



**Prepared Testimony of Paul Logli
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Before The House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security
Making Communities Safer: Youth Violence and Gang Interventions That Work
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My name is Paul Logli and I am the elected State's Attorney in Winnebago County, Illinois. I am now the Chairman of the Board of the National District Attorneys Association.

I want to thank Chairman Scott, on behalf of the National District Attorneys Association, for the opportunity to present our concerns about gang violence and share some thoughts on what as America's prosecutors, and you the Congress, can do to counter this threat to public safety. The views that I express today represent the views of our Association and the beliefs of thousands of local prosecutors across this country.

I was privileged to testify before you in April 2005 and would like to begin with that testimony as the juncture for where we go today. I would also like to commend to you the testimony by the Honorable Robert P. Mc Culloch, Prosecuting Attorney of St. Louis County, Missouri, when he was NDAA president, before a hearing of the Senate Committee on the Judiciary on September 17, 2003

LOCAL GANG PROBLEMS

When I testified before you previously I cited the 2002 National Youth Gang Survey, published by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice which then estimated that there were approximately 731,500 gang members and 21,500 gangs were active in the United States in 2002.

That same report for 2004 (published in 2006) indicates that the number of gang members had grown to 760,000 and there were 24,000 gangs; increases of 4% and 12% respectively in a 2 year period. Please remember that this report is three years old and we can only expect that the next will show a comparable or even greater increase.

Two years ago in April 2005, I testified before this very same Committee and described the gang situation in my jurisdiction of Winnebago County, Illinois, population 290,000. Let me remind you, my jurisdiction is located in the top tier of counties in the State of Illinois. We are an easy 1 ½ hour drive from Chicago and, to our north, Milwaukee, Wisconsin. Both cities have experienced significant gang activity and that gang activity has certainly had an effect on my jurisdiction. Two years ago I mentioned that Hispanic or Latino gangs had become major players in criminal activity in Winnebago County. Inter-gang warfare between several of those gangs had resulted in fire-bombings and murders. Recently the Rockford Police Department, which is the largest law enforcement agency in my jurisdiction, prepared a report detailing gang-related activity from August through December 2006. In those 5 months we had identified 101 major felony arrests tied into various street gangs. Thirty-seven firearms were recovered in the investigations surrounding those incidents.

In that 5 month window we have identified nearly a dozen street gangs, but the criminal activity is definitely dominated by the Latino gangs namely, the Latin Kings and the Surreno 13. The gangs do not appear to be highly structured or organized. They are, however, comprised of individuals who once having identified an enemy and starting a dispute will keep that dispute alive until it erupts into violent activity in the streets of our city. Many of the gang members now use their pages on MySpace to disrespect opposing gang members. It seems that just when a dispute might settle down it is quickly re-energized through the trading of on-line insults and other methods of disrespect. Quickly the dispute once again escalates into violence on our streets. Investigation into these incidents is obviously hampered by language difficulties and a lack of cooperation among many of the young people of the Latino community. A distrust of the police and authorities in their native countries has been transferred to this country.

NUMBERS DON'T TELL THE FULL STORY

As with all things, pure numbers don't portray an accurate picture of what law enforcement is seeing in the way of several disturbing trends

Younger Gang Members and Victims

Perhaps most troubling is that we are seeing even younger children recruited into the gangs, providing support for the activity of gangs or being caught up in gang violence. Couple this with parents or adult mentors who entrench the gangster mentality in these children and the availability of illegal guns and drugs and you have the making of our current predicament.

In Sacramento a 15 year old boy was shot in the head as he was walking with students leaving his high school at 2:30 in the afternoon. The drive by shooting was witnessed by police officers and a vehicle was stopped. The first person out of the van was a six year old holding his birthday balloon. A mother and her three children were accompanying her boyfriend and his gangster friends on a drive-by shooting. It was the six year-olds birthday.

In San Mateo, California, it is not unusual to find "third strikers" who are not even 21 but facing life in prison.

Last week there was the story from New Orleans of the mother who gave her son a gun after he lost a fight. His mother sent him back out with a gun clear and instructions to get revenge. He did as his mother instructed and killed the 17 year old boy who had beaten him up. At home "mother" had a picture of her son holding the murder weapon and a wad of money.

