabbed repeatedly in the back before collapsing to the pavement and then being hit by a car. In a story carried by local newspapers, Aragonéz's mother would vehemently protest police portrayals of her son as a violent gangster, contending that the police had been too quick to classify the friends of her son as gang members and his death as gang-related.

### **Law Enforcement Responds**

Efforts by law enforcement to deal with local gangs began in 1981, but a specialized unit within the Las Vegas Metropolitan Police Department (LVMPD) was not put in place until 1983. Prior to that, officers might be assigned to certain places or public functions with very general

directives to look out for gang activity and possible trouble. LVMPD also used ad hoc community interaction programs - typically basketball games pitting local youth against police officers - in the Westside to develop rapport and gather information about gang activities in the area. Because of increased gang activity, a Gang Diversion Unit (GDU) was formalized in 1983, with the objectives of gathering intelligence and diverting at-risk youth from gangs. However, the enthusiasm and funding for the unit quickly waned and the program was dissolved, its duties dispersed among patrol officers in the Westside area.

In the wake of two high profile killings, in 1985 the Gang Diversion Unit was resurrected and two officers from the West Area Command Station were assigned to gang duty. The unit's function remained primarily intelligence gathering: officers made no arrests, arranged no drug busts, and answered no dispatches. They simply drove through neighborhoods where gangs were believed to be active, which were nearly always black or Hispanic, and cultivated relationships with informants, learn to interpret gang hand signs, understand gang argot, and decipher graffiti (Hawkins, 1995). Officers also engaged in what they referred to as "slamming," a practice of selective enforcement where persons living in known gang areas were stopped, frisked and asked for information regarding gang identities or activities. Procedures were developed for identifying and recording gang members and their associates. Gang turfs were mapped and activities monitored. After several months of intelligence gathering, GDU officers began discussing the extent and nature of the gang problem in Las Vegas. The first official "count" of gangs appeared in late 1985: 15 gangs with some 1,000 members (Sun, 1985a). The city learned that area gangs were heavily involved in residential and commercial burglaries, larceny, and vandalism. Gang-related homicides and drive-bys were on the rise, the result of "turf battles" among rival gangs.

But GDU officers also portrayed Las Vegas gangs as “less sophisticated” than those that haunted the streets of Los Angeles or Chicago. Street gangs, GDU officers reported, lacked the leadership and organization that would allow them to garner the city’s drug market, as gangs reportedly have in other urban areas. The potential for a Los Angeles-Las Vegas drug connection was recognized, but seen as undeveloped and not a major concern to police officials in either city (Sun, 1985b).

Though only a pilot project, GDU officers spoke confidently about continued funding for the unit. The need for action was affirmed by civic and business leaders in the community. Mujahid Ramadan, a local black leader and future state drug czar, characterized the gang problem in Las Vegas as a “time bomb,” one likely to explode if city officials continued in their state of denial. Unless immediate and significant steps were taken to reduce the gang population by offering minority youth meaningful alternatives to the street, he predicted “violent demonstrations of territorial control” by area gangs would accelerate (Sun, 1985d).

By late 1985, street gangs were already causing major havoc in the Westside area, reportedly holding its 30,000 residents “hostage” in their own community (Sun, 1985a). Responding to a recent shooting spree in which a newspaper carrier was killed and six innocent bystanders wounded, elected black officials and law enforcement spokesmen began a series of impromptu meetings with Westside residents took place in the summer of 1985. At one meeting, over 300 residents turned out to hear black spokesmen decry gang violence in the community, urging increased cooperation with law enforcement as a means of combating the “plague of street gangs (Review Journal, 1985). Pausing for the occasional “Amen,” a Clark County Commissioner told a worried audience that “we can no longer afford to condone being victimized

by gangs” and promised to work with local police and service agencies to find “remedies, diversions, and some immediate community actions that can be employed collectively to reclaim our community from criminal elements’ (Sun, 1985a).

Concern over a growing gang problem was also being increasingly expressed by local businesses, particularly those located near areas marred by gang violence. During that same summer of 1985, business leaders reacted angrily to a Clark County School Board decision regarding the creation of a ninth grade center. The plan, a response to crowded junior high schools, entailed funneling students to a single school located near a business district in West Las Vegas. Such a move would have increased the minority population of that center by nearly half and, according to police officials, thrown eight rival gangs together in one place. Business leaders were understandably upset, arguing that these gang members would “be walking to and from school right through our business district” and that the inevitable increase in gang activity would cause “irreparable damage” to area businesses (Sun, 1985c).

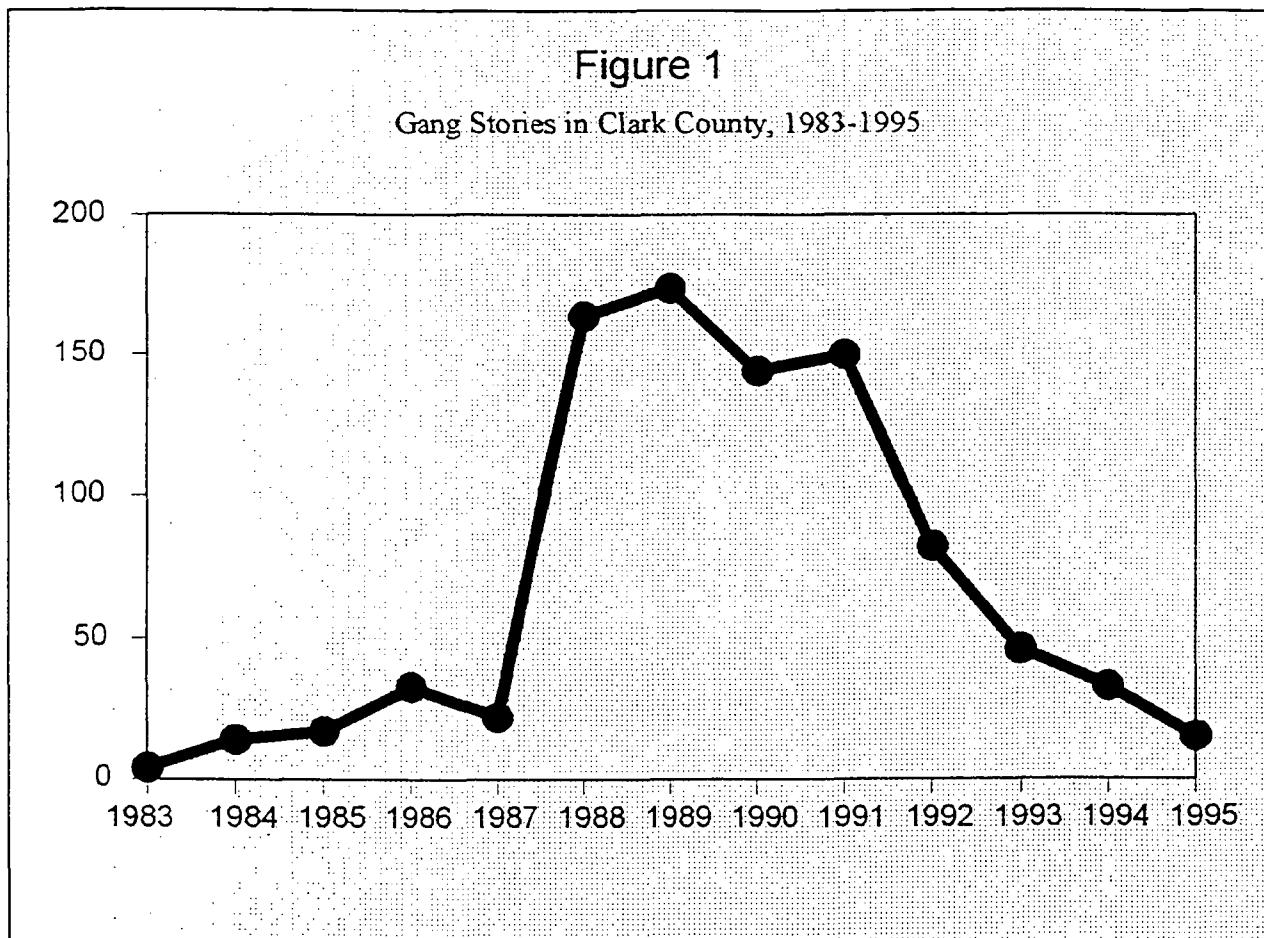
### **The City Responds to the Gang Problem**

Early in 1986, the Gang Diversion Unit abruptly announced there were now 28 gangs in the city, many of which were now heavily into drug sales (Sun, 1986). In response to the pronouncement, a community-action group, comprised of some 60 public agencies and private businesses, was formed: Citizens Interested in Today's Youth (CITY). The purpose of CITY, which met weekly, was to learn about the gang phenomenon and to develop an appropriate community-wide response. GDU officers were often in attendance to provide information about gang culture and activities, at one meeting announcing that "hard core" L.A. gang members were

in the process of building sophisticated, drug trafficking organizations in Las Vegas, aggressively recruiting disadvantaged school kids in the area by offering them the opportunity to make a thousand dollars or more a day selling crack on the streets (Sun, 1986). Over the coming weeks, CITY was informed that, in addition to drug trafficking, street gangs were increasingly involved in burglary, vandalism, animal abuse and Satanism (Sun, 1986). To combat the growing menace of gangs, officers suggested that CITY work to create more employment and recreational opportunities for low-income youth, providing an alternative to the lure of the streets.

By late 1987, the strategy of combating gangs through jobs and gyms seemed hopelessly naive. Conflicting law enforcement reports now placed the number of gang members at anywhere from 2400 to 4000 or more (Review Journal, 1987a). More disturbing than the increased number was the apparent movement of gang activity from the traditionally "troubled" neighborhoods to recreation centers, theaters, and public schools across the city. In February 1988, a gunfight broke out at a skating rink on "Family Night" (Review Journal, 1988a; Sun, 1988a). A crowd of nearly 300 parents and children found themselves in the crossfire between two rival black gangs, the West Coasts Bloods and the Gerson Park Kingsmen. In July, two unrelated gang shootings near casinos on the Las Vegas Strip sent terrorized tourists scrambling for cover (Sun, 1988b). At a local high school dance in September 1988, several dozen gang members in attendance suddenly brandished weapons, fired, and then fled into the night (Sun, 1988c; Sun, 1988g). That same month a Little League game held at a public park was interrupted by gunfire by rival gangs, parents and players dropping to the ground to avoid a spray of bullets from automatic weapons (Sun, 1988d; Sun, 1988f). Police also began to report that gangs were now responsible for 90 percent of the drug trafficking in Las Vegas (Sun, 1988e)





Concern about the gang problem rose quickly, indicated by trends in media coverage during the late 1980s. Figure 1 presents the trend in gang coverage by Las Vegas's two major newspapers over that period. In 1983, only 4 stories on gangs appeared in local newspapers; at its peak in 1989, the number of gang-related stories had reached 164. Local papers continued to carry well-over 100 stories a year through 1991. Though many of these stories were part of the extensive coverage of the events described above, most were simply conventional accounts of run-of-the-mill crimes having been committed in the city. Some reference to "gangs" inevitably appeared in the headline, accompanied by a disclaimer that the suspect was "believed" to be a gang member or the offense was "apparently" gang related. Also common were the "in-depth"

pieces, offered as part of a series, on gang culture (i.e., causes, gang lifestyle, etc.). Almost without exception, the focus of these articles were Black and Hispanic gangs, a pattern some believed was damaging given it only "intensified the public's existing fear and prejudice toward minority youth" (Gates, 1995).

The growing apprehension was also reflected in a public survey of Las Vegans in 1989 (Center for Survey Research, 1989). Results showed that 77% of residents were "very concerned" about gangs in the community, up from 67% percent from 1987. Moreover, 89% of those polled believed that the gang problem was worsening and perhaps out of control. The survey had tapped the public's growing fear, frustration, and anger toward gang members. These sentiments were regularly reported by local media beginning in 1988, usually in the wake of some episode of gang violence. For example, following the gang shooting at the high school dance, students and parents alike voiced their concerns:

I realize they can hit anywhere, but I'm not going to let her go to the dances. Chances are it might happen again. It's just not worth it (Sun, 1988f).

We always thought it would happen on the other side of town. We never thought it could happen here (Sun, 1988f)

If I could afford it, I'd send him to a private school. It's a difficult situation for a parent. You don't want to keep him locked in at home, but you don't want him to get hurt either. I'm really concerned (Sun, 1988f).

For many residents, the random and irrational nature of gang violence made the world seem a dangerous, unpredictable place. The paranoia of some residents was expressed in comments of

the President of the Clark County Classroom Teachers Association during a public hearing:

We are dealing with an organized group of individuals. They are one up on us. We do not know *where they are* or *who they are*. (Review Journal, 1990a)

Gangs became a recognized menace in the community, the equivalent to "domestic terrorists," changing the mood and manner in which the community governed itself. Gangs were particularly salient in the planning and administration of the school district. In a hearing held to redraw attendance zones for local high schools (due to the opening of several new facilities), one angry school board official commented on how "gangbangers" had perverted their normal decision-making procedures:

We are giving them too much power. We are giving them representation on the school board. They're not even here and they're getting a big consideration. None of us can do our jobs and just redraw the lines (Sun, 1990a)

The influence of gangs on the community was also reflected in public comments by the director of the Clark County Housing Authority, frustrated in his efforts to provide subsidized housing to the needy:

In these projects there are 300 apartments. We have over 30 vacancies, even though there are over 1600 people on the waiting list for low income housing. They are afraid . . . afraid of gangs (Review Journal, 1990b).

Across the city of Las Vegas, community meetings were held to discuss the response to gangs, providing a forum for residents to share their anger, frustrations, and solutions.

I see violent crime. I see drug trafficking. I see a host of unemployed young adults. Enough is enough. I'm not going to be held prison in my house anymore (Sun, 1991a).

... the gangs doing nothing but a whole lot of the devil's work (Review Journal, 1990b).

They are anti-American, anti-law, anti-everything! They're enemies to our country. We shouldn't have them here (Review Journal, 1990b).

If I had my way, we'd have a big island out there and we put all those hopheads and dopers on that island...and we'd put their dope out there with them (Sun, 1990b).

### **The War on Gangs Intensifies**

The beefed-up law enforcement response to gangs began in early 1988, when the county provided funding for an additional 16 officers for the Gang Diversion Unit. The mobilization of forces was accompanied by a radical shift in strategy, from one that emphasized intelligence gathering and selective enforcement to a more hard line stance on deterrence and punishment. Gang infested areas were to be targeted and aggressive sweeps conducted that would once and for all "rid Las Vegas of hoodlum gangs" (Sun, 1988i). On the assumption that gangbangers followed local news, GDU officers issued warnings in newspapers that gangs should "cease activities, leave town, or go to the penitentiary" (Sun 1988i).

In the weeks that followed, press reports trumpeting the success of the new GDU began to appear in local papers. According to media accounts, GDU in its first month had orchestrated

the arrest of nearly 300 gang members leading to the confiscation of 25 handguns and over 10,000 dollars of crack cocaine (Sun, 1988h; Sun, 1988j). The locally infamous "Los Angeles" connection came under attack as police officials promised to end the influence of L.A. Bloods and Crips in the Las Vegas drug market. Stake-outs at the local airport led to the arrest of fifty "suspected" Los Angeles gang members and the seizure of 50,000 dollars in drug money (Review Journal, 1988a). Reporters, cameras rolling, frequently accompanied police on drug sweeps of areas purportedly controlled by gangs, raiding crack houses and arresting "high-level" gang leaders. In only a few months, law enforcement officials, while not declaring victory, proclaimed that the tide had turned, that gangbangers were retreating in the face of superior forces.

: According to the head of GDU,

"It's having an effect...the neighbors aren't afraid to come out of their homes and have cookouts anymore. It's safe to come out again...If the Sheriff hadn't expanded the Unit last month, we could have been looking at a big problem a year or two from now" (Sun, 1988j).

Funding was shortly thereafter increased to expand the GDU to 30 officers. The unit was also renamed the Special Enforcement Detail (SED).

Talk of victory would have indeed been premature, particularly given the outbreak of gang violence on school campuses in the Spring of 1989. Two high school teens, on their walk back to campus after lunch break, were fatally wounded by bullets fired from a passing vehicle (Sun, 1989b). A rash of minor altercations, most categorized as gang-related, erupted on campuses across the city. Law enforcement officials offered explanations for the disruptions, claiming that gangs were moving from the street to the campus in order to recruit new members and expand

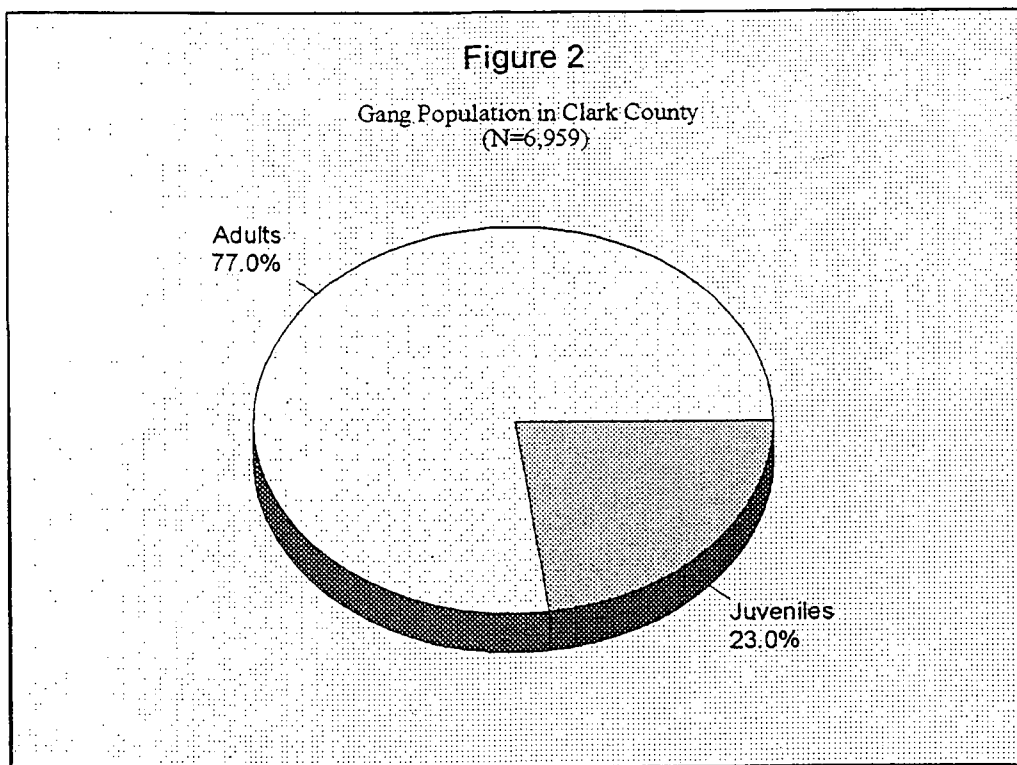
drug distribution networks. School officials agreed, reporting that by the late 1980s gangs had become more numerous and disruptive on campuses across the city (Lazzarotto, 1995). By one estimate, nearly 7 percent of the students enrolled in Clark County junior and senior high schools were known gang members. In response, LVMPD stepped up patrols, undercover police officers wandered on and near campuses, and school district police, usually unarmed, were allowed to carry weapons (Review Journal, 1989a).

Calm eventually returned to high school campus with only few and very minor interruptions reported. The alarm was once again sounded following the shooting death of a student on the first day of the 1990 school year. By all accounts, the tragedy started as a minor altercation between two students in the cafeteria (Review Journal, 1990d). A melee ensued when hundreds of students took sides, shoving, punching and throwing chairs, forcing a terror-stricken faculty to leave the building. Two shots rang out, students scattered, and a 16 year old male slumped to the floor from fatal wounds. The gunman, a 15 year old Hispanic male, was arrested and charged with murder, his act characterized by police as a "gang-related slaying," an accusation never substantiated despite repeated challenges from the attorney assigned to represent the teen (Review Journal, 1990d).

Nonetheless, by 1992 the Special Enforcement Detail was asserting that it now had "control over the gang problem" (Hartung and Roberts, 1993:32). Hundreds of gang members were reported to have been imprisoned, many with their sentences doubled under the new gang legislation. The Special Enforcement Detail (SED) was again renamed in 1994, this time to the Gang Investigations Sections (GIS). In November of 1996, a referendum to add 50 additional officers to GIS was overwhelmingly passed by Clark County voters.

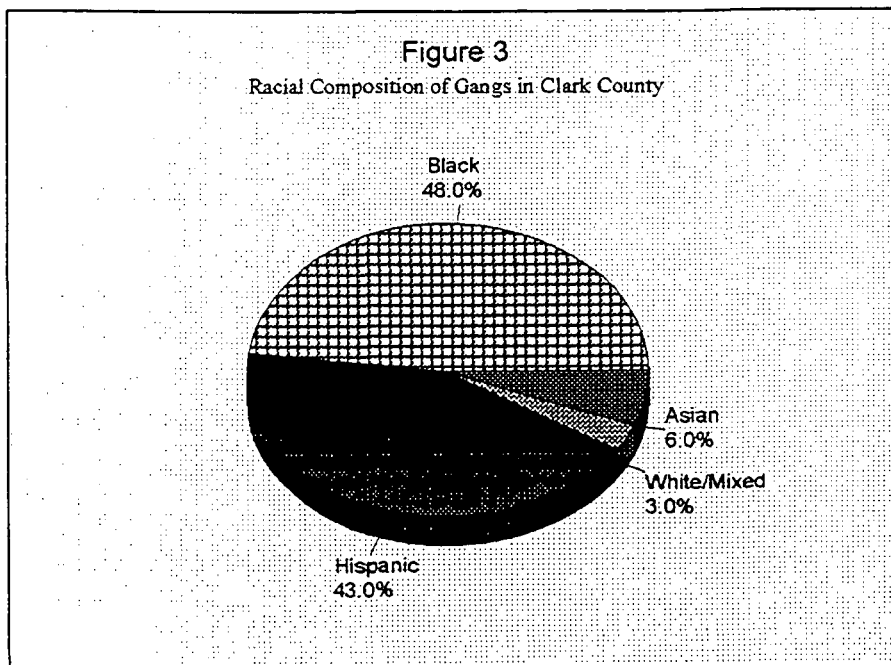
## The Scope of the Gang Problem in Las Vegas in 1996

According to most recent counts, there are presently 146 active gangs in the Las Vegas area with 6,959 known gang members or associates (Conger, 1997). If “wannabees” are included in that count (though no actual numbers are available), Gang Investigation Section officers estimate the previous figure would double. Approximately three-quarters of the individuals in the gang file are adults; nearly one in four is a juvenile (Figure 2).



The vast majority of known gang members/associates are minorities (Figure 3). Blacks and Hispanics comprise all but a small portion of the total gang population, although there is reportedly an increasing number of Asian gang members. White gangs and mixed race gangs are fewer in number and less criminally active. The most active street gangs in Clark County are

presented in Table 1 (the number of reportedly active members is in parentheses).



Black gangs are concentrated primarily in West Las Vegas, many operating out of public housing projects. They reportedly dominate illicit drug markets in Las Vegas, particularly street levels sales of crack cocaine, PCP, and marijuana (Owens, 1995). Heavily armed, black gang members have also been linked to numerous commercial robberies and numerous drive-by shootings. Hispanic gangs are spread more widely across the city. Unlike Blacks, Hispanics migrated en masse to Las Vegas from Southern California after court rulings had struck down discriminatory housing laws. Consequently, Hispanics were never confined, as were Blacks, to a single geographical corner within the community. Both Black and Hispanic gangs are, however, fiercely territorial.



**Table 1**  
Active Gangs in Clark County

Black Gangs

Donna Street Crips (350)  
Gerson Park Kingsmen (370)  
Rolling 60's (244)  
Playboy Bloods (670)  
Piru Bloods (134)  
West Coast Bloods (202)  
East Coast Bloods (87)  
Anybody Murders (52)  
North Town Gangsters (83)

Hispanic Gangs

San Chucos (579)  
28th Street (450)  
Lil Locos (310)  
18th Street (225)  
Varrio Naked City (177)  
White Fence (153)

Asian Gangs

Flipside 29/Flipside Gangsters (150)  
Pinoy Real (130)  
Horny Boys/Laos Boys (30)  
Bad Boy Pinoys (40)  
Kickboxers (60)

White/Mixed Gangs

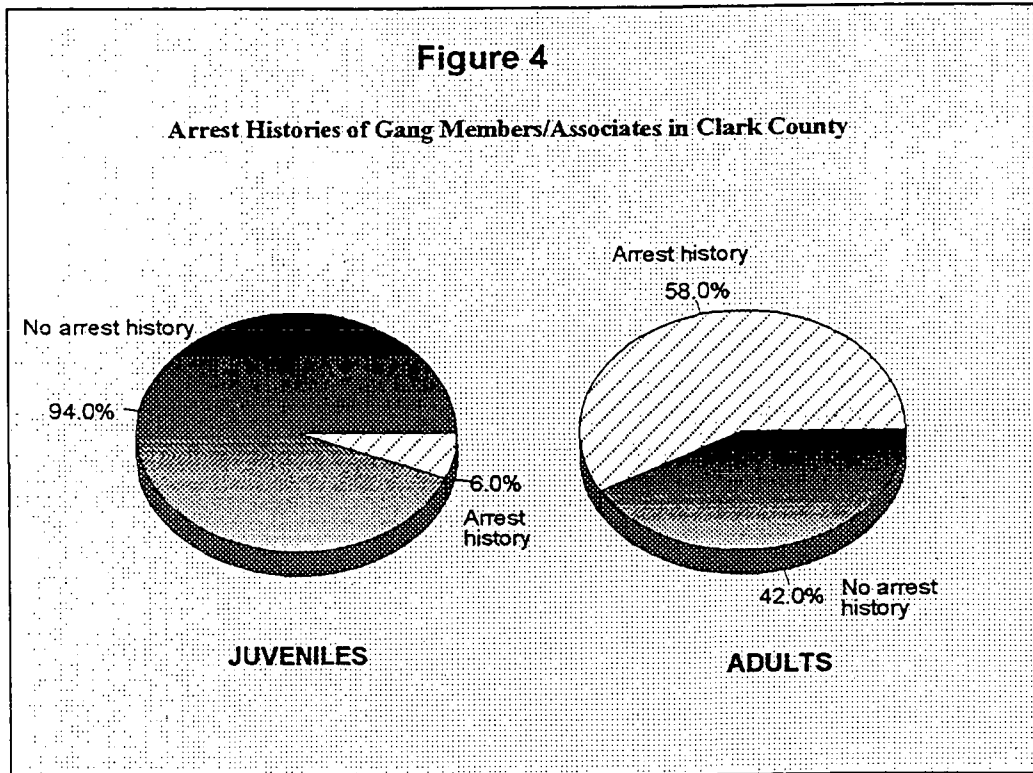
Reet Boys (82)  
Skinheads (60)  
Criminal Minded Mafia (21)

Hispanic gangs in the area are also involved in the sale of narcotics, but most of their criminal activity appears to be motivated by rivalries with other area Hispanic gangs. Members steal cars to use in drive-by shootings, burglarize gun shops to obtain weapons for use in gang warfare, and murder to avenge even trivial acts of disrespect. Unlike Black and Hispanic gangs, Asian gangs do not normally claim a particular turf, but instead choose to hang out in casinos, pool halls, local malls, and video arcades (Owens and Damarin, 1995). Their crimes range from tagging to robbery to murder.

