

SB 5987  
Legislative Work Group on  
Gang-Related Crime

Final Report

Recommendations to the Legislature on possible  
strategies to address gangs and gang-related violence.

December 11, 2007

State Representatives Christopher Hurst and Charles Ross, Co-Chairs

## **Executive Summary**

The Legislature should address the problem of criminal street gangs and gang-related violence with a comprehensive three-prong approach that includes prevention, intervention, and suppression. Moving forward with any solution that does not include all three elements will likely fail to achieve any long-term benefits. As part of this comprehensive approach, the Legislature should consider adopting the following recommendations:

- Implement five prevention and intervention pilot projects in FY 09-11;
- Provide near-term relief in 2008 with graffiti abatement and law enforcement grants focusing on prevention, intervention, and suppression;
- Implement a statewide gang criminal intelligence database;
- Authorize jurisdictions to implement civil gang injunctions;
- Review juvenile justice system changes in FY 09-11;
- Create new offenses under the Sentencing Reform Act for adults who recruit juveniles to commit gang-related felonies;
- Modify the malicious mischief statute relating to graffiti/tagging, and create a civil cause of action for graffiti/tagging;
- Require community custody upon release from detention, for felons convicted of firearms-related offenses;
- Adopt a criminal street gang definition for Washington State;
- Broaden the exceptional sentencing scheme to include gang-related cases involving adult felonies;
- Make available current victim assistance funds for short-term witness relocation in gang-related cases; and
- Authorize a study to establish best practices to reduce gang involvement during incarceration.

This legislation did not request the Work Group to complete a technical assessment of the current levels or trends in gang-related violence or gang membership. Therefore, no such analysis or conclusions were drawn or submitted as part of the Work Group's report. The Work Group proceeded based upon the conclusions already outlined in SSB 5987. However, the Work Group did find it prudent and necessary to consider general trends and community perceptions as it relates to the conclusions of the Legislature.

While the Work Group found significant anecdotal evidence and certainly much media attention on the gang problem in Washington, there is a decided lack of universally reported empirical and statistical data that can be used to pinpoint gang membership and gang-related juvenile and adult crime. Although not a specific finding of the Work Group on Gang-related Crime, the Legislature should be aware of this gap in data. This gap affects the ability of the Legislature to draw conclusions on the impact of programs they implement to reduce gang membership and the attendant juvenile and adult gang violence. This lack of information would be an impediment to any performance measurement or cost-benefit analysis after such programs are implemented. Creation of a

standardized base line to assist the Legislature in the evaluation of the effectiveness of the recommendations of the Work Group might be an advisable collateral issue not central to the specific questions in SSB 5987. To close this information gap, it would be advisable for the Legislature to consider having the Uniform Crime Reports (UCRs) specify both adult and juvenile gang activity. An element of the Work Group's recommendation on the statewide gang database may also help meet this need.

The Work Group also found it very compelling to hear from people working within the justice system that any long-term success in reducing gang membership and gang-related violence must be vested in prevention and intervention. This is critically important as it relates to the youth of Washington. Although short-term and long-term suppression solutions are part of the final recommendations, they are not and cannot be seen as a solution in and of themselves. More specifically, the Work Group came to the conclusion that although immediate relief is necessary through the process of suppression, this can only be a successful if on-going and comprehensive prevention and intervention efforts are being developed and implemented simultaneously. Eventual success in addressing the problem of street gangs and the attendant violence will rest almost entirely on a long-term reduction in gang membership.

The Work Group also understands that the prevention and intervention portion of the recommendations are not going to be easy due to the diversity of the gang problem throughout the state. The Work Group quickly concluded that there is no one-size-fits-all program to be developed and handed down by the state. The ultimate success of any program rests on the degree to which communities and families most affected by gang violence feel they are part of the solution, and have input in developing the best practices unique to their own situations.

The Work Group recognizes that this factor, crucial to long-term success, will also take time to develop. The Work Group notes that administering resources in areas disproportionately feeling the impact of violent street gangs is a high priority. As a result, the Work Group recommends an evolving program of five pilot projects. These pilot projects would be developed and implemented in FY 09-11, while other measures would be implemented by the Legislature in January 2008 to provide immediate, near-term relief on a statewide basis.

## **Background**

The Work Group's task began with the enactment of Substitute Senate Bill 5987, as passed by the 60<sup>th</sup> Legislature and signed into law by Governor Gregoire on May 8, 2007. In accordance with that legislation, the Washington Association of Sheriffs and Police Chiefs convened a work group to evaluate gang-related crime in Washington. As outlined in the legislation, work group members were appointed by the legislature and represented a variety of interested parties including law enforcement, prosecutors, human services, and more. At its first meeting on July 30, 2007 in Yakima, the Work Group selected Representative Christopher Hurst, and Senator Jim Clements as co-chairs. Senator Clements' co-chair position was later filled by Representative Charles Ross.

During its discussions, the Work Group was mindful of Section 1 of SSB 5987, in which the Legislature stated that the people of Washington State currently face a crisis caused by increased gang crime and violence threatening public safety. The Legislature further determined that certain communities where gang membership is rising are subject to a daily threat of intimidation and harassment. The Legislature specified a number of crimes resulting from gang violence and concluded that ordinary citizens are increasingly vulnerable to gang-related crimes. Furthermore, the Legislature found that citizens are indirectly victimized by gang-related crime via lower property values, higher insurance premiums, and the endangerment of youth in our society. Finally, the Legislature found that first responders, like law enforcement and firefighters, are increasingly vulnerable to personal injury or death when responding to gang-related crimes.

The Legislature directed the Work Group to evaluate the problem of gang-related crime in Washington State predicated on the above findings as outlined in SSB 5987. Specifically, the Work Group was to evaluate and make recommendations on the following subjects, as spelled out in Section 2 of SSB 5987:

- Additional Legislative measures to combat gang-related crime;
- The creation of a statewide gang information database;
- Possible reforms to the juvenile justice system for gang-related juvenile offenses;
- Best practices for prevention and intervention of youth gang membership;
- The adoption of legislation authorizing civil anti-gang injunctions.

At the conclusion of the Work Group's deliberation, the Washington Association of Sheriffs and Police Chiefs was directed to deliver this report to the Legislature on the Work Group's recommendations.

To adequately address the specific elements required by the legislation, the Work Group felt understanding the specific gang problems unique to each region of the state was

necessary. To achieve this, the Work Group traveled to various areas of the state and held public forums to collect community input. The Work Group met once a month August through December, each meeting in a different city: Yakima, Bellingham, Spokane, Vancouver, Tacoma, and SeaTac.

The Work Group solicited public input through a public forum held at each meeting location. Community members were encouraged to voice their opinions and depict the gang-related crime occurring in their area. In these forums, the group found that in specific areas the public had a heightened awareness of the impact of growing gang membership and increasing public visibility of criminal street gangs. Clearly, as suggested by the conclusions outlined in SSB 5987, the Work Group learned that the criminal street gang problem looks different in different areas of the state, from Bellingham to Yakima, but seems to be a problem everywhere. While overarching themes are discussed below, a summary of each community meeting held by the Work Group is attached as Addendum D.

