

GAO

Report to the Ranking Member,
Committee on Oversight and
Government Reform, House of
Representatives

July 2009

COMBATING GANGS

Better Coordination and Performance Measurement Would Help Clarify Roles of Federal Agencies and Strengthen Assessment of Efforts



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Highlights of [GAO-09-708](#), a report to the Ranking Member, Committee on Oversight and Government Reform, House of Representatives

Why GAO Did This Study

The Department of Justice (DOJ) estimates that the United States has about a million gang members. While state and local agencies have primary responsibility for combating gang crime, the federal government has key roles to enforce laws and help fund programs to provide alternatives to gang membership for at-risk youth. GAO was asked to examine federal efforts to combat gang crime. This report addresses (1) the roles of DOJ and the Department of Homeland Security (DHS) in combating gang crime and the extent to which DOJ and DHS agencies coordinate their efforts with each other and state and local agencies; (2) the extent to which DOJ and DHS measure their gang enforcement efforts; and (3) how federal grant funding is used to administer or support activities to reduce gang-related crime. GAO reviewed federal agencies' plans, resources, and measures and interviewed federal, state, and local officials in 15 localities with federally led anti-gang task forces representing varying population sizes and locations.

What GAO Recommends

GAO recommends that DOJ reexamine roles of headquarters anti-gang entities, establish performance measures for anti-gang efforts, review USAO gang-related case data, and, along with DHS, develop a common definition for "gang." DHS concurred with the recommendations; DOJ is considering whether to establish measures and a common definition and concurred with the other recommendations.

[View GAO-09-708](#) or [key components](#).

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COMBATING GANGS

Better Coordination and Performance Measurement Would Help Clarify Roles of Federal Agencies and Strengthen Assessment of Efforts

What GAO Found

Various DOJ and DHS components have taken distinct roles in combating gang crime, and at the headquarters level, DOJ has established several entities to share information on gang-related investigations across agencies. However, some of these entities have not differentiated roles and responsibilities. For example, two entities have overlapping responsibilities for coordinating the federal response to the same gang threat. Prior GAO work found that overlap among programs can waste funds and limit effectiveness, and that agencies should work together to define and agree on their respective roles and facilitate information sharing. At the field division level, federal agencies have established strategies to help coordinate anti-gang efforts including federally led task forces. Officials GAO interviewed were generally satisfied with the task force structure for leveraging resources and taking advantage of contributions from all participating agencies.

Federal agencies have taken actions to measure the results of their gang enforcement efforts, but these efforts have been hindered by three factors. Among other measures, one agency tracks the number of investigations that disrupted or shut down criminal gangs, while another agency tracks its gang-related convictions. However, agencies' efforts to measure results of federal actions to combat gang crime have been hampered by lack of a shared definition of "gang" among agencies, underreporting of information by United States Attorneys Offices (USAOs), and the lack of departmentwide DOJ performance measures for anti-gang efforts. Definitions of "gang" vary in terms of number of members, time or type of offenses, and other characteristics. According to DOJ officials, lack of a shared definition of "gang" complicates data collection and evaluation efforts across federal agencies, but does not adversely affect law enforcement activity. DOJ officials stated that USAOs have underreported gang-related cases and work, in part because attorneys historically have not viewed data collection as a priority. In the absence of periodic monitoring of USAO's gang-related case information, DOJ cannot be certain that USAOs have accurately recorded gang-related data. Further, DOJ lacks performance measures that would help agencies to assess progress made over time on anti-gang efforts and provide decision makers with key data to facilitate resource allocation.

DOJ administers several grant programs to assist communities to address gang problems; however, initiatives funded through some of these programs have had mixed results. A series of grant programs funded from the 1980s to 2009 to test a comprehensive communitywide model are nearing completion. Evaluations found little evidence that these programs reduced youth gang crime. DOJ does not plan to fund future grants testing this model; rather, DOJ plans to provide technical assistance to communities implementing anti-gang programs without federal funding. DOJ also awarded grants to 12 communities during fiscal years 2006 to 2008 under another anti-gang initiative. The first evaluations of this initiative are due in late 2009, and no additional grants will be funded pending the evaluation results.