Many of the local Asian sects maintain ties to gangs in Southern California. It is not uncommon for Asian gang members in California to commit a crime, then drive the short distance

to Las Vegas to hide-out until things “cool down”. The reverse also occurs, with Las Vegas Asian gangsters seeking refuge in the homes of their Californian counterparts. White/mixed race gangs are small, less organized, and less criminally active.

A surprising number of those identified as gang members or associates in Clark County have never been arrested (Figure 4). Only 58 percent of adults listed in the gang file had any arrest history. Even more striking, of the 1600 juveniles identified as gang members/associates, less than 100 had an arrest record.



proportion of all defendants, for various offenses, who were known gang members or associates. The role of gang members/associates in violent crime in Clark County over the period again appears small. The one exception is murder. In 1989, about 1 in 10 of those charged with murder were known gang members/associates; by 1995, that number had grown to nearly 1 in 4. The prevalence of gang members/associates among property and drug offenders doubled and sometimes tripled during those years, although they remained only a fraction of all such offenders processed in Clark County courts

Table 2

Proportion of Index Crimes and Felony Drug Charges Filed  
Against Known Gang Members in Clark County, 1989-1995

	1989	1990	1991	1992	1993	1994	1995
<b>Violent Index Offenses</b>	.03 (4032)	.04 (4771)	.05 (5017)	.07 (5904)	.07 (6349)	.05 (6195)	.05 (7406)
Murder	.13 (266)	.08 (355)	.18 (346)	.18 (493)	.19 (488)	.15 (354)	.08 (366)
Rape	.01 (181)	.00 (135)	.03 (66)	.09 (70)	.02 (126)	.05 (79)	.02 (502)
Aggravated assault	.02 (2945)	.03 (3597)	.03 (3550)	.03 (4042)	.04 (4507)	.05 (4493)	.03 (5221)
Robbery	.04 (640)	.06 (684)	.08 (1055)	.14 (1299)	.16 (1228)	.14 (1269)	.11 (1317)
<b>Property Index Offenses</b>	.02 (3604)	.04 (3558)	.06 (3967)	.06 (4915)	.05 (5629)	.03 (7564)	.02 (14023)
Burglary	.02 (1716)	.03 (1736)	.04 (2003)	.05 (2461)	.04 (2400)	.03 (2932)	.03 (3232)
Larceny	.01 (1104)	.05 (1001)	.04 (1141)	.04 (1396)	.03 (2206)	.01 (3467)	.02 (9053)
Motor Veh. Theft	.04 (774)	.06 (800)	.12 (819)	.11 (1054)	.12 (1010)	.10 (1161)	.05 (1694)
Arson	.00 (10)	.05 (21)	.00 (13)	.25 (4)	.08 (13)	.00 (4)	.04 (44)
<b>Drug Offenses</b>							
Drug Sales	.02 (1419)	.01 (1111)	.02 (700)	.03 (992)	.05 (775)	.04 (929)	.08 ***
Drug Trafficking	.02 (639)	.03 (787)	.03 (1054)	.07 (1415)	.05 (1349)	.05 (1479)	.04 ***

\* Number in parentheses represents the total number of charges for specific offense filed during year

### Table 3

Proportion of Defendants Charged with Specific Index Crimes and  
Felony Drug Offenses Who Were Known Gang Members in Clark  
County, 1989-1995

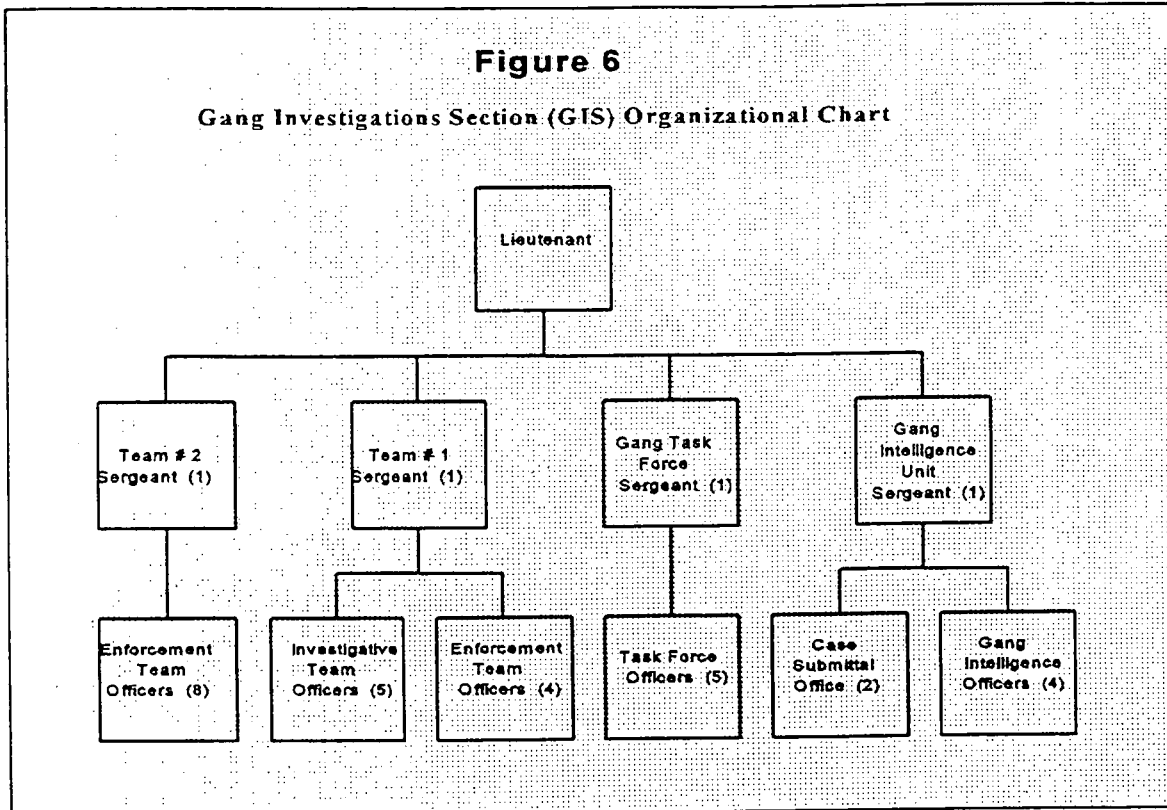
	1989	1990	1991	1992	1993	1994	1995
<b>Violent Index Offenses</b>	.02 (3358)	.03 (3954)	.04 (4107)	.05 (4649)	.05 (5073)	.05 (5003)	.06 (5529)
Murder	.11 (240)	.10 (266)	.19 (288)	.15 (371)	.19 (346)	.13 (281)	.23 (285)
Rape	.02 (68)	.00 (46)	.04 (48)	.09 (44)	.05 (58)	.09 (35)	.11 (37)
Aggravated assault	.01 (2774)	.02 (3356)	.02 (3314)	.03 (3745)	.03 (4193)	.04 (4134)	.04 (4640)
Robbery	.05 (505)	.06 (558)	.08 (719)	.11 (803)	.14 (845)	.10 (866)	.14 (925)
<b>Property Index Offenses</b>	.02 (2295)	.04 (2324)	.06 (2635)	.07 (3023)	.07 (3218)	.05 (3484)	.07 (3932)
Burglary	.01 (1603)	.03 (1641)	.04 (1849)	.05 (2065)	.04 (2203)	.03 (2412)	.05 (2606)
Larceny	.02 (820)	.04 (746)	.07 (875)	.06 (1019)	.05 (1173)	.02 (1559)	.04 (1850)
Motor Veh. Theft	.04 (714)	.07 (669)	.11 (748)	.11 (9324)	.12 (995)	.09 (1070)	.11 (1336)
Arson	.00 (1)	.00 (1)	.00 (1)	.25 (1)	.08 (1)	.00 (1)	.00 (4)
<b>Drug Offenses</b>	.02 (654)	.04 (694)	.04 (798)	.08 (1100)	.07 (1038)	.05 (985)	.06 (1070)

\* Number in parentheses represents the total number of defendants charged for specific offense filed during year

### Structure of Gang Investigations Section (GIS)

Currently, there are 37 officers assigned to the Las Vegas Gang Investigation Section (GIS) (Figure 5). The formal objectives of GIS are to “suppress street gang criminal activity through lawful arrests and prosecution, and to deter street gang criminal activity through the lawful collection, analyzation, and dissemination of intelligence information (GIS Manual, 1995:2)

There are five subunits within GIS: an intelligence unit (9 officers), two investigative teams (15 officers), and enforcement unit (7 officers), and a Task Force unit (5 officers). The intelligence unit is responsible for information gathering for the purposes of identifying new or emerging trends in gang activity. Officers in the two investigative teams attempt to identify suspects in gang-related crimes (except homicides, high profile robberies, and sexual assaults), following leads provided by physical evidence and information obtained from informants, witnesses, and victims. Prior to the summer of 1995, such investigations were not conducted by the GIS unit; cases were submitted to the Las Vegas Metropolitan Police Department’s detective units for investigation. The Task Force unit is part of a cooperative effort with the Southern Nevada Gang Task Force, a consortium of federal, state and local agencies (Drug Enforcement Agency, Nevada Division of Investigation, Henderson Police Department) that attempts to use narcotic enforcement as a means to “prosecute and remove” violent gang members from the community.



Members of the enforcement unit do not carry caseloads. Their primary tasks are gang suppression, achieved by patrolling in gang-infested areas and responding quickly to reported gang incidences. After an afternoon briefing, enforcement officers pair up and form a parade of two or three unmarked patrol cars, moving through perhaps 8-10 housing projects or low-income neighborhoods scattered throughout the city during the course of a shift. The selection and order of sites to be patrolled is sometimes guided by information obtained during briefings: a report of a drive-by that occurred the previous night, a rumor of an impending inter-gang battle, notice of a neighborhood party likely to attract gang members.

The effectiveness of those patrols, however, is difficult to measure. Perhaps because of the patrol, there is generally little activity on the streets in these neighborhoods. The few youth

who are in public view, particularly if they are male, are likely to be confronted by GIS officers. They are questioned repeatedly as to whether they are gang members or have knowledge of gang activity in the area. Field interview (FI) cards are completed. The person(s) are then told to stand against a block wall or structure and a photograph is taken. The entire procedure is conducted with a lack of formality, so much so that few who are stopped and question protest or refuse to have their photographs taken. If while patrolling officers observe criminal activity in progress - for example, a drug sale - an arrest is promptly made, regardless of whether the participants are gang members or not. The arrest provides further contact with residents, and thus an opportunity to gather additional gang intelligence.

Officers in the Gang Intelligence Unit are charged with screening all FI cards and arrest reports, completing "Subject Identification Cards" only for persons that are judged to meet the criteria for gang membership or gang associator. These cards, along with photographs, are then placed in a file accessed and maintained exclusively by officers in the intelligence unit. According to departmental regulations, the "gang file" must be reviewed every two years. If there has been no information in that two year period to suggest continued gang membership or activity by an individual, that file is designated as "inactive." These inactive files are maintained for an additional two-year period. Unless there is information regarding gang activity, the individual's file is purged and destroyed. There are two exceptions to the purge rule: (1) gang members that have pending felony cases against them and (2) gang members who are incarcerated. Interestingly, the files of deceased gang members are not destroyed until 90 days after the death.

The definition and qualifying criteria for gang membership, which ostensibly guide GIS officers in general, and intelligence officers in particular, in documenting gang membership are



spelled out in the unit's manual on policy and procedures (GIS Manual, 1995:1).

Gang Member: An individual who has been positively identified as being a member of a particular gang. Examples of positive identification are:

- 1) self admittance to a law enforcement officer;
- 2) gang-related tattoos;
- 3) participation in gang-related criminal activity; or
- 4) any other circumstance when an officer can articulate obvious gang membership.

Gang Member Associator: A person who admits to criminal street gang association and either

- 1) resides, or frequents, a particular street gang's area and adopts their style of dress, use of hand signs or symbols;
- 2) is identified as an associate by a parent, guardian, or corroborated statement of an informant;
- 3) is identified as an associate by physical evidence such as photograph or other documentation; or
- 4) has been arrested more than once in the company of identified gang members for offenses consistent with criminal street gang activity.

### Survey of GIS Officers: Perceptions of Gang Problem

A survey of GIS's officers was conducted which provided, among other information, perceptions of the extent, nature, and trends of gangs in Clark County (Appendix A). All of the GIS officers who responded to the survey (N=13) believed that gang activity was a "big problem"

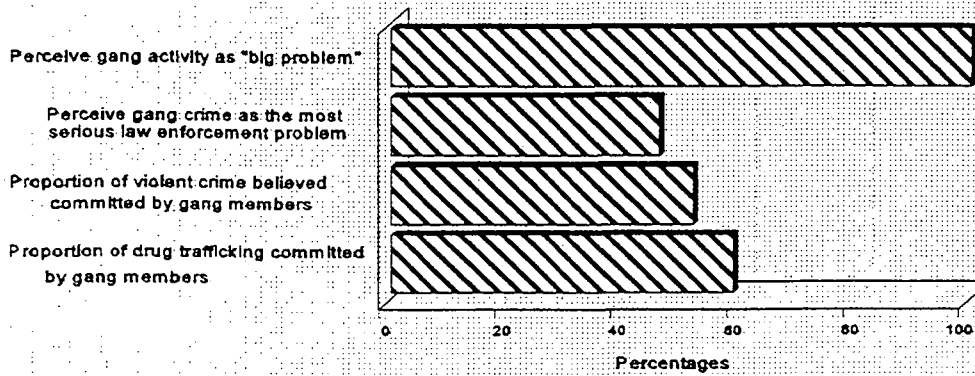
in the area (Figure 6). About half held gang crime to be currently the most serious problem facing law enforcement. Their beliefs about the salience of the gang problem in Las Vegas are not surprising, given the amount of crime in the city they attribute to gang members. GIS officers reported that gangs were responsible for over half (52%) of all violent crime and drug trafficking (59%) in Las Vegas. Their perceptions contrast sharply with the reality of gang crime as has been reported earlier (only 6 percent of all those arrested for violent crimes or drug trafficking in 1995 were known gang members or associates). According to GIS officers, the most frequently committed gang crimes in the city were the sale of illicit drugs, weapons offenses, and drug possession (Figure 7).

Perceptions of trends in the level and nature of gang membership are summarized in Figure 8. Nearly all GIS officers (92%) believed the number of gang members in the area was increasing, most also reporting (85%) that some of that increase was due to the migration of Los Angeles gangs to Las Vegas. Asian and hate gangs were also perceived as becoming more common. Most (69%) believed that area gangs had stepped up their efforts to recruit younger gang members.

Figure 9 presents the responses of GIS officers related to perceived trends in gang activity over the past five years. In no case did officers report that a particular type of crime was decreasing, although a few reported that levels had remained relatively constant. The vast majority believed that gang crime had increased over the past several years. Again, officers reported perceptions of trends in gang activity that are not substantiated by the data supplied by court records reported earlier.

**Figure 6**

**Gang Investigation Section (GIS) Officer's Perception of Gang Problem in Clark County**



**Figure 7**

**GIS Officer's Perception of Most Common Gang Crimes in Clark County**

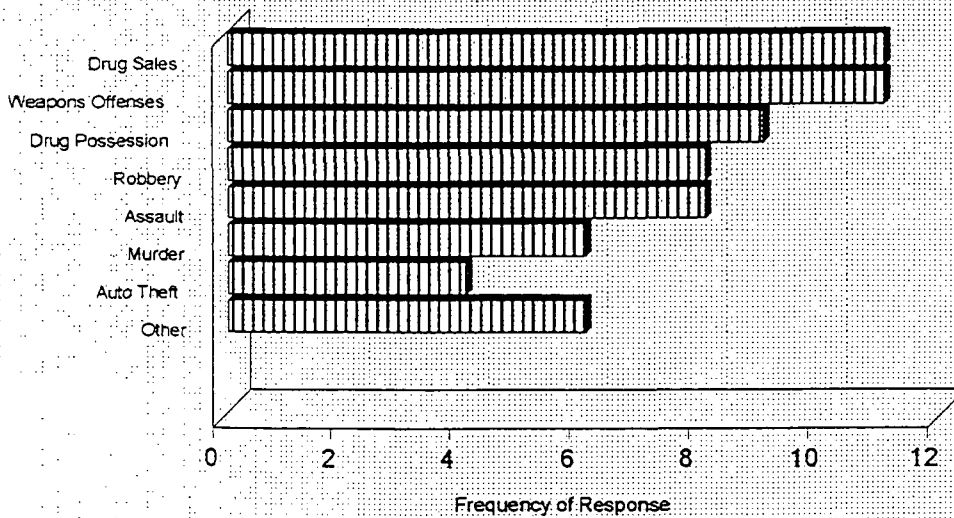


Figure 8

GIS Officer's Perception of Trends in Gang Membership

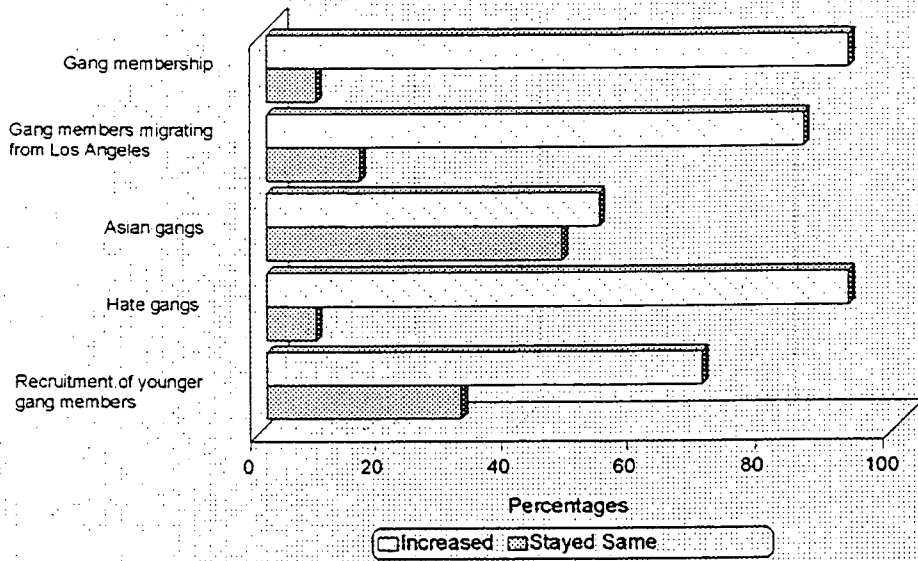
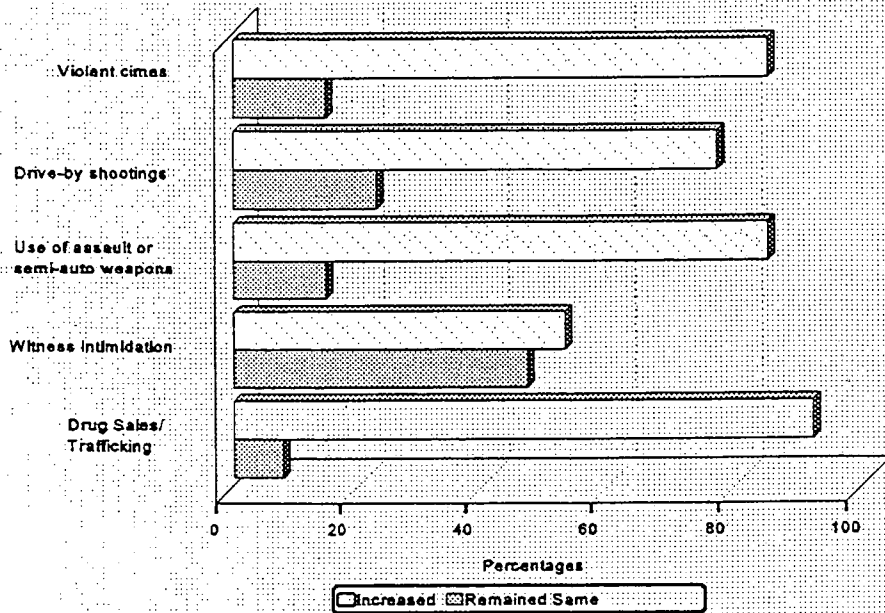


Figure 9

GIS Officer's Perception of Trends in Gang Crime



## **Gangs and the Law Enforcement Response in Washoe County**

The first hint of a gang problem in Washoe County occurred in 1982, when a group known as the "SRPs" surfaced in Reno, its members linked to a series of violent crime and street level narcotic sales. The SRPs, however, never represented more than a minor problem for area police. By 1985, the gang was no longer believed to be active. Concern about gangs resurfaced in the late 1980s when police began reporting that Crips gang members from Los Angeles were migrating to Reno in search of new drug markets. Crip gangsters were also reported to be responsible for the outbreak of graffiti, stabbings, burglaries, and drive-by shootings in the community. In February of 1988, a 16 year old male was beaten to death with a lug wrench on the streets of Reno in what police reported as a "gang-related" act. A summit was convened, bringing together several local agencies - the Reno Police Department, the Washoe County Sheriff's Department, Juvenile Parole and Probation - to exchange information and discuss ways of preventing any further growth in gang activity. Gang experts from California, brought in to hold workshops on various aspects of youth gangs, warned Washoe county officials that resort communities were prime targets for entrepreneurial gangs in search of quick cash. Still, gangs in Washoe County were not viewed as an "overwhelming problem" by local law enforcement (Gazette-Journal, 1988a).

Less than a week after the summit, a 12-year old girl was beaten, robbed and raped by four Crip gang members in Reno. Area residents were shocked by the brazenness of the perpetrators, one reporting that during the gang rape "She (the victim) shed some tears. . . and then I waited until everybody had their turn" (Gazette-Journal, 1988b). In response to this and other gang crimes, the Northern Nevada Youth Gang Task Force was formed in the summer of

1988. Comprised of representatives from police, schools, social agencies, and the courts, the Task Force represented the first, permanent organizational response to street gangs in Washoe County and was designed to maintain a central intelligence file on gang activity. Despite its formation, Reno police officials still seemed to waiver as to the severity of the gang problem, the Washoe County Sheriff stated "By doing this (creating the Task Force), we're not saying gangs are here. . . but there are gang-related personnel present and activities that invite them" (Gazette-Journal, 1988c).

In the months that followed, the gang problem took a disturbing twist. In December of 1988, three members of a white supremacist group were charged with the senseless slaying of a black male, the first drive-by shooting in Reno characterized as "racially motivated." Skinheads were increasingly linked to a number of personal and property crimes committed against Reno minorities. Responding to death threats from local Skinheads, in January of 1989 black Reno bus drivers made their rounds accompanied by private security guards for their protection. While reporting that there were probably no more than 10 to 20 Skinheads in the area, Reno police confirmed that they were "taking the problem seriously" (Gazette-Journal, 1989a).