The public comments indicated that gang crimes hit neighborhoods especially hard. For example, an elderly Yakima woman testified that she had tried to intervene as a parent in her neighborhood when some gang members were using fireworks, and subsequently had her car firebombed. Another Yakima woman testified that she had tried to stand up to gangs in her neighborhood only to have her front door vandalized numerous times with a knife. Community members in nearly every location mentioned that graffiti galvanized discontent throughout the community, making people fearful and unsafe. Testimony such as this indicates that the gang problem is truly harming Washington's neighborhoods.

Community members brought forth multiple solutions to the gang problem that centered on prevention, intervention, and suppression. On the suppression level, several members of the public said that gang crime enforcement should be elevated to a felony/terrorist level, including providing additional tools to fight gangs. The Work Group also heard that intervention and prevention are key to long-term solutions and that efforts needed to start with schools, law enforcement, and the community to stop gang recruiting and activity at or near schools. Community testimony also indicated that any intervention or prevention program needed to be culturally competent. Another suggested solution to the gang problem was to provide job opportunities or remove barriers (minor work rules) to jobs in order to provide alternatives to youth joining a gang. The Work Group strongly considered the public's suggested solutions, and has integrated many of their ideas into the final report.

Finally, an astute law enforcement leader said, please do not politicize the gang problem but help us address the problem, our children are dying. The Work Group encourages the Legislature to take this law enforcement leader's suggestion and enact the recommendations outlined in this report.

## **Recommendations**

Dramatically different forces and circumstances have impacted various communities in diverse ways. The region-specific nature of the gang problem is a foundational issue upon which the recommendations of the Work Group are ultimately based. Furthermore, the Work Group affirms, with the full support of law enforcement and prosecutor work group members, that the gang problem in Washington is not something we can “arrest our way out of.” The Work Group recommends responding to the specific questions set forth by the Legislature with a localized three-prong approach including prevention, intervention, and suppression.

### **1. Five Pilot Projects for FY 09-11**

To combat criminal street gangs and violence with a comprehensive three-prong approach, the Work Group recommends that the Governor’s Juvenile Justice Advisory Committee (GJJAC) develop, administer, and implement five pilot projects in FY 09-11, as outlined in Addendum A. The combined grant funds for the five pilot projects should be \$10 million for the 09-11 biennium. The Work Group believes that the ultimate success of these programs will be determined by best practices that are sensitive to the needs of the communities in which they are carried out, being mindful of cultural and regional considerations.

The grants would be administered within the framework of a Request for Proposals that will dictate processes and protocols assuring strict compliance to defined objectives and measurable results. The proposal from GJJAC outlines their recommendation for a timeline and associated costs for administration and implementation is included as Addendum A.

### **2. Near-term relief for 2008**

The Work Group recognizes that a comprehensive long-term strategy must be augmented with short-term, immediate relief to communities acutely feeling the impacts of gang violence. The Work Group recommends an expenditure of \$2 million in one-time supplemental funding in the 2008 Fiscal Year. A proposal by the Washington Association of Sheriffs and Police Chiefs outlining how this grant program would be structured is attached as Addendum B.

A second component to the near-term relief would be a program to dramatically reduce graffiti and tagging throughout the state. A concern expressed by citizens, businesses, and some communities was the demoralizing and intimidating effect of graffiti and tagging. In partnership with communities and non-profit organizations around the state, the Legislature should appropriate \$1 million for this program and move forward with a graffiti/tagging abatement process as outlined by the Association of Washington Cities in Addendum C.

### **3. Statewide Gang Information Database**

The Work Group examined the need for a statewide gang database and reached consensus that there is a need for the creation of a specialized statewide gang database for gang-related law enforcement. Funding should be provided to acquire software, equipment, and the administration and operation of such a database.

A statewide database is not intended to substitute probable cause or reasonable suspicion in law enforcement activities or as a replacement for traditional law enforcement evidence gathering. Rather, it is intended to be one of many law enforcement tools used to assess and address the problems associated with criminal street gangs. A common state database for gang-related intelligence would allow law enforcement to significantly enhance information sharing between agencies, better understand relationships between gangs, their members and associates and criminal activities, address the mobility of gang members across state and agency jurisdictional boundaries, quantify gang membership at the state and local level, better track and identify trends, and more effectively engage in traditional law enforcement efforts to investigate and arrest offenders for gang-related offenses.

Such a database should only be implemented with appropriate safeguards and oversight. A state-level database allows such safeguards to be created, applied, and enforced uniformly in the state. The primary justifications for the creation of a statewide gang database include:

- Establishing a common definition of gang and criteria to determine gang membership or association and degree of association. At present, each police agency within the state can and does adopt its own definitions and criteria. This creates difficulty in sharing and communicating data between law enforcement agencies.
- Allowing law enforcement and the Department of Corrections to address the specific problem of mobility of gang members across jurisdictional lines. At present, gangs and gang members are very mobile, sometimes using travel to a new community as a method of territorial expansion or refuge from law enforcement. Gangs and gang members take advantage of the anonymity and mobility of modern society. Movement between states and local jurisdictions is substantial and presents a major delay for local law enforcement in knowing, identifying, and focusing on a new or enhanced presence of criminal street gangs and their members in the community. This delay allows the transferred presence and activities of relocated or expanding gangs and gang members to be more fully developed before coming to the attention of law enforcement and also prevents and delays community efforts towards prevention, intervention, and suppression. A common state database would allow law enforcement

to be aware, at an early time, of the presence of new gangs and gang members in their community. Law enforcement could learn from other jurisdictions that are familiar with them, and be better able respond in a timely fashion.

- Allowing law enforcement to more quickly and easily identify the cross associations of known gang members and associates between themselves and others and to places, vehicles, residences, and other gang members and associates. Leadership, members, and associations can be extremely fluid. Presently, law enforcement's effort to assess and understand the presence and structure of criminal street gangs, to understand the interrelationships between gang members and associates, and to relate gang members to criminal activity in the community is time intensive, complicated, and incomplete. The use of the modern technology of associational databases would significantly improve this effort in terms of time, accuracy, and completeness.

The Work Group has determined that it is not the appropriate body to select or recommend any particular vendor in the selection of a database. However, the Work Group recommends, at a minimum, the following types of features or program capabilities for a statewide gang database:

- Establishment of a common definition of gang and gang membership criteria for any entries into the database.
- The system provides a web-based multi-agency, multi-location, information sharing application that operates in a network environment.
- The database allows agencies to track gang members, gangs, and gang incidents in a granular fashion (previously defined basic data points) and allows for the sharing of this information across individual departments, agencies, states, and regions. Particular attention should be paid to assuring that gang information from other states, such as California, be readily available, or functionally accessible, since movement of gangs and gang members from other states to Washington is significant.
- The ability to collate gang/gang membership/gang incident tracking, and provide for gang intelligence analysis to discern trends, relationships, patterns, and gang demographics.