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Abbreviations

ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BJA	Bureau of Justice Assistance
CBP	Customs and Border Protection
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DOJ	Department of Justice
EOUSA	Executive Office for U.S. Attorneys
FBI	Federal Bureau of Investigation
FTE	Full time equivalents
GangTECC	National Gang Targeting, Enforcement, and Coordination Center
HIDTA	high intensity drug trafficking areas
ICE	Immigration and Customs Enforcement
LIONS	National Legal Information Office Network System
MS-13	Mara Salvatrucha
NGIC	National Gang Intelligence Center
ONDCP	Office of National Drug Control Policy (White House)
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
RICO	Racketeer Influenced and Corrupt Organizations Act
USA-5	U.S. Attorney-5
USAO	U.S. Attorney's Office
USMS	U.S. Marshals Service
VICAR	Violent Crimes in Aid of Racketeering Act

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United States Government Accountability Office
Washington, DC 20548

July 24, 2009

The Honorable Darrell E. Issa
Ranking Member
Committee on Oversight and Government Reform
House of Representatives

Dear Mr. Issa:

According to estimates from the Department of Justice (DOJ), the United States has about 20,000 gangs and 1 million gang members, and gangs are active in every U.S. state and territory and Washington, D.C.¹ Once considered a problem of urban areas of the country, gangs began migrating in the 1980s and 1990s into suburban and rural communities, as well. Gangs are involved in violent crimes such as armed robbery, assault, homicide, and shootings. They dominate retail-level drug distribution throughout the country, and they are increasingly becoming involved in wholesale-level drug trafficking.

While most of the responsibility for combating gang crime rests with state and local law enforcement and social service agencies as well as community and local faith-based organizations, the federal government also has important responsibilities. The federal government's role includes enforcing laws to combat gang crime and identifying and supporting promising programs to help prevent young people from becoming gang members or to intervene to provide at-risk youth with alternatives to being part of a gang. DOJ and U.S. Immigration and Customs Enforcement

¹See Department of Justice, *Attorney General's Report to Congress on the Growth of Violent Street Gangs in Suburban Areas* (Washington, D.C.: April 2008). The Attorney General based his estimates of the number of gang members on a nationwide survey of law enforcement officials. Definitions of what constitutes a gang or gang member vary from location to location. A DOJ official who heads an effort to coordinate federal gang crime investigations noted that everything from drug trafficking organizations, to domestic terrorist groups, to organized crime, to street gangs could fall under the broad definition of "gangs." For certain specified purposes, including a federal sentencing enhancement that provides for an increased penalty for participation in a criminal street gang, federal law defines the term "criminal street gang" as an ongoing group, club, organization, or association of five or more persons that has as one of its primary purposes the commission of one or more specified criminal offenses involving violence or controlled substances, the members of the group must engage, or have engaged within the past five years, in a continuing series of the same specified crimes, and the activities of the group must affect interstate or foreign commerce. 18 U.S.C. § 521(a).

(ICE), a component of the Department of Homeland Security (DHS), have key roles in federal law enforcement efforts to investigate and prosecute gang-related crimes. DOJ also administers programs to assist local communities in efforts designed to prevent the spread of gangs and gang crime, and sponsors evaluations of whether the strategies it supports are effective in reducing gang-related crime.

You asked us to review federal programs to combat gang violence and coordination mechanisms among federal, state, and local agencies for anti-gang efforts. This report addresses the following questions: (1) What are the roles of DOJ and DHS related to combating gangs, and to what extent do DOJ and DHS agencies collaborate and coordinate their efforts in combating gangs with each other and state and local partners? (2) To what extent do DOJ and DHS measure the results of their gang enforcement efforts? and (3) How does DOJ use grant funding to administer and/or support activities to reduce gang-related crime and what have been the reported results of grant-funded activities? We also provide information on the nature and scope of the gang problem in the United States (see app. I); federal statutes, including federal racketeering statutes, used to prosecute gang members (see app. II); and factors to consider in developing and implementing anti-gang approaches (see app. III).

To examine the roles of DOJ and DHS agencies in gang enforcement efforts and the extent to which their efforts are coordinated with other federal, state, and local partners, we reviewed federal strategies and plans to combat gang crime and interviewed headquarters DOJ, DHS, and component agency officials involved in gang crime enforcement activities.² We reviewed DOJ's, DHS's, and components' strategic plans including goals and objectives for efforts to combat gang crime. We compared DOJ and DHS coordination and information sharing efforts to criteria in our prior work on effective interagency collaboration and results-oriented government.³ We also examined staffing levels and budgets for DOJ agencies and ICE. To assess the reliability of statistical information and

²The component agencies we obtained documents and interviewed officials from include the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration; the Executive Office of U.S. Attorneys; and the Criminal Division within DOJ, and ICE within DHS. We also obtained documents and interviewed officials of the U.S. Marshals Service at headquarters and in the Washington, D.C. metropolitan area during the design phase of our work.

³GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration Among Federal Agencies*, GAO-06-15 (Washington, D.C.: Oct. 21, 2005).

budget data we obtained, we discussed the sources of the data with agency officials and reviewed documentation regarding the compilation of data. We determined that the data were sufficiently reliable for the purposes of this report. Using semi-structured interview instruments, we interviewed the U.S. Attorney or designated staff of U.S. Attorneys Offices (USAO)⁴ and supervisory agents of DOJ and DHS law enforcement agencies involved in investigating and prosecuting gang members in 15 localities across the country. We also reviewed anti-gang strategies and other documentation of enforcement efforts to reduce criminal gang activity in these localities. The localities we visited were Atlanta, Ga. Baltimore, Md. Brooklyn, N.Y.; Chicago, Il. Cleveland, Ohio; Dallas, Tex.; Durham, N.C.; Los Angeles, Calif.; Manhattan, N.Y.; Milwaukee, Wisc.; Newark, N.J.; Pittsburgh, Pa.; Raleigh, N.C.; Richmond, Va.; and Tampa, Fla. We selected these localities based on a mix of criteria that included population size, geographic location, violent crime rates, and receipt of federal grants to address gang-related crime problems. Other criteria considered in selecting these localities included the location of the USAO and federal law enforcement agency field offices, the presence of federally led task forces to combat gang crime, and suggestions from DOJ and DHS components. In addition, we met with selected state and local prosecutors and law enforcement officials in these localities to discuss the gang problem in their area and the role of DOJ agencies and ICE in helping to address it. The results of our site visits cannot be generalized across all DOJ or ICE field offices and states and localities in the United States. However, because we selected these sites and localities based on a variety of factors, they provided us with an overview and examples of the activities and coordination of DOJ and DHS efforts to combat gang crime, including law enforcement as well as prevention and intervention programs.

To determine the extent to which federal agencies have measured the results of their gang enforcement efforts, we first assessed how DOJ and DHS components defined “gang” and gang-related crimes. We reviewed data maintained by DOJ and DHS law enforcement agencies and U.S. Attorneys on gang-related investigations and prosecutions, and we interviewed headquarters officials. To assess the reliability of statistical information we obtained, we discussed the sources of the data with agency officials and reviewed documentation regarding the compilation of

⁴U.S. Attorneys serve as the chief federal law enforcement officers in 94 judicial districts across the nation.

data. We determined that the data were sufficiently reliable for the purposes of this review. We also reviewed DOJ and DHS strategic plans, budgets, and performance reports. We compared DOJ and DHS efforts to measure the results of their gang enforcement efforts to criteria in our prior work on effective interagency collaboration and results oriented government.⁵ We also asked interviewees in the 15 localities we visited how they measured the results of local gang enforcement efforts.

To determine how DOJ administers and/or supports gang prevention, intervention, and suppression programs through grant funding and the programs' reported results, we examined documentation on DOJ's overall approach and objectives for anti-gang grant programs as well as DOJ-sponsored evaluations and a guide on best practices to address community gang problems. We also reviewed funding levels for fiscal years 2007 and 2008 for the four DOJ grant programs that we identified as being directly focused on anti-gang efforts.⁶ We interviewed DOJ headquarters officials about the status of funding, sustainability of anti-gang programs without federal funding, and results of evaluations of the effectiveness of the anti-gang grant programs, among other topics. Eight of the 15 localities we visited had received federal grants for anti-gang efforts, and we interviewed grant recipients to determine activities that they were pursuing with the grant funds and how they planned to sustain programs when federal funding expired. In addition, we interviewed USAO officials in the 15 localities we visited to obtain information on their roles in anti-gang efforts. We reviewed guidance on developing and implementing comprehensive prevention, intervention, and suppression programs and key documents related to the four federal grant programs, such as grant applications. We also reviewed available nationwide evaluations of grant programs sponsored by DOJ. We obtained information and views from nine criminal justice researchers on how effective the federal government has been in measuring its gang suppression, prevention, and intervention activities; and on whether the programs are sustainable without federal funding and likely to be implemented by communities that did not receive federal grants based on

⁵GAO-06-15 and GAO, *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decision-makers*, GAO/GGD/AIMD-99-69 (Washington, D.C.: Feb. 26, 1999).

⁶The four grant programs are the Comprehensive Anti-Gang Initiative, Gang Reduction Program, Gang Free Schools and Communities Program, and Gang Prevention Coordination Assistance Program.

lessons learned from the federally funded projects. We identified the researchers through a review of literature related to gangs and gang crime issues, researchers' participation in gang-related conferences, and by asking federal officials for recommendations.