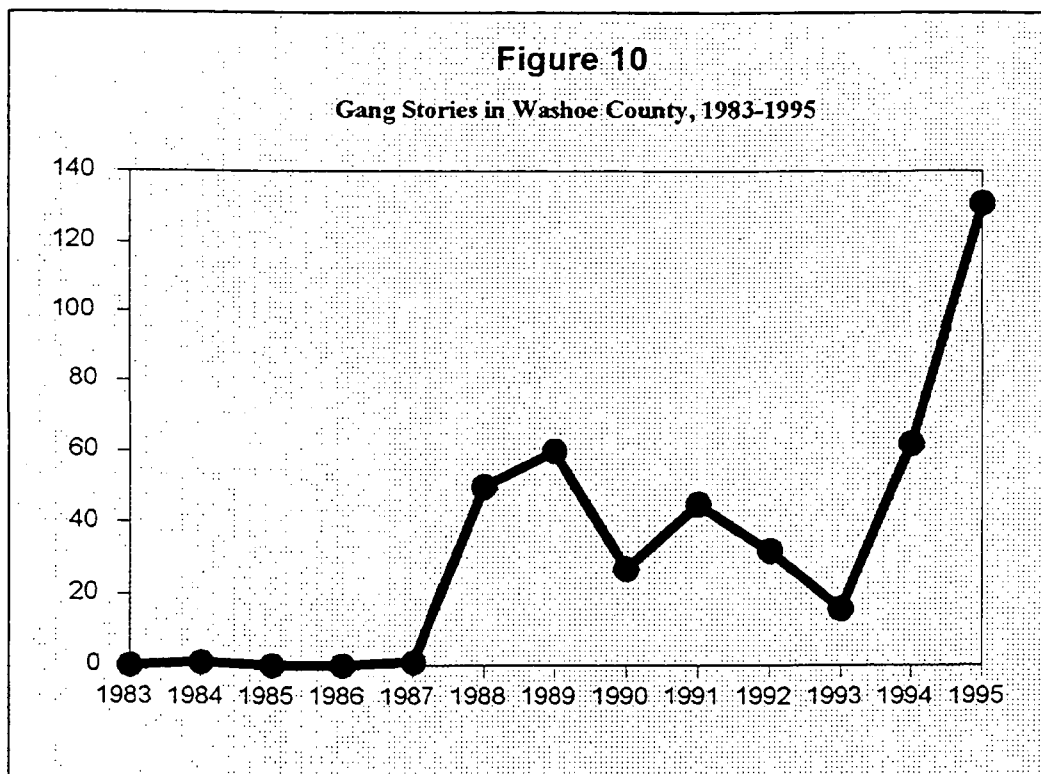
The following year there was an outbreak of gang activity in the Hispanic community. During the summer of 1990, street fights erupted between two rival Hispanic gangs, the Monte Vias and the Montellos. Reno Police Chief Robert Bradshaw conceded that "there's more violence associated with Hispanic gangs this summer than I have experienced in the last nine years I've been in the city" (Gazette-Journal, 1990a). Two days after his comments, Top Locos gang members fired rounds into a passing car, critically wounding a rival gang member. The feuding continued for months, the knife fights, beatings, and shootings spreading to public parks, state

fairs, and area high schools. The editorial pages of the Reno Gazette-Journal reflected the depth of the concern regarding the gang problem:

... we need to understand - all of us - that this is a war. We are under attack and we must respond forcefully and immediately, with every resource at our command. We must pledge to do whatever it takes to control this scourge. We must promise that our streets will not be overrun by thugs without a conscience, our schools will not be battlegrounds for teen-age hoodlums, our nights not punctuated by gunfire” (Gazette-Journal, 1991).

The increasing concern regarding street gangs in Washoe County is also suggested by media coverage during the late 1980s (Figure 10). From 1983 to 1987, the largest paper in Washoe County (the Reno Gazette) carried, on average, less than gang-related story each year. In 1988, the number of gang stories climbed to 56 and then 64 in 1989.

Reno Police initially responded to the increased gang activity by adopting a “zero-tolerance enforcement program,” placing suspected gang members under constant scrutiny and making arrests for any and all violations of the law. While such a suppression strategy did produce some positive returns, it also produced several violent confrontations between police and area youth (Weston, 1993). There was also a backlash that occurred in the Hispanic population in general, angered by what it perceived as the indiscriminate labeling of Hispanic youth as gang members by police and the local media (Gazette-Journal, 1990b).



Confronted with a growing gang problem and community unrest, the Reno Police Department made a full-scale commitment to community oriented policing (Conly, 1993). Under "Community Oriented Policing Plus" (COPS+), law enforcement officers moved from the "tyranny of 911", reactive policing styles, meeting with citizens in their communities to discuss problems and devise solutions. Officers literally went door to door introducing themselves, instituting two-person Community Action Teams (CAT) in minority communities and began working with residents to address a wide range of youth gang issues, armed with interventions beyond simply making arrests (Weston, 1993).

The Reno Police Department was also assisted in the efforts against gangs by the creation of the Gang Task Force in 1992. This task force, created by the FBI office in Reno, included



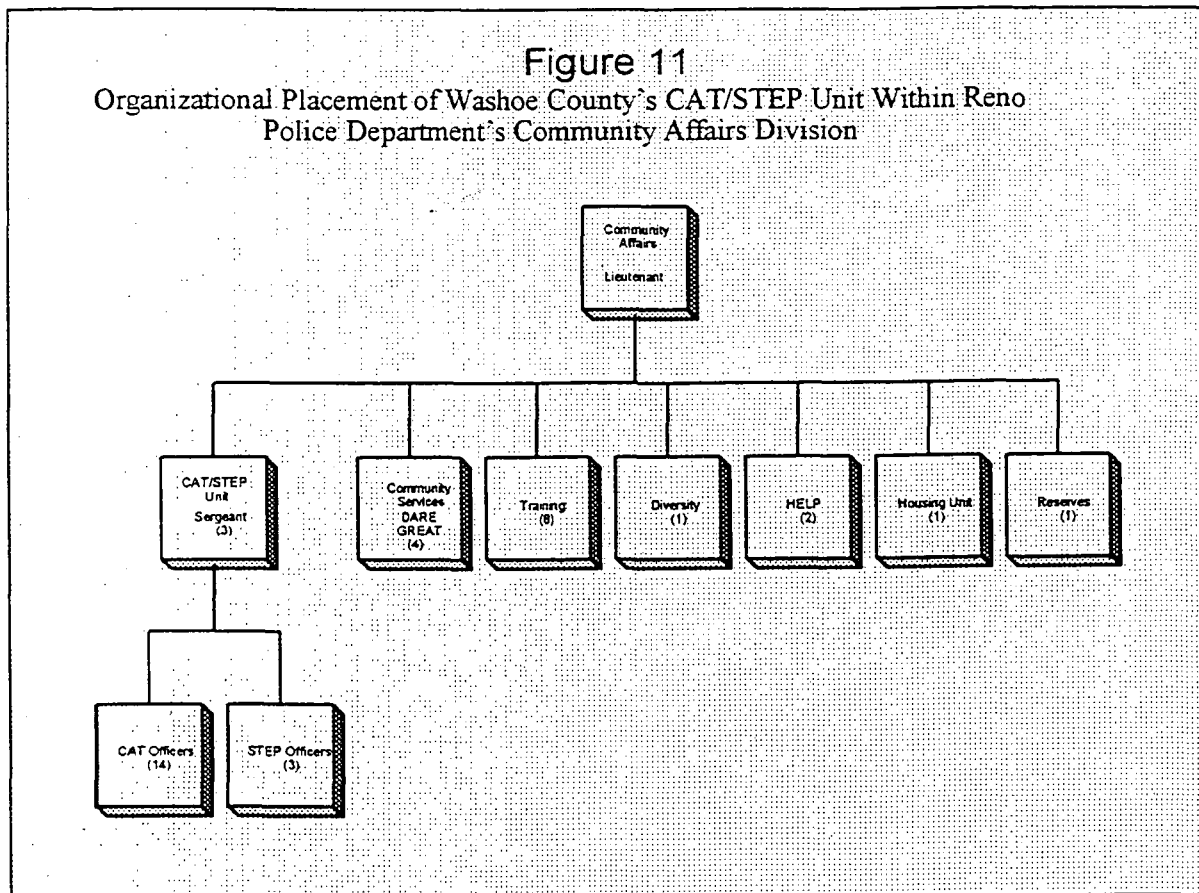
representatives from all area law enforcement agencies in Washoe County. Initially, its mission was simply to collect regional intelligence on the movement of weapons and drugs between Reno and adjacent states. Its efforts led to scores of federal indictments, as well as the confiscation of large amounts of cash and drugs. Because of successes in that arena, the mission of the task force was expanded in 1995 to include all violent gang crime.

Still gang crimes continued to plague the community. After several violent gang crimes committed during the summer of 1995, including the shooting death of a 12 year old girl in public park across from the home of the Washoe County District Attorney, Reno Chief of Police Jim Weston decided to modify the CAT unit and increase its staffing. Despite the rash of shootings, Weston tried to bring calm to the city, reporting that only 2 percent of Reno crime was actually committed by gang members (Gazette-Journal, 1995). Nonetheless, a sergeant and four officers were added to the gang unit, creating the Special Targeting Enforcement Program (STEP) team. The team's goals included targeting the most violent, repeat gang offenders, closely monitoring these cases throughout the criminal justice system to ensure proper handling. The STEP team has worked closely with the Immigration and Naturalization Service (INS) to help identify and deport those gang members who are illegally in the United States. To date, over 50 persons have been deported or are awaiting deportation hearings in the Washoe County area.

#### **The Structure of Reno's Community Action Team (CAT) in 1996**

The Reno Police Department currently operates a CAT/STEP team comprised of 17 officers: eleven police officers, two detectives, three sergeants, and one lieutenant. In 1995, the unit was placed under the Community Affairs Division of the Reno Police Department (Figure

11), where it continues to employ a multi-faceted approach to area gangs.



STEP team members deal specifically with the hard-core gang members, having learned over the years that 10-15 percent of the city's gang members are responsible for the vast majority of gang-related violence, as well as weapons offenses. All CAT officers engage in intelligence gathering activities, conducting surveillance and field contacts with suspected gang members and associates.

Unlike Clark County's GIS unit, Reno's departmental policy specifically forbids CAT/STEP officers from detaining subjects for merely being suspected gang members or

associates. Officers are empowered to detain suspected gang members or associates only when there is reasonable suspicion to believe that the person has committed, or is about to commit, a crime. Consensual contacts, however, are not forbidden; in fact, CAT/STEP officers are encouraged to develop these relationships with criminal youth gang members.

Reno Police Department manuals define the criteria by which gang members and associates are to be identified (Reno Police Department, 1996a:2,3). Arguably, the criteria for establishing *gang membership* are substantially more rigid than those which guide gang identification in Clark County.

Criminal Gang Members: Persons who meet any of the following criteria:

- 1) When an individual admits to membership in a gang and there exists reason to believe that this information is accurate.
- 2) When a reliable informant identifies an individual as a criminal gang member. A reliable informant is an individual whose reliability has been previously tested successfully or a private person who is innocent of criminal involvement volunteers this information freely, openly, and does not demonstrate an alternative motive.
- 3) When an informant of previously untested reliability identifies an individual as a criminal gang member and the information he/she provides is corroborated by independent information.
- 4) When an individual has been arrested for an offense which is consistent with criminal gang activity and there is corroborating evidence of ongoing criminal gang-related activity.
- 5) When an individual has a criminal record which tends to establish a pattern of criminal gang activity.

Criminal Gang Associates: Persons who meet any of the following criteria:

- 1) Any person who individually or as part of a collective has engaged in criminal gang

activity but is not a confirmed member of a criminal gang.

- 2) Any person who admits membership in a criminal gang but there exists reason to believe that this information is questionable.
- 3) When an individual is observed by law enforcement personnel to be engaged in conduct which reasonably indicates involvement or association with criminal gangs. Examples of such observations include but are not limited to the following:
  - A. Tattoos, symbols, or body markings with gang names, signs and monikers, dress, or hand-signs which are reasonably related to current gang affiliation.
  - B. Any written material or documents which can be reasonably determined to be an indicator of a criminal gang involvement or activity.
  - C. Photos taken with current criminal connotations, such as insignia in the background or surroundings, or with a known criminal gang member (s).

During these field contacts, CAT/STEP officers collect identifying information (demographics, names, tattoos, monikers, vehicles, etc.), solicit admissions of gang membership, and also take photographs. The unit supervisor is then responsible for screening all field interview documents to insure that those persons meet the criteria for designation as criminal gang members or associates. Information on those qualifying individuals is then entered into a computer data base known as Intel-Trak. However, 15 days prior to the information being entered into the data base, CAT/STEP officers must notify the individual, if he or she is an adult, or the parents, if the person is juvenile, that they or their child has been identified as a gang member or associate and that information is to be placed in gang intelligence files. After three years, individuals no longer believed to be associated with gangs are purged from the files.

According to CAT/STEP officers, this data base is the "most effective tool police

presently have in recognizing, solving and preventing gang related crime” (Reno Police Department, 1995: 7). When violent crimes occur in the city, police are able to enter any bits of information they may have regarding the perpetrator into a computer - monikers, tattoos, vehicles, etc. - to develop a list of potential suspects. The information produced by such computer searches has reportedly been critical in solving serious gang-related crimes over the past several years.

Most of CAT’s resources, however, are devoted to peripheral gang members or “wannabes.” For example, when a CAT officer spots an unfamiliar youth in the company of known gang members, painting graffiti, or participating in minor offenses, the officer typically take the youth home and speak directly with the parents. Families are informed of their child’s activities and provided information about local service providers who could provide counseling or assistance. Because of the trust fostered by the community policing initiative in Reno, many of these families subsequently become invaluable sources of information for serious gang activity in their neighborhoods. CAT officers are also directly involved in intervention programs, referring and recruiting “at risk” youth to community-based programs that offer alternatives to the gang lifestyle, such as Job Opportunities in Nevada (JOIN) and the Community Opportunity Program (COP). These, and other programs in Reno, provide job training, employment workshops, and apprenticeship opportunities with construction companies, auto body shops, and other local businesses. The department also sponsors annual three-on-three basketball tournaments, each team comprised of a media representative, a police officer, and a gang member.

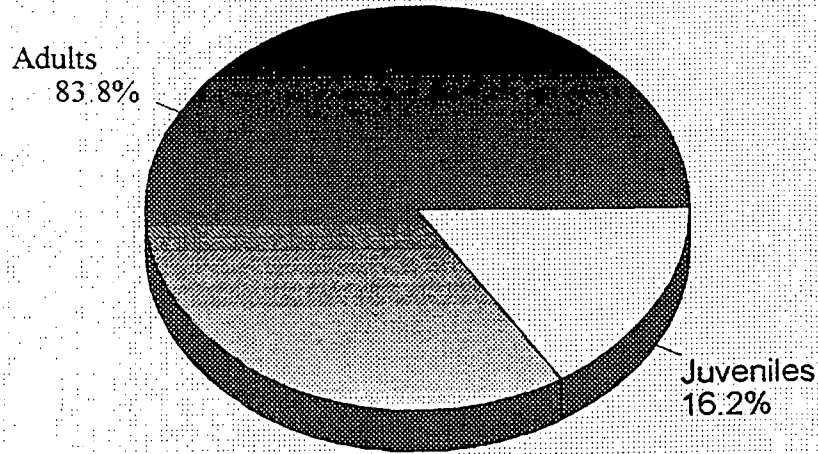
## Gangs in Washoe County in 1996

There were 828 known gang members and associates active in Washoe County in 1996. The most active gangs in the area are presented in Table 4. Juveniles represented a smaller proportion of the known gang members/associates in Washoe County as compared to Clark County (Figure 12). Adults represented approximately 84 percent of all those included in the gang file maintained by the CAT unit. The racial composition of gangs also differs sharply between the two counties (Figure 13). Nearly two-thirds of Washoe County gang members/associates were Hispanics; Blacks constituted only about 13 percent of gang members (compared to 48% in Clark County).

<u>Hispanic Gangs</u>	<u>Black Gangs</u>
Big Top Locos (19)	Bloods (misc. sets) (38)
Crazy Varrío Clique (17)	Crips (misc. sets) (151)
Mara Villas (43)	
Montellos (93)	
South Side Locos (52)	
Lewis Street (15)	
Mara Salvatrúca (18)	
Sunset Texas (32)	
<u>Asian Gangs</u>	<u>White/Mixed Gangs</u>
Flipside (Unknown)	East Wood Tokers (16)
Pinoy Real (130)	Skinheads (16)

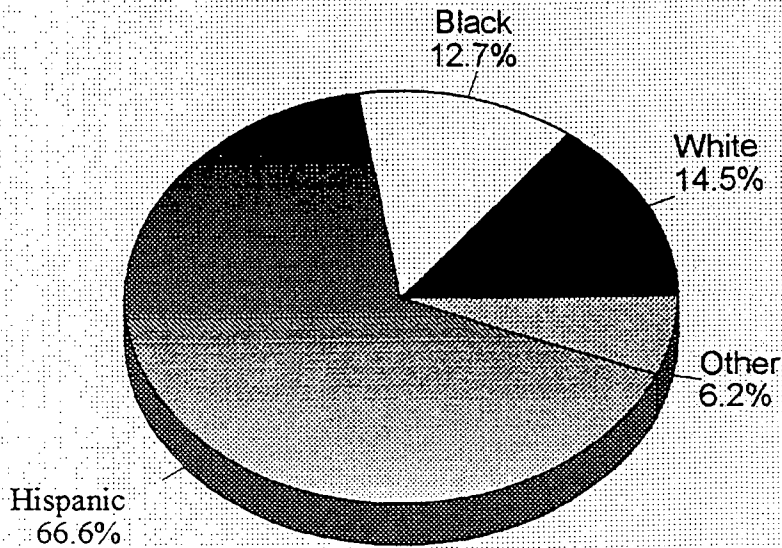
# Figure 12

## Gang Population in Washoe County (N=828)



# Figure 13

## Racial Composition of Gangs in Washoe County



According to Reno police officials, criminal gang activity in the area has increasingly involved the trafficking of illegal drugs (RPD, 1996). Well-established drug routes have been identified running between southern California, Arizona, Las Vegas and the Washoe County area. Black gangs are believed to have monopolized the retail market in Reno. Hispanics, on the other hand, are reported to be primarily responsible for the upward trend in vehicle and residential burglaries.

Most gang related violence reportedly continues to involve gang members as victims. In years past, that violence - the drive-by shootings, fights, assaults, etc. - occurred in neighborhoods where rival gang members resided. Because gang membership is no longer confined to specific areas within the city, the violence associated with gangs frequently erupts even in the "best" of neighborhoods. The downtown area has experienced a steady increase in the number of confrontations between rival gang members, in part because local youth (as in many other cities) "cruise" the downtown streets looking for action. CAT/STEP officers now also report gangsters are more heavily armed, such persons seemingly having a preference for sawed-off shotguns and high quality semi-automatic weapons

#### **Street Gang Crime in Washoe County: 1989 to 1995**

Unfortunately, court monitoring data for Washoe County was not available in a format that lent itself to the examination of aggregate trends in gang and non-gang crime. However, a list of all charges, defendants, and dispositional outcomes was obtained for cases processed in Washoe County courts from 1989 to 1995. Supplied with a list of all known gang members and associates by CAT/STEP officials, a search was then conducted to identify all gang



members/associates processed through the courts in a particular year. To estimate the proportion of various categories of crime committed by gang members and associates, systematic sampling procedures were used to draw a comparison sample of non-gang defendants. The process produced all gang members subjected to court processing during the 1989 to 1995 period, and a comparison group of roughly 400 to 475 non-gang defendants for each of those years.

The results of the subsequent analysis of that data are summarized in tables below. Much more so than in Clark County, in Washoe County there were sharp increases in the proportion of crimes committed by known gang members and associates during the period (Table 5). For example, in 1989 there were 66 charges filed related to violent index crimes; approximately 2 percent of those charges were filed against gang members or their associates. In 1994, the number of violent charges filed in the county increased to 112; however, over one-quarter of all of those charges were filed against gang members/associates. Similar increases were found for property and weapons offenses, although the pattern for drug crimes is smaller and less consistent. The level and trends in gang crime are substantially lower when all felony and misdemeanor charges are considered (Table 6). In 1989, for example, there were 4,064 defendants processed in Washoe County courts for felony and misdemeanor charges. Only ten of those defendants were known gang members or associates (less than 1 percent). In 1995, there were 4,909 such defendants; despite the reported growth in gang membership, still only 1 percent (52 individuals) of all defendants were known to be gang members/associates.

**Table 5**

Proportion of Charges Filed Against Known Gang Members/Associates  
in Washoe County, 1989-1995

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Violent Offenses	.02 (66)	.07 (82)	.11 (75)	.23 (97)	.30 (102)	.27 (112)	.14 (92)
Property Offenses	.03 (144)	.02 (147)	.07 (165)	.11 (150)	.18 (166)	.17 (157)	.09 (93)
Weapons Offenses	.00 (7)	.00 (13)	.04 (23)	.23 (13)	.31 (26)	.27 (15)	.20 (20)
Drug Offenses	.03 (146)	.05 (144)	.06 (126)	.11 (165)	.08 (133)	.09 (158)	.09 (92)
Sample Size	411	416	428	461	475	473	475

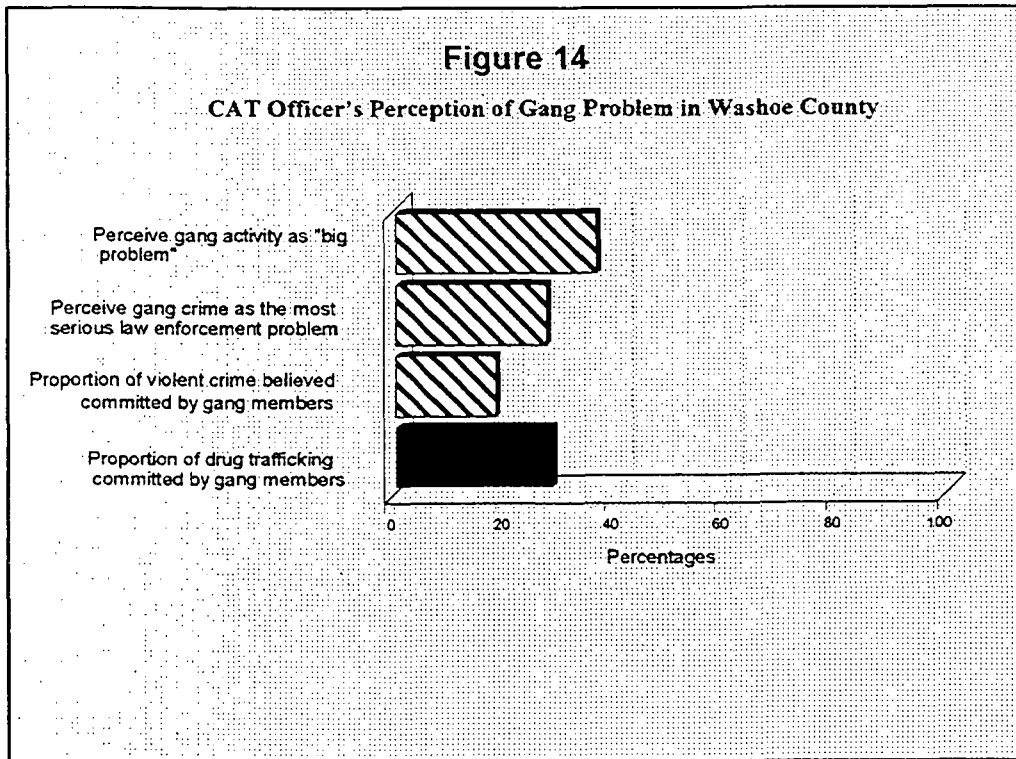
**Table 6**

Proportion of All Felony and Misdemeanor Defendants Who Were Known  
Gang Members/Associates in Washoe County, 1989-1995

<u>Year</u>	<u>Number of Defendants</u>	<u>Defendants Identified as Gang Members/Associates</u>	<u>Percentage of Defendants Gang Members/Associates</u>
1989	4064	10	< .01
1990	3737	16	< .01
1991	3361	28	< .01
1992	3552	60	.02
1993	3700	80	.02
1994	4108	78	.02
1995	4909	52	.01

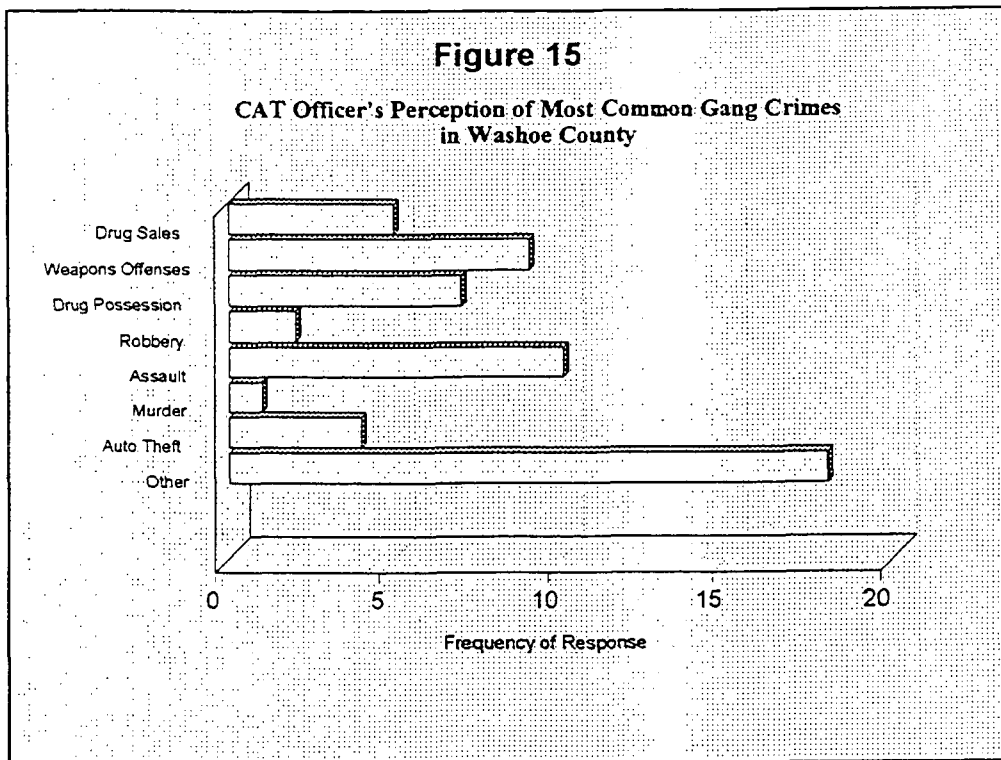
## Survey of CAT/STEP Officers: Perceptions of the Gang Problem

As in Clark County, officers in the CAT/STEP unit were surveyed in order to gain their perceptions of the extent, nature and trends in Washoe County gangs. CAT/STEP officers generally rated the gang problem as less severe than gang officers in Clark County (Figure 14).