The Work Group noted that in many instances, especially in juvenile criminal street gangs, association with a gang may be fluid and not last over time. Additionally, data collection is by necessity based on criteria that indicates gang involvement or membership but may or may not be associated with a particular crime and may or may not reflect the person's current involvement in a gang. For these reasons, no database should be created or maintained without specific safeguards. Washington sets a high value on the privacy of its citizens and



standards for any statewide gang database should reflect those values. The Work Group considers the following safeguards to be essential:

- Strict statutory provisions limiting access to law enforcement agencies and the Department of Corrections only.
- A provision that the fundamental purpose of the database is that it will be a law enforcement intelligence tool as opposed to being used as evidence in any criminal, civil, or administrative proceeding.
- Each individual agency that participates in the database must identify a System Administrator that will be responsible for annual auditing to ensure compliance with policies and regulations established with the creation of the database. Access shall be determined by the Chief Executive Officer of each participating agency.
- All users of the database system must first receive training, as set forth by established policies and procedures, before being granted access to the database system.
- Juveniles over the age of 12 may be entered in any such database.
- An automatic purging system that will alert the entering agency or system administrator to review data when an individual's database file has been inactive for the proceeding five (5) year period and requires deletion unless new and updated information is entered. The above (5) year deletion requirement will be tolled for individuals while incarcerated.
- To ensure compliance with existing legal mandates and sound operating principals, the database must be compliant with 28 CFR Part 23, including auditing and access to data. Consideration should be given to creating an independent state law that incorporates the public policy reflected in 28 CFR Part 23 for criminal databases and providing independent penalties for violations of public policy regarding the use of the database. This would assure that information gathered in Washington meets its own state requirements before being shared or used by other states or the federal government. Such a state statute is strongly recommended if juveniles are entered in the database.
- The Legislature should identify a state-level governmental agency or organization to be the host agency for the database and centralized hardware that will be responsible for managing the statewide database, the criteria for entry of information into the database, the maintenance and dissemination of information contained within the database.

- The Work Group also recommends that the Legislature make the database immune from civil process, subpoenas, and discovery, or any other inquiry in any form.

To collect additional data, the Work Group suggests that the Legislature require all criminal justice agencies that participate in the gang database to annually produce a gang threat assessment. Such threat assessment should utilize appropriate data sources, such as the Uniform Crime Report, record management systems, and entries into the statewide gang database. Additionally, schools should be encouraged to provide data to the threat assessment.

#### **4. Civil Gang Injunctions**

The Work Group was tasked with considering whether recommending that the Legislature authorize civil anti-gang injunctions.<sup>1</sup> Such injunctions are used in a limited number of states, most prominently in California. The Work Group examined this issue, specifically how such processes are used in California. The Work Group notes that such actions are expensive and time consuming and are used sparingly in specific contexts. They are not without public policy controversy and questions remain about their long-term effectiveness. However, in the right circumstances they are an additional approach to deal with criminal street gang activity. After reviewing the advantages and disadvantages of this approach, the Work Group recommends the Legislature adopt an authorizing statute for civil anti-gang injunctions with specific features that address due process and procedural concerns.<sup>2</sup>

Anti-gang civil injunctions are significantly different from traditional civil nuisance actions to abate a nuisance related to a specific private property or building that contains the source of the nuisance. Instead, it is the visible activity and intimidating presence of a gang that dominates a specific neighborhood or section of a city, even in its public places, in effect restricting or depriving others of the use of private or public property in that area. The visible gang activity in a neighborhood may not be inherently illegal and may in fact be emulated in the general community by non-gang members as popular culture. However, when actual gang members engage in such activity in their territory, taken in the context of the violence and threats of violence associated with criminal street gangs, the activity constitutes a show of force and/or dominance by the gang and its members over the neighborhood.

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<sup>1</sup> The authorizing legislation (SB5987) did not require or suggest that the Work Group examine legislation for the specific abatement of any building or place used by gangs and such an assessment was not undertaken. The Work Group notes that such abatement actions, actions for monetary damages, and authority for confiscation and forfeiture of firearms used in criminal gang activity is also authorized in California's anti-gang nuisance statute. See Deering's California Code Annotated, Penal Code Part 1, Title 7, Chapter 11, section 186.22a.

<sup>2</sup> While anti-gang injunctions have been held constitutional in California, the Work Group did not engage in an assessment of the constitutionality of a Washington anti-gang injunction statute or how the courts in Washington would deal with the issues presented by them.

Ordinances that attempt to criminalize normally legal activity and grant law enforcement the discretion to select to whom the ordinance applies, making their activity illegal while the same activity of others remains legal, are usually held to be unconstitutional as overbroad. Civil anti-gang injunctions allow proof of the destructive presence of a gang in a neighborhood and allow a court to order that identified individual gang members refrain from activity associated with gangs within a geographical area whether or not it is legal for others. Individual members of the gang are identified and served with the injunction. Enforcement is then obtained through criminal prosecutions for criminal contempt of court.

The advantages of civil anti-gang injunctions are to more specifically target the visible activities of gangs and gang members in a neighborhood, to regain sufficient control to allow normal neighborhood activity and to allow gang intervention and prevention programs to work. Additionally, this process addresses the fluidity of gang membership and leadership, allowing new gang members and leaders to be served and enjoined as they become identified or active in the gang. Finally, it allows governmental agencies and officers to be the plaintiffs without exposing individual members of the community to retaliation. Caution must be exercised to avoid simply displacing gangs and gang members to other locations and to prevent lifelong injunctions against individuals who may otherwise remove themselves from criminal street gangs. Caution must also be exercised to avoid using this tool without neighborhood involvement and support, which can lead to complaints about police conduct, especially in minority neighborhoods. Additionally, several due process and procedural concerns in the California process need to be addressed in any such legislation in Washington.

Adoption of a specific authorizing statute is necessary for this type of injunction. Additionally, the Work Group believes a state statute allowing for uniform procedures and definitions in actions by local government or agencies which allows inclusion of the safeguards is important.

The Work Group recommends a civil anti-gang injunction statute with the following features:

- Uses the definitions developed by the Work Group for criminal street gangs, gang members, and gang related offenses.
- Contains exclusion for legitimate non-profit or charitable organizations.
- If a city is the plaintiff, the city shall seek and obtain the approval of the county prosecutor on the initial petition for the city to move forward.
- The defendants must include a gang and at least 5 individual members, at least two of whom must be proven to be in active leadership roles at the time of the complaint.

- The plaintiffs may seek injunctive relief prohibiting specified criminal and associated non-criminal acts, or acts which are known precursors to gang-related criminal acts, upon a showing that:
  - The plaintiffs have engaged in prevention and intervention planning to serve a reasonable number of the gang's total membership with services in order to divert them from gang activity;
  - That the gang is a cohesive organization with a historical relationship to the delimited geographical area for the past five years or more immediately prior to the filing, and with known leadership, membership, and criminal practices;
  - The defendants and other gang members have committed, during the five years immediately prior to the filing of the petition, a pattern of criminal street gang activity as defined by 9.94A within a described geographical area; and that it is insufficient to show merely an increase in crime within the geographical area;
  - That as a result of the criminal activity of the gang or members, a significant number of non-gang members residing within the geographical area are in reasonable fear of their physical security or that of their family members, or of significant damage to their property to such an extent that they are intimidated or terrorized, and are effectively prevented from living normal lives;
  - A statement of specific relief and activities sought to be enjoined, which may include:
    - Associating with other gang members,
    - Confronting, intimidating, annoying, harassing, threatening, challenging, provoking, or assaulting any person;
    - Confronting, intimidating, annoying, harassing, threatening, challenging, provoking, or assaulting any person known to be a victim or witness to gang activity;
    - Possessing or knowingly remaining in the presence of anyone who is in possession of any firearm, ammunition, or deadly weapon in a public place;
    - Possessing or knowingly remaining in the presence of anyone who is in possession of any controlled substance or drug paraphernalia;
    - Being present on any private property without the written consent of the owner;
    - Defacing any public or private property or possessing graffiti/tagging tools;
    - Violating any court defined curfew;
    - Use of hand or other gestures associated with the gang; or