We conducted this performance audit from December 2007 through July 2009, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Additional details on our scope and methodology, including the locations we visited, are in appendix IV.

Background

Gangs Operate across the United States and Internationally

Gangs, which operate in all 50 states and the District of Columbia, vary in size, ethnic composition, membership, and organizational structure. Gangs range from groups that have regional or national status and operate in a number of states throughout the country to local groups that are associated with a particular neighborhood or street. Most gangs nationwide are local neighborhood or street groups. Assessments by DOJ and other organizations have identified gang crime problems nationwide from large cities to rural communities. In many communities, criminal gangs commit as much as 80 percent of crime, according to law enforcement officials. See appendix I for information on the extent to which communities of various sizes experience gang crime problems, recent gang crime trends observed, descriptions of major national-level gang organizations, and impacts of national and local street gangs in the localities we visited.

Gang crime problems are not unique to the United States. In other countries, urban youth gangs operate often in association with adult organized-crime organizations. For example, gang activity has been reported in Great Britain, Germany, the Netherlands, France, Africa, and Asia, as well as in Russia and the countries of eastern and central Europe following the dissolution of the Soviet Union. Some of these international gangs can be linked to gangs in the United States. We have ongoing work examining efforts to combat gangs with transnational connections and plan to report on this issue later this year.

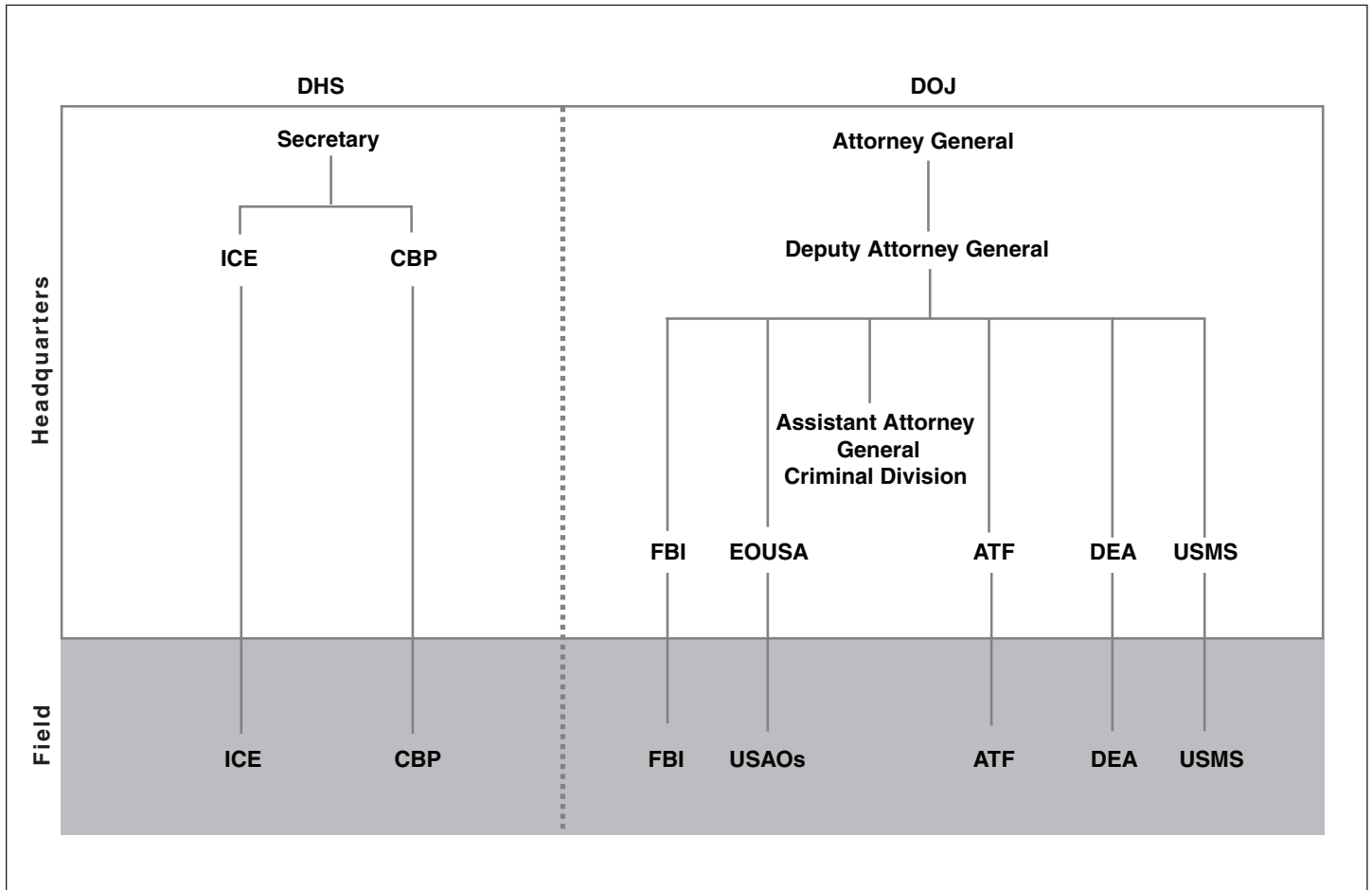
Overview of Missions and Responsibilities of Federal Agencies Involved in Enforcement Efforts to Combat Gang Crime