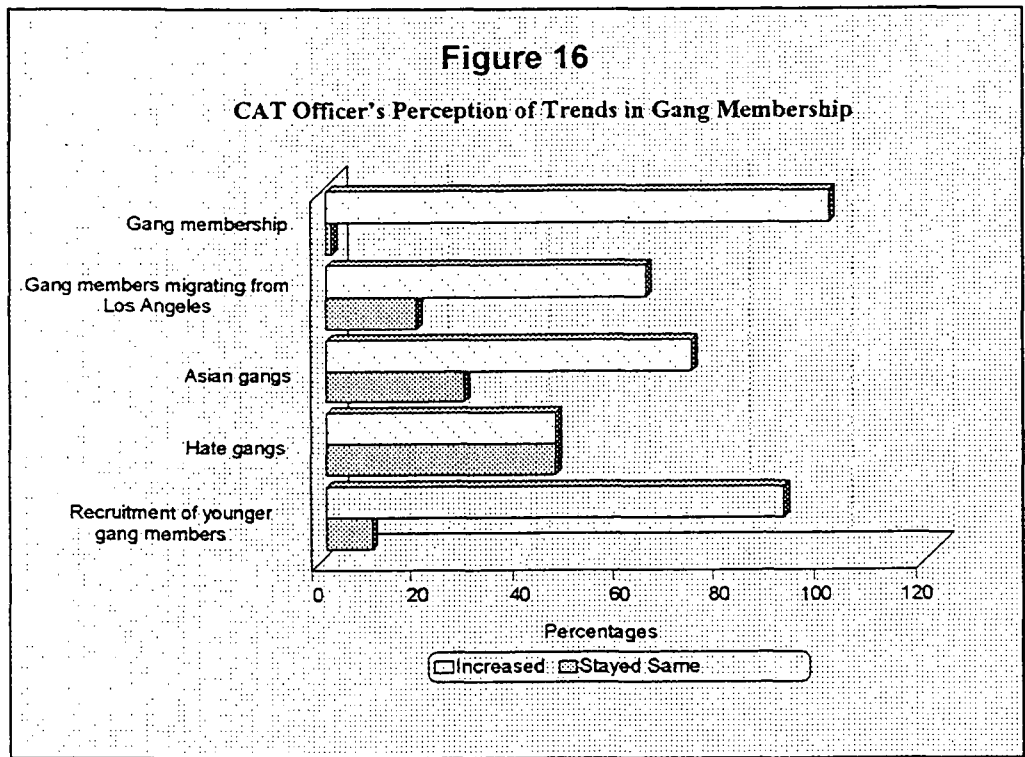
Only about 1 in three officers surveyed (11 completed the questionnaire) believed gangs were a "big problem" in Washoe County, a marked contrast to perceptions held by Clark County gang officers. They were also about half as likely to report that gang crime was the most serious law enforcement problem. CAT/STEP officers believed that area gangs were responsible for, on average, about one out of every five violent crimes that occurred in the county. Compared to Clark County, CAT/STEP officers perceived Washoe County gangs as far less involved in illicit

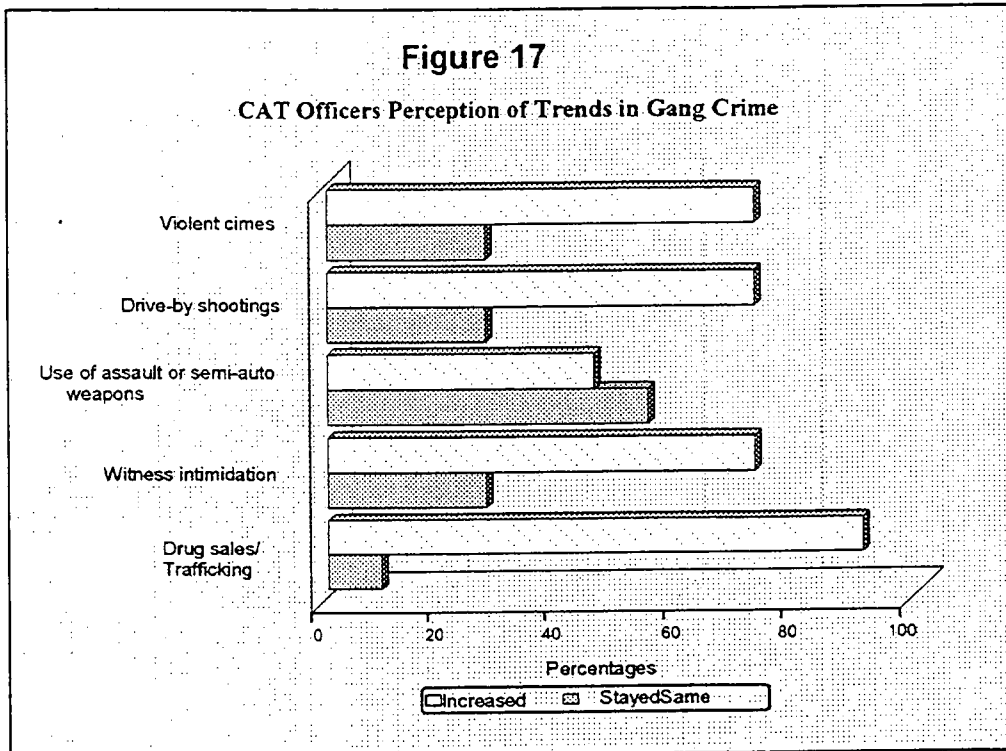
drug trafficking. Gangs in Washoe County were believed to be responsible for a third of all the drug trafficking in the area. Based on arrest data presented earlier, CAT/STEP officers also tended to overestimate the criminal activity of Washoe County gangs. However, their reports were not as exaggerated as those offered in the survey by Clark County gang officers. In fact, CAT/STEP officers generally perceived gangs in the county to be less criminally active than was reported by GIS officers (Figure 15).



All who responded to the survey believed the number of gang members in Washoe County was increasing, and as in Clark County, most gang officers (64%) believed that increase was due, in great part, to the migration of southern California gangs to the area (Figure 16). Most CAT/STEP officers (73%) perceived an increase in the number of local hate gangs; about half

(45%) reported increases in Asian gangs. Like Clark County, the majority of gang officers in Washoe County (91%) believed that local gangs had stepped up their efforts to recruit younger gang members. Figure 17 presents the responses of CAT/STEP officers on perceived trends in gang activity. Their perceptions of gang crime are generally similar to those of gang officers in Clark County. Most believed that, over the past five years, Washoe County gangs had become more criminally active.





### Conclusions

The response of law enforcement officials to gangs in Las Vegas and Reno were in some ways quite similar. The police response in both cities was initially modest; some critics even charged that police officials were in "denial," refusing to acknowledge and respond to the problem, fearful of damaging fragile tourist-based economies. Following a rash of high profile, violent crimes ostensibly committed by gang members, police officials in Las Vegas and Reno responded by creating or augmenting gang units, employing tough suppression strategies aimed at hard-core gang members. But there were differences as well. In Reno, police officials were careful not to exaggerate the severity of the gang problem and fuel public fears. Though Reno police did utilize suppression strategies, officials also designed and implemented a more

comprehensive, community-oriented policing strategy to address the local gang problem.

However, officials within the Las Vegas Metropolitan Police Department in general, and in police gang unit in particular, provided the media with inaccurate and misleading reports of the extent of the gang population in the city. Thus they did much to fuel the gang panic that occurred in the city during the late 1980s and early 1990s. Despite their rhetoric about a “wave” of gang-crime, the findings reported provide nothing to indicate that gangs in Las Vegas were ever more than minor contributors to overall levels of crime.

## CHAPTER THREE

### THE LEGISLATIVE RESPONSE TO GANGS IN NEVADA

Street gangs are a concern because of the crimes they commit, and despite that their crimes may have different motivations, the acts themselves are generally covered by existing criminal statutes. Consequently, few states have enacted new substantive criminal offenses to deal with gang activity (Johnson, Webster, and Connors, 1995). State codes, for example, typically contain provisions that provide criminal sanctions for those who aid and abet, even though an individual may have not been present at the time of the criminal act. Attempts and conspiracies to commit crimes are also present in most jurisdictions. In short, traditional criminal statutes are generally sufficient for local authorities to deal with the crimes committed by street gangs.

Prosecutors also have available federal, and often state, RICO statutes as a means of targeting organized criminal activity (Johnson, Webster, and Connors, 1995). Typically directed at the gang-drug connection, such a strategy allows direct collaboration between local law enforcement and the FBI, DEA, and ATF. Criminal street gangs, however, typically lack the organization and hierarchical structure of traditional organized criminal groups. As such, although 31 states now have RICO statutes, only 17 percent of large county prosecutors report actually having used them against gang members (Johnson, Webster, and Connors, 1995). State conspiracy statutes, on the other hand, are apparently used with much greater frequency.

There are a number of states, however, that have judged existing criminal statutes to be inadequate in dealing with the threat posed by street gangs. During the 1980s, there was a proliferation of gang suppression legislation, typically taking two forms. Some states have



created new substantive criminal offenses to cover gang activity, in particular laws pertaining to random or drive-by shootings and defacing public property with graffiti (Johnson, Webster and Connors, 1995). In certain jurisdictions, legislation has also targeted crack houses, crimes committed on school grounds, victim intimidation, assault weapons, juvenile waivers, and enhanced parental responsibility. Even though these laws do not specifically mention street gangs, they are intended to directly or indirectly respond to what are perceived as gang-related problems (Jackson and Rudman, 1993).

The second approach to gang legislation has been the adoption of a gang statute, which incorporates parts of existing codes by reference and provides enhanced penalties for gang related activity (Johnson, Webster, and Connors, 1995). The prototype for this kind of comprehensive gang statute is California's Street Terrorism Enforcement and Prevention (STEP) Act. During the 1980s, rising concern about the role of gangs in street violence and drug distribution spurred a raft of gang legislation. The attention given to street gangs reached new levels, however, in 1988 following a drug- and gang-related drive by shooting in Westwood Village, Los Angeles - an upscale area frequented by tourists and adjacent to the University of California. Killed in the shooting was Karen Toshima, a young, innocent female bystander. More than any other gang incident, her death forced the gang problem to the forefront of the public agenda in California (Jackson and Rudman, 1993). In the weeks that followed, gangs became the subject of a "media feeding frenzy" that led, in part, to a new round of legislative activity that criminalized street gangs.

Based on the RICO model, California's STEP Act made crime committed by street gang members a separate and distinctively punishable offense. As stipulated by the legislation:

Any person who actively participates in an criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished in the county jail for a period of not to exceed one year, or by imprisonment in the state prison for one, two or three years (California Penal Code Section 186.22, p. 54).

Under the statute, a “pattern of criminal gang activity” is defined as the solicitation, attempt, or commission of two or more specified offenses within a three year period. The specified offenses include assault with a deadly weapon, robbery, unlawful homicide or manslaughter, the sale, possession for sale, transportation, manufacture, etc. of controlled substances, shooting at an inhabited dwelling or occupied motor vehicle, arson, victim or witness intimidation, and grand theft of a vehicle, trailer or vessel. To avoid constitutional issues, STEP excluded the bulk of gang-related crimes committed for individual rather than gang purposes: almost all thefts, vandalism, minor assaults, weapon and drug possession, and minor assault. Gang members who are, however, convicted of one or more of the specified offenses are subject to one, two, or three year penalty enhancements.

A critical and controversial component of California’s STEP Act is the definition of a criminal street gang, defined 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 of the criminal acts enumerated (above), which has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity (California Penal Code Section 186.22, p. 56-57).

To increase the deterrent effect of the statute, a gang is "STEPped": known gang members are notified in writing that they are being targeted and future offenses will be subject to the provisions of the law (Klein, 1995). To date, four states - Florida, Georgia, Louisiana, and Illinois, have enacted STEP acts based directly on the California model. As will be seen below, other states, such as Nevada, have passed gang statutes that have incorporated elements of the California legislation.

### **The Evolution of Gang Legislation in Nevada**

By the beginning of the 1989 legislative year, concern about gangs in Nevada had reached levels that demanded strong action. Random and drive by shooting were reportedly on the rise, accounts appearing frequently in the local media. Several highly publicized gun battles between rival gangs had erupted in 1988 at public parks, private recreational facilities, and on school campuses. Las Vegas was apparently being targeted by black gang members from Los Angeles, setting up crack houses and recruiting and training local gang members. In the first three months of 1988 alone, 50 Los Angeles gang members were arrested at Las Vegas's McCarran International Airport, authorities seizing substantial amounts of drugs and cash from the criminal couriers. Full-time county crews worked to remove gang graffiti from walls, bridges, and billboards.

In January of 1989 a Joint Meeting of the Senate and Assembly Committees on Judiciary Concerning Youth Gangs was held to discuss both the scope of the problem and legislative alternatives. Law enforcement officials from Clark and Washoe counties provided testimony to lawmakers regarding the size, nature and trend of gang activity in their respective jurisdictions.

Gang members were described as “vicious, capitalistic, and entrepreneurial . . . contemptuous of authority, greedy, and indiscriminate in their actions” (Elverum, 1989:2). According to police officials, Nevada’s gangs were essentially an extension of Los Angeles gangs who had migrated to Las Vegas and Reno, lured by the huge potential profits in illicit drug markets. These street gangs represented a clear and present danger to Nevada youth, particularly to the disadvantaged who might view gangsters as attractive role models and to those youth who place themselves at risk by resisting recruitment efforts.

### **Legislative Responses to Gangs in 1989**

As in California and other states, many of the statutes enacted by the Nevada Legislature did not contain explicit references to gangs. The debate and substance of the legislation, however, was clearly directed toward what was perceived as a growing wave of street gang crime.

***Juvenile Court Waivers*** One of the problems associated with the prosecution of juvenile gang members is that such cases can frequently fall under the jurisdiction of both the juvenile and adult court systems. In Nevada, for example, juveniles charged with murder or attempted murder are automatically certified as adults and their cases transferred to adult court for prosecution. However, if the case also involved a rape or a robbery, or some other offense, the juvenile court retains jurisdiction for the prosecution of those offenses. Consequently, the prosecution of the case would occur in two forums. To address this problem and facilitate the prosecution of gang cases, the Nevada Legislature amended Nevada Revised Statute (hereafter referred to as NRS) 62.060, which removed from the jurisdiction of juvenile court any crime committed by a juvenile

convicted of discharging a firearm out a motor vehicle in a populated area.

*Crimes on School Grounds* Several pieces of legislation were also enacted to cover what was believed to be a rise in criminal activity on school grounds. Although law enforcement officials were present at hearings on school-related bills, school administrators provided the primary testimony in support of the proposed legislation. For example, officials from public schools testified about an alarming increase in the number of firearms on campus. The only available sanction for students found in possession of dangerous weapons was expulsion. Moreover, non-students could come on campus with a weapon in plain sight and face no sanction whatsoever. In response, the Nevada Legislature added NRS Section 202.265, making it a gross misdemeanor to carry weapons or firearms on public or private school grounds.

Nevada Revised Statute 392.466 was also amended to strengthen expulsion sanctions against students who carry weapons on school property, at school sponsored events, or on school buses. For first occurrence, the student must be expelled for at least one year. Students found guilty on a second violation faced a mandatory permanent expulsion, though the student may be placed in an alternative school setting. Section 193.161 was also added that doubled the prison sentence for anyone who commits a felony on a school bus. Also enacted by the 1989 Legislature was Section 453.3345, which doubled the penalties for selling drugs on or near school grounds, bus stops, playgrounds, public swimming pools, recreation centers and video arcades.

*Using Minors in Drug Trafficking* Legislation was also enacted that doubled the prison terms for anyone convicted of using a minor as an agent in the sale or distribution of illicit drugs.

According to school security police from Clark and Washoe County, as well as law enforcement officials in general, there had been a proliferation of drug activity on school campuses during the late 1980s. Adult gang members were reportedly recruiting juveniles, some as young as nine years old, to peddle illicit drugs to classmates. By letting kids control retail sales, these adult gang members reduced their operating risks while continuing to rake in enormous profits. After only brief debate, with the only real concern such legislation might have on prison populations, the Legislature added Section 453.3343 to the Nevada Revised Statutes, doubling prison terms for anyone convicted of using a minor as an agent in sale or distribution of illicit drugs.

**Public Housing Evictions** Existing statutes were also amended to create a mechanism by which persons living in public housing and convicted of the manufacture, distribution, or sale of illegal drugs could be evicted. This action was necessary, according to county housing authority officials, to address the “considerable” amount of drug activity which was taking place in low-income housing. Section 315.011 was subsequently amended to deal with “an intimidating minority of the residents of public housing” . . . causing our public housing to become increasingly infested with violence, degeneracy and squalor. . . . The statute established a mechanism for evicting from public housing (or government subsidized private housing) those who actively participate in unlawful activities, as well as those who reside with them.

There were additional bills proposed to the Legislature that were, however, not enacted into law. For example, Assembly Bill 806 would have made it a misdemeanor to entice, procure or induce any person under 21 years of age to become a member of a street gang. In addition, the bill would have mandated “closed-campus” for Nevada public schools. Affecting primarily high

schools, students would no longer be permitted to leave the campus during the noon hour for lunch or at other times of the day for work purposes: once students arrived, they would not be permitted to leave until the end of the day. Such a measure was intended to, according to police officials, "reduce gang clashes" by preventing unauthorized persons from entering school grounds. This first section of the bill died in committee due to what were perceived as First Amendment infringements. The closed campus component was also rejected, in part because of the prohibitive expense of expanding school cafeterias.

### 1991 Legislative Activity

*The "Gang-Buster" Tax* The escalation of gang activity in 1990 and 1991 strongly suggested that the efforts of the 1989 Legislature were inadequate and even stronger measures were necessary to deal with gangs. In June of 1991, a bill was introduced in the Nevada State Assembly which would have provided funding for a State Task Force to combat street gangs. As introduced, A.B. 673 would have authorized the "imposition of property tax for prevention and suppression of criminal gang activities upon approval of voters." The bill defined criminal gangs as:

an association or group of three or more persons, organized formally or informally, with a common name or identifying symbol, whose members, individually or collectively, engage in criminal activity punishable as a felony (A.B. 673, Sec.6).

The bill would have mandated county commissioners in counties of 100,000 or more to levy a tax of 3 cents on each 100 dollars of assessed valuation of taxable property within the county. In

counties of less than 100,000 residents, such a tax was permissible, but not required under the law. Only two counties - Clark and Washoe - had populations that would have mandated the collection of this tax. Monies collected would be distributed quarterly among cities in the county in proportion to the total estimated number of criminal gang members for that county. Estimates of gang membership would be provided by the investigation division of the department of motor vehicles and public safety, the chief of that division being responsible for developing and operating a system of recording all information on persons with alleged connections with or who are members of criminal gangs.

The bill was debated in the Assembly Committee on Taxation in June of 1991. Law enforcement officials from southern Nevada were present and provided testimony in support of the bill. Jerry Zohner, Chief of Police of North Las Vegas, testified that five years ago there essentially no "extensive" gang problem. However, he argued that if more attention and resources had been devoted to the problem that did exist, the public would not be facing the current gang problem. Zohner added that the "longer the delay now, the worse the problem would grow." That prediction was echoed by Ron Lusch, then Assistant Chief of Police of North Las Vegas. A variety of charts, statistics, and color-coded maps were presented to bolster his bosses testimony that the gang problem had recently worsened. Over the past three years, Lusch stated, there had been an escalation of criminal activity by street gangs. Twelve gangs and 750 members identified in 1988 had in two short years grown to over 20 gangs and 1200 members. Total criminal incidents in North Las Vegas were reported to have increased by more than 7,000 incidents in the 1988-1990 period. Lusch confessed that is was "difficult to determine exactly what percentage of our total incidents are gang-related and drug-related" but also added that "in



certain areas, the majority of activity is gang and drug-related' (Nevada Assembly Hearings, 1991:147).

Also present at the hearing were law enforcement representatives from Las Vegas. Lieutenant Mike Hawkins, head of LVMPD's gang unit, came armed with his own set of numbers to show the increasing presence and threat of street gangs: 5000 hard core gang members and close associates in 1991, up from 1500 in 1988. Hawkins also made reference to the gang problem in Los Angeles, a tactic frequently used to whip up support for local law enforcement. Hawkins argued that unless sufficient resources were directed to Las Vegas gangs now, the city risked a similar fate as that of the people of Los Angeles, who have essentially "lost the war" against street gangs. With the funds and organization provided by A.B. 673, however, Hawkins contended it would be possible to have a credible police presence in gang-infested areas. By increasing police presence, instead of being the intimidors, the gang members would become the intimidated. Rising gang populations would be checked as the "hanger-ons" and "wannabees" would be deterred from full participation in the gangs. The "hard-core, original gangster", Hawkins concluded, would not be deterred but could be apprehended and taken out of the community.

There was no substantive debate as to the actual threat posed by street gangs. No one stepped forward to challenge law enforcement statistics or predictions. Police numbers and anecdotes were accepted as reflecting an underlying, objective reality. Even a representative from the Nevada Taxpayers Association acquiesced to the need for a gang tax. Her primary concern was that rural cities within a county, without a gang problem, would nonetheless be taxed to pay for what was essentially an urban phenomenon.

The bill went through a number of revisions and was subsequently passed by the Assembly. It suffered a quick death, however, when sent to the Senate Committee on Taxation. With the state teetering on the edge of recession, lawmakers were reluctant to further tax Nevada residents.

*The Gang Enhancement Statute* In an impassioned speech the day following the cafeteria shooting in August 1990, the Governor of Nevada announced what he believed would be the coup de grace -- a complete ban on gang membership. The statute, he promised, would be broadly written to ensure that "wearing gang colors, hanging around gangs, or even bragging about being in a gang" would be a criminal offense and subject to swift, severe sanctions (Sun, 1990c). The initial draft of his "Gang Abolishment Act" drew sharp criticism from local ACLU officials, who claimed that given the majority of gang members were minorities, the bill had disturbing racial overtones (Kendrick, 1995). Veiled racism aside, the ACLU also maintained that such a law would be in clear violation of First Amendment guarantees to free association.

The initial draft consequently underwent major revisions, the charge of producing a workable gang bill principally falling with the LVMPD but also the Clark County Prosecutor's Office. Redactors relied heavily on California's Street Terrorism and Enforcement and Prevention Act, a comprehensive piece of gang legislation that had withstood the scrutiny of California's appellate court (Nevada Committee on Judiciary, 1991a). Critical elements of the bill as drafted included a definition of "criminal gang activity":

Criminal gang activity is the commission, attempted commission, or solicitation of two or more of the following offenses, if at least one of the offenses occurred after the effective date of this act, the most recent of the offenses occurred within three years after an earlier offense and the offenses were committed on separate occasions or by two or more persons: (a) Murder (b) Manslaughter (c) Assault with a deadly weapon (d) Arson (e) Robbery (f) Theft of any vehicle (g) Shooting at an inhabited dwelling or occupied vehicle (h) Harassment (I) Any violation of NRS 453.326 to 453.338 inclusive .

In the initial versions of the bill, a “criminal gang” was specified as:

... an association or group of three or more persons, organized formally or informally, with a common name or identifying sign or symbol, that has as one of its primary activities the commission of criminal gang activity and whose members, individually or collectively, engage in or have engaged in criminal gang activity.

The language of the section on penalties similarly reflects the influence of the California model. S.B. 230 created no new separate offenses, but simply provided additional penalties for the primary offenses listed above.

A person who is convicted of a felony committed for the benefit of, at the direction of, or in association with a criminal gang, with the specific intent to promote, further or assist any criminal conduct by a gang member, shall be punished by imprisonment in the state prison for a term of 3 years in addition to the term of imprisonment prescribed by statute for the crime. A person who is convicted of a misdemeanor committed for the benefit of, at the direction of, or in association with, a criminal gang, with the specific intent to promote, further or assist any criminal conduct by a gang, shall be punished: (a) By imprisonment in the county jail for a term not to exceed 1 year; or (b) By imprisonment in the state prison for a term not to exceed 3 years, in addition to the term of imprisonment prescribed by the statute for the crime.

As in California's STEP Act, a person convicted of a life felony would be required to serve a minimum of fifteen years before being eligible for parole. The language of S.B. 230 also permitted "double-enhancements". For example, a person convicted of attempted battery in Nevada currently faced a penalty of one to three years. Under Nevada law, if that attempted battery involved the use of a deadly weapon, sentence enhancements would double the sanction, allowing for a prison term of up to six years. If that person were also convicted under the law proposed by S.B. 230, an additional three years could be tacked on to the sentence.

A Joint Senate and Assembly Nevada Committee on the Judiciary held in February of 1991 was the initial setting for a series of debates concerning the merits of the Gang Enhancement Statute. The meeting began with an overview of the gang problem in southern Nevada, provided by Lt. Mike Hawkins, head of LVMPD's Special Enforcement Detail. Charts were presented depicting the growth, location, and criminal specializations of area street gangs. The number of street gangs and gang members, Hawkins reported, had "exploded" over the past three years. There were now gangs, he continued, in every geographical area of the city with at least one gang, sometimes several, in every Las Vegas high school. Gangs were now highly organized and dedicated to increasing their profits through drugs and crime.

Even more disturbing, he added, were the changes he had observed in gang member's attitudes and activities in recent years. Gangsters had become more "brazen," increasingly involved in armed burglaries of occupied residences and "car-jackings" (Hawkins recounted in vivid detail an incident in which a driver was shot in the face after refusing to give his keys to a frenzied gang member). Gang members reportedly had a level of contempt for authority previously unseen. Nevada Committee members heard of the bloody shootout between Blood

and Crip members on the steps of City Hall, a clear illustration of their disdain and disregard for the institutions of a civil society. The increased danger posed by street gangs was echoed by another law enforcement official at the hearing who added:

. . . it used to be they were fighting each other with sticks and baseball bats. That's no longer true. The weapons of choice are now 357 magnums, sawed-off shotguns, and automatic weapons . . . it used to be very seldom a police officer would stop a juvenile and find him carrying a weapon. That's no longer so . . . now when you stop a juvenile gang member, in all probability, he is carrying a weapon (Nevada Committee of Judiciary, 1991:12-13).