In Queens, New York, an undercover drug operation in public housing last year led to the arrest of defendants who ranged in age from 15 to 62. They included five alleged Bloods gang members and nine GIB (acronym for "Get It In Bricks") gang members who were charged with selling crack and powdered cocaine, heroin, oxycontin and marijuana to undercover police officers on more than 140 separate occasions

Albuquerque tells us that a very violent gang there is currently moving large amounts of meth out of Mexico, hiring Mexican nationals to run the drugs for them, and then selling it on the street with the use of younger, minor gang members. The increasing use of 16 and 17 year-olds involved in violent crimes, usually with an older gang member who has the juvenile "do the dirty work" is based on the belief that the juvenile will not get any time. In some cases this is true.

Wichita, Kansas tells a similar story. In 2005, 141 juveniles between the ages of 13 and 17 joined gangs and 147 juveniles between the ages of 13 and 17 became "associate gang members." The youngest child claiming to be a gang member was 7 years old!

Columbia, South Carolina is also facing an increase of younger gang members. An 11 year old claimed to be the "baby set" king for Folk Nation; 20 kids wore home made t-shirts to schools on the same day that read "Stop Snitching" to scare a fellow class mate who was helping the police investigate a series of car break-ins; and school official estimate that a quarter of the fights that break out in Middle School and High School usually involve someone "disrespecting" someone else's gang by using the words "Donut" (insults a Folk), "Crab" (insults a Crypt) and "Slob" (Insults a Blood). Most schools have cracked down on kids wearing certain colors so the kids have begun to change the color of their shoe laces, wear band-aids in certain locations, or wear name brand name university logos that have gang meanings (e.g. UNC for Crypts).

Gang "wanna be's" also contribute to the increased participation of juveniles in gang activities. In Kalispell, MT, the "406 Crips" appeared and ultimately turned out to be a half dozen local boys aged 14 - 16 that formed that "gang." New initiates had to get jumped by their crew to be initiated. In addition to the "406 Crips" there are also the "F 13's" and the "440 GGG's." The latter is a new group to law enforcement but they believe that its members range from 13 - 16 years of age and are a mix of males and females. They do know that several purported members have had previous contact with the Youth Court.

Even when they don't actively join a gang, the violence associated with gang life impacts our children. Hmong gangsters in Sacramento spotted rivals in the middle of a crowded intersection at 1:00 on a Sunday afternoon. Two of them got out of their vehicle and fired fourteen shots into their enemy's car. They did this while standing next to a church bus filled with children on a field trip. The shooters walked back to their car but the light was red and they were stuck in Sunday afternoon traffic. Twenty five children witnessed a gang execution, along with countless citizens stuck at a major intersection of south Sacramento

Witness Intimidation

In my previous testimony I alluded to "Attacks on Our Criminal Justice System" and the problems we were encountering in protecting witnesses to gang criminal enterprise. This has almost become epidemic in proportion.

Let me have the words of a veteran prosecutor from Queens, New York, portray what they face:

"There are issues that are inherent to these (gang) cases and experienced by gang prosecutors throughout the country. The most vital issue is the issue of witness cooperation. Victims of gang violence and eyewitnesses are loathe to report or cooperate with the police and the Prosecutor's office. The universal reason is fear. They fear retaliation. Unlike perpetrators of other types of crime, gang members who are arrested, leave behind armies of loyal members who are free to intimidate and threaten witnesses. Many of the crimes occur either at or near the victim/witness' home or school. These are areas that the victim or witness must return to on a daily basis. These types of crimes cannot be prosecuted without civilian witnesses. In order to win the battle against these violent gangs we must be armed with more resources to ensure the safety of witnesses. Witness protection funds are generally scarce and precious. Due to the limited nature of such funds, the guidelines for moving someone out of a public housing project usually require an actual threat. We cannot cultivate a witness' trust and confidence in the Criminal Justice System if we are saying to them "we cannot help you until the gang has made its move." Increased funding will allow us to take preemptive steps such as relocation, assignment of detectives, or even a simple cell phone

to facilitate contact with the police."