DOJ and DHS are the departments with key roles in federal enforcement efforts to investigate and prosecute gang-related crimes (See fig. 1). DOJ's involvement is primarily through its Criminal Division; the 93 U.S. Attorneys in 94 judicial districts across the nation that operate with administrative and operational support from the Executive Office of U.S. Attorneys (EOUSA);⁷ and three law enforcement agencies: the Federal Bureau of Investigation (FBI); the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); and the Drug Enforcement Administration (DEA). In addition, the U.S. Marshals Service (USMS) fugitive task force program assists law enforcement agencies in apprehending dangerous fugitives, including gang members, who are not arrested after having been criminally charged. ICE is the DHS agency with the largest role in investigating gang-related crimes, and U.S. Customs and Border Protection (CBP) is responsible for interdicting gang-related illicit activities that cross United States borders.⁸

⁷The same U.S. Attorney serves the District of Guam and the District of the Commonwealth of the Northern Mariana Islands.

⁸Officials noted that other federal law enforcement agencies, including the Bureau of Prisons, criminal investigative components of the Internal Revenue Service; and Department of Housing and Urban Development among others, may sometimes be involved in gang-related apprehensions and investigations, as well; however we did not include these agencies in the scope of our review. We did not conduct detailed audit work at CBP for this review, but we will examine CBP's anti-gang efforts in greater detail in our report on combating gangs with transnational connections, which we plan to issue later this year.

Figure 1: DOJ and DHS Agencies and Offices with Key Roles in Federal Enforcement Efforts to Combat Criminal Gang Activity



Source: GAO analysis of DHS, and DOJ data.

Within DOJ, the Criminal Division, along with U.S. Attorneys, is charged with enforcing most federal criminal laws.⁹ The Criminal Division can prosecute a wide range of criminal matters, including many of those involving gangs and gang members. Criminal Division attorneys are to

⁹Only federal laws specifically assigned to other divisions are outside of the purview of the Criminal Division. For example, a new National Security Division was established in September 2006 with specific responsibility for international and domestic terrorism and other national security threats.

prosecute nationally significant cases and formulate and implement criminal enforcement policy, among other responsibilities. The Criminal Division oversees the investigation and prosecution of gang-related crimes under five Deputy Assistant Attorneys General. Each one supervises three or four sections dealing with specific violations of criminal law. The work of each of the sections is driven by the type of criminal matter under investigation (i.e., organized crime and racketeering, as well as narcotics and dangerous drugs), not whether gangs and/or gang members are involved in the crimes. As a result, according to a DOJ Criminal Division official, all five Criminal Division deputy assistant attorneys general oversee sections that deal with crimes and criminal matters that involve gangs and gang members. The Criminal Division has also established the Gang Unit to help coordinate multi-jurisdictional gang investigations and prosecutions.

The 93 U.S. Attorneys prosecute the majority of criminal cases as well as civil litigation, handled by DOJ. In 2005, as part of a DOJ initiative to combat gangs, the Attorney General instructed each U.S. Attorney to name an anti-gang coordinator to work in consultation with federal, state, and local agencies to develop a comprehensive anti-gang strategy focusing on prevention and enforcement. EOUSA provides general executive assistance and supervision to USAOs and has a national gang coordinator who helps act as a liaison between the USAOs and other DOJ components involved in gang prosecution efforts. EOUSA provides operational support for information technology, training, and other functions, and prepares an annual statistical report of U.S. Attorneys, among other functions.