Such groups represented a clear and present danger to the community in general, but particularly the young and the vulnerable. Area street gangs, according to Hawkins, now actively recruit juveniles, using them as look-outs and runners in illicit drug sales and car thefts. Their recruitment efforts are frequently successful, Hawkins stated, because many at-risk kids in the community "feel a need to belong . . . they come from broken homes, have low esteem, coming from single parent homes and looking for a family . . . the gang becomes their family (Nevada Committee on Judiciary, 1991:9) On the other hand, Hawkins added, many of those kids who join criminal gangs do so out of fear; physically coercive tactics are commonly used by gangs to increase membership. In his concluding remarks, Lt. Hawkins offered a final admonition:

Gangs are more than a passing fad . . . they are not going away; they're here to stay. We can look to southern California to see what they're experiencing and be forewarned about what we are in store for in Las Vegas. . . they're not going away because there are huge profits involved. . . the gang members portray an attractive role model to young kids . . . they aspire to be like them; they want to drive fancy

cars, have a pocket full of money and wear a lot of jewelry. Of utmost importance, gangs are growing because they have not been held accountable for their actions, , , they known in a lot of cases they are not going to face prison time . . . we have to aggressively enforce the laws and to put them into prison, we need help in passing laws that will give those powers. A couple of months ago we indicted some kids on a racketeering drug charge, and during that trial we invited Sergeant Robert McBride of the Los Angeles Police Department to come as an expert witness. While Bob was up here he went into great detail as to what they are experiencing in southern California and readily admitted to us that they had written off and given up large neighborhoods in southern California. . . he said 'You still have a chance in Las Vegas; you can still win it'. . . I would submit to you, ladies and gentlemen, that we can" (Senate Nevada Committee on Judiciary, 1991:10-11).

The threat posed by gangs in Los Angeles was echoed by Joseph Markus, head of Los Angeles's Hard Core Gang Unit, an office in the District Attorney's Office that dealt specifically with gang-related homicides in Watts, Compton, and south central Los Angeles.

. . . Los Angeles is a city under siege. . . it is a difficult place to exist in terms of prosecuting cases, in terms of law enforcement and for kids to go out at night in certain parts of Los Angeles. You have the opportunity here, based upon these hearings, to pass legislation early on. . . believe me, this area is attractive to gang members and its something you all need to be concerned about (Nevada Committee on Judiciary, 1991:75-76).

Local prosecutors echoed that warning, contending the bill would be a preemptive strike by allowing them to more aggressively target gang leaders, since under the statute previously excluded evidence could, for the first time, be introduced at trial that would allow judges and juries "to see the whole picture".

School officials were also present, calling for quick action and reminding legislators that

while they "philosophize" about the gang problem, students are being "intimidated, injured and killed" in local schools. The superintendent of the school district argued:

I think now is the time for everybody to step forward. At some point we have to say enough is enough...if you assume it will get better you are in for a rude awakening. I am an educator and administrator, but we have what I think is a sacred obligation to young people today to protect them and make sure they are well educated. We have great difficulty doing that in the current climate. This is not an overreaction. This is not hysteria (Nevada Committee on Judiciary, 1991a: 9).

Subsequent hearings produced additional revisions to the bill, dropping the enhancements for misdemeanors, tightening the definition of gangs, and allowing judges some discretion in waiving enhanced sentences for defendants who aid in the prosecution efforts (Nevada Committee On Judiciary, 1991b). The bill sailed through the Senate attracting only four opponents, the most critical a Black Senator who characterized the legislation as a "veiled effort to incarcerate more minorities" (Neal, 1995). In the minutes prior to the final vote on the bill in the Senate, Neal scolded his colleagues for avoiding the underlying issues and their desire for quick and easy solutions to the gang problem.

"I rise in opposition to this bill, even though I understand the concern that the bill is attempting to reach. I've sat with members of the Judiciary Nevada Committee and listened to the testimony that was given in reference to why this bill should be needed. I heard the bigots, including the chairman of the Nevada Committee there, tell us about the five thousand or so gang members that were in the Las Vegas area. But, when it came time to demonstrate and show who the gang members were, we were only shown black members of gangs. So that raised a concern in my mind about this measure and what it would do. What we have seen

that has happened in this country, in terms of arresting a black youth, we now have one out of four black youths between 16 and 24 that are part of the prison system in this country. I know that we feel good about pushing our green buttons here today and wipe our hands of this particular situation. As long as you have these social-economic conditions, you're going to continue to have gangs. I don't care what the penalties are. You'll have gangs. I see this measure, since you know the governor is part of my party, he pushed this measure. But he pushed this measure in the same context that Bush pushed the measure against Willie Horton" (Nevada Legislative Record, 1991: 385).

Following the 20 minute diatribe, most senators conceded the need for more prevention. Some even called for additional debate. However, another senator, the co-sponsor of the Gang Enhancement bill, then stood to remind fellow law-makers that "in the time it took for the Senator to deliver his remarks, three more people were killed in gang-related incidences around the country" (Nevada Senate Daily Journal, 1991: 6). A vote was taken, and the bill was sent to the State Assembly. According to one senator from Las Vegas, few lawmakers had high expectations for the statute. Most were simply swept along by the "political wave" that had been building for some time to "really get tough" on gangs (Titus, 1995).

The same political pressures to act against the gang threat guaranteed smooth sailing in the Assembly. With far less debate than in the Senate, the Assembly passed the measure by a 39-3 vote. One dissenter, Wendell Williams, a black assemblyman from Las Vegas, made it clear why he had chosen not support the bill:

... as long as we continue to ignore the causes and only address the symptoms, we'll continue to pass incriminating and discriminating laws that will only escalate the problem, and this is one. This bill will actually do nothing in the war against gangs as long as we continue to have a low-income housing fund with no funds in



it . . . as long as we expect our children to come to school hungry from the night before . . . unless we begin to address one of the highest unemployment rates among teenagers in the nation (Nevada Assembly Daily Journal, 1991:126).

### Elements of the Gang Enhancement Statute

Backers of the legislation were convinced that, these underlying problems aside, tougher penalties were a critical element in the battle against crime in general and gangs in particular. Nevertheless, the passage of the bill came only after major revisions were made. There were modifications, for example, in the definition of what constitutes a criminal gang. The definition became more inclusive, dropping the stipulation that only groups of three or more could be considered a gang. It was also rewritten to be more consistent with existing RICO statutes, giving emphasis to what was believed to be the central feature of criminal organizations: permanence.

“‘criminal gang’ means any combination of persons, organized formally or informally, so constructed that the organization *will continue its operation even if individual members enter or leave the organization*, which (italics added):

- (a) Has a common name or identifying symbol;
- (b) Has particular conduct, status and customs indicative of it; and
- (c) Has one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense” (NRS 193.168, Section 6).

The scope of the statute was narrowed, but toughened. The specific list of gang-offenses (murder, harrassment, robbery, etc.) was dropped, legislators hoping to exploit the deterrent effect of the statute by making the commission of any felony a “trigger” for the enhancement.

Misdemeanors and gross misdemeanors were also excluded from the bill, largely as a result of pressure from minority legislators who hoped to lessen the blow of the statute to minority communities (Neal, 1995). But the most striking revision involved the penalty itself: from a 1-3 year enhancement to a doubling of the prison term for the primary offense - the toughest in the country (Johnson, Webster, and Connors, 1995). Though legislators undoubtedly wanted to send a strong message to gang members, the passage of an even tougher law clearly reflected the ongoing politicalization of gangs in Nevada, the product of elected officials not wanting to appear "soft-on-crime."

"... any person who is convicted of a felony committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang, shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by the statute for the crime. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime" (NRS 193.168, Section 1).

The determination as to whether a particular group constituted a gang, or an individual was a gang member, still would be based on the "expert testimony" of law enforcement personnel. That officer's testimony would also be allowed in court to establish that a crime was "gang-motivated" and thus subject to the Gang Enhancement Statute.

In any proceeding to determine whether an additional penalty may be imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:

- (a) Characteristics of persons who are members of criminal gangs;
- (b) Specific rivalries between criminal gangs;
- (c) Common practices and operations of criminal gangs and the members of those gangs;

- (d) Social customs and behavior of members of criminal gangs;
- (e) Terminology used by members of criminal gangs;
- (f) Codes of conduct, including criminal conduct, of particular gangs, and;
- (g) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general (NRS 193.168, Section 5).

The bill retained the provision that prohibited the court from granting probation to or suspending the sentence of any person convicted of a felony directed by or for the benefit of a criminal gang. An exception was carved out, allowing judges to suspend or reduce the sentence imposed on the primary offense in instances where the defendant renders “substantial assistance in the arrest and conviction of any other principals, accomplices, accessories or coconspirators” to gang-related crimes. Such a provision was included to give the prosecution a powerful plea-bargaining tool in gang cases involving multiple defendants. There is nothing in the existing statute that prohibits “double-enhancements,” though case law forbids the practice.

In the past two legislative sessions (1993 and 1995), no new anti-gang legislation was enacted by lawmakers. The panic that gripped the state during the late 1980s and early 1990s had subsided, though it clearly left its mark on the Nevada’s criminal code.

#### **Assessments of Nevada’s Anti-Gang Legislation Among Criminal Justice Actors**

As part of the survey of law enforcement officers and court personnel in Clark and Washoe counties (Appendix A), respondents were asked to evaluate the impact of Nevada’s anti-gang legislation on gang-related crime (Table 7). In general, respondents gave favorable ratings to the legislation, believing that most statutes were having their intended effect. The highest praise for the

statutes came from police gang officers, the lowest from public defenders. A majority of judges who responded to the survey also believed that the anti-gang legislation was an effective tool, though fewer believed that firearm forfeitures were having any substantial effect on gang activity.

**Table 7**

**Percentage of Criminal Justice Actors in Clark County and Washoe County Reporting Nevada's Anti-Gang Legislation Was Effective in Reducing Gang-Related Crime**

	<u>Police</u>	<u>Prosecutors</u>	<u>Defenders</u>	<u>Judges</u>
Additional penalties for crimes committed on school bus (NRS 193.161)	57.1	16.6	26.9	54.5
Ban on possession of dangerous weapon on property or in school bus (NRS 202.265)	72.7	66.6	67.9	91.7
Discharging firearm out of motor vehicle (NRS 202.287)	91.7	57.9	46.4	75.0
Additional penalties: Aiming firearm at human being (NRS 202.290)	91.7	57.9	39.3	83.3
Firearm forfeitures in drug-related arrests (NRS 453.301)	83.3	26.3	25.0	41.7
Additional penalties: Solicitation of minors to commit criminal offenses (NRS 453.3343)	65.2	5.5	25.9	58.3
Additional penalties: Crimes committed near school, a school bus stop, or recreational facility (NRS 453.3345)	72.7	33.3	28.6	66.7
The doubling of the penalty for any felony done in the furtherance of the gang as a criminal enterprise (NRS 193.168)	91.7	57.9	33.3	83.3
State RICO (Racketeer Influenced Corrupt Organization) statute (NRS 207.360)	37.5	5.5	16.0	41.7

Prosecutors had mixed feelings about the statutes. For example, most believed that the Gang Enhancement Statute was effective in addressing gang crime, but few believed that the sentence enhancements linked to school-related crimes, firearm forfeitures, or the use of a minor in criminal acts were having an impact. The ban on weapons on school grounds was considered an effective statute by a majority of respondents within each category of respondents.

Respondents were also asked to evaluate the potential impact of additional anti-gang legislation (Table 8). Their responses generally indicated that further gang statutes would be helpful.

	<u>Police</u>	<u>Prosecutors</u>	<u>Defenders</u>	<u>Judges</u>
Spray paint laws that enhance penalties for graffiti and vandalism	7.1	16.6	26.9	54.5
Forfeiture of vehicles used in drive-by shootings	72.7	66.6	67.9	91.7
Parental liability for damages caused by gang-involved children	91.7	57.9	46.4	75.0
Making it a felony to recruit individuals for gang membership	91.7	57.9	39.3	83.3
Reducing the age of certification to makes it easier to transfer juvenile gang members charged with serious crimes to adult courts	83.3	26.3	25.0	41.7

Again, the police responded most favorably to each of suggested statutes. Gang officers appeared particularly enthusiastic about new laws that emphasized parental liability and the recruitment of individuals for gang membership. Though generally less optimistic about their impact, most judges, prosecutors, and public defenders tended to be supportive of additional legislation.

### **Conclusion**

During the late 1980s and early 1990s, Nevada passed a variety of new criminal codes and sentencing enhancements designed to address what was perceived as a rising tide of gang crime. Law enforcement personnel figured prominently in the legislative process, engaging in intense and sustained lobbying efforts during the period. At county and state government hearings, police representatives offered testimony regarding the growing threat of street gangs, cultivating the perception that war-weary officers were outgunned and outmanned in street confrontations with "gang-bangers." Police officials were also directly involved in the drafting of much of the legislation for which they lobbied. Undoubtedly, law enforcement officials believed that their efforts served the public interest; many abhorrent and irrational acts of violence were, in fact, being committed by offenders with gang affiliations. But the threat posed by such persons was subject to error and interpretation. As discussed in the previous chapter, police gang officers in both Clark and Washoe counties perceive the extent of gang crime to be far greater than the empirical data actually reveal. Given their misconceptions about the threat posed by gangs, the zeal with which they lobbied for tough gang laws is understandable.

With these new or enhanced criminal codes, the legislature had provided local police and prosecutors the weapons believed necessary to combat gang crime. In so doing, it shifted the

responsibility for curbing gang violence to local law enforcement and court personnel. It would be in the trenches - on the streets and in the courtroom - where the battle would be won or lost.

## CHAPTER FOUR

### PROSECUTING GANG CRIME

Gang cases pose special problems for prosecutors (Johnson, Webster, and Connors, 1995). Often they involve juveniles and adults working together and thus have to be prosecuted in different courts. Victims and witnesses are frequently other gang members who may be reluctant to testify. Prosecuting gang cases can mean placing the safety of victims and witnesses in jeopardy. The homes, families, and jobs of non-gang witnesses and victims are often located in areas controlled by gangs, making them vulnerable to retaliatory violence. Jurors may also be subjected to intimidation tactics during court proceedings, from the defendant and also from his fellow gang members who may be in attendance. In addition to these problems, effective prosecution of gang crime requires specialized knowledge of gang activities and the community context in which they occur. According to Genelin and Naimen:

Gang cases are not easy to prosecute. Ten years ago the Los Angeles District Attorney's Office was losing a large percentage of them because gang members did not want to testify against rival gang members. Instead they preferred street 'payback.' Furthermore, if non-gang witnesses were at the scene, they were either too frightened to cooperate or soon became so because of threats, actual physical intimidation or murder. There was another factor: gang members talked a language unique to their culture. Attorneys did not maximize results because they did not know what questions to ask or how to ask them (Genelin and Naimen, 1998:1).

For decades prosecutors chose to ignore the gang-related nature of many crimes. Many



believed that to identify a crime as “gang-related” ran the risk of diverting the jury’s attention away from the crime and toward the question of gang affiliation (Spergel, 1995). This distraction was viewed by many prosecutors as counterproductive and thus to be avoided. In addition, many prosecutors did not have enough information from law enforcement about the gang-related nature of the crime. With the proliferation of gang crime in the 1980s, however, the issue of gang-related crime could no longer be overlooked.

Because of the issues and problems associated with gang cases, many jurisdictions have developed new approaches and organizational forms to more effectively prosecute gang crime. A survey of prosecutors offices conducted in 1992 by the Institute for Law and Justice found that 30 percent of prosecutors in large jurisdictions (counties with populations over 250,000) and 5 percent in small jurisdictions (50,000 to 250,000) had formed specialized gang units (Institute for Law and Justice, 1993). In larger jurisdictions, these units were typically staffed by two to four full-time attorneys.

These gang units are modeled after Operation Hardcore, a program developed in the Los Angeles County District Attorney’s Office during the late 1970s. Operation Hardcore has a staff of 48 full-time, carefully selected attorneys, a special investigative support team attached directly to the unit, and low caseloads for both the attorneys and investigators. The unit emphasizes early involvement in case preparation and investigation, widening the scope of search warrants, pretrial detention through high bail requests, and the use of expert witnesses who can establish gang membership and educate juries on gang culture, practices, and rivalries. Special attention is also paid to witnesses. The unit coordinates protection and relocation efforts, tapes witness statements, and aggressively prosecutes witness intimidation (Genelin and Naimen, 1988).

At the core of Operation Hardcore and other such units is the strategy known as vertical prosecution (Johnson, Webster, and Connors, 1995). In jurisdictions employing vertical prosecutions, one attorney participates in the full range of prosecutorial functions, from the filing of charges to disposition and sentencing.

Few studies have examined the effectiveness of specialized gang prosecution units. One evaluation of Operation Hardcore documented a 95 percent conviction rate for cases handled by the unit (Dahmann, 1982). Comparable achievements have also been reported in Cook County, Illinois. According to city attorneys in Los Angeles, the implementation of vertical prosecution tactics led to an increase in convictions for gang misdemeanors involving civilian witnesses (Reiner, 1992). Sentence lengths for gang misdemeanor cases also increased, from 153 days under normal prosecution to 252 days using vertical prosecution. However, Spergel (1995) has concluded:

Despite the increased efficiency of vertical prosecution, it has not been accompanied by a general decline in gang activity or a reduction in gang crime or gang-crime arrests in the community. . . The deterrent effects of vertical prosecution, if they exist, probably have been overwhelmed by community changes and urban conditions facilitating gang activity, including immigration, population movement, poverty, and drug trafficking, over which prosecutors have no, or almost no control . . . while there is growing recognition that the gang problem must be addressed through broadened governmental and community efforts and through federal, state, and local justice systems, prosecutors still generally favor prosecution and punishment over a more comprehensive approach (Spergel, 1995:218).

It is likely that the majority of prosecutors do recognize the need for a comprehensive approach to combating gangs. However, because they are comprehensive, such approaches are also

enormously difficult to design, implement, and sustain. Specialized gang prosecution units, however, are far more manageable projects. This reality probably accounts for the proliferation of gang prosecution units over the past decade.

## **GANG PROSECUTION UNITS IN NEVADA**

### *The Clark County Gang Prosecution Unit*

Only several weeks had passed before local prosecutors concluded that the Gang Enhancement statute was a necessary, but not sufficient, tool to effectively fight gangs. The District Attorney for Clark County proposed in August a specialized prosecution unit in response to what he now believed was "an out of hand situation" (Sun 1991c). Even with the new legislation, according to the D.A.'s office, the complexities of gang cases made the application of the statute difficult (Lucherini, 1994). Evidence required to support allegations of gang-sponsored crime was difficult to obtain, multiple defendants were the norm, often involving both juvenile and adult defendants, and critical witnesses were either afraid or other gang members who, for obvious reasons, made for reluctant witnesses. The author of a proposal to fund a gang prosecution unit in Clark County argued:

In order for the criminal justice system to fulfill its goal of protection and deterrence, law enforcement and prosecutors must target those involved in gangs and those contemplating involvement in the gang and they must be put on notice that they will be swiftly and vigorously prosecuted if they are arrested for a gang related offense. However, the current system is not able to guarantee such a result because of the imbalance of resources. Although there is a special unit within the Las Vegas Metropolitan Police Department of 21 officers who investigate and

gather information about gangs and gang members and probation officers who are involved solely with gang related cases no such unit has been given budget approval at the District Attorney's Office in the future. As a consequence, without sufficient prosecutors the criminal justice system becomes nothing more than a revolving door through which arrested gang members are released within hours, to return to the streets to terrorize neighborhoods and intimidate and/or kill witnesses (Lucherini, 1991:1,2a).

As originally envisioned by the Clark County District Attorney's Office, the gang unit would be comprised of three prosecutors, each highly trained in the idiosyncrasies of gang prosecution cases and provided the time to develop rapport with witnesses. Small caseloads would permit the "vertical prosecution" of gang cases, with a single prosecutor assigned to a case when a criminal complaint is filed and working that case until its final disposition. In September of 1991, the District Attorney prepared to go before the Clark County Commission and request full funding for the gang unit; a proposal outlining in detail the unit's objectives and costs was drafted. Several days before the hearing, a call from the County Manager reminded the District Attorney of ongoing declines in local gaming and sales tax revenues, suggesting to the D.A. that a prosecution unit was, at this time, little more than a "pipe-dream" (Lucherini, 1994). The County Manager suggested a gradual phase in of the program.

The District Attorney conceded, and submitted a proposal to the Commission requesting only the funding for another attorney to assist in prosecuting gang cases. Shortly into his presentation of the proposal at the hearing, two Commissioners--aware of the D.A.'s original plan for a gang unit-- began an emotional charge intent on convincing their elected colleagues of the danger posed by gangs, reminding them of the promises made regarding public safety that resulted in their elections, and pressing members to provide full funding for special unit (County

Commission, 1991). However, there was no proposal before the Commission for such a unit, and to have provided support, without even a proposed budget before them, would have been in violation of their own procedural rules. Confusion erupted. After several minutes of parliamentary bickering, calm returned to the chamber and the Commission, despite the procedural irregularity, voted 6-0 in support of the gang unit. Attempting to justify the rashness of the Commission's decision, one Commissioner stated afterwards that "if one witness can be protected, if one gang member can be diverted from criminal activity, the action the board took tonight is well worth it" (Sun, 1991e).

### **Objectives of the Gang Unit**

Clark County's Gang Prosecution Unit began operations in the Fall of 1991. To have an impact on gang activity in the area, prosecutors assigned to the unit aggressively pursued a diverse and ambitious set of objectives (Lucherini, 1991).

*Gang-Tracking System* Prosecutors pushed for the development and operation of a centralized clearing house for information on gangs, gang membership, and gang-related criminal activities in Clark County. This information would come primarily from field investigation reports prepared by local law enforcement in general and gang officers in particular. The information would be updated daily, representing an on-line source of intelligence to local law enforcement, the courts, prosecution, and probation. According to one gang unit prosecutor, the kind of information maintained would not only allow more effective prosecution, but would also "allow us to more effectively assist in the rehabilitation of gang members" (Lucherini, 1991:8).

Sentencing decisions would benefit, prosecutors argued, from knowing where a gang member lives, where he attends school, and who his friends are. Probation officers completing pre-sentence investigations, for example, would be able to ascertain the nature and extent of the gang problem in an offender's neighborhood.

*Case Screening and Vertical Prosecution* Although gang unit prosecutors would initially accept all gang related cases coming into the system, they would be allowed to screen out and retain only those more "problematic" cases for prosecution in the Gang Unit. The remainder would be sent out for normal "track" prosecution, though those cases would still be monitored by gang unit prosecutors. The more active or violent gang members would be carefully monitored; if they committed a crime they would be given "high prosecution priority" (Lucherini, 1991:16). All misdemeanor cases committed by gang members or associates would be sent out for normal track prosecution. Felony cases only would form the pool for possible prosecution by the Gang Prosecution Unit.

Cases retained would be subjected to a vertical prosecution strategy, which, according to the lead gang unit prosecutor, was a "proven technique" that ensured "appropriate, swift, and sure punishment for the gang offender" (Lucherini, 1991:10). Bail motions, probable cause hearings, writs of habeas corpus and other pretrial motions would all be handled by a gang unit deputy district attorney.

*Victim Witness Protection* One of the primary duties of the investigators assigned to the Gang Unit would be to provide support for the management of victims and witnesses in gang cases.

Investigators would be responsible for coordinating activities involving witness and victim case management with the Victim Witness Assistance Center. Investigators would be charged with insulating witnesses from potential threats and violence, including transporting them to and from the court, the courtroom, as well as being visible during the actual proceedings to deter intimidation from gang members. The Gang Unit would also be responsible for taking whatever steps were necessary to ensure the safety and protection of all parties against hostile gang members in court.

*Interagency Coordination* The District Attorney's Office recognized that gang prosecution alone is not the "sole solution to the problem of gangs, though it is an essential component" (Lucherini, 1991:14). Combating gangs required a "team approach," one involving not only police and prosecutors but schools, churches, local service providers, and treatment centers. One important objective of the Gang Unit was thus to provide leadership and coordination for public and private agencies in the community dedicated to curbing gang activity. The Gang Unit would also be involved in diverting certain gang members to community-based alternative programs.

*Probation and Parole Monitoring* The Gang Unit would have regular communication with parole and probation agencies with the goal of facilitating revocations in those cases where offenders continue to participate in gang activities. At sentencing, a recommendation could also be made to the judge that offender be ordered to refrain from association with other known gang members. A violation of this specific condition, brought to the attention of probation officers by the Gang Unit, would be grounds for a revocation hearing.

*Joint State-Federal Task Force*      A central objective of the Gang Unit would be to develop felony prosecutions against "the most dangerous hardcore gang members" by focusing on a criminal activity common to all such persons - the sale and distribution of narcotics. By working with federal law enforcement agencies, local law enforcement officers and prosecutors would more effectively meet this goal. Such a working relationship would, of course, provide access to the federal resources needed for intensive drug investigations, the cultivation of confidential informants, and undercover stings. Furthermore, offenders netted by such joint-action would be subject to the more severe sentencing practices of federal system. The Gang Unit would provide the necessary coordination between other local agencies (North Las Vegas Police Department, Henderson Police Department, Boulder City Police Department) and the United States District Attorneys Office, the FBI, DEA, and ATF.

### **Internal Evaluations of Success**

In early 1994 a report documenting the effectiveness of the Gang Unit was submitted to Clark County Commissioners. According to the Chief Deputy District Attorney within the unit, convictions were obtained in 92 percent of gang trials conducted in 1993. Nearly two-thirds of all felony defendants convicted received a prison sentence, the average term approximately eight years, outcomes that were "particularly significant in light of the fact that the overwhelming majority of these offenders are juveniles or are individuals with very limited prior criminal histories" (Owens, 1994:2). Overall, the Gang Unit effort was responsible for incarcerating nearly 200 "prolifically violent gang offenders, many of whom would be otherwise free and criminally active upon the streets of the community" (Owens, 1994:2).