- Wearing colors or symbols associated with the gang.
  - Any other activity or behavior contributing to an atmosphere that has in the past caused the intimidation of non-gang members within the delimited geographical areas.
- A person served in a representative capacity who appears may request, if indigent, that an attorney be appointed to represent him or her at public expense. If the court appoints counsel, the plaintiff shall pay the cost of representation. Notice of this shall be provided in the summons; and
  - The court must conduct an evidentiary hearing on the request for injunction, whether any defendant appears or not. The plaintiff bears the burden of proof on the issues by a preponderance of evidence on all essential elements of the complaint and that the specific remedies requested are reasonable and necessary.
  - The court may, upon trial of the matter, issue an order of injunction prohibiting individual defendants from associating with one another within the delimited geographic area, and prohibiting specific acts which are themselves not criminal in nature but which are either precursors to criminal acts or which have the effect of recruitment to the gang, including but not limited to: drinking in public, use of hand or other gestures associated with the gang, being within 30-feet of a weapon, being outdoors after a specific hour of the night, or wearing colors or symbols associated with the gang. The plaintiffs shall be required to show by preponderance that any such act, color, or symbol contributes to an atmosphere that has in the past caused the intimidation of non-gang members within the delimited geographical areas.
  - If a court grants an injunction, it is not effective as to any person unless the plaintiff makes an evidentiary showing to the court, which may be made ex parte, that person is an active or current member of the gang after authorization by the court the person is served with personal notice of the injunction. The notice must state that the person may request an evidentiary hearing at which the plaintiffs must present evidence and show by preponderance of evidence that the defendant is a member of the gang. The individual need not testify, but may testify and may cross-examine witnesses for the plaintiffs and may present testimony and other evidence on his/her own behalf.
  - The final order of injunction shall contain an opt-out provision, by which an alleged member previously included in the order may petition at any time for removal from the injunction after a period of five years in which no act has resulted in either a contempt finding or a conviction of crime, and further that there is no charge pending at the time of the hearing. In the petition, the alleged member may request a court hearing on the matter.

- All actions to punish any violation of the injunction shall be by prosecution of the crime of contempt of court. If the person did not contest the finding that he or she was a gang member when originally served with notice of the injunction, then it is an affirmative defense that he or she were no longer an active or current member of the gang.

The Work Group notes that in order to allow cities and counties to be plaintiffs under this recommendation, titles 35, 35A, and 36 of the RCW would need to contain the enabling language.

#### **5. Juvenile Justice System Modifications**

It is the recommendation of the Work Group that any modifications to be made to the juvenile justice system or sentencing grid should be addressed as part of the five pilot projects.

#### **6. Additional Measures to Combat Gang-Related Crime**

The Work Group finds that gangs have become sophisticated criminal organizations and that they reduce the criminal liability of their membership by recruiting juveniles to commit crimes on their behalf. As a result, the Work Group recommends a significant increase in sentences for any adult who recruits a juvenile to commit any crime on their behalf. This would significantly strike at the heart of the older, more dangerous, well entrenched and organized members of criminal street gangs.

The Work Group recommends that adults who recruit juveniles to commit crimes on behalf of a criminal street gang are a particularly egregious danger to society. These persons should be subjected to increased penalties beyond those proscribed in the Sentencing Reform Act for the underlying substantive crimes that have been committed.

The Work Group recommends that the illustrative list of aggravating factors in RCW 9.94A.535 (3) be expanded to include the following aggravating factors:

- The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage whatsoever to or for a criminal street gang (as defined in this document), its reputation, influence, or membership.

The Work Group finds that community custody should be required upon the conviction of Felon in Possession of a Firearm.

The Work Group finds that members of criminal street gangs are not always identified as such upon entry into the Department of Corrections (DOC). Therefore, the Work Group recommends that the court of conviction and jails

notify DOC as to the offender's status as a gang member, or conviction of a gang-related offense. In addition, upon release and reentry, DOC shall notify the original arresting agency of the offender's release and current status. Local law enforcement and Community Corrections Officers (CCO) shall be notified as to the offender's current gang status, which may be included as a condition of community supervision. The CCO may sanction the offender for further gang involvement. Finally, the Work Group recommends additional staffing within DOC for the purpose of investigating crimes, and surveillance of gang members while incarcerated.

Finally, relating to graffiti and tagging, the Work Group has two recommendations. In the event that an offender is guilty of more than one act of malicious mischief involving graffiti or tagging, or that in any particular instance there is more than one offense to be charged in a single complaint, the crime of malicious mischief will exist absent a dollar amount requirement and shall be a gross misdemeanor in any case. The Work Group recommends that the Legislature create a civil cause of action relating to graffiti and tagging similar to that already in law relating to shop lifting in RCW 4.24.230. Any fine may be suspended on the condition a parent or legal guardian shows:

- They are not aware of the criminal violation by an unemployed minor in their custody.
- They have a financial hardship and have done all they can do to make restitution to the owner of the damaged property.
- It is an affirmative defense for a parent or guardian to show they have done all they can, with reasonable diligence, to provide restitution to the property owner.

## **7. Criminal Street Gang Definition**

Throughout the State of Washington the Work Group heard requests for the Legislature to define 'gangs' for a variety of different purposes. Such a definition would become a basis for a statewide anti-gang civil injunction statute, and serve as the basis for any current or future recommendations for additional criminal statutes to combat gang-related activity. Law enforcement in particular requested a uniform state definition. The Work Group also found consistent requests for a uniform definition to guide cities and towns in the adoption of local ordinances to combat gang-related activity. A statewide definition would assure uniformity within the state for such ordinances, address some problems in existing efforts, and provide a legal 'safe harbor' for local governments facing constitutional challenges to an ordinance using state definitions which could be legally defensible.

The Work Group learned that there are a wide variety of gangs, from juvenile and adolescent street gangs to sophisticated criminal organizations, engaged in crime

for profit. There are also a wide number of definitions. These definitions tend to exist in a specific context, including definitions for law enforcement intelligence work, definitions for social work, definitions for juvenile intervention and prevention, and definitions for criminal statutes.

The Work Group eventually focused on the creation of definitions that could be used for substantive criminal law to combat gang activity and for use in anti-gang civil injunctions. The Work Group studied definitions for substantive criminal provisions adopted by the federal government and many states included in a national survey of such definitions recently published by the National Gang Center. Many of these definitions were based on California's statute dealing with gangs. The Work Group specifically studied the California statute and its definitions in depth and it eventually served as a starting point for the definitions created by the Work Group.

The Work Group notes that many criminal law definitions and criminal sanctions, including those in California, are focused on serious violent offenses. Most states have avoided focus on less serious felony offenses. Definitions that include lower level offenses cast too wide a net and risk application to unintended behavior, such as adolescent criminal behavior that can occur in groups but is not necessarily associated with established and enduring criminal street gangs. Additionally, state definitions usually relate to state level offenses rather than violations of local ordinances. However, testimony taken by the Work Group indicates that gangs in Washington include a significant number of juvenile and adolescent street gangs and that their activity includes both low level and serious offenses. Additionally, the Work Group's study of intervention and prevention of gangs revealed that entry into gangs usually starts with precursor offenses and progresses with greater involvement in the gang activities. The Work Group made a specific choice to broaden its definition to include lower level offenses, which will accommodate both state efforts and efforts by local government to tailor ordinances to their specific gang circumstances, but balanced this by requiring as a predicate that the gang or its members had engaged in serious level offenses in the recent past in order to constitute a gang. The Work Group also deliberately chose to define and use the term "criminal street gang" to be more specifically descriptive of the type of gangs and gang activity it most wished to address, while leaving the definition broad enough to include organized crime for profit, although it notes that there are adequate federal and criminal statutes already in place for organized crime for profit.