The FBI has jurisdiction to investigate a broad range of violations of federal law including organized crime and violent crime that can involve gangs and gang members. ATF, as part of its mission, conducts investigations to reduce violent crimes involving firearms and explosives, which frequently involve gangs and gang members.¹⁰ DEA is the nation's single-mission drug enforcement agency with responsibility for enforcing controlled substance laws and regulations. Some DEA priority investigations target gangs involved in narcotics trafficking. USMS is the enforcement arm of the federal courts with responsibilities including

¹⁰U.S. Department of Justice, National Gang Intelligence Center and National Drug Intelligence Center, *2009 National Gang Threat Assessment* (Washington, D.C.: January 2009). The assessment found that gang members are increasingly using firearms in conjunction with their criminal activities and that during the latest five-year reporting period ending in 2007, 94.3 percent of gang related homicides involved the use of a firearm.

apprehending fugitives from federal justice, protecting federal judges, transporting federal prisoners, operating the witness security program, and seizing property acquired by criminals through illegal activities. The USMS fugitive task force program and other initiatives target fugitive gang members who have been criminally charged.

Within DHS, ICE, the largest investigative arm of the department, has responsibility for a range of issues that may threaten national security, including financial and immigration fraud violations, as well as targeting street gangs with connections to international criminal activities. Within ICE's Office of Investigation, the National Gang Unit manages and coordinates national efforts to combat the growth and proliferation of transnational criminal street gangs. Gang members who have prior criminal convictions, are involved in crimes with a nexus to the border, or are foreign-born and are in the United States illegally may be subject to ICE's dual criminal and administrative authorities that are used to disrupt and dismantle transnational gang activities with criminal prosecutions and deportation. In addition, CBP, the DHS component that protects U.S. borders against terrorism, illegal immigration, and drug smuggling, among other threats, participates in a national gang intelligence group.

Grant Funding Supports Gang Prevention, Intervention, and Enforcement Activities

DOJ supports community gang prevention, intervention, and enforcement activities through grant funding of demonstration projects¹¹ managed by its Office of Justice Programs (OJP). The mission of OJP is to increase public safety and improve the fair administration of justice across America through innovative leadership and programs that include demonstration programs to assist state and local governments to reduce crime, as well as crime and criminal justice research and evaluation, training, and technical assistance. OJP's Office of Juvenile Justice and Delinquency Prevention Programs (OJJDP) and Bureau of Justice Assistance (BJA) administer the demonstration programs we have identified as being directly focused on anti-gang efforts, while its National Institute of Justice is responsible for evaluating some program results and generating research-based knowledge to help inform policy, develop strategies, and deploy resources.

¹¹Demonstration projects show in practice how a particular problem may be addressed in a new or different way using a particular approach.

Lack of Differentiated Roles and Responsibilities among Headquarters Anti-Gang Coordinating Groups and Gaps in Participation Could Hinder Coordination Efforts

DOJ and DHS component agencies have different roles and responsibilities for combating gang crime and focus on different aspects of gang enforcement. At the headquarters level, DOJ and FBI have established several coordinating entities to share information on gang-related investigations and intelligence across agency boundaries. Nevertheless, some of these entities have not sufficiently differentiated their roles and responsibilities, thus impacting their ability to coordinate anti-gang efforts. In addition, ICE has not yet fully participated in some coordinating group functions. At the field division level, federal law enforcement agencies have established entities and strategies to help coordinate anti-gang efforts by, for example, establishing anti-gang task forces and case “deconfliction” mechanisms,¹² and developing district-wide anti-gang strategies through the USAOs. In localities we visited officials from federal, state, and local law enforcement offices cited benefits to coordinating through task forces.

DOJ and DHS Component Agencies Focus on Different Aspects of Gang Enforcement and Have Dedicated More Resources to Gang Enforcement Efforts Since Fiscal Year 2003

Gang enforcement is primarily the responsibility of state and local law enforcement agencies that address community-based violence and crime on a daily basis. At the federal level, no one department or agency has sole responsibility for gang enforcement. Various DOJ and DHS components focus on different aspects of gang enforcement as part of their broader missions. Within DOJ, the FBI focuses primarily on investigating violent, multi jurisdictional gangs whose activities constitute criminal enterprises by identifying, investigating, and prosecuting the leadership and key members of violent gangs; disrupting or dismantling gangs’ criminal enterprise; and recovering illegal assets through seizures and forfeitures.¹³ ATF primarily focuses on efforts to reduce the occurrence of firearms, arson, and explosives-related violent crime, including such crimes

¹² “Deconfliction” is the coordination and information sharing among law enforcement agencies on multi-jurisdiction investigations to help ensure officer safety and the effective use of resources.