### The Reorganization of Clark County's Gang Prosecution Unit

In 1994 a new District Attorney was elected and the following year the Gang Prosecution Unit was essentially dismantled, the victim of a massive reorganization plan designed to increase overall efficiency. The District Attorney, Stewart Bell, believed that gangs were a "major problem" in the county, but nevertheless argued that gang cases could be effectively handled through general prosecutorial procedures (Bell, 1995). A specialized "gang unit" was not essential. Gang Unit prosecutors were consequently reassigned to other tasks within the District Attorney's Office. One gang prosecutor was reassigned to the Major Violators Unit, and continues to prosecute most, but not, all gang cases. As in the years before the implementation of the Gang Prosecution Unit, cases are assigned to prosecutors, not on the basis of gang status, but according to caseload and offense specialities.

### *The Washoe County Dangerous Youthful Offender Team*

Though a gang prosecution unit was not formed until some years later, District Attorney Mills Lane actually declared a "war on gangs" in January of 1989. Following a series of high-profile acts of violence by gang members in Reno, Lane called for a mobilization of forces against what many perceived as a growing threat to local residents.

Its unacceptable to me that people in this community are being intimidated. . . We cannot give up our homes to these damn people. . . We as a community have two choices: give up and let them take over our streets or fight back. We're going to fight back (Gazette-Journal, 1989b).

Lane outlined a plan of action during a summit held with representatives from several local law enforcement agencies. Flanked by an assistant district attorney (who had just returned from a gang conference in Los Angeles), Lane made a pledge that no more plea bargains would be offered to those involved in gang-related crimes and high bails would be demanded by his office to make sure "these people" remain in custody and don't have a chance to hurt or kill again. In response to those who were disturbed by the racial overtones beneath the new "get-tough" approach, Lane added "I don't care if they're white, black, red, yellow or any color. . . I'm not going to stand for it anymore" (Gazette-Journal, 1989b).

There is little indication that the prosecution of gang crimes changed substantially following the proclamation of war. Lane left the District Attorney's Office in 1990 and became a district court judge in Washoe County. However, the problems associated with gangs and gang prosecution remained. Consequently, in March of 1993, the new Washoe County District- Dorothy Nash Holmes - took a bold step, creating a specialized unit within the District Attorney's Office to prosecute gang crimes. At a press conference held on the courthouse steps, Holmes announced and justified the implementation of the Dangerous Youthful Offender (DYO) team.

Our schools must remain safe havens for learning, not become armed camps full of warring factions. Our streets must remain safe for families and tourists to enjoy activities and the quality of life we offer here in Northern Nevada (Reno Gazette-Journal, 1993).

Unlike previous efforts, Holmes was quick to point out that the DYO team was not part of a

“war on gangs.” The Washoe County DY0 team was not concerned with gang membership as much as it was “the criminal apprehension and prosecution of that 15-20 percent of gangsters who are actively and repeatedly involved in criminal activity” (Holmes, 1994:1). All but the “hard-core” gang members would be handled through normal prosecution processes, attempting, when possible to divert those offenders to community-based agencies that would provide structure, treatment, and rehabilitation. Still, Holmes was convinced that a specialized gang prosecution unit was essential tool, arguing that “an organized and consistent arrest and prosecution strategy will go far towards solving our criminal gang problem in this community (Holmes, 1993:3).

Five full-time attorneys were assigned to the DY0 team, assisted by one investigator and a secretary to manage caseloads. Heading the DY0 team was a hard-nose prosecutor who had lost to Holmes in the race for the district attorney’s office in 1990. Initially, the DY0 team failed to live up to its billing. According to Holmes, the DY0 team “staggered a bit” in the first two years of operation, primarily because the team’s supervisor “did not buy into the concept and failed to follow the procedures and guidelines “ (Holmes, 1994:1). The team’s chief prosecutor, Dick Gammick, believed the threat posed by Washoe County gangs to be exaggerated, in reality the problem was little more than “a bunch of kids shooting each other up” (Holmes, 1995). In July of 1993, Holmes fired the team’s supervisor (the day he announced he would run in the upcoming race for District Attorney) and personally took over the supervision of the DY0 team (Sparks Daily Tribune, 1993). Holmes was defeated in the primaries, and Gammick eventually was elected to the office. According to the head of the DY0 team, despite Gammick’s tendentiousness, no substantive changes were made in the emphasis or process by which gang members were prosecuted in Washoe County.

## Objectives of the DY0 Team

As in Clark County, the gang prosecution unit in Washoe County set for itself a diverse, though slightly less ambitious, set of goals. Unlike Clark County, however, these objectives were never promulgated in government hearings or the local media. In fact, the implementation of the DY0 team generally received little attention from the media, probably because no additional public funds were requested for the DY0 team as they were for the Clark County Gang Prosecution Unit. The "guidelines" for the DY0 team can be found in memorandum circulating within the Washoe County District Attorney's Office (Holmes, 1993).

*Intelligence/Dissemination* Though comprehensive gang files are maintained by the Reno Police Department's CAT unit, the DY0 office would also be responsible for maintaining records, gang histories and other data necessary to stay abreast on the extent of gang crime committed by both adult and juveniles in the county. Weekly meetings are held to assure team members are aware of current trends in gang activity and are also familiar with all of the cases currently being prosecuted by other team members. Officers from CAT unit also participate in these sessions.

Notices that gang members have been convictions or sentenced are distributed to local schools and neighborhoods affected by gangs in an effort, in part to increase the deterrent of the enhancement prosecution effort. The DY0 team also provides the Washoe County School District with an annual report of the number and types of gang crime referred for prosecution from individual schools within the county.

*Pretrial Release, Charging Practices and Vertical Prosecution* The DY0 team would only

handle cases in which the defendant is considered a “threat to the community” by virtue of the seriousness of his/her offense or criminal history. For those cases selected, DYO prosecutors were to resist the pretrial release, vigorously advocating high bails to keep defendants in custody during subsequent criminal proceedings. While filing the highest provable charge against a defendant, team attorneys would refrain from “stacking” charges (multiple charging) against defendants. Though routinely done in general prosecution tracks to gain leverage during plea bargaining negotiations (where charges or counts are dismissed in exchange for a guilty plea to a single charge), DYO prosecutors were to avoid such practices, because they “do not want gang members to think they had beat three to five felonies” (Holmes, 1995). Indeed, DYO guidelines specifically prohibit plea bargaining to reduce charges (“There will be no plea bargaining to reduce charges” (Holmes, 1993:4). There are nonetheless somewhat contradictory provisions contained within DYO guidelines that do allow for plea bargaining “if the circumstances of a prosecution become such that it appears some . . . concessions might have to be made . . . (Holmes, 1993:6).

Every effort would be made by DYO prosecutors to utilize the Gang Enhancement Statute, as well as the other statutory enhancement available under Nevada Revised Statutes: crimes committed with a weapon, crimes against the elderly, crimes on school grounds, etc. Where the Gang Enhancement is not appropriate or cannot be legally substantiated, conspiracy charges were to be filed to establish joint participation in criminal or delinquent acts.

In Clark County, vertical plea bargaining was the ostensibly the *sine qua non* of the Gang Prosecution Unit; cases handled by the DYO team, however, would be prosecuted vertically only “to the extent possible.” Thus, the level of commitment to vertical prosecution in Washoe County

appeared considerably less than that stated by Clark County prosecutors.

*Victim Witness Compliance and Protection* Given the reluctance of many of the witnesses to or victims of gang crime, the DYO team has a strong commitment to the use of material witness bonds or incarceration to ensure compliance and cooperation. Any evidence that a witness or a victim has provided false testimony to law enforcement, or feigned cooperation with DYO prosecutors initially only to change their testimony during actual court proceedings, would result in charges being filed for false reporting or obstruction of justice. Communications are to be maintained with victims throughout the case, notifying them of all court proceedings, results, and prospective releases of the offender from custody.

To reduce the incidence of witness/victim intimidation by gang members, grand jury procedures would be utilized to the fullest extent. Defendant who threaten or intimidate a witness/victim will swiftly prosecuted to the fullest extent of the law.

### **PROBLEMS IN PROSECUTING GANG CASES**

As part of the survey of criminal justice personnel in Clark and Washoe County (Appendix A), respondents were asked to identify the severity of problems attendant to the prosecution of local gangs. Their responses are summarized in Table 9. To isolate the perceptions of those working most closely with gang cases, the responses of gang unit vs. track unit prosecutors were distinguished.

In general, prosecutors, public defenders, judges, and police all identified victim/witness issues as the most salient problems in gang prosecution cases. Prosecutors, however, were even

more likely to view the cooperation, credibility, and intimidation of witnesses/victims as “major problems” in gang cases. The differences between gang and track district attorneys regarding these issues were relatively small. No gang prosecutors reported that heavy caseloads were a major problem, though caseloads were often perceived as such by other criminal justice actors. Few prosecutors - in or out of gang prosecution units - believed that incomplete police reports or lax, merciful judges constituted anything more than a “moderate” problem in trying gang cases.

A final problem pertained to the difficulty in employing the gang enhancement statute, asking respondents to rank the difficulty in showing a crime was done in furtherance of the gang. Establishing gang motivation was viewed as a major problem by about half of all police respondents; few public defenders, on the other hand, believed that the law was difficult to apply. Among district attorneys, proving an offense was done for the benefit of the gang (and thus subjected the defendant to the penalties under the gang enhancement statute) was rated as less of a problem by gang prosecutors. In fact, several gang prosecutors reported that establishing gang motivation was “not a problem” or only a “minor problem.”

**Table 9**  
**Problems in the Prosecution of Gang Cases (%)**

	<u>Gang</u> <u>D.A.s</u>	<u>Track</u> <u>D.A.s</u>	<u>Public</u> <u>Defenders</u>	<u>Judges</u>	<u>Police</u>
Number of Respondents	8	11	29	12	24
Obtaining the cooperation of victims/witnesses					
Not a/Minor problem	0.0	0.0	27.6	33.3	8.3
Moderate problem	12.5	9.1	44.8	16.7	37.5
Major problem	87.5	90.9	27.6	50.0	54.2
Victim/Witness credibility					
Not a/Minor problem	12.5	9.1	10.3	25.0	25.0
Moderate problem	12.5	27.3	41.1	50.0	50.0
Major problem	75.0	63.6	48.3	25.0	25.0
Victim/Witness intimidation					
Not a/Minor problem	0.0	0.0	48.2	33.3	13.0
Moderate problem	37.5	45.5	34.5	41.7	39.1
Major problem	62.5	54.5	17.2	25.0	47.8
Heavy caseloads					
Not a/Minor problem	47.5	40.0	39.3	25.0	43.5
Moderate problem	62.5	20.0	32.1	41.7	30.4
Major problem	0.0	40.0	28.6	33.3	26.1
Inadequate police preparation of crime reports					
Not a/Minor problem	87.5	40.0	51.7	66.6	87.0
Moderate problem	12.5	60.0	37.9	16.7	8.7
Major problem	0.0	0.0	10.3	16.7	4.3
Sympathetic and lenient judges					
Not a/Minor problem	50.0	72.7	96.4	91.7	47.8
Moderate problem	37.5	9.1	0.0	8.3	34.8
Major problem	12.5	18.2	3.6	0.0	17.4
Difficult proof requirement to show that the offense was done to further the gang					
Not a/Minor problem	25.0	11.1	48.1	25.0	30.4
Moderate problem	62.5	44.4	29.6	50.0	34.8
Major problem	15.5	44.4	22.2	25.0	34.8



## The Use of the Gang Expert

The confidence of gang prosecutors to charge and convict under the Gang Enhancement statute rests, in large part, on their ability to qualify and employ police gang officers as expert witnesses. This tactic is common in gang prosecution units across the country, where gang statutes have been written which permits prosecutors to “detail a gang’s activities in general, the specific activities of the gang and even . . . emphasize singular facts. . . using the expert to hammer home all your evidence” (Genelin and Naimen, cited in Spergel, 1995:214). According to provisions contained in Nevada’s Gang Enhancement Statute, “In any proceeding to determine whether an additional penalty may be imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs . . . (NRS 193.168, Sec. 5). By carefully preparing potential gang experts, prosecutors can minimize the potential problems associated with establishing a particular offense was committed to “promote, further, or assist” a criminal gang.

The method used to qualify a police gang officer as an expert witness is relatively straightforward, as illustrated by a case presented to the Clark County Grand Jury in 1991. Gang Unit prosecutors were seeking an indictment on several members of an Asian gang known as the Laos Boys. Members were alleged to have stolen a car, driven it through the front of a local gun store at 3 a.m., and snatched up nearly two dozen firearms, including several semi-automatic weapons. Seeking indictments under the Gang Enhancement statute, prosecutors needed to show that these offenses were conducted to enable the Laos Boys to retaliate against a rival Filipino gang, the Flipside/Pinoy boys. Once sufficiently armed, the plan was to have females associates of the Laos Boys make handouts of an upcoming party and then distribute them to “Flipside” boys, setting

them up for an ambush. The first witness called by the prosecutor in the grand jury proceedings was an officer from the LVMPD gang unit.

*Prosecutor:* How long have you been associated with the Gang Unit?

*Officer:* Three years.

*Prosecutor:* And during the course of that three years have you conducted and gone to seminars on gangs?

*Officer:* Yes.

*Prosecutor:* Have you actually conducted seminars?

*Officer:* Yes.

*Prosecutor:* And you've taught other individuals about gangs?

*Officer:* Yes.

*Prosecutor:* In these seminars what do you discuss?

*Officer:* Basically discussed how to identify certain characteristics that a gang member might display, certain areas or geographical areas that he may hang in his turf, so to speak, and also general characteristics as far as how to identify.

*Prosecutor:* During the course of your work have you read periodicals and books and used audio visual presentations?

*Officer:* Yes.

*Prosecutor:* You've indicated that you've trained less experienced officers than yourself; is that correct?

*Officer:* Yes.

*Prosecutor:* How many contacts, personal contacts, one-on-one contacts have you had with gang members including arrests?

*Officer:* Oh, I'd say probably a thousand.

*Prosecutor:* How about contacts that didn't result in an arrest?

*Officer:* Thousands.

*Prosecutor:* Thousands?

*Officer:* Yeah, thousands.

*Prosecutor:* You've indicated that you taught less experienced officers. Have you worked with other officers involved in gang related cases? In other words, have you lent your experience to other officers in cases?

*Officer:* Yes.

*Prosecutor:* Approximately how many?

*Officer:* Probably a couple of hundred.

*Prosecutor:* Have you taken an interest in any particular type gang?

*Officer:* Yes, Asian gangs.

*Prosecutor:* When we talked about teaching seminars and instructing, are we talking about teaching seminars on Asian gangs?

*Officer:* Yes.  
*Prosecutor:* And assisting other officers on Asian gang cases?  
*Officer:* Yes.  
*Prosecutor:* Have you worked with any federal agencies like DEA, FBI, ATF which is Alcohol, Tobacco, and Firearms.  
*Officer:* Yes.  
*Prosecutor:* And the U.S. District Attorney's office.  
*Officer:* Yes.  
*Prosecutor:* You assisted them on Asian gang cases, is that correct.  
*Officer:* Yes.  
*Prosecutor:* At this time I would like to bring forth this witness as an expert. . .I'd like to present him as a gang expert. Would that be okay, Madam Foreman?  
*Foreman:* That's fine.

Once qualified as a gang expert, the strategy of prosecutors is to then narrow the focus, asking the officer about his familiarity with the particular gang in question. Testimony is elicited which establishes the gang as a ongoing criminal organization. The markers of membership in this organization are identified: colors, styles of dress, argot, hand signs, tatoos, etc. The witness is also asked to comment on the types of crimes typically perpetrated by the gang, as well any rival gangs or alliances in the local area.

*Prosecutor:* In this case we talked about the Laos Boys, we talked about the Horny Boys, we talked about the LV Boys. Is that one organization?  
*Officer:* Yes.  
*Prosecutor:* Have there been individual members identified by you as gang members in the Laos Boys that have been shot and killed?  
*Officer:* There's been -- yes.  
*Prosecutor:* Does the gang stop when those people are killed?  
*Officer:* No.  
*Prosecutor:* So would it be fair to say in your opinion that it's a combination of persons that organize formally or informally and the organization continues whether individuals leave or enter?  
*Officer:* Yes.  
*Prosecutor:* Now, do they have tatoos or identifying marks on their body?

*Officer:* Yes. A lot of the subjects will either tattoo their street name or moniker or their gang name on certain parts of their body. And they will use-- like cigarettes to burn certain marks on their body to indicate that they belong to a particular gang. If a subject were to have an odd number of burn marks on his person, usually somewhere around the web area of the hand or back area of the hand, it means he is actively involved in committing criminal activity. If the subject has an even number of burn marks he would still be involved in gang membership, but at the current time he is not going out to commit the caper.

*Prosecutor:* Now do these guys (Laos Boys) have particular customs or dress or mannerisms that they use?

*Officer:* A lot of them tend to wear dark color clothing. They tend to wear what is called a logo haircut, basically a haircut, short on the sides, tapered on the back, long on the top so they can wear it in a spiked hairdo and frost the top of the spikes.

*Prosecutor:* Why do they do that?

*Officer:* Basically disguise their appearance when they go out and commit crimes?

*Prosecutor:* What are some of the activities the gang commits?

*Officer:* Into drive-by shootings, murder, extortion, kidnaping, robbery, burglary, auto burglaries, and also commercial burglaries.

*Prosecutor:* How do they feel about the weapons and the things that they take, are they possessive?

*Officer:* As far as their weapons, a lot of them consider their weapons more important than a girl friend.

*Prosecutor:* How about females?

*Officer:* Basically, the females are used to hid and conceal weapons. For example, go to a party or dance, and they will allow the females to carry the weapons on their persons or in their purses. . . male police officers or security officers can't search females.

*Prosecutor:* Who are the rivals of the Laos Boys?

*Officer:* Flip Side, Pinoy

The format of the questioning is similar regardless of whether the officer is testifying before either a grand or petit jury. As a part of their training, police gang officers are taught by gang unit prosecutors as to how to become "gang experts." Classes provide instruction on how to prepare an "Expert Testimony" binder, even providing officers with sample forms for recording

any gang education training received or given, gang crime investigations, and non-custodial field interview contacts. In addition, officers are taught “impression management” in the courtroom: dress well, don’t chew gum, and project an attitude of self-confidence (Villegas, 1996). With this kind of preparation, prosecutors have a much easier time convincing jurors that a crime was, in fact, gang motivated.

## EVALUATING NEVADA’S GANG PROSECUTION UNITS

An examination of gang prosecution units in both Clark and Washoe County was performed in an attempt to answer two critical questions. First, to what extent do these specialized units utilize the anti-gang statutes as developed in the state of Nevada. Do gang prosecutors vigorously prosecute gang members under these laws, or do they continue to rely on conventional criminal statutes to combat gang crime? Second, are these units more effective in prosecuting criminal cases. Compared to similar cases prosecuted through normal channels, do cases handled by gang prosecutors result in higher conviction rates or more severe sanctions. The answers to those questions are provided in the following sections.

### The Use of Anti-Gang Legislation in Clark and Washoe County

Both the Gang Prosecution Unit and the DY0 team affirm their commitment to the panoply of gang legislation passed in Nevada since the late 1980s, with formal policies stating that such statutes would be used wherever possible in response to gang crimes. That commitment is particular strong for the Gang Enhancement Statute, legislation that was drafted, in part, by prosecutors in the Clark County District Attorney’s Office.

Court monitoring data from both counties was examined for the period from 1989 to 1995, documenting the number of times anti-gang legislation was charged, as well as convictions obtained on those charges (Table 10). Though some of these laws had utility, the data revealed that most were rarely, if ever, applied. The most frequently charged of the anti-gang statutes were those directed at the random and reckless use of firearms (i.e., aiming firearm at human being), typical of gang retaliatory crimes. A year after the enactment of that particular piece of legislation, 205 charges were brought against criminal defendants. In 1995, over 300 such charges were filed. It should be remembered that these figures represent total number of charges filed; they are not separate criminal events in which the law was charged. It was not uncommon to find fifteen or more charges under this law to be filed against a gunman who, for example, fired a single shot in the air near a crowd. And most of these charges, of course, would be dismissed during the process of negotiating a plea. This reality is confirmed by looking at the number of charges for which convictions were obtained, which also turns out to be the number of defendants convicted under each of these anti-gang statutes. For example, though 330 charges of aiming a firearm at a human being were filed in 1995, only 39 defendants were actually convicted under the statute. Charges for the discharge of a firearm from a motor vehicle, the quintessential gang crime, were filed only 89 times in 1994 (the most during the period); only three individuals were, however, convicted of a drive-by shooting.

The Gang Enhancement Statute was only used once in the year following it being signed into law. Prosecutors undoubtedly needed some time to research attendant legal issues, cultivate expert witnesses, and plot trial strategies. In 1993, 84 charges were filed using the statute as an enhancement; in 1994, the number had risen to 123. However, 90 percent of the Gang

Enhancement charges were dismissed prior to final disposition. In 1994 the Gang Enhancement Statute was charged 177 times, but only 8 defendants were convicted under the statute.

**Table 10**

**Number of Charges Filed (Convicted) in Clark County Under  
Anti-Gang Legislation, 1989-1995**

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Gang Enhancement Statute: Felony committed to promote activities of criminal gang (Effective 9/1/91)	—	—	0 (0)	1 (1)	84 (9)	117 (8)	61 (19)
Possession of dangerous weapon on property or in vehicle on school (Effective 10/1/89)	0	0	0	7 (2)	27 (1)	15 (0)	20 (3)
Discharging of firearm out of motor vehicle (Effective 6/28/89)	0	3 (1)	2 (2)	12 (6)	47 (5)	89 (3)	46 (5)
Aiming firearm at human being; Discharging weapon where person might be endangered (Effective/6/89)	27 (2)	205 (26)	193 (16)	247 (29)	377 (36)	392 (40)	330 (39)
Additional penalty for procurement of solicitation of minor to commit certain violations as agent (Effective 7/6/89)	0 —	0 —	0 —	0 —	0 —	0 —	0 —
Additional penalty for commission of certain violations at or near school, school bus stop or recreational facilities for minors (Effective 7/6/89)	0 —	0 —	0 —	0 —	0 —	0 —	0 —
Additional penalty: Felony committed on school bus (Effective 7/6/89)	0 —	0 —	0 —	0 —	0 —	0 —	0 —

In 1995, a year after the reorganization of the Clark County Gang Prosecution Unit, only 61 persons were charged with the statute; however, 19 defendants of those charged were convicted. Thus, it appears that after the demise of the Gang Prosecution Unit in Clark County, the Gang Enhancement statute was used more selectively and effectively.

Gang prosecutors in Washoe County utilized the anti-gang statutes even less frequently (Table 11). Between 1992 and 1995, the Gang Enhancement Statute was charged only 24 times; only 3 defendants were convicted. Charges for drive-by shootings were filed only 26 times between 1989 and 1995, and those prohibiting the aiming of firearms at human beings filed only 10 times during the period. The felony ban on weapons on school-grounds was charged only 3 times, all of those charges coming in a single year. The other anti-gang provisions enacted by the Nevada Legislature were never used at all.

It is possible that prosecutors continued to process gang cases as they had prior to the creation of the anti-gang legislation, using traditional criminal codes that had applications to street gang activity (aiding and abetting, accessory, habitual criminal laws, racketeering laws, etc.). Many of these statutes allow prosecutors to hold persons criminally responsible even though they may have not directly participate in the criminal act themselves. Others provide long prison sentences for incorrigible offenders. Prosecutor's familiarity with existing criminal codes may have predisposed them to proceed with normal charging practices, avoiding the complexities and difficulties associated with certain of the anti-gang statutes.



**Table 11**  
**Number of Charges Filed (Convicted) in Washoe County Under**  
**Anti-Gang Legislation, 1989-1995**

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>
Gang Enhancement Statute: Felony committed to promote activities of criminal gang (Effective 9/1/91)	—	—	0 (0)	6 (1)	1 (1)	15 (0)	2 (2)
Possession of dangerous weapon on property or in vehicle on school (Effective 10/1/89)	0 —	0 —	0 —	0 —	3 (0)	0 —	0 —
Discharging of firearm out of motor vehicle (Effective 6/28/89)	0 —	0 —	3 (1)	3 (0)	2 (0)	10 (0)	8 (0)
Aiming firearm at human being; Discharging weapon where person might be endangered (Effective 7/6/89)	0 —	0 —	0 —	1 (0)	5 (2)	1 (40)	3 (1)
Additional penalty for procurement of solicitation of minor to commit certain violations as agent (Effective 7/6/89)	0 —	0 —	0 —	0 —	0 —	0 —	0 —
Additional penalty for commission of certain violations at or near school, school bus stop or recreational facilities for minors (Effective 7/6/89)	0 —	0 —	0 —	0 —	0 —	0 —	0 —
Additional penalty: Felony committed on school bus (Effective 7/6/89)	0 —	0 —	0 —	0 —	0 —	0 —	0 —

But court records reveal that those traditional statutes have also rarely been used against gang members or their associates (Table 12). In Clark County from 1989 and 1995, not a single charge of accessory, aiding and abetting, harassment or habitual offender was filed against a known gang member/associate. Charges pertaining to witness intimidation were used, but still infrequently. The data does suggest that the Gang Enhancement Statute did affect at least one charging practice by Gang Unit Prosecutors in Clark County. Gang members were charged under

state racketeering codes nine times in 1991 and 1992, but not once during the three following years. Racketeering charges, according to gang prosecutors, are inherently difficult to prove. With its passage in 1991, prosecutors apparently opted to charge gang members under the Gang Enhancement Statute, a difficult, but still less formidable, legal challenge. Those statutes were, again, used even less frequently against gang members/associates in Washoe County.

**Table 12**

**Related Charges Filed Against Gang Members/Associates  
in Clark and Washoe County, 1989-1995**

	<u>1989</u>	<u>1990</u>	<u>1991</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>Total</u>
<u>Clark County</u>								
Accessory	0	0	0	0	0	0	0	0
Aiding & Abetting	0	0	0	0	0	0	0	0
Habitual Offender	0	0	0	0	0	0	0	0
Racketeering	0	0	2	7	0	0	0	9
Harassment	0	0	0	0	0	0	0	0
Witness Intimidation	1	1	4	0	5	3	9	23
<u>Washoe County</u>								
Accessory	0	0	0	1	0	1	0	2
Aiding & Abetting	0	0	1	0	0	1	0	2
Habitual Offender	0	0	0	0	0	0	0	0
Racketeering	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0
Witness Intimidation	0	0	0	0	0	0	1	1

Prosecutors in both counties argue that, despite the low number of gang members convicted under the Gang Enhancement Statute, the law nonetheless gives them powerful leverage during plea bargaining negotiations. Defendants formally charged under the statute, facing the possibility of doubled penalties if convicted, are reportedly more amenable to plea bargaining negotiations. In short, the Gang Enhancement statute promotes the interests of justice by increasing conviction rates. However, there is no evidence to support such claims. Table 13 show charging practices and dispositional outcomes for gang cases prosecuted in Clark County prior to and following the enactment of the Gang Enhancement Statute in 1991.

**Table 13**

Charging Practices and Dispositional Outcomes for Gang Cases Prosecuted in Clark County Before and After the Enactment of the Gang Enhancement Statute

	<u>Before</u>	<u>After</u>
Number of charges filed	1.92	2.16
Most serious charge filed <sup>1</sup>	5.81	5.62
Convicted of any charge (%)	.59	.61
Most serious convicted charge	5.12	4.60
Difference between most serious charge filed and most serious charge convicted	.69	1.02

<sup>1</sup>Based on 10 point scale (1=least severe, 10=most severe).

The number and nature of charges filed against gang members did not change appreciably as a result of the passage of the statute. More important, conviction rates for gang members remained relatively constant (59 percent prior to vs. 61 percent following the statute's passage). Moreover,

the difference in severity of charges filed and the severity of charges convicted actually increased subsequent to the enactment of the Gang Enhancement Act, suggesting that prosecuting actually gave up more - not less - during plea bargaining negotiations with gang defendants.

### The Efficiency of Case Processing in Gang Units

To evaluate the effectiveness of the specialized gang prosecution units in Clark County and Washoe County, data was collected for all cases handled by those units from their inception through 1994. During that time period, 340 gang cases were handled by the Clark County Gang Prosecution Unit and 152 gang cases were processed by Washoe County's DYO team.

Preliminary analysis of these gang cases provided a basis for selecting a sample of comparable non-gang cases handled by regular "track" prosecution channels within those respective counties. A total of 313 non-gang cases from Clark County and 63 non-gang cases from Washoe County were selected from prosecutor's files for the same time period, matching for the types of offenses found in the samples of gang cases. From the files on each case (gang and non-gang), information was collected that included defendant characteristics, criminal history, current criminal charges, and dispositional outcomes (Appendix C).

*Demographic, Criminal History, and Offense Characteristics* The data was first examined to identify differences in the type of offenders and offenses prosecuted in gang prosecution units versus normal "track" prosecution units in both counties. General characteristics of the defendants in the sample are summarized in Table 14. Compared to non-gang cases prosecuted in the general track units, defendants in gang cases were younger and more likely to be minorities.

**Table 14**  
**Demographic Profile of Defendants in Clark County and Washoe County**

	Clark County		Washoe County	
	<u>Gang Unit</u> (N=340)	<u>Track Units</u> (N=313)	<u>DYO Unit</u> (N=152)	<u>Track Units</u> (63)
Age	20.9	29.4	20.8	22.1
<u>Race</u>				
White	12.6	46.8	6.5	18.8
Black	50.9	39.5	22.2	3.1
Hispanic	25.9	11.5	62.1	68.8
Asian	10.3	1.9	2.6	4.7
Other	.3	.3	6.6	4.6
Male	98.5	93.9	97.4	100.0
<u>Education</u>				
High School Grad	25.0	5.3	15.0	14.3
Some College	2.9	8.3	.7	1.6
College Grad	0.0	1.0	0.0	0.0
Unknown	14.4	34.7	40.5	46.0
<u>Residential Status</u>				
Non-resident	4.4	6.8	1.3	0.0
1-12 mos.	4.4	7.1	7.8	7.8
Over 1 yr.	86.8	74.0	69.9	57.8
Unknown	4.4	12.2	34.6	34.4
<u>Employment</u>				
Employed	21.8	25.4	29.4	30.2
Unemployed	58.8	39.6	49.0	52.4
Unknown	19.4	35.0	21.6	17.5

This is particularly true in Clark County where gang defendants were, on average, 9 years younger than non-gang defendants; nearly half of non-gang defendants were white, compared to approximately 13 percent of gang cases. Differences were smaller between gang and non-gang cases in Washoe County. Across the four subgroups, the majority of defendants had been county residents for more than one year. Within the two counties, rates of unemployment for gang and

non-gang cases were roughly similar.

Only in Clark County did gang defendants have fewer prior arrests than non-gang defendants (Table 15). However, in both counties, the average number of juvenile adjudications was three to four times greater among gang defendants. In Clark County, gang defendants had fewer prior misdemeanor convictions (1.6 vs. 3.5) and were about half as likely to have a prior felony conviction (44.4% vs. 98.1%). On the other hand, prior violent felonies were more common among gang defendants than non-gang defendants in Clark County.

	Clark County		Washoe County	
	<u>Gang Unit</u>	<u>Track Units</u>	<u>DYO Unit</u>	<u>Track Units</u>
Number of Prior Arrests	5.9	9.4	3.8	2.4
Number of Juvenile Adjudications	4.4	1.2	3.1	1.3
Number of Misdemeanor Convictions	1.6	3.5	1.6	1.5
Percentage with Prior Felony Conviction				
Yes	44.4	98.1	48.0	21.3
No	55.6	1.9	52.0	78.7
Percentage with Prior Violent Felony Conviction				
Yes	23.1	6.7	30.0	28.2
No	76.9	93.3	70.0	71.8

In Washoe County the criminal histories of gang and non-gang defendants were much more similar. Defendants prosecuted by the DY0 team, however, were more likely to have a prior felony conviction than defendants prosecuted through track prosecution units (48% vs. 21.3%).

Table 16 summarizes data on the number and nature of the arrest charges for gang and non-gang cases. Compared to non-gang cases, the number of arrest charges for gang defendants

	Clark County		Washoe County	
	<u>Gang Unit</u>	<u>Track Units</u>	<u>DYO Unit</u>	<u>Track Units</u>
No. of Persons Charged	340	314	153	64
Average No. of Charges	2.6	1.8	1.9	1.5
Average Severity of Charges	4.4	5.1	4.6	4.5
<u>Arrest Charge (%)</u>				
Murder	14.9	12.6	7.5	18.1
Robbery	18.4	24.4	4.5	2.1
Assault/Battery	13.1	15.4	29.1	41.5
Weapons Offense	20.8	21.9	19.2	28.7
Property Offense	18.7	15.2	21.0	2.0
Drug Possession	2.5	1.9	7.8	3.2
Drug Sale/Trafficking	4.0	1.4	4.5	0.0
Other	8.1	7.1	6.0	4.3

tended to be somewhat higher. However, the average severity of those arrest charges (10 point scale, 10 being most severe) differed little. The samples are also roughly similar in terms of the types of charges for which defendants were arrested. For example, in Clark County approximately 46 percent of gang defendants had been arrested for a violent offense compared to 52 percent on non-gang cases.

Table 17 present data on patterns in gang versus non-gang offenses. One dominant gang offense, in both counties there was a greater number of offenders were involved in gang cases. While in Clark County gang cases were more likely to be inter-racial than non-gang cases, the pattern was reversed in Washoe. The victim in gang cases rarely (never in Washoe County) involved a family member or relative. In gang offenses in both counties, the victim was more likely to be a friend or acquaintance. Though there were no real differences in Washoe County, in Clark County it appears that it is the non-gang offender that represents a greater threat to strangers (i.e., members of the general community).

Weapons were allegedly employed by the majority of defendants (gang and non-gang) charged with a violent offense. However, contrary to law enforcement claims and public perceptions, semi-automatic weapons do not appear to be the firearm of choice among criminals in general or gangsters in particular. Semi-automatic weapons were used in less than 2 percent of all the violent offenses committed by gang members. The most common firearm was a handgun, a pattern particularly true in gang offenses.



**Table 17****Offense Characteristics by Prosecution Unit and County**

	Clark County		Washoe County	
	<u>Gang Unit</u>	<u>Track Units</u>	<u>DYO Unit</u>	<u>Track Units</u>
Number of Offenders Involved	2.5	1.5	2.4	1.9
Inter-racial Offense (% yes)	44.8	54.1	64.1	50.0
Victim-Offender Relationship (%)				
Stranger	53.8	60.4	21.8	20.5
Family/relative	1.0	9.0	0.0	11.4
Friend/acquaintance	45.2	30.6	78.2	68.2
Weapon Used In Crime (% yes)	86.5	74.3	88.9	89.5
Type of Weapon Used (%)				
Handgun	74.3	56.4	65.1	29.8
Semi-automatic	1.5	1.6	1.2	0.0
Other firearm	15.1	7.8	1.2	12.3
Knife	15.9	21.8	12.8	24.6
Other Weapon	5.3	12.3	19.8	33.3

*Case Dispositions in Gang vs. Non-Gang Prosecution Units* The critical question to be examined is whether gang prosecution units are more effective in processing criminal cases. More specifically, among cases handled in these specialized units we would expect to find lower rates of case dismissal, higher rates of conviction on more serious charges, and the imposition of more severe sanction. Those predictions would be based, in large part, because of the vertical prosecution strategies ostensibly used in gang prosecution units. In reality, however, within both counties similar numbers of prosecutors are involved in both gang vs. non-gang cases (Table 18). In the Clark County Gang Prosecution Unit, the average number of prosecutors that worked a

gang cases - from criminal complaint to final disposition - was 3.8; in regular track units within the county, the average was 3.6. Because the Washoe County District Attorney's office is considerably smaller, fewer prosecutors are involved in the average case. While the number of gang prosecutors involved in gang cases in Washoe County approximates vertical prosecution (and average of 1.4 prosecutors), the same could be said for its regular track prosecution units as well (1.2 prosecutors).

The Gang Prosecution Unit in Clark County does have a higher conviction rate (excluding dismissals) than that of track units in the county (98.7 percent vs. 82.4 percent). Defendants prosecuted by the DYO team, however, were actually less likely to be convicted than defendants in general prosecution units in Washoe County. Regarding the severity of charges for which a defendant is convicted, the findings show small differences between gang and non-gang cases in Clark County. Though less likely to be convicted in the DYO unit, gang defendants who are convicted in Washoe County tended to be convicted of more severe charges. More severe sanctions in the form of prison sentences follow convictions in cases prosecuted by the Clark County Gang Prosecution Unit compared to those processed by track units in the county (54.1 percent vs. 46.5 percent). The likelihood of receiving a prison sentence in Washoe County does not appear to be much affected by whether the case was handled by the DYO team or regular prosecution tracks. In both Clark and Washoe County, gang defendants received longer prison sentences than non-gang defendants who were convicted.

**Table 18**

## Case Dispositions by Prosecution Unit in Clark County and Washoe County

	Clark County		Washoe County	
	<u>Gang Unit</u>	<u>Track Units</u>	<u>DYO Unit</u>	<u>Track Units</u>
Number of D.A.s Involved During All Stages of Criminal Processing	3.8	3.6	1.4	1.2
Convicted of at Least One Offense (%)	98.7	82.4	80.5	92.5
Number of Convictions	1.2	1.1	1.4	1.1
Severity Score of Convicted Offense	3.9	4.3	4.5	3.5
Difference between Arrest and Conviction Severity Scores	.3	.7	.1	1.2
Received Prison Term (%)	54.1	46.5	57.1	55.1
Length of Prison Term (yrs)	8.3	7.1	4.9	3.5

To isolate the impact of specialized gang prosecution units on dispositional and sentencing outcomes, regression analyses were conducted controlling for offender and offense attributes. Table 19 shows the results of a logistic regression analysis modeling conviction outcomes. In Clark County, the probabilities of a conviction are affected by the number and severity of filed charges, as well as the number of prior felony convictions. The vast majority of gang and non-gang cases in both counties was resolved through plea bargaining, and these factors undoubtedly play a significant role in the negotiation of guilty pleas. However, the likelihood of a conviction was not significantly influenced by gang prosecution status. This was true in both jurisdictions.

**Table 19**  
Coefficients from Logistic Regression of Conviction for Clark County  
and Washoe County

	<u>Clark County</u>	<u>Washoe County</u>
Gang Unit	.74	-9.14
Age	.00	.02
Race (Black)	-.27	.32
Race (Hispanic)	-.55	.25
Number of Filed Charges	-.30*	.04
Severity of Filed Charges	-.12*	-.01
Number of Prior Felonies	-.21*	.30
Prior Violent Offense	.39	.45
Victim a Stranger	.61	.46
Witnesses to crime	.78	.01
Model Chi-Square	48.08	22.00
df	10	10
P	.00	.01

\* p < .05

Regression modeling was also conducted to determine the effects of specialized gang prosecution on the probabilities of imprisonment (Table 20). Factors typically relevant to the sentencing decision -community ties, prior record, etc. - were included as controls. In Clark County, likelihood of a prison sentence is significantly influenced by prior record (both juvenile and adult adjudications) and the nature and number of convicted offenses. Both gang and non-gang defendants convicted of more charges and more serious offenses were more likely to receive prison sentences. Convicted offenders who had used weapons in their crimes or committed

receive prison sentences. Convicted offenders who had used weapons in their crimes or committed crimes against strangers were also more likely to be incarcerated.

**Table 20**  
Coefficients from Logistic Regression of Imprisonment for Clark County and Washoe County

	<u>Clark County</u>	<u>Washoe County</u>
Gang Unit	-.19	.00
Age	-.03	-.04
Race (Black)	.07	1.46
Race (Hispanic)	.36	.80
Employment	-.66*	-.88
Marital Status	-.09	-.13
Number of Convicted Charges	.80*	-.29
Severity of Convicted Charges	.30*	.16
Number of Prior Felonies	.33*	1.35*
Number of Juvenile Adjudications	.15*	.06
Prior Violent Offense	2.58*	1.26*
Victim a Stranger	.59*	.80
Weapon Used	.96*	.85
Model Chi-Square	152.70	35.05
df	13	13
p	.01	.01

\* p < .05

In Washoe County, the probabilities of incarceration are affected only by the number of

In Clark County, the significant predictors of length of sentence were the number and severity of convicted charges and whether the victim of the defendant's crime had been a stranger. These three variables account for over one-third of the variance in sentence length among defendants sentenced to prison. In Washoe County, without the gang unit measure, there were only two significant predictors: the number of convicted charges and the number of prior felony convictions. The model accounted for 28 percent of the variance in the dependent variable. In short, there is nothing in the data to indicate that defendants processed through either of the gang prosecution units received longer prison sentences.

### Conclusions

Gang prosecution units were created in Las Vegas and Reno in the same frenzied social and political context in which specialized police gang units were formed. District attorneys are elected officials, and in the midst of great concern about gang crime the chief prosecutor in both jurisdictions moved to appease public fears. Specialized gang prosecution units were argued to be the next logical step in the war on gangs. With tough gang laws and more police gang officers to arrest gang members, proponents of gang prosecution units made persuasive arguments for beefing up prosecutorial efforts as well. Gang units were promoted as being able to deliver swifter justice, higher conviction rates, and longer prison sentences. The gang expertise that would be developed in these units and the vertical prosecution strategies that would be employed would allow prosecutors to take full advantage of the anti-gang legislation that had become available.

In practice, however, the treatment and outcome in cases handled by these gang units

differed little from that in conventional prosecutorial channels. With the exception of aiming firearm prohibition, gang prosecutors only infrequently charge defendants under any of the anti-gang statutes; conviction under these laws is rare. Armed with tough new law specifically targeting gang crime, prosecutors proceeded to address the problem with conventional criminal codes. Nor is there evidence that these units regularly employ vertical prosecution strategies in gang cases. It is not surprising, then, to discover that where a case is processed - in or out of a gang prosecution unit - does not affect whether or not a conviction is obtained, a prison sentence awarded, or the length of the incarceration term.

## CHAPTER FIVE

### SUMMARY AND CONCLUSIONS

Beginning in the late 1980s, Nevada initiated an aggressive response to street gangs that included the creation or expansion of police gang units, tough anti-gang legislation, and specialized gang prosecution units. In this study, we sought to understand the evolution of the gang problem and evaluate the effectiveness of police, legislative, and prosecutorial responses to the threat.

#### Police Suppression Strategies

In cities across the country, the reaction to street gangs has followed a familiar pattern (Huff, 1990). Initially, public officials refuse to acknowledge the existence of gangs, driven by public relations fears to officially deny the problem. This “*denial stage*” reportedly persists until the occurrence of several “high visibility” gang-related acts of violence. Subsequent to the “discovery” of a gang problem, city officials typically *overact*: gangs are defined as a law enforcement problem, police gang units are formed, and aggressive suppression strategies are employed. The final phase of the pattern is *misidentification*. Minority males - the majority of which are peripheral gang members, at best - become victims of indiscriminate labeling by police gang officers, tossed together with hard-core gangsters into a “gang file” and subjected to surveillance and harassment.

In both Las Vegas and Reno, prior to the late 1980s there was little concern given to



gangs. Following a series of horrendous crimes committed by minority offenders with alleged gang affiliations, what could easily be characterized as panic erupted in both cities. Gang experts from Los Angeles were flown in to assess the problem and educate public officials on gangs, defining the situation in a manner which dictated a swift and severe law enforcement response. As they have in many other cities across the country (Klein, 1995), officers from L.A.'s Hard Core Gang Unit undoubtedly exerted a tremendous influence on how law enforcement officials in Las Vegas conceived and responded to gangs. Los Angeles's gang problem was Las Vegas' gang problem, only on a slightly smaller scale.

Public support for increasing the scope of local law enforcement - more police and expanded police powers - was generated by the "hyping" of street gangs, creating and promoting images which implied the community was under attack from warring tribes of heavily armed, drug-dealing, sociopaths. To their credit, top police officials in Reno were much circumspect in their appraisal of the gang problem, but the rhetoric could still be heard within the police department. The media was an active participant with the police in the creation of the panic, carrying stylized and stereotypical images of gang members that could only have fueled public fears and racial prejudices. In the crusade against gangs that followed, thousands of largely minority males were detained, tagged, and subjected to continued police surveillance - the vast majority of which had committed no crimes and had no previous arrest records. Law enforcement defined the gang problem in both Las Vegas and Reno, though the results of this study indicate police gang officers are themselves unaware of the objective threat posed by members of these groups.

### Attacking Gangs Through Legislation

Law enforcement officials were also instrumental in the design and passage of an array of anti-gang legislation during the late 1980s and early 1990s. Laws were passed that targeted school crimes, the possession and reckless use of firearms, and drive-by shootings. Another was designed to prevent gangs from exploiting children in criminal pursuits. Though some bills introduced during the period suffered a quick death, the majority of proposed legislation was met with little resistance or debate. Only two lawmakers, both African-American, stood in opposition to the most sweeping of the proposed laws, the Gang Enhancement Statute. Most could simply not resist the political pressure that had been building to act decisively against gangs, though some lawmakers conceded, off the record, that these laws would have little impact on the problem.

The results of this study suggest these lawmakers were correct. Many of the anti-gang statutes were never even used, the remainder only infrequently. The Gang Enhancement Statute, touted by police and prosecutors alike as an absolute requirement in the battle against street gangs, was charged by prosecutors in both jurisdictions a total of 287 times from in the four years following its enactment, the vast majority of those involving multiple counts against a single individual. Only 41 gang members were actually convicted under the statute during those years. Given the purported scale of the threat posed by street gangs, these numbers appear recklessly low.

Why were these laws not used more frequently, in particular the Gang Enhancement Statute? According to criminal justice officials interviewed for this study, those who drafted and supported the statute were guided by conceptions of gangs that proved to be false. Law enforcement officials conceptualized and promoted local gangs as highly organized, routinely

violent, and dominating illicit markets in drugs and weapons. The language of the Gang Enhancement Statute specifically targets this type of criminal organization. But in the course of prosecuting gangs, prosecutors quickly discovered that the reality of gangs was some distance from the accepted stereotypes. Gangs were not "criminal enterprises," but simply loose and shifting associations of persons without stable leadership, role expectations, or collective goals. As Klein has observed (1995), anti-gang legislation has "little to do with gang realities" (p. 28). As in other cases prosecuted in criminal courts, "gang crime" amounted to little more than impulsive acts of marginal persons attempting to gain immediate, easy, and *individual* short-term pleasure.

### Specialized Gang Prosecution

Gang crimes are believed by many prosecutors to pose unique and difficult problems. As in nearly a third of all large urban areas, in 1991 district attorneys in Clark and Washoe counties created specialized prosecution units to deal with gang cases. Such new organization forms were presented as complementing existing police gang units and as a critical vehicle for the utilization of the anti-gang legislation. With smaller caseloads, gang prosecutors would gain intimate knowledge of the specific gang dynamics involved in a case, be able to establish and maintain rapport with rattled or recalcitrant victims and witnesses. Vertical prosecution strategies would increase the certainty, celerity, and severity of punishment.

The findings of this study provide little to indicate that specialized prosecution units provide a more effective setting for the processing of gang cases. Though there are exceptions, the majority of gang cases in Clark and Washoe counties were not subjected to vertical

prosecution strategies. More than one prosecutor was typically involved in a case. Some have argued (Johnson, Webster, and Connors, 1995) that this does not necessarily violate the spirit of vertical prosecution, if the number of prosecutors is small and are handling related cases.

Perhaps, but the effects of this kind of watered-down vertical prosecution would be limited.

Many of the prosecutors handling gang cases in Clark County, for example, worked outside of the Gang Prosecution Unit; consequently, it is difficult to imagine they would be able to make the necessary connections between events or defendants.

In fact, there is little to distinguish either the process or outcome in cases handled by the gang prosecution units and those handled through conventional procedures. Within both jurisdictions in this study, the number of prosecutors handling a case was, on average, about the same in gang and "track" prosecution units. After appropriate controls are placed on such things as criminal history and the number and nature of current charges, the probability that a case will end in a conviction or a prison sentence is similar for cases processed in or out of a gang unit. Nor is there any evidence that gang prosecution, in and of itself, produces a lengthier prison sentence.

### **Conclusion**

While not denying the very real threat posed by street gangs, clearly the response to gangs in Nevada was not commensurate with reality of the gang problem, at least the gang problem that existed in Las Vegas and Reno. Policies, laws, and practices were not based on sound information regarding the extent and nature of criminal activity in those cities, but instead were adopted from jurisdictions, such as Los Angeles, where the gang problem is substantially more

threatening. The response by officials in Nevada was also shaped by stereotypical images of gangs, making it inevitable that those efforts would be ineffectual and, perhaps, even make matters worse.

Though generalizations from this study are limited, an important question raised by the findings presented here is the extent to which current gang policy in United States appropriately addresses the reality of the gang problem. There is certainly a great deal of mythology surrounding gangs: tales of high organized, entrepreneurial, drug-dealing urban gangs on the move in search of new markets abound. However, such conceptions are simply not supported by the research (see Klein, 1995 for a review). Nonetheless, large numbers of young males - white or minority - grouped in rival factions do pose significant problems for the community. While it should not be expected to solve the problem, rational criminal justice policy must be considered a critical part of a more comprehensive solution.

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### GANG-RELATED CRIME AND GANG PROSECUTION IN NEVADA

The National Institute of Justice (NIJ) is supporting a study of gang-related crime and gang prosecution practices in Nevada. This study is being conducted by Professors Terry Miethe and Richard McCorkle of the Department of Criminal Justice at UNLV. Police officers, district attorneys, public defenders, and judges in Clark and Washoe County are being asked to report their opinions and experiences with gangs and the control of gang activities. We would greatly appreciate your assistance on this project by completing the enclosed survey.

After you have completed the survey, please return it in the attached envelope. If you have any questions or need additional information about this study, please do not hesitate to contact us at 702-895-1191 or 702-895-3731.

Thank you for your help on this important project.

For each of the following questions, please fill in the blank or circle the answer that best represents your opinion and experiences.

**PART I: GANG ACTIVITY IN YOUR JURISDICTION**

Q-1. Below are a list of crimes committed by youth gang members. We want you to identify the 5 most frequently occurring gang crimes in your jurisdiction. Place a 1 beside the most common offense done by gang members, a 2 beside the second most common, ..... and continuing with a 5 beside the fifth most common offense. Mark only 5 crimes.

- |   |  |
|---|--|
| <input type="checkbox"/> Assault/Battery      | <input type="checkbox"/> Extortion               |
| <input type="checkbox"/> Auto Theft           | <input type="checkbox"/> Graffiti/Vandalism      |
| <input type="checkbox"/> Burglary             | <input type="checkbox"/> Robbery                 |
| <input type="checkbox"/> Drug Possession      | <input type="checkbox"/> Weapon Possession/Use   |
| <input type="checkbox"/> Drug Sales           | <input type="checkbox"/> Shoplifting/Petty Theft |
| <input type="checkbox"/> Disturbing the Peace | <input type="checkbox"/> Other: Type: _____      |
| <input type="checkbox"/> Murder               |  |

Q-2. Based on your experiences, what are the typical social characteristics (age, sex, race, social class, family structure) of the gang members in your jurisdiction?

Q-3. Do you think gang activity and gang-related crime is a "minor problem," a "moderate problem," or a "big problem" in your jurisdiction?

- a. minor problem
- b. moderate problem
- c. big problem



Q-4. Based on your experiences, would you say these gang actions and characteristics have either DECREASED, STAYED THE SAME, or INCREASED in your jurisdiction over the past 5 years?

a. Drug possession by gang members?	DECREASE	SAME	INCREASE
b. Major drug sales by gang members?	DECREASE	SAME	INCREASE
c. Violent crime (like assault and robbery) by gang members?	DECREASE	SAME	INCREASE
d. The number of gang members in your jurisdiction?	DECREASE	SAME	INCREASE
e. Gangs from the Los Angeles area (e.g., Crips, Bloods)?	DECREASE	SAME	INCREASE
f. Use of assault rifles and semi-automatic weapons by gang members?	DECREASE	SAME	INCREASE
g. Drive-by shootings and other types of gang retaliations?	DECREASE	SAME	INCREASE
h. Asian Gang?	DECREASE	SAME	INCREASE
i. Hate Gangs (e.g., KKK, Aryan Nation)?	DECREASE	SAME	INCREASE
j. Witness and/or victim intimidation by gang members?	DECREASE	SAME	INCREASE
k. Tagging and gang graffiti?	DECREASE	SAME	INCREASE
l. Recruitment of younger gang members?	DECREASE	SAME	INCREASE

Q-5. Have you noticed any other changes in the nature or characteristics of gang activity in your jurisdiction over the last 5 years?

- a. No
- b. Yes—> What is this change? \_\_\_\_\_

Q-6. About what percent of the violent crime (like assaults, murders, rapes, robberies/muggings) that occurred in your jurisdiction last year would you say were committed by gang members? Just give us your best guess. \_\_\_\_\_ %

Q-7. How about drug trafficking? About what percent of this illegal activity do you think is conducted by street gangs in your jurisdiction? \_\_\_\_\_ %

Q-8. Compared to other law enforcement problems in your jurisdiction, how would you rate the seriousness of the youth gang problem?

- a. Gang crime is the most serious law enforcement problem.
- b. Gang crime is one of the most serious law enforcement problems.
- c. Gang crime is about as serious as other law enforcement problems.
- d. Gang crime is less serious than most other law enforcement problems.
- e. Gang crime is not a serious problem.

## PART II: LAW ENFORCEMENT AND GANG ACTIVITY

Q-9. Law enforcement agencies across the country have used various strategies to combat youth gang crime. Which of the following strategies and actions toward gang members are used in your police department. If you are totally unaware of these particular law enforcement activities, please circle the letters "DK" (Don't Know).

Does your police department or gang enforcement unit ....

- |   |    |     |    |
|---|----|-----|----|
| a. have its own computerized gang member tracking system?   | NO | YES | DK |
| b. participate in special gang enforcement initiatives with other criminal justice agencies?                                | NO | YES | DK |
| c. work closely with a victim/witness assistance program to increase the chances of successful prosecution of gang members? | NO | YES | DK |
| d. use informants to identify major gang activity and ongoing criminal enterprises?   | NO | YES | DK |
| e. make a distinction between crimes committed by gang members and gang-related crimes?                                     | NO | YES | DK |
| f. participate in various recreational and civic activities to help teach life skills to gang members?                      | NO | YES | DK |
| g. have the support of residents of the local areas where gang members hang out?  | NO | YES | DK |

Q-10. How would you rate the overall level of cooperation and mutual support between law enforcement officers involved in gang cases and your district attorney's office?

- a. Excellent
- b. Good
- c. Fair
- d. Poor
- e. Don't know

Q-11. How effective would you rate current law enforcement strategies that target gang activity in your jurisdiction?

- a. Not Effective at All
- b. Somewhat Effective
- c. Very Effective

Q-12. What do you think are the major strengths and weaknesses of current law enforcement efforts in your jurisdiction to deal with gang activity and gang-related crime?

Strengths:

Weaknesses:

**PART III: NEVADA'S ANTI-GANG LEGISLATION**

Q-13. Nevada has enacted several laws over the last decade that target gang activities and increase the penalties for gang-related crimes. Please indicate how effective you think these statutes are in reducing gang activity and gang-related crime in your jurisdiction.

	NOT EFFECTIVE	SOMEWHAT EFFECTIVE	VERY EFFECTIVE
a. Additional penalties for crimes committed on a school bus (NRS 193.161)?	1	2	3
b. Legal ban of weapons on school grounds (NRS 202.265)?	1	2	3
c. Discharging a firearm out of a motor vehicle (NRS 202.287)?	1	2	3
d. Additional penalties for aiming a firearm at a human being (NRS 202.290)?	1	2	3
e. Firearm forfeitures in drug-related arrests (NRS 453.301)?	1	2	3
f. Additional penalties for solicitation of minors to commit criminal offenses (NRS 453.3343)?	1	2	3
g. Additional penalties for crimes committed near school, a school bus stop, or recreational facility (NRS 453.3345)?	1	2	3
h. The doubling of the penalty for any felony done in the furtherance of the gang as a criminal enterprise (NRS 193.168)?	1	2	3
i. State RICO (Racketeer Influenced Corrupt Organization) Statute? (NRS 207.360)	1	2	3

Q-14. What do you think are the major factors that may limit the effectiveness of these anti-gang statutes?

Q-15. Here is some additional legislation proposed and enacted in other states. Please indicate how effective you think these statutes would be in dealing with gangs in Nevada.

	NOT EFFECTIVE	SOMEWHAT EFFECTIVE	VERY EFFECTIVE
a. "Spray Paint" laws that enhance penalties for graffiti and vandalism?	1	2	3
b. Forfeiture of vehicles used in drive-by shootings?	1	2	3
c. Parental liability for damages caused by gang-involved children?	1	2	3
d. Making it a felony to recruit individuals for gang membership?	1	2	3
e. Reducing the age of certification to make it easier to transfer juvenile gang members charged with serious crimes to adult courts?	1	2	3

Q-16. What do you think is the most important action that the Nevada State Legislature can take to reduce gang activity and gang-related crime in the state? Give us your ideas about new anti-gang legislation and financial funding for new or existing programs in law enforcement, corrections, education and social services to eliminate gangs.

**PART IV: PROSECUTION AND ADJUDICATION IN GANG CASES**

Q-17. Here are some statements about the prosecution and adjudication of gang cases. Please answer these questions based on your experience in Nevada.

- |   |    |     |
|---|----|-----|
| a. Gang cases are more difficult to successfully prosecute than non-gang cases?   | NO | YES |
| b. Career Criminal Statutes are often used to prosecute gang members in this jurisdiction?  | NO | YES |
| c. Multi-agency task forces (like the Northern and Southern Nevada Gang Task Forces) are a successful gang prosecution strategy?              | NO | YES |
| d. The gang-enhancement statute (that doubles the penalty for gang-related offenses) provides DA's with enormous leverage in plea bargaining? | NO | YES |
| e. Most gang members in this jurisdiction who are initially charged with a felony are convicted?  | NO | YES |
| f. Most non-gang members in this jurisdiction who are initially charged with a felony are convicted?  | NO | YES |

Q-18. What is your best guess of the percentage of felony charges in your jurisdiction involving gang members that result in conviction?

\_\_\_\_\_ %

Q-19. What is your best guess of the percentage of felony charges in your jurisdiction involving non-gang members that result in convictions?

\_\_\_\_\_ %

Q-20. What is your best guess of the percent of felony convictions of gang members in your jurisdiction that result in a prison sentence?

\_\_\_\_\_ %

Q-21. Many states have not developed specific anti-gang statutes, relying instead on traditional criminal statutes. In your opinion, are traditional criminal statutes (like robbery, assault, conspiracy laws) adequate for prosecuting gang crimes?

- a. Yes
- b. Don't Know
- c. No-----> Why not? \_\_\_\_\_

Q-22. Here is a list of possible problems in prosecuting gang offenders. Please indicate whether each item is "not a problem", "a minor problem", "a moderate problem", or a "major problem" in gang prosecution in your jurisdiction.

	Not a Problem	Minor Problem	Moderate Problem	Major Problem
a. Obtaining the cooperation of victims and witnesses?	1	2	3	4
b. Victim/witness credibility?	1	2	3	4
c. Victim/witness intimidation?	1	2	3	4
d. Lack of resources for witness protection?	1	2	3	4
e. Inadequate police preparation of crime reports?	1	2	3	4
f. Limited discretion for judges to impose harsh sentences for gang members?	1	2	3	4
g. Lack of early intervention programs for youth at risk of gang involvement (e.g., "wannabes")	1	2	3	4
h. Sympathetic and lenient judges?	1	2	3	4
i. Overcharging by prosecutors?	1	2	3	4
j. Police harassment of gang members?	1	2	3	4
k. Lack of cooperation from co-defendants?	1	2	3	4
l. Difficult proof requirement to show that the offense was done to further the gang?	1	2	3	4
m. Heavy caseloads?	1	2	3	4

Q-23 What do you think is the major problem with the prosecution of gang cases?

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**PART IV: GENERAL INFORMATION**

Finally, here are some general questions to help with our statistical analysis.

- Q-24. What is your occupation?
- a. Law Enforcement Officer (Police)
  - b. District Attorney
  - c. Public Defender
  - d. Judges
  - e. Other: Please specify: \_\_\_\_\_
- Q-25. Do you work in a separate or specialized gang unit?
- a. No
  - b. Yes
- Q-26. In what jurisdiction do you currently work?
- a. Clark County
  - b. Washoe County
  - c. Other: Please Specify: \_\_\_\_\_
- Q-27. About what percentage of the cases that you have dealt with in your work over the last 2 years involve gang members?
- \_\_\_\_\_ %
- Q-28. How long have you been in your current occupation? \_\_\_\_\_ years
- Q-29. How old are you? \_\_\_\_\_ years old.
- Q-30. Are you:
- a. male
  - b. female



Q-31. How would you rate the amount of local media coverage to the gang problem?

- a. Inadequate.
- b. About right.
- c. Excessive.

Q-32. Do you believe that your local media has accurately portrayed the problem of gangs in your community?

- a. Yes
- b. No----> In what way has the media not given an accurate portrayal of the gang problem?

Q-33. Please rank the following actions in terms of their effectiveness in eliminating the youth gang problem in your jurisdiction. The action that you think is "most effective" should be assigned a 1, 2 represents the 2nd most effective, and continue for the remaining actions.

- \_\_\_\_\_ Anti-gang education in schools (DARE, Life Skills)
- \_\_\_\_\_ Job training and employment services for youth and families
- \_\_\_\_\_ Neighborhood Watch programs and increased community involvement in crime fighting
- \_\_\_\_\_ Stricter law enforcement policies (like mandatory arrest) and fewer restrictions on intelligence-gathering activities by police
- \_\_\_\_\_ More severe punishments for convicted gang members
- \_\_\_\_\_ Parent education and awareness program
- \_\_\_\_\_ Boot Camps and other alternative punishments

## APPENDIX B

### Nevada's Anti-Gang Legislation

#### NRS 202.287: Discharging Firearm Out of Motor Vehicle

1. Any person, while in a motor vehicle, whether under the influence of liquor, a controlled substance or otherwise, who maliciously or wantonly discharges or causes to be discharged out of the motor vehicle, any pistol, gun or any other kind of firearm:
  - (a) If the motor vehicle is not within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, is guilty of a misdemeanor.
  - (b) If the motor vehicle is within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, shall be punished by imprisonment in the state prison for not less than 1 year or more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment
2. The provisions of this section do not apply to:
  - (a) A person who lawfully shoots at a game animal or game bird pursuant to subsection 2 of NRS 503.010; or
  - (b) A peace officer while engaged in the performance of his official duties.
3. As used in this section, "motor vehicle" means every vehicle which is self propelled (Added to NRS in 1989).

#### NRS 453.301: Property Subject to Forfeiture

The following are subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive:

Section 10: All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct (Added to NRS in 1989)

**NRS 193.161: Additional Penalty: Felony Committed on School Bus**  
(Effective date 7/6/89)

1. Except as otherwise provided in NRS 193.169, any person who commits a felony on a school bus while the bus is engaged in its official duties shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime.
2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding for the prescribed fact.

**NRS 193.168: Additional penalty: Felony committed to promote activities of criminal gang: restriction on probation: expert testimony.** (Effective date 6/20/91)

1. Except as otherwise provided in NRS 193.169, any person who is convicted of a felony committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang, shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by the statute for the crime. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime.
2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.
3. The court shall not impose an additional penalty pursuant to this section unless:
  - (a) The indictment or information charging the defendant with the primary offense alleges that the primary offense was committed knowingly for the benefit of, at the direction of, or in affiliation with, a criminal gang, with the specific intent to promote, further or assist the activities of the criminal gang; and
  - (b) The trier of fact finds that allegation to be true beyond a reasonable doubt.

4. Except as otherwise provided in this subsection, the court shall not grant probation to or suspend the sentence of any person convicted of a felony committed for the benefit of, at the direction of, or in affiliation with a criminal gang if an additional term of imprisonment may be imposed for that primary offense pursuant to this section. The court may, upon receipt of an appropriate motion, reduce or suspend the sentence imposed for the primary offense if it finds that the defendant rendered substantial assistance in the arrest or conviction of any other principals, accomplices, accessories or coconspirators to the crime, or of any other persons involved in the commission of a felony which was committed for the benefit of, at the direction of, or in affiliation with a criminal gang. The agency which arrested the defendant must be given an opportunity to support or oppose such a motion before it is granted or denied. If good cause is shown, the motion may be heard in camera.
  
5. In any proceeding to determine whether an additional penalty may be imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:
  - (a) Characteristics of persons who are members of criminal gangs;
  - (b) Specific rivalries between criminal gangs;
  - (c) Common practices and operations of criminal gangs and the members of those gangs;
  - (d) Social customs and behavior of members of criminal gangs;
  - (e) Terminology used by members of criminal gangs;
  - (f) Codes of conduct, including criminal conduct, of particular criminal gangs; and
  - (g) The types of crimes that are likely to be committed by a particular criminal gang or by criminal gangs in general.
  
6. As used in this section, "criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization which:
  - (a) Has a common name or identifying symbol;
  - (b) Has particular conduct, status and customs indicative of it; and
  - (c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary

**NRS: 202.265: Possession of Dangerous Weapon on Property or in Vehicle of School.**  
(Effective date 10/1/89)

1. Except as otherwise provided in this section, a person shall not carry or possess, while on the property of the University of Nevada System or a private or public school, or in a vehicle of a private or public school:
  - (a) An explosive or incendiary device;
  - (b) A dirk, dagger or switchblade knife;
  - (c) Anunchaku or trefoil;
  - (d) A blackjack or billy club or metal knuckles; or
  - (e) A pistol, revolver or other firearm.
2. Any person who violates subsection 1 is guilty of a gross misdemeanor

**NRS 202.287: Discharging Firearm Out of Motor Vehicle** (Effective date 6/28/89)

1. Any person, while in a motor vehicle, whether under the influence of liquor, a controlled substance or otherwise, who maliciously or wantonly discharges or causes to be discharged out of the motor vehicle, any pistol, gun or any other kind of firearm:
  - (a) If the motor vehicle is not within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, is guilty of a misdemeanor.
  - (b) If the motor vehicle is within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, shall be punished by imprisonment in the state prison for not less than 1 year or more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment

**NRS 202.290: Aiming Firearm at Human Being: Discharging Weapon Where Person Might Be Endangered** (Increased from misdemeanor to gross misdemeanor, effective date 10/1/89).

Unless a greater penalty is provided in NRS 202.287, a person who willfully;

1. Aims any gun, pistol, revolver or other firearm, whether loaded or not, at or toward any human being; or

2. Discharges any firearm, air gun or other weapon, or throws any deadly missile in a public place or in any place where any person might be endangered is guilty of a gross misdemeanor.

**NRS 315.011: Legislative Findings and Declarations** (Effective date 10/1/89)

1. The policy of this state, to provide decent, safe and sanitary persons of low income, is being thwarted by the frequent occurrence in public housing of activities concerning the unlawful possession, distribution, and use of controlled substances.
2. The provision of public housing has never been intended to help subsidize criminal behavior.
3. These unlawful activities, conducted by an intimidating minority of the residents of public housing, are causing our public housing to become increasingly infested with violence, degeneracy and squalor, which imperils the physical and mental health of the peaceful residents therein.
4. Persons residing with the active participants in these lawful activities commonly share in the proceeds thereof or have the ability to prevent or interfere significantly in the conduct of these activities.
5. It will promote the public health, safety and welfare of the residents to require housing authorities to evict from public housing both the persons who actively participate in unlawful activities relating to the possession, distribution or use of controlled substances, and the persons who reside with them.

**NRS 392.466: Suspension or Expulsion of Pupil For Battery on Employee of School, Possession of Dangerous Weapon or Sale and Distribution of Controlled Substance**  
(Effective date 10/1/89)

1. Except as otherwise provided in this section, any pupil who commit a battery which results in bodily injury of an employee of the school or sells or distributes any controlled substance, while on the premises of any public school, at an activity sponsored by a public school or any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, he must be permanently expelled from that school, but he may be required to attend another kind of school.

2. Except as otherwise provided in this section, any pupil who is found in possession of a dangerous weapon on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from school for a period not to exceed the equivalent of one semester for that school. For a second occurrence, he must be permanently expelled from that school, but he may be required to attend another kind of school.

**NRS 453.301: Property Subject to Forfeiture** (Effective date 1991)

The following are subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive:

**Section 10:** All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

**NRS 453.3343 Additional Penalty for Procurement of Solicitation of Minor to Commit Certain Violations as Agent** (Effective date 7/6/89)

1. Except as otherwise provided in NRS 193.169, any person who procures or solicits a minor as an agent to violate NRS 453.321 or 453.323 shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime committed by the person who procures or solicits the minor.
2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

**NRS 453.3345: Additional Penalty For Commission of Certain Violations at or Near School, School Bus Stop or Recreational Facilities for Minors (Effective date 7/6/89)**

1. Unless a greater penalty is provided in NRS 453.333 or 453.334, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.321 or 453.323:
  - (a) On the grounds of a public or private school, a playground, public swimming pool, recreational center for youths or a video arcade;
  - (b) On a campus of the University of Nevada System;
  - (c) Within 1,000 feet of the perimeter of such a school ground or campus, playground, pool, recreational center or arcade; or
  - (d) Within 1,000 feet of a school bus stop from 1 hour before school begins until 1 hour after school ends during scheduled school days, shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.
  
2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.



II. CASE ATTRIBUTES:

Type of Offense:     Violent     Property     Drug     Weapon     Public Order

Date of Arrest: \_\_\_\_\_ Date of Final Disposition: \_\_\_\_\_

Location of Offense: \_\_\_\_\_

Case Description:

Number of Offenders:

\_\_\_\_\_

Defendant's Role in Offense:

- Alone
- Co-Equal
- Ringleader
- Unknown

Weapon Used in Crime:

- No
- Yes --> Type:

\_\_\_\_\_

Number of Co-Defendants:

\_\_\_\_\_

Gang Related Offense:

- Unsure
- Yes
- No

Amt. of Cash/Prop Stolen:

- None
- Unknown
- < \$50
- \$51 - \$100
- \$101 - \$200
- > \$200

Phys. Injury to Victim:

- No injury
- Minor injury
- Medical treatment
- Hospitalization
- Death
- Unknown

POLICE: \_\_\_\_\_

	<u>Charge</u>	<u>NRS Statute</u>	<u>M/GM/</u>	<u>Counts</u>	<u>Disp.</u>
			<u>F</u>		
Arrest 1:	_____	_____	_____	_____	_____
File 1:	_____	_____	_____	_____	_____
Convict 1:	_____	_____	_____	_____	_____
Sentence:		Jail/Mos _____ Prob/Mos _____	Fine/Amt _____		
Arrest 2:	_____	_____	_____	_____	_____
File 2:	_____	_____	_____	_____	_____
Convict 2:	_____	_____	_____	_____	_____
Sentence:		Jail/Mos _____ Prob/Mos _____	Fine/Amt _____		
Arrest 3:	_____	_____	_____	_____	_____
File 3:	_____	_____	_____	_____	_____
Convict 3:	_____	_____	_____	_____	_____
Sentence:		Jail/Mos _____ Prob/Mos _____	Fine/Amt _____		
Arrest 4:	_____	_____	_____	_____	_____
File 4:	_____	_____	_____	_____	_____
Convict 4:	_____	_____	_____	_____	_____
Sentence:		Jail/Mos _____ Prob/Mos _____	Fine/Amt _____		
Arrest 5:	_____	_____	_____	_____	_____
File 5:	_____	_____	_____	_____	_____
Convict 5:	_____	_____	_____	_____	_____
Sentence:		Jail/Mos _____ Prob/Mos _____	Fine/Amt _____		

[If more than 5 charges, attach extra copy of this page.]

Total Arrest Charges: \_\_\_\_\_ Total File Charges: \_\_\_\_\_ Total Convict Charges: \_\_\_\_\_

Gang Enhancement Mentioned in Any Charge?

No

Yes ———> List Charge # for This Offense(s) \_\_\_\_\_

Weapon or Stolen  
Property Recovered:

- No
- Yes
- Unknown
- NA (Drugs/Trespass)

Confession Given to Police:

- No
- Yes
- Unknown

Number of Civilian Witnesses

\_\_\_\_\_

Eyewitness Identification of Suspect:

- No
- Yes

Video or Closed-Circuit ID of Suspect:

- No
- Yes

Number of Total Witnesses:

\_\_\_\_\_

Type and Amount of Drug(s):

- |                                       |   |  |
|---------------------------------------|---|--|
| <input type="checkbox"/> Heroin _____ | <input type="checkbox"/> Amphetamines _____ | <input type="checkbox"/> Cocaine _____ |
| <input type="checkbox"/> Crack _____  | <input type="checkbox"/> Barbiturates _____ | <input type="checkbox"/> PCP _____     |
| <input type="checkbox"/> LSD _____    | <input type="checkbox"/> Marijuana _____    | <input type="checkbox"/> Hash _____    |
| <input type="checkbox"/> Other _____  |   |  |

III. VICTIM CHARACTERISTICS:

Was there a personal victim in the crime:

- No
- Yes

Number of Victim(s):

\_\_\_\_\_

Age of Victim(s):

\_\_\_\_\_

Gender of Victim(s):

- Male
- Female
- Both

Race of Victim(s):

- White       Asian
- Black         Native American
- Hispanic      Other

Physically Resist by Victim:

- Unsure
- No
- Yes

- |  |                             |                              |                             |                                  |
|--|-----------------------------|------------------------------|-----------------------------|----------------------------------|
| Was victim similar (in age, race, gender) to offender? | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> NA | <input type="checkbox"/> Unknown |
| Victim also involved in illegal activity?              | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> NA | <input type="checkbox"/> Unknown |
| Victim had criminal history?                           | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> NA | <input type="checkbox"/> Unknown |
| Victim under influence of drugs/alcohol?               | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> NA | <input type="checkbox"/> Unknown |
| Victim provoked or initiated attack?                   | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> NA | <input type="checkbox"/> Unknown |
| Did victim live in same neighborhood as offender?      | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> NA | <input type="checkbox"/> Unknown |

Social class of Victim:

- Unknown
- Lower
- Middle
- Upper/Professional

WAS A GANG MEMBER? GANG SUPPLEMENT  
YES NO DK

Gang Name of Offender: \_\_\_\_\_

Street Location of Offense: \_\_\_\_\_ Zip Code of Offense: \_\_\_\_\_

Was the victim a gang member:  
 No  
 Yes —> What is the name of the  
Victim's Gang \_\_\_\_\_  
 Don't Know

Type of Weapon Used:  
 None  Long Rifle  
 Knife  Semi-automatic (specify) \_\_\_\_\_  
 Handgun  Other: \_\_\_\_\_

How was gang identity established (check all that apply)  
 Field interview  Confession  Wearing colors  
 Tattoos  Prior arrest  Moniker (nickname)  
 Live in gang area  Known to associate with gang members  
 Other:

WAS THERE A PROBLEM W/ TESTIMONY/TESITFY?

Was the victim or public witness willing to testify?  
 No  
 Yes, victim  
 Yes, witness  
 Both

Status of gang member:  
 O.G. (original gangster)  Associate  
 Leader  Wantabee  
 Regular member  Unknown

Was this a case of gang retaliation against another gang?  
 No  Don't know  
 Yes

General Case Comments (e.g. DA notes on case and case processing)

COURT ATMOSPHERE/MODE

Number of security officers in courtroom? \_\_\_\_\_ More than usual?  no  yes  unknown

Approximate number of courtroom spectators (excluding prisoners, jury, lawyers, court staff)? \_\_\_\_\_

Any courtroom spectators removed by security?  no  yes  unknown

Any verbal/physical outbursts by spectators?

No  Yes—> Describe: \_\_\_\_\_

Any signs of victim/witness intimidation/harassment?

No

Yes—> What type?  gang signing  staring at witness by def.

verbal threat

other: \_\_\_\_\_

Presence of "suspicious" looking spectators (potential gang members) in the courtroom?  no

yes—> How many? \_\_\_\_\_

Distinctive Features?

race (w/b/h/o)  age (< 25)  tattoos

wearing colors  other: \_\_\_\_\_

Judicial attitude toward defendant?

compassionate/understanding  indifferent  antagonistic/hostile

Relationship between DA and defense attorney?

mutual respect/courtesy  antagonistic/hostile

Any victim/witness problems mentioned (e.g., failure to show)?

no

yes—> Describe: \_\_\_\_\_

General Comments About Case/Defendant and Relevance of GANG STATUS in this case.

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