With this in mind the Work Group recommends the following definitions and provisions as a basis for current and future efforts to combat gang activity in Washington:

### **Section 1 - Definitions**

- **Criminal Street Gang.** A "*criminal street gang*" is any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and



whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity.

- **Criminal Street Gang Associate or Member:**
  - A criminal street gang associate or member is any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal conduct by the criminal street gang.
  - This definition shall not limit the definitions or criteria used by law enforcement for identifying and tracking associates and members of any criminal street gang for purposes of investigation, intelligence, or operations, including the creation and use of a database for such purposes.
- **Pattern of criminal street gang activity.** A "*pattern of criminal street gang activity*" means the commission of, attempted commission of, conspiracy to commit, or solicitation of, juvenile adjudication for, or adult conviction of two or more of the following criminal street gang related offenses; provided at least one of these offenses occurred after the effective date of this chapter and the last of these offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:
  - any "serious violent" felony offense as defined in RCW 9.94A.030 (except Homicide by Abuse and Assault of a Child 1), or
  - any "violent" offense as defined by RCW 9.94A.030 (except Assault of a Child 2), or
  - any of the following felonies: Deliver or Possession with Intent to Deliver a Controlled Substance, any felony violation of RCW Chapter 9.41 relating to firearms, Theft of a Firearm, Possession of a Stolen Firearm, Malicious Harassment, felony Harassment, Criminal Gang Intimidation, Criminal Gang Recruiting (New), Involving a Juvenile in a Criminal Offense (New), Residential Burglary, Burglary 2, Malicious Mischief 1 or 2, Theft of a Motor Vehicle, Possession of a Stolen Motor Vehicle, Taking and/or Riding in a Motor Vehicle 1 and 2, Extortion 1 or 2, Intimidating a Witness, or Tampering with a Witness, or
  - any of the following misdemeanors and gross misdemeanors: any non-felony criminal violation of RCW Chapter 9.41 relating to firearms, Reckless Endangerment, Coercion, Harassment, or Malicious Mischief 3.
- A "*pattern of criminal street gang activity*" cannot be established solely by proof of commission of other criminal or civil violations of law.

- **Criminal Street Gang Related Offense.** A “criminal street gang related offense” is a felony or misdemeanor under federal or state law that is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the intent to gain admission or promotion within the gang or with the intent to promote, further, or assist in any criminal conduct by the gang, including any felony or misdemeanor offense committed:
  - With the intent to increase or maintain the gang’s size, membership, prestige, dominance, or control in any geographical area; or
  - With the intent to exact revenge or retribution for the gang or any member of the gang; or
  - With the intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or
  - With the intent to otherwise directly or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence, or membership, or
  - With the intent to provide the gang with any advantage in, or any control or dominance over any criminal market sector, including but not limited to, the manufacture, delivery, or sale of controlled substances; arson or arson-for-hire; trafficking in stolen property or stolen credit cards; promoting prostitution; trafficking in persons; or promoting pornography.

- **Preemption:** The state of Washington hereby fully occupies and preempts the entire field of definitions used for purposes of substantive criminal law relating to criminal street gangs, criminal street gang related offenses, and criminal street gang associates and members. These definitions expressly preempt any conflicting city or county codes or ordinances. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to criminal street gangs that contain definitions that are consistent with these definitions. Local laws and ordinances that are inconsistent with these definitions shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

EXCEPT definition of gang in RCW 28A Schools

EXCEPT definition of gang in RCW 59 Landlord Tenant

- **Organized Crime Prosecutions Not Limited.** Nothing in this chapter shall limit or restrict prosecutions under the Criminal Profiteering Act, RCW Chapter 9A.82.
- **Application.** This chapter does not apply to employees engaged in concerted activities for their mutual aid and protection, or the activities of labor organizations or their members or agents.

#### **8. Temporary Witness Relocation Program**

The Work Group recommends expanding crime victims' assistance to include temporary relocation assistance for witnesses of gang-related crimes.

#### **9. Study on Best Practices to Reduce Gang Involvement while Incarcerated**

The Legislature should authorize a study to establish best practices to reduce gang involvement and recruitment within the Department of Corrections. This includes:

- The establishment of intervention programs within the Department of Corrections for inmates who are seeking to opt-out of gangs. This includes items like tattoo removal, anger management, GED, and other interventions.
- The establishment of an intervention program to assist gang members with successful re-entry into the community.

## **Conclusion**

Public safety is the paramount responsibility of government. Without public safety communities do not grow and prosper. Citizens are literally robbed of life, liberty, and the pursuit of happiness. Before us now is the growing problem of gang-related violence throughout many communities in Washington.

Gangs are an extremely destructive societal phenomenon. Nature does not tolerate a vacuum and likewise, human beings do not tolerate the absence of safety, love, acceptance, belonging, hope, and achievement. Gangs too often fill the void for those whose lives are not properly cared for and guided.

To answer the call for help from our communities, SSB 5987 was created. The legislation mandated the formation of a work group on gang-related crime offering an exciting opportunity for selected professionals to come forward and address the problems created by gangs. The Work Group was not a spectator sport nor was it for the thin of skin. There was skepticism and stubbornness; tight grips on deep rooted ideas and beliefs had to be relaxed. Trust, increased respect, and openness to compromise had to be developed to produce a quality product.

In its travels and public contacts throughout the state, the Work Group heard re-occurring themes:

- There must be a balance of prevention, intervention and suppression measures;
- Families need to be strengthened;
- The safety net and help for kids at every grade in school needs to be improved;
- Graffiti is a blight;
- Law enforcement needs more resources and tools to deal with the immediate and chronic problems it faces.

Our citizens hold an expectation that the State will do its part in coming to the aid of our communities, its families, its children ... our future. The Work Group on Gang-Related Crime is confident that the comprehensive approaches outlined in this work will result in a decrease in gang membership and street gang-related crimes now and for years to come.

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A special thanks to each of the work group members for their time and devotion to helping solve Washington's gang problem: Representative Christopher Hurst, Representative Charles Ross, Senator Adam Kline, Senator Jim Honeyford, Chris Johnson, Scott Blonien, Sheriff Ken Irwin, Chief Brad Blackburn, Lt. Ron Wilson, Steve Lowe, Kathy Jo Kristof, Dan Fessler, Bob Hicks, Don Wilbrecht, Bonnie Glenn, Terry Hayes, Janice O'Mahony, Tanya Kim, Craig Daly, Gabriel Morales, and Dave Gowan.

The SB 5987 Legislative Work Group on Gang-Related Crime was facilitated by the Washington Association of Sheriffs and Police Chiefs – James McMahan and Briahna Taylor, Project Manager and Project Assistant, respectively.