Across the county, in San Bernardino, California, two recent cases aptly make the New York prosecutor's point. In the first, a gang member, paroled from prison after serving time for a carjacking, forced his way into the house of a witness who had testified against him. He shot and killed the witness and his father and wounded the witness' infant son who was sitting on his lap. In the second case, a witness, who had testified against 2 gang members in a murder trial, was dragged from his apartment, after being beaten and when his body is found later it had 25 bullet holes in the head and chest. According to media reports the witness had known that the gang was after him, and "lived a 'life on the run' - even sleeping while wearing his shoes and using drugs to stay awake as much as possible."

A young girl paid with her life in Houston, Texas, for taking a stand against a gang. One gang member got into an altercation with another drug dealer from New Orleans over whose turn it was to sell drugs to a crackhead. After the fight was over, the defendant told the other drug dealer that he was going to come back and kill him, and that is exactly what he did. A fifteen year old girl was the only witness and she was brave enough to come forward and tell the police. A cousin to the first defendant found out she was talking to the police and he and the defendant threatened to kill her if she continued to cooperate with the law. Because she continued to cooperate, the defendant was arrested and when the cousin found out, he assaulted the girl. The cousin was charged with retaliation. Then the fifteen year old girl turned up missing. She was finally identified as a homicide victim just a few days after the retaliation warrant was executed. She was found with multiple gunshot wounds to the head and body in the parking lot of an apartment complex some distance from her home.

Use of Technology

Gangs are also becoming more sophisticated in the use of technology to bolster their efforts. Social networking sites on the web are replacing graffiti on walls as places for gangs to boast of their exploits and recruit members. Perhaps most chilling are reports from Mexico where gangs have adopted the media techniques of Middle Eastern terrorists and show scenes of torture and murder on these sites to scare off competitors and boast of their both prowess.

Nationally gangs such as 'The Latin Kings', 'Bloods', and 'Crips', have websites on the Internet. They are savvy at protecting the contents of the sites from nonmembers by creating viruses that attack a nonmember's computer if they get onto the sites. This allows Sets from all over the country to communicate with each other. The "My Space.Com" is highly popular with Gangs, promoting gang culture to other teens and posting photos of young members holding weapons and other criminal proceeds.

Most drug gangs have begun to use anonymous, throwaway phones and switching out chips in phones to avoid wire taps. Law enforcement in Staten Island had information that one of these gangs had gotten their wire tap information from watching "The Wire."

The District Attorney in Albuquerque tells us that after a recent homicide of a 17-year-old gang member, a social website showed his picture with an X across it and 187. The numbers "187" refer to a part of the California penal code on murder, thus making it made clear this was retribution for a previous shooting.

An interesting article last Sunday, from Newhouse News Service, articulated how thug life has realized the value of the internet. The article stated that:

"But in a few clicks of a computer mouse, online viewers can see all sorts of videos, music and other Web postings with clear depictions of young men who authorities say are known members of Trenton's Sex Money Murder Bloods.

In about 15 videos posted on YouTube.com and at least two My Space.com pages, young men who identify themselves as members of the gang have posted rap music videos and other footage and pictures of them hanging out on Trenton streets and partying together, clad in red and flashing what authorities say are gang signs.

In several of the YouTube videos, city housing projects are clearly visible as young men brag using their street names. And in one, a man is filmed arriving at his sentencing at the Mercer County Courthouse in Trenton, bidding his friends farewell as they sip from a bottle of Remy Martin cognac."

Providence, Rhode Island has seen this use of social web sites to glorify gang life. Recently there was a felony assault on a Crip by a Blood using a baseball bat. The victim barely survived and had no idea who attacked him. Members of the Providence Police Gang Squad started to monitor web sites. They found a site created by one of the Blood members. That member had included on his site a hard-core rap song that he sang bragging about the specific details of the crime.

One prosecutor from the Washington suburbs painted this use of technology in perhaps a much more personal vein.