¹³ The FBI’s National Gang Strategy defines a gang as a criminal enterprise having an organizational structure, acting as a continuing criminal conspiracy, which employs violence and any other criminal activity to sustain the enterprise. According to the strategy, violent gangs are street level neighborhood, community, and regionally based gangs; groups brought together for specific violent crime activities; prison gangs; and outlaw motorcycle gangs. The National Gang Strategy defines criminal enterprise as any union or group of individuals associated in fact, although not a legal entity, and that these individuals are engaged in a pattern of criminal activity together.

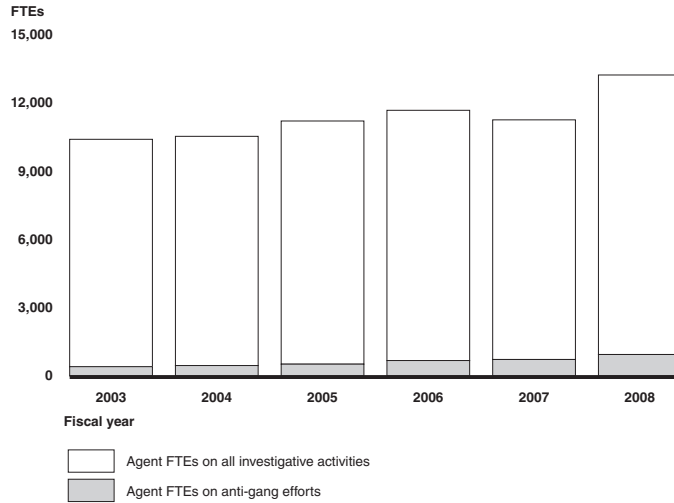
committed by gang members.¹⁴ The primary focus of DEA's enforcement efforts is on the links between gangs and drug trafficking. USMS's role is to apprehend gang members who have been criminally charged but not arrested. Within DHS, ICE's primary focus for gang enforcement is to disrupt and dismantle violent transnational criminal street gangs by investigating cross-border smuggling and financial and fraud-related crimes. ICE uses its dual criminal and administrative authorities to address gang crime with the twofold approach of criminal prosecution and deportation.

For these federal law enforcement agencies, enforcement of gang-related crimes competes for resources with agencies' other program areas, such as counterterrorism, illegal-drug and firearms trafficking, white collar crime, and public corruption. For example, the FBI investigation of gang crime is part of two FBI priorities; major thefts and violent crime, and combating transnational and criminal organizations and enterprises, FBI's tenth and sixth ranked priorities, respectively. FBI, ICE, and DEA are the three federal law enforcement agencies that specifically track agent time dedicated to gang enforcement efforts.¹⁵ These federal agencies have dedicated a relatively small portion of overall agent resources to anti-gang efforts, but these resource levels have increased since fiscal year 2003. For example, according to FBI data, agent full time equivalents (FTEs) spent on anti-gang efforts ranged from a low of 4.1 percent of total agent FTEs in fiscal year 2003 to a high of 7.7 percent of total agent FTEs in fiscal year 2008. Figure 2 summarizes FBI FTEs on anti-gang efforts and all investigative activities from fiscal year 2003 to fiscal year 2008.

¹⁴According to ATF, gangs employ firearms as "tools of the trade" that make them a threat to public safety, including guns in the hands of felons, as well as weapons and explosives used to retaliate against rival gangs and witnesses to criminal behavior. ATF seeks to enforce firearms laws to remove violent offenders from communities, stop illegal firearms trafficking, and prevent prohibited persons from possessing firearms.

¹⁵ATF does not specifically track time spent on gang enforcement efforts because it tracks agent time in relation to its mission of violent crime. We did not present data on ICE agent FTEs dedicated to gang enforcement efforts in this report because ICE deemed the information to be sensitive.

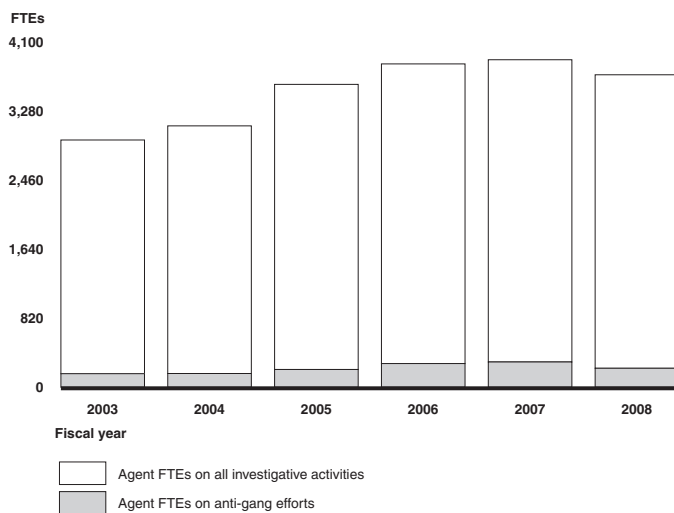
Figure 2: FBI Agent FTEs on Anti-Gang Efforts and All Investigative Activities (Fiscal Years 2003 to 2008)



Source: FBI data.