## Addendum A

### Administration of Youth Gang Prevention/Intervention/Suppression GJJAC/Office of Juvenile Justice Administrative Costs

The Governor’s Juvenile Justice Advisory Committee (Office of Juvenile Justice) is the designated administrator of the Youth Gang Prevention/Intervention/Suppression Initiative and fund, as presented and adopted by the state gang work group.

#### Intermediate activities: SFY 09 (July 1, 2008 – June 30, 2009)

<p><u>Administrative Staff support to State Gang Work Group, which provides oversight of the Initiative</u></p> <ul style="list-style-type: none"> <li>• Provide logistical support for four quarterly meetings (arrange meeting space, lodging, meals, transportation, etc.)</li> <li>• Prepare meeting agenda, per direction of Work Group; arrange for speakers, presentations, etc.</li> </ul>	<p>Administrative Secretary - .25 FTE, Estimated cost: \$12,000</p>
<p><u>Reimburse Work group members for travel costs, using state per diem guidelines</u></p> <ul style="list-style-type: none"> <li>• Four quarterly meetings (Seattle-Tacoma, Olympia, Yakima, and Spokane); 20 Work Group members; 12 requesting reimbursement (non-legislators or do not have discretionary travel funds). Includes travel (mileage or air), lodging, meals, light snacks and beverages.</li> </ul>	<p>Average cost per meeting - \$3,000; Total: \$12,000</p>
<p><b><u>State Gang Work Group Coordination and Evaluation</u></b> <u>Provide professional staff support for Initiative coordination, implementation and evaluation, including:</u></p> <ul style="list-style-type: none"> <li>• Research and prepare materials in response to Gang Work Group requests and needs,</li> <li>• Develop Initiative ‘Request for Proposal’ process and protocol, to solicit communities participation in the Initiative (for 2009-11 biennium),</li> <li>• Draft criteria and process for community selection,</li> <li>• Provide regional RFP bidder’s conferences,</li> <li>• Provide staff support to State Gang Work Group, including RFP process and community selection. Work Group would approve RFP, community selection criteria and process, select communities, and other tasks as defined. Develop universal and community-specific statement of work. Assist Initiative communities to develop universal (statewide) measurable outcomes, as well community-specific outcomes.</li> </ul>	<p>1.0 FTE - Gang prevention/intervention/suppression Program Coordinator and Evaluator</p> <p>Estimated cost: \$125,000 per year (including travel)</p>
<p><u>GJJAC Grants management and Administrative cost - 15% of Initiative expenditures (\$149,000), including development and release of RFP for</u></p>	<p>\$22,350</p>

State Gang Work Group Coordination and Evaluation, staff Work Group to select contractor. Other responsibilities include grants management (develop reporting requirements, financial forms, etc. in preparation for 09-11 biennium contracts. Execute contracts by May 1, 2009, for July 1 start date) and administrative costs.	
<b>Total expenditures</b>	<b>\$171,350</b>

**Full implementation of the Initiative for SFY 10 -11  
(July 1, 2009 – June 30, 2011)**

<p><b><u>State Gang Work Group Coordination and Evaluator</u></b>  <u>Assist Initiative communities in Initiative implementation:</u> Tasks include further research of proven and promising gang prevention/intervention/suppression practice, training and consultation as needed and requested.  <u>Provide staff support to Gang Work Group,</u> which provides oversight to Initiative implementation. Continue to work with Initiative communities in developing statewide measurable outcomes, data collection assistance (sources and comparable definitions), data analysis, pilot sites technical assistance, consultation, and training. Prepare reports, as needed, for Gang Work Group and legislators.</p>	<p>Gang prevention/intervention/suppression Program Coordinator and Evaluator (contract position)</p> <p>\$250,000</p>
<p><u>Administrative Staff support to State Gang Work Group, which provides oversight of the Initiative (thru GJJAC)</u></p> <ul style="list-style-type: none"> <li>• Provide logistical support for four quarterly meetings (arrange meeting space, lodging, meals, transportation, etc.)</li> <li>• Prepare meeting agenda, per direction of Work Group; arrange for speakers, presentations, etc.</li> <li>• Work Group would approve RFP, community selection criteria and process, select communities, and other tasks as defined</li> </ul>	<p>Administrative Secretary - .25 FTE,  Estimated cost: \$24,000</p>
<p><u>Reimburse Work group members for travel costs, using state per diem guidelines</u></p> <ul style="list-style-type: none"> <li>• Eight quarterly meetings, (four per year) including visit(s) to Initiative communities; 20 Work Group members; 12 requesting reimbursement (non-legislators or do not have discretionary travel funds) Includes travel (mileage or air), lodging, meals, light snacks and beverages.</li> </ul>	<p>Average cost per meeting - \$3,000; Total: \$24,000</p>
<p><u>GJJAC Grants management and Administrative cost</u> - 15% of Initiative expenditures (\$298,000), including Pilot site grants management (program and fiscal) overhead etc.</p>	<p>\$44,700</p>
<b>Total expenditures (2 years)</b>	<b>\$342,700</b>

## **Addendum B**

# WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

3060 Willamette Dr NE Lacey, WA 98516 PHONE (360) 486-2380 FAX (360) 486-2381 WEBSITE – www.waspc.org

Serving the Law Enforcement Community & the Citizens of Washington



## **PROPOSAL**

**TO:** State Representative Christopher Hurst

**FROM:** Don Pierce, James McMahan

**DATE:** Tuesday, November 06, 2007

**RE:** Gang Enforcement Emphasis

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Per your request, this proposal seeks to outline how WASPC would structure a grant program to local law enforcement agencies for gang enforcement emphasis. Listed below are the bullet points/ foundation for the draft bill and budget proviso language included on page 2 of this document.

- State to provide \$2 million in one time supplemental funding in the 2008 fiscal year
- The funding would be used by local law enforcement to support special enforcement emphasis targeting gang crime
- Grants will encourage multi-jurisdictional efforts and cover increased prosecution and jail costs
- Regions must be able to demonstrate a significant gang problem
- The money is one time funding
- It is hoped the emphasis will bridge the gap while the long term intervention and prevention programs are developed
- Local law enforcement can and should design an enforcement program that best suits their specific gang problem
- WASPC will administer the program with very little overhead expenses
- Peer review panels will make the grant award decisions

**DRAFT BILL LANGUAGE**

**NEW SECTION – Section (A)** A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall establish a grant program to local law enforcement agencies to support special enforcement emphasis targeting gang crime. Grant applications shall be reviewed and awarded through peer review panels. Grant applicants are encouraged to utilize multi-jurisdictional efforts.

(2) Grant applicants shall:

- (a) show a significant gang problem in the jurisdiction or jurisdictions receiving the grant;
- (b) verify that grant awards are sufficient to cover increased prosecution and jail costs;
- (c) design an enforcement program that best suits the specific gang problem in the jurisdiction or jurisdictions receiving the grant; and
- (d) demonstrate community coordination focusing on prevention, intervention, and suppression;

(3) The cost of administering the grants shall not exceed \$60,000.

**NEW SECTION – Section (B)**

If specific funding for the purposes of section (A) of this act, referencing this act by bill or chapter number, is not provided by June 30, 2008, in the supplemental appropriations act, section (A) of this act is null and void.

**NEW SECTION – Section (C)**

Section (A) of this act shall expire on July 1, 2009.

**DRAFT BUDGET PROVISIO LANGUAGE**

\$\_\_\_\_\_ of the public safety and education account -- state appropriation for fiscal year 2008 is provided solely for the Washington association of sheriffs and police chiefs for implementation of Section (A) of House/Senate Bill \_\_\_\_\_ (gang enforcement emphasis grants). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.



## Addendum C



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November 6, 2007

TO: The Honorable Chris Hurst, Chair  
Gang Crime-Related Task Force

FROM: Tammy Fellin, Association of Washington Cities

SUBJECT: **2008 Proposed Grant Program for Graffiti/tagging Abatement**

AWC has been asked to provide a brief outline of a “Graffiti/tagging Abatement Grant Program” for consideration by the Gang-Related Crime Task Force, convened as directed in SSB 5987. As a private non-profit organization representing all 281 cities in Washington, AWC is pleased to play a supportive role with this grant program. Regular activities that we can do to assist in its success include communication with our cities about the availability of grants, education about requirements to qualify and apply, and coordination with the grant administrator for contact or follow-up information. We could assist with criteria development, but would not make awarding decisions.

### **Purpose/Goals of the Program**

Graffiti/tagging is often considered demoralizing and intimidating. It occurs most frequently in highly populated areas where it is most noticed. Removing or painting over graffiti/tagging as quickly as possible is the greatest deterrent. Therefore, an aggressive abatement program, with a goal of eliminating graffiti/tagging within a reasonable period after it appears, is an effective deterrent. An aggressive graffiti/tagging abatement program sends a signal that law enforcement and community members will respond, and respond quickly.

Simply put, the goal of this program is to enable local communities to quickly paint-over, or otherwise abate, graffiti/tagging. The objective would be to paint over graffiti/tagging within 24 or 48 hours of it being brought to the city’s attention.

### **Approach**

Many local governments currently have graffiti/tagging abatement programs, but simply do not have the resources to respond quickly enough. Some have an on-staff coordinator who answers a hotline that citizens may call to report graffiti/tagging and request it be covered over. Such coordinators may have teams of volunteers, public works department staff, or private contractors that they activate to respond to calls for abatement. Others feature community-involvement graffiti/tagging removal volunteer events where community members periodically are organized to remove or cover all graffiti/tagging within certain areas. Most local governments rely on private property owners to maintain their own property, but some provide free paint or supplies

for property owners to use if they are unable to afford their own supplies. Many local governments will paint over graffiti/tagging on private property if requested by the property owner. Still others have an ordinance that allows the government to cover it over after a period of time.

Clearly, different programs work in different jurisdictions. To get the greatest effect from limited dollars, AWC would recommend that the grant program focus not on HOW each local government would organize itself to remove or cover graffiti/tagging, but rather on the outcomes, while requiring local governments to document how the money would be spent.

### **Grant Administration/Formula Basis**

There are several state agencies who could administer a grant program. AWC would request that any program implementation be made as simple as possible to ensure scarce dollars are focused on graffiti abatement, not administration. Therefore, we would recommend that funds be distributed on a formula basis, with a requirement that interested local governments submit a request that describes how the funds would be spent, and how they would coordinate this with current efforts. To be eligible, local governments may also be required to adopt graffiti/tagging abatement-related ordinance and provide a local match. AWC also recommends funds from this program to be a one-time distribution with reporting requirements at the end of the year to demonstrate the impact the funds had on the local community.

Possible formula-based criteria include:

- Population – assuming more people means greater graffiti/tagging; certain dollars available for grants to local governments under 10,000 and over 10,000 to ensure smaller jurisdictions qualify.
- Malicious mischief offenses per county compared to statewide average – these would be based on juvenile justice statistics only, and are not available by city.
- Property crimes per local government population compared to statewide average – this would use property crimes as a proxy to graffiti incidence, but only felony crimes are reported.

Possible grant administrators include the State Office of Recreation and Conservation, Community Trade and Economic Development, and the Governor’s Juvenile Justice Advisory Committee. There are certainly others who may also be interested in administering this program. We would recommend a reasonable cap be placed on the amount of funds that could be used for administration. Additional duties of the administrator would include development of award criteria, final determination of grantees, distribution and tracking of funds, collection of performance measures, and final report of accomplishments.

### **Performance Measures/Reporting**

At the conclusion of this program, we would want to show that the funding provided made a demonstrable difference in eliminating graffiti/tagging from local communities. Therefore, we would ask that grant recipients provide information related to:

- Number of community reports of graffiti/tagging
- Documentation of graffiti/tagging reported, to assist law enforcement in crime analysis, as needed
- Number of “incidences” of graffiti/tagging removed
- Elapsed time between reported and abated
- Number of graffiti/tagging “incidences” left unattended at end of program
- Staff/volunteer hours spent on graffiti abatement

- Description of existing graffiti abatement program and how that was coordinated with grant funding
- If all graffiti wasn't abated within 24 hours, estimate of need to achieve that goal.

## Addendum D Community Meeting Summaries

### Yakima Community Hearing – July 30, 2007

The Yakima community hearing was very well attended and everyone was given an opportunity to speak. There was a strong consensus that gangs are a problem in the Yakima community and that something needs to be done. The following is a summary of the problems described by the Yakima community and suggested solutions to those problems. Items in bold were emphasized by multiple community members.

#### *Recruiting, Parental Responsibility and Prevention*

One of the major repeated problems was that **gangs recruit children** at a very young age:

- ◇ Gangs are recruiting from inside schools and areas surrounding schools.
- ◇ Older gang members are using terror tactics to recruit children at a very young age.
- ◇ Children are being recruited into gangs with free stuff, like brand new tennis shoes, and other things that their families cannot afford.

There were multiple solutions suggested to prevent children from becoming involved in gangs:

- ◇ **Make parents more responsible.** If their child is in a gang, charge the parent a fine until they take responsibility of their child.
- ◇ It was suggested that recruiting could be alleviated if there were school buffer zones for gangs, similar to those for sex offenders.
- ◇ Fund more activities like the PALS program to keep students involved.
- ◇ Reexamine labor laws to allow children to have jobs. It would be better for them to work than join a gang.
- ◇ Engage in an economic development plan to alleviate poverty in the area and provide parents with money to purchase tennis shoes for their kids.
- ◇ Involve the Superintendent of Public Instruction and perhaps look at requiring school uniforms.

#### *Graffiti*

Graffiti can be found throughout the City of Yakima and is increasingly becoming more severe.

- ◇ **Graffiti and tagging are a significant problem throughout the entire community.** This impacts the city's tourism industry and intimidates citizens.
- ◇ Once graffiti is removed, it is only a matter of weeks before new graffiti replaces it.

Graffiti can be prevented and removed.

- ◇ The GLEED Blockwatch group has photographed hundreds of incidents of graffiti.
- ◇ Graffiti Gone, a graffiti removal company, suggested that state law be changed to no longer require permission slips to remove graffiti.

#### *Enforcement*

Gangs are increasingly causing violence in the Yakima community.

- ◇ **The same people are committing the same crimes over and over.**
- ◇ One woman described how her car was blown up by a fire bomb and then tagged with gang graffiti. Because she can't afford another car, she now drives her burnt, spray-painted car.
- ◇ Trials are not speedy. Gang members are caught, but then while they are awaiting trial they are out causing more harm.
- ◇ Car theft is a huge problem. Gang members steal cars to be initiated.
- ◇ Gang violence is *not* isolated to Eastern Washington.

**The Yakima community expressed a strong desire for stronger arrest and sentencing laws couple with prevention efforts.**

- ◇ Pass a bill similar to California's, which makes it illegal to be in a gang, provides crime-free housing and more tools for law enforcement.
- ◇ Yakima County Crime Stoppers attempts to create accountability for gang members by handing out flyers of gang members that have warrants for arrest.
- ◇ Once a gang member is caught, do not release them. Juveniles are not in jail long enough to learn their lesson.
- ◇ Civil injunctions.

### **Bellingham Community Hearing – August 23, 2007**

The Bellingham Community Hearing was held in the City Council chambers at the Municipal Court Building. There were seven people who testified at the community hearing. Here is a summary of their testimony and a list of those people who testified.

#### *Summary*

It was generally agreed that the gang problem in Bellingham is not yet a serious concern. However, members of the community expressed a strong desire to prevent the problem from coming to the area. The largest suggestion to keep gangs out of Bellingham was more funding for police officers and community organizations. Members said they noticed some graffiti around the town, but that gangs had not inflicted a great deal of violence on community members.

The Bellingham community also seemed to be an especially collaborative community, working together to address violence and criminals. There were multiple groups, from the Whatcom Dispute Resolution Center to “small but simple grants” to neighborhood block watch that help mobilize neighborhoods.

Taos Sawyer testified emphasizing the importance of reaching out the Hispanic Community. She suggested the schools as a resource for connecting with Hispanic families in the region.

#### *Community Hearing Testifiers*

Calhan Ring – Whatcom Dispute Resolution Center  
Richard J. Maneual – Concerned and active citizen  
Arlene Feld – Concerned citizen (from L.A.)

Mayor Tim Douglas  
Chief Randy Carroll  
Sheriff Bill Elfo  
State Representative Dave Quall  
Interpreter Taos Sawyer

### **Spokane Community Hearing - September 10, 2007**

The Spokane Community Hearing was held at the Spokane County Sheriff's Office Training Building on the Spokane Community College campus. Sixteen members of the community attended. Below is a summary of the testimony presented and a list of those who testified:

#### *Summary of community suggestion*

- Enhanced sentencing for behavior-based laws.
- Provisions for generational/recruitment-based statutes.
- Reach out to the Hispanic Community.
- Don't politicize the issue.
- Require juveniles to receive mentoring and assistance beyond their sentence. Short-term juvenile detention doesn't allow enough time to truly impact and change the kids.
- Establish a standard definition for the state.
- Understand and remember there is a difference between youth and adults, use rehabilitation and education instead of locking them up.
- There is a good juvenile justice system now, don't change it.
- Balance suppression with prevention and intervention.
- Consult the schooling system – are schools a breeding ground for gangs?
- Help clean up the graffiti in the neighborhoods; perhaps require the graffiti to be removed within 24 hours.

#### *Testifiers*

Anne Kilpatrick – Spokane Police Chief; Ozzie Kenevich – Spokane County Sheriff; William Monger – Shift Supervisor for Juvenile Detention and NWGIA member; Michael Yates; Rand Young – former Juvenile Court Administrator and manager of the Juvenile Detention Center; Gail Prosser; John Martin; Eric Bolstad; Hal Ellis; and Christy Hamilton – Director of Spokane C.O.P.S.

### **Vancouver Community Meeting – October 15, 2007**

The Vancouver Community Meeting was held at the community room at the Water Resources Education Center. An estimated 60 members of the community attended, 16 of which testified. Below is a summary of the testimony presented:

#### *Summary of community suggestions*

- There was a gang task force in Vancouver in 2002, but it was abandoned due to a lack of funding. Funding should be provided to reinstate the task force.
- There have been multiple gang-related shootings in the last week, give us enhancement tools to couple with prevention and intervention.
- Prevention should be very visible and start at an elementary school age.

- Funding for prevention programs is necessary; earmark money specifically for prevention.
- The key to solving the gang problem is relationships.
- Involve the Hispanic community.
- Don't neglect SW Washington any longer.
- Create communication with the gangs and create relationships with gang members.
- Labor laws prevent kids from working, so they turn to gangs. Give us the chance to allow children to get a job if they want one, it helps provide them with a sense of belonging.
- Remove the gang authority and remove gang intimidation.
- Finance school resource officers and school probation officers to help solve the gang problem in schools.
- Help people understand diversity in the schools, they will be less likely to join a gang.
- Need to bring all of the different pieces of solving gangs together – there are already a lot of programs that exist – they just need to be funneled through a central effort.

### **Tacoma Community Meeting – November 8, 2007**

The Tacoma Community Meeting was held at the cafeteria at Lincoln High School. An estimated 75 members of the community attended, 16 of which testified and 6, including those who did not attend the meeting, left comments in writing. Below is a summary of the testimony presented and the comments submitted in writing.

#### *Summary of community suggestions*

- Responsibility lies with the parents. Parents need to be educated about the gang problem and encouraged to take an active role in the community.
- Elevate gang activity to terrorist/felony status for prosecution.
- Include educators in your recommendations. Need childhood education programs. Have gang intervention in primary schools. Increase communication between the police and the schools.
- The police are underfunded and there are more children than ever before joining gangs.
- Need to enforce current laws.
- Community involvement is an important element to stopping gangs from spreading into more neighborhoods. There are not enough evening activities for kids to become involved in. There needs to be more community-based centers.
- Increase resources to law enforcement to create task forces.
- Tagging should be a felony.
- Need firearm enhancements for gangsters. Redefine the crime itself for the enhancement.
- People need to report gun shots and other small incidences to help police track the crime.
- Don't slap a felony on people and then give them no guidance when they get out of jail; they will return to the gang.

- Privacy laws prevent the many different institutions that gang members are involved in from communicating (eg schools can't talk with community organization or the DOC).
- Make decisions with clear data – juvenile crimes are at an all time low.

## **SeaTac Community Meeting – December 10, 2007**

The SeaTac Community Meeting was held at the Puget Sound Skill Center. An estimated 75 members of the community attended, 15 of which testified and 6 left comments in writing. Below is a summary of the testimony presented and the comments submitted in writing.

### *Summary of community suggestions*

- There are often underlying causes of gangs: family problems, poverty, etc. These underlying causes need to be addressed in order to solve the problem.
- Prevent the next generation of gangs through prevention, intervention, and suppression.
- Support aggravating factor sentencing enhancements.
- Gangs are recruiting at a younger age, targeting middle-school instead of high-school. They are also recruiting outside of the inner-city and are traveling into south Seattle.
- Allow civil injunctions in unincorporated counties.
- Youth need positive interactions with law enforcement. Often times they just need to talk or have a role model to look up to.
- We need more cops, but cops aren't the entire answer, also need afterschool programs and other activities.
- Parent outreach is critical to achieving successful prevention and intervention, especially among non-English speaking families. Parents need to be involved in schools and in their kids' lives.
- Faith-based organizations are providing a lot of resources, but it is much harder for them to get funding because they are faith-based.
- Peer-to-peer counseling is an effective prevention/intervention tool.
- Begin prevention at a very early age. Pre-kindergarten would be the best time to start.
- Reward and/or pay our children at age 14 and up for perfect school attendance and/or a 3.0 GPA. Also, allow children age 14 and up to do part-time work.