"Less than two years ago, my daughter was in 6th grade in a public school. One day I was talking with my wife about gang activity. My daughter chimed in with some disturbing statements: that their are mostly CRIPS in her school, that CRIPS aren't that bad, that lots of kids wear colors, that a CRIP had been knifed (in New Jersey). She also asked whether all CRIPS were bad people and similar suggestive questions. As it turns out, in addition to the stories and glorification of gangs being spread by other kids in school, she had also been online chatting (AIM) with a proclaimed CRIP in New Jersey who passed on the knifing story. My daughter was also going through a phase that included rap/hip hop style music which led her to innocently mimicking some gang hand signs when having her picture taken. Needless to say, the AIM program was

deleted and other precautions have been taken.”

To see how gangs use the Web visit

<http://www.clantone.net/> ; www.chicagomobs.org ; www.chicagogangs.org

New Markets & Threats

The “business plan” of some of the gangs could be used as a text book study in any MBA program. A rural county in Wisconsin is home to a rather significant population of Native American members of the Ho Chunk Nation. Over the past few of years a group of members of Gangster Disciple gangs in Chicago have traveled to this rural area for the purpose of expanding their crack cocaine distribution network. Crack cocaine has obviously been a problem for some time but in this case the method of distribution was new. Gang members began going there 2 years ago and setting up drug houses where cocaine was given away or sold at fire sale prices for the purpose of growing the market base and creating new addicts. The dealers would rotate; some would travel for re-supply while others sold. As the market expanded these dealers targeted the Native American population and began appearing en masse on “Per capita payment day,” a quarterly event where members of the Ho Chunk Nation received their portion of the tribes gaming proceeds. Reminiscent of the traders on the frontier the gang members would sell crack cocaine to all of the newly grown addicts at full price.

The adaptability of gangs is something we all need to take into consideration when we explore the means and methods to counter or end their influence. Nothing is more illustrative than their increasing forays into the sale and distribution of meth. With the passage of the Combat Meth Act the Congress gave the states a powerful tool by which they apparently have been able to drastically reduce the number of meth labs. While the Combat Meth Act helped the environment and has provided added protections for our children who were exposed to the harmful by-products of meth production there is still a demand for meth. Gangs have been able to swiftly and effectively exploit that need for meth and fill that void.

Gangs are also starting to go into mortgage fraud; an easy way to launder their money and look legitimate in the process. Cook County (Chicago) just charged a Gangster Disciple with mortgage fraud. He would buy a property at foreclosure, get a phony appraisal, get an unsuspecting buyer, phony up their income, then make a profit at closing. The Black Disciples have also engaged in mortgage fraud and even also bought a radio station and used it to warn their dealers on the street when the police would be coming.

Gangs are expanding beyond their “historical” turf in new and alarming ways. Houston has experienced what may be a new trend in violent gang crime, where gangs have been sending for a member from another state or country to do a hit. They then send the hit man back home and there is little, if any trail, of the hit man.

And perhaps most disturbing is the recent report from Los Angeles where ethnic “cleansing” has become a goal of gang life. This is a concept alien to the American culture but it appears that Hispanic gangs have set out to kill members of the African-American community because they live in a largely Hispanic community.

POPULAR MISCONCEPTIONS

First I want to disabuse the members of this Subcommittee, and any who read my testimony, from thinking that I, or any other prosecutor, is only concerned with trying gang members. To counter this gang problem we need effective community partnerships to deter our children from becoming enamored with the “thug life.” While we need strong and effective criminal prosecutions we also need diversion programs to lure back those that have crossed the line. Lastly we need to develop meaningful re-entry programs to give those who have known little else but gang life a chance to succeed after they serve time.

No one facet of this will accomplish what we need to do. If we don’t deter our youth from the gangs then we will have a never ending prosecution and imprisonment process we have to remove those who serve as evil influences – either by incarceration or by changing their desire to be a gang banger by giving them a chance to a meaningful existence.

Secondly I want to emphasize that gang members are not dumb – their use of technology, and what can almost be described as “business plans” and their adaptability aptly illustrate their “smarts.” Unhampered by the need for legislative action or procurement rules they can be much more responsive to changing circumstances than law enforcement – unless we work smarter.

EFFECTIVE STRATEGIES

Community Teamwork

Many of our communities have developed what appear to be effective strategies to counter the gangs, and gang “wannabe’s” that threaten their safety and security.

The combined efforts of state, local and federal law enforcement are key elements but they cannot succeed without enlisting the will of the community. To this end we need to make sure that we use our all too scarce resources effectively and efficiently. As I stated when I testified before you in 2003

“Local prosecutors are successful in prosecuting crime because they have the expertise, experience and connection to the community that is needed to combat the types of crimes that most affect the American

people, and, under consideration here, in combating gang violence.”

I think the key words here are “connection to the community.” We have the ability to be able to mobilize all the resources of our towns and counties to end gang violence. This is the ultimate in the idea of “community prosecution” – that is getting out into our communities to work with our citizens and to mobilize their efforts and talents.

As part of our responsibilities we need to lead efforts for gang deterrence programs and be instrumental in the re-entry effort. In the summer of 2005 the Board of Directors of NDAA adopted a formal resolution that states

“(T)he National District Attorneys Association believes that prisoner reentry has become a crucial criminal justice issue. While the NDAA recognizes that the role of prosecutors in the arena of prisoner re-entry will vary according to individual state law, America’s prosecutors should, where practicable, be participants in addressing this issue in an effort to reduce recidivism and ensure the safety of victims and the community.”

A copy of that complete policy can be found the NDAA our Web site at http://www.ndaa.org/pdf/policy_position_prisoner_reentry_july_17_05.pdf

In this team effort we do need assistance from Federal law enforcement. The ATF, ICE , the Secret Service and all the other federal agencies have played key roles in those communities that have shown the most success in combating gangs. These agencies have the resources and technical capabilities many local agencies do not have or need only on rare occasions. As the gangs become more dependant on technology the federal capability to conduct electronic surveillance, for instance, is crucial.

I repeat what I said the last time I was here because it is crucial to what we need to do.

“It is the ability to bring the respective talents and resources of the local and federal authorities together at the appropriate times that result in the successes we are all looking for in the fight against gangs. I would urge that this become the hallmark of your efforts in ending gang violence.”

As a cautionary note, however, I would like to emphasize that the federal tendency to make “one size fit all” works counter to the strength of utilizing community efforts. Our communities differ, our gang problems differ and accordingly our responses must differ. What Congress can bring to this is the flexibility and adaptability to meet the will of our communities.

Witness intimidation

Prosecutors across the county believe that the issue of witness intimidation is the single biggest hurdle facing any successful gang prosecution. As you’ve seen from the trends we’re facing, the problem of witness intimidation and retaliation is increasing drastically. Various jurisdictions have tried to establish some type of witness protection program but lack of resources and fearful witnesses are difficult obstacles to overcome.

While NDAA had not taken a formal position on H.R.933, introduced by Mr. Cummings, we have supported this effort in the past and I would see no reason why we won’t be supportive in this Congress. It would establish within the United States Marshals Service a short term State witness protection program to provide assistance to State and local district attorneys to protect their witnesses in cases involving homicide, serious violent felonies, and serious drug offenses, and to provide Federal grants for such protection.

In addition I would urge that you consider providing funding to study what works for witness protection programs at the state and local level, provide “seed” money to begin programs and then help the states find sources of revenues to continue to fund these programs.

Funding for Local Prosecution Efforts

We need to be proactive in our communities to identify gang threats early and respond decisively. Two years ago I testified that our resources were stretched thin – since then the resources of all local prosecutors in the United States have been cut even more.

DeKalb County, Georgia is a prime example of the problem that faces local law enforcement. The County has a population of 700,000 with over 2500 documented gang members representing over 140 gangs. The local police department has only 1000 officers; meaning they have anywhere from 2.5 to 5 gang members for every police officer on the street. Only 4 officers are designated as Gang Detectives and 1 ICE agent is assigned to this area. There are approximately 107,000 students in local schools and only 2 School Resource Officers are dedicated to gang intelligence. The County does not have the “luxury” of dedicating even one prosecutor full time for gangs; they hope one will be funded out of their next budget

Clearly, additional resources in this area are a critical need and if used wisely they will make a positive difference.

On behalf of America’s prosecutors I, and the National District Attorneys Association, urge you to take steps to provide federal assistance to state efforts to fight our gang problems and to provide us with the resources to effectively protect those brave enough to confront the gang bangers. We look forward to

continuing to work with you on addressing this growing problem.