As shown in figure 3, DEA's agent FTEs on anti-gang efforts are a relatively small portion of overall agents FTEs, but have increased from 161 in fiscal year 2003 to 225 in fiscal year 2008.

Figure 3: DEA Agent FTEs on Anti-Gang Efforts and All Investigative Activities (Fiscal Years 2003 to 2008)



Source: DEA data.

The chief of the Gang Unit for DOJ's Criminal Division said that federal law enforcement agencies are spending more time on gang-related investigations now than they did several years ago because (1) agencies have been able to hire additional agents for counter-terrorism investigations, so agents who were diverted from criminal investigations to counter-terrorism immediately after the terrorist attacks of September 11, 2001, are returning to criminal investigations and (2) the prior administration and Congress had an interest in expanding the federal role on addressing violent crime and supporting anti-gang efforts, so federal law enforcement agencies responded by placing an increased emphasis in these areas. At this point, it is too early to tell what impact, if any, these additional resources would have on gang enforcement efforts.

DOJ and DHS Have Established Headquarters-Level Entities to Coordinate and Share Information on Gang Enforcement Efforts, but Have Not Differentiated Entities' Roles and Responsibilities

Since 2004, at the headquarters level, DOJ has established several entities to coordinate and share information on gangs and gang enforcement efforts across department and agency boundaries. As shown in table 1, these entities include the Gang Unit; the National Gang Targeting, Enforcement, and Coordination Center (GangTECC); the National Gang Intelligence Center (NGIC); the Anti-Gang Coordination Committee; and Mara Salvatrucha (MS-13) National Gang Task Force.¹⁶ These entities have different roles and responsibilities, but in general, they serve as mechanisms for deconflicting cases, providing law enforcement agencies with information on gangs and gang activities, and coordinating participating agencies' strategies and task forces.

¹⁶We did not include entities with missions focused exclusively on combating international gangs outside of the United States in the scope of our review. MS-13 is a Hispanic street gang estimated to have 8,000 to 10,000 members in at least 38 states.

Table 1: Headquarters Level Entities Focused on Coordination of Anti-Gang Efforts

Entity	Year established	Lead agency or office	Participating agencies and offices	Staff	Coordination/ information sharing role
Gang Unit	2006	DOJ Criminal Division	DOJ Criminal Division	12 prosecutors	Coordinate with local U.S. Attorneys' Offices on legal issues and multi-district gang cases and work with law enforcement agencies to achieve coordinated prevention and enforcement strategies.
GangTECC	2006	DOJ Criminal Division	DOJ: FBI, DEA, ATF, Bureau of Prisons (BOP), USMS, and Criminal Division DHS: ICE	About 14, including a director, deputy director, and agents detailed from participating agencies	Coordinate and deconflict overlapping gang-related investigations and prosecutions and serve as a coordinating center for multi-jurisdictional gang investigations.
Anti-Gang Coordination Committee	2006	DOJ Office of Deputy Attorney General	DOJ: FBI, ATF, USMS, DEA, BOP, EOUSA, BJA, OJJDP, National Drug Intelligence Center, Civil Rights Division, Criminal Division, Office of Legal Policy, Budget Office, Office of Legislative Affairs, Office of Public Affairs, Justice Management Division, Office of Justice Programs, Attorney General's Advisory Committee, Office of Community Oriented Policing Services, Tax Division, GangTECC, NGIC, and NIJ DHS: ICE, CBP U.S. Department of Treasury: Internal Revenue Service	None	Organize DOJ's efforts to combat gangs, including to provide recommendations to the Deputy Attorney General on all matters relating to anti-gang activities, review applications for funds for gang-related task forces from U.S. Attorneys and approve creation of violent crime task forces around the country.

Entity	Year established	Lead agency or office	Participating agencies and offices	Staff	Coordination/ information sharing role
NGIC	2005	FBI	DOJ: FBI, DEA, ATF, USMