



## Questions and Answers from Investigating Gangs in Juvenile Court Webinar: A Collaborative Effort Between the National Gang Center and the National District Attorneys Association

1. What needs to be completed prior to prosecuting a juvenile gang member? What are the steps when you suspect a juv of being gang
  - a. Step 1) identify the pattern Step 2) identify the organization that benefits from the delinquency Step 3) validate the gang and the juvenile Step 4) evaluate the case and conditions and communicate with your juvenile counselors to determine what outcomes would best serve the victim, the community and the accused.
2. How do you present a successful prosecution when juvenile court laws are more restrictive than adult court laws?
  - a. Great question. Because juvenile cases are more restrictive, it is imperative to have very detailed records to show the gang involvement and criminality due to membership. This can also be in the form of doing specific crimes to become part of a gang. We will find this information by talking to resource officers, parents, guardians, teachers, and the community. When we have the details behind a specific incident, we then can file briefs, motion and protective orders that can help educate the court on the gang and gang involvement. We have to show that being part of the gang or attempting to be a part of the gang is an important underlying reason for this particular suspect's criminal activity.
3. Sentencing w/r/t juveniles convicted under gang statute.
  - a. Sentencing will differ in each jurisdiction. For guidelines on the sentencing structure in your jurisdiction you can look here: <https://nationalgangcenter.ojp.gov/legislation#dlfzi>
4. How does the age of juvenile complicate the hold gangs have over their members?
  - a. Middle school aged youth are most vulnerable to the pushes and pulls of gang membership; however, it is more important to consider social-ecological domains such as peer associations, family background, school and community environment as well as individual factors such as trauma and victimization when understanding why youth join gangs. See <https://nationalgangcenter.ojp.gov/video> and Risk Factor FAQs <https://nationalgangcenter.ojp.gov/spt/Risk-Factors/FAQ>
5. Getting victims to cooperate/protection options for them
  - a. <https://nationalgangcenter.ojp.gov/legislation/witnesses>
6. Getting social media admitted into evidence.
  - a. <https://ndaa.org/online-store/>
7. Admissibility of "Gang Expert" testimony
  - a. <https://ndaa.org/online-store/>
8. How to investigate gang crimes with little or no cooperation from victims
  - a. Like other evidence-based prosecutions like domestic violence. The doctrine of forfeiture is a useful tool to allow statements to come in if the prosecution can show intimidation. The Federal Rules of Evidence actually codifies the doctrine of forfeiture in 804(b)(6) though some federal districts have differing burdens of proof (mostly it is by a



- preponderance of the evidence.) Article of note: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/evidence-based-prosecution-prosecuting-domestic-violence-cases>
9. How do you get youth to leave the gang?
    - a. The level of effort for desistance depends upon how deeply the youth is embedded in the gang. It requires intensive gang intervention services such as outreach services and multi-disciplinary wraparound services for the youth and family. Visit the National Gang Center YouTube channel <https://www.youtube.com/channel/UCMNlyJoQ2jTe04stauueFFw> for topics on understanding youth gang involvement, effective street outreach, and operating a multi-disciplinary team.
  10. How can I persuade a liberal magistrate to see safety of community has the biggest concern?
    - a. Really good question. Documentation.... Repetition. Sometimes it takes time for people to actually understand the gravity of the gang issues each community is facing.
  11. how to recognize a gang case
    - a. Remember Justice Potter?
  12. What is the most effective approach for increasing a gang member's ability to empathize with victims and accept accountability?
    - a. Many gang-involved youth have experienced their own trauma and poly-victimization and are in need of clinical support services in which part of the healing process is strengthening empathetic qualities. In addition, strong outreach services work on building empathy with gang clients.
  13. with what proof do we validate gang membership?
    - a. <https://nationalgangcenter.ojp.gov/legislation>
  14. If Raise the Age Waiver is applied in any cases and for which offenses?
    - a. NY Specific - <https://nationalgangcenter.ojp.gov/>
  15. what do members post on social media to ID the gang? just photos of themselves & other members or are there other indicators?
    - a. They can use nicknames, suffixes or prefixes that id the gang or set within the gang. Communication, Facebook live posts of meetings, agendas, and anything else that may prove to tie themselves together. I have even seemed some post live videos of the crime as it is happening.
  16. Recidivisms after incarceration
    - a. If you are looking for statistics, search the OJJDP Statistical Briefing Book <https://www.ojjdp.gov/ojstatbb/> as well as state DJJ statistics.
  17. current trends in gang violence
    - a. Currently there are no national statistics on gang trends. The last national youth gang survey includes 2011 data. The FBI National Gang Intelligence Center published a publicly available national gang report in 2015 and have plans to release an gang threat assessment this year or early next year. OJJDP and NIJ are funding a new national youth gang survey research project, but the project is in early stages of research. Some states such as NJ and TX (and others) track local jurisdiction and state gang activity/trends. If you are looking for specific information in a particular region, contact the National Alliance of Gang Investigator Associations <http://www.nagia.org/> You will find a list of state and regional gang investigator associations with website and contact information.



18. what pretrial notices do you need to send to defense attorneys
  - a. All that you can... 404-b - notice of gang expert ---- and so on.
19. What is the recidivism rate among juvenile defendants associated in gangs?
  - a. This is not compiled nationally. State DJJ or state juvenile court agencies, such as North Carolina or Washington State (and others), may collect this information.
20. Common issues in dealing with juvenile and adult co-defendants
  - a. Discovery, timing, protective orders need to be in place to maintain compliance with state statutes and regulations of juvenile records.
21. Any tips for prosecuting gun charges if the gun was not located? Stolen firearm charge-proving knew it is stolen?
  - a. <https://etrace.atf.gov/etrace/>
22. sentencing ranges
  - a. Look for evidence that the defendant possessed a gun that matched the description of the weapon used... did he post on social media with a Glock in his hand? Did his text messages show he recently purchased or sold a gun? Check pawn tickets, use Etrace-Check IBIS and NIBIN - has the weapon been used in other crimes perpetrated by other gang members? Did any witnesses report the suspect got a gun from somewhere else and the lack of the gun now goes to corroboration.  
<https://nationalgangcenter.ojp.gov/legislation/penalties#ifle9b>
23. Programs/resources being offered in the community or community-based gang programs being offered
  - a. There is no national directory of this information. Some state agencies, or state 211 organizations, or local non-profit organizations compile this information for their jurisdiction. The National Gang Center <https://nationalgangcenter.ojp.gov/> provides information and resources on research-based and evidence-informed programs that work. See also,  
<https://nationalgangcenter.ojp.gov/library/publications/comprehensive-gang-model-building-impactful-collaboration-through-community>
24. How to lay foundation for social media posts
  - a. <https://ndaa.org/online-store/> trial technique Predicate Questions great cheat sheet on foundational questions. Hopefully will be updated soon.
25. threshold for gang association
  - a. State by State ---- refer to your jurisdiction's statutes –
26. Recommended dispositional plan for multiple gang members and if it is recommended to always split them up in programs.
  - a. This is most likely a state/by/state, case by case basis, but will have to get back to you on any noted best practices.
27. recognizing the difference between a gang case and a case with a gang member
  - a. Gang member involved in a crime is a gang involved case, gang member involved in a crime that is motivated or done in the furtherance of the crime is a GANG CASE. You cannot use the suspect's membership in a gang in a gang involved case, but you can use the gang membership to show knowledge, intent, benefit of the crime for gang as a whole.



28. Methods of interviewing members, cooperation agreements
  - a. Jurisdiction and agency dependent. We can also share our templates with others.
29. Proving that the activities are in furtherance of the gang, when those participating in the acts are in different gangs
  - a. GOOD QUESTION - How does the gang benefit from the crime is going to depend on so many variables. I have one case where we showed the participation in robberies was to raise money for another gang members bail... through jail calls, intercepted jail mail, and cell phone dumps. The key here was that the correctional officers communicated well with the other agencies and were familiar with the criminal activity going on. This was the result of a multiagency thrust to meet quarterly and discuss cases and the linkages we could gather. It is important to not box in your thinking. Communication is key.
30. How to convince judges that gangs are a real problem
  - a. Tact and patience. Teach them through briefs, notice, and motions. Invite them to community forums....
31. Is there a list of the current gangs in the city and their territories?
  - a. You would need to reach out to the local law enforcement jurisdictions and/or the FBI National Gang Intelligence Center to find this type of information.
32. How to access federal funding for programs for these youth after court. Our numbers are high and need resources. TY!
  - a. <https://nationalgangcenter.ojp.gov/legislation/funding>
33. What has been the most beneficial rehabilitative service to address gang involvement?
  - a. There is no one size fits all perfect solution. Services require intensive intervention which take a multi-faceted approach with wraparound services and multi-sector treatments. See for example:  
<https://nationalgangcenter.ojp.gov/library/publications/getting-out-gangs-staying-out-gangs> ; <https://nationalgangcenter.ojp.gov/library/publications/multidisciplinary-gang-intervention-teams> ; and <https://nationalgangcenter.ojp.gov/spt/Program-Matrix>
34. Is there any difference in your investigation of gang crimes versus other types of crimes?
  - a. Yes. General crimes are reactionary, and you only have to prove the elements of that crime. With gang crimes you need to prove the gang involvement which generally goes show more 404 B type issues or to help show the court why witnesses are not cooperating. Gang organizations are also longitudinal cases where prosecutors need to show patterns that by many jurisdictions have to show a pattern of specifically gang activity. so, there is a cross over between getting a conviction for the crime itself and preserving that historical information for the further investigation of the organization.
35. What is the benefit of charging gang activity?
  - a. To allow elements of the gang case more readily used before the court and to preserve information for the further investigation of the larger gang structure.
36. Securing testimony of Gang members
  - a. Just like any other crime - get the information quickly, get statements recorded, be on the lookout for intimidation of others through social media or other communication channels and know your jurisdiction's procedures for securing material witness order and for declaring a witness as a hostile witness.



37. tips on working with multiple agency databases on gangs
  - a. Tell your officers to use it like the Dewey decimal system and make sure they do their homework. They have to use those databases to FIND the other information that verifies the validation and provides the evidence.
38. How has the Pandemic affected the way we approach gang cases?
  - a. It has really backed up the cases for us as reluctant witnesses and others have used Covid as a reason not to show up to court sessions for suppression hearings or probable cause hearings... or even trial
39. Recruitment, ways to attempt gang prevention with youths
  - a. Gang Resistance And Education Training program for elementary and middle school: <https://www.great-online.org/> See also, <https://www.nationalgangcenter.gov/Content/Documents/Parents-Guide-to-gangs.pdf> and <https://www.nationalgangcenter.gov/Content/Documents/Gangs-in-Schools.pdf>
40. Trends in armed juvi gang offenders
  - a. There are no national statistics for armed juvenile gang offenders, check state and local jurisdictions.
41. What are support networks we can refer juvenile offenders to help them avoid rejoining gang activities?
  - a. Check Crimesolutions.gov, the Reentry resource center <https://reentry.ojp.gov/> or contact NGC for more specific information.
42. Best ways to deal with juvenile gang related delinquency offenses as a result of adult influence
  - a. Prosecute the adult influence and work to add restrictions to the influencer to reduce access to recruit.