

Federal Gang Bills

Evaluating the Gang Abatement Act and the Youth PROMISE Act

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Where's the Fire?

Violent & Property Crimes

1973-Present:

30-year low

Bureau of Justice Statistics

Violent & Property Crimes

1997-2006:

down 23%

FBI, Crime in the U.S.

**Violent crime decreasing in
90% of cities**

University of Chicago

Definitions

Current Law

Gang:

An ongoing group, club, organization, or association of 5+ ...

...That has the **purpose** of committing criminal offenses

...Whose members have engaged in **continuing** offenses for the past **5 years**

Gang Crimes:

1. Drug felony
2. Violent felony

Proposed Law (Gang Abatement Act)

Gang:

Requires at least **3 crimes** to be committed collectively

Gang members:

Requires each member to have committed 1+ **gang crime**

Gang Crimes:

1. Violent crime
2. Obstruction of justice
3. Illegal possession of firearms
4. Harboring illegal aliens
5. Aggravated sexual abuse

Suppression vs. Prevention

Suppression tactics...

...have been widely used without any promising results

...are aimed at **removing** gang members from communities, not **reducing** their delinquent behavior

Gang Abatement Act

- Increased law enforcement
- Increased prosecution
- Increased sentence length (more LWOP)

Youth PROMISE Act

- Focus on prevention and intervention
- Use of evidence-based practices
- Community-based programs

Federal Government's Role

Gang Abatement Act

- Federalizes gang crimes
 - Complicates existing laws
 - Gangs not a federal issue
- Uses federal resources
 - Deploys federal agents to local communities
 - Increases powers of Attorney General

Youth PROMISE Act

- Calls on communities to address their gang problem
 - Local councils comprised of local law enforcement, health agencies, schools, courts, churches, and business members

Evidence-based Practices

- Few programs have been shown to be effective. Many programs have inconclusive effects or have not been studied rigorously. Some have been shown to increase criminal behavior
- “Evidence-based” interventions must show positive and significant results when evaluated under a research design that includes a control and comparison group

Gang Abatement Act

- Funded activities NOT required to be promising or evidence-based
- Does NOT require funded programs be rigorously evaluated

Youth PROMISE Act

- Local plans must be evaluated and include evidence-based and promising practices
- A research center will disseminate information on evidence-based and promising practices

Youth in the Justice System

- Large portion of gang members under 18 years of age
- Youth lack some capabilities relevant to establishing culpability
- Youth tend to “age out” of delinquent behavior; harsh sentences & gang label make successful re-entry difficult
- Youth transferred to adult criminal justice system more likely to be re-arrested for violent or other crime; increased vulnerability to physical/sexual assault and rehabilitation opportunities limited

Gang Abatement Act

- Severe penalties, including life without parole, for all age groups
- Study will not be completed until a year after provisions enacted

Youth PROMISE Act

- Plans must not increase # of youth in justice system
- Provides for training of prosecutors, judges, etc on needs of youth
- Supports youth-oriented policing

People of Color in the Justice System

People of color are:

- ...heavily overrepresented criminal and juvenile justice systems
- ...increasingly overrepresented as they move through the justice system
- ...overrepresented in law enforcement reports of gang membership

Gang Abatement Act

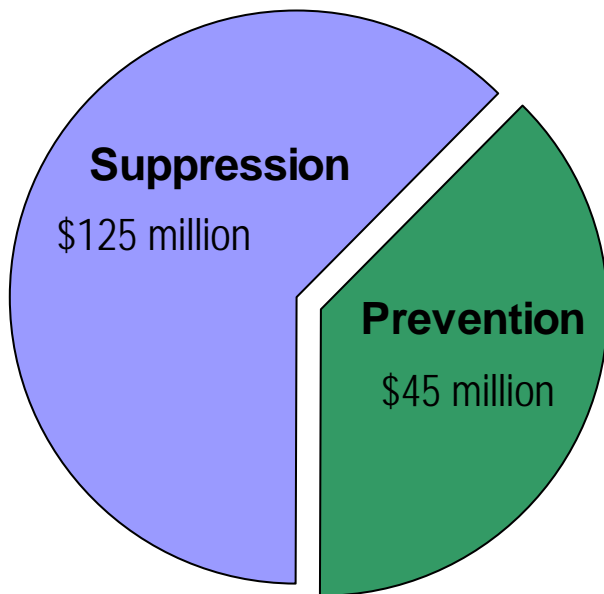
- No protections to minimize the racial and ethnic impact of proposed policies
- Vague gang definition could lead to youth of color being targeted

Youth PROMISE Act

- Addresses DMC by limiting reliance on incarceration and by limiting # of youth in system
- Plans must look at cultural and linguistic needs, include strategies to improve indigent defense delivery

Fiscal Analysis

Gang Abatement Act Proposed Annual Spending



Youth PROMISE Act

- Proposes \$10 billion over 2009-2013
- Investment in all youth
- Treatment/prevention yields over \$18.00 in return per dollar spent
- Prevention programs in Pennsylvania represent “a \$317 million” return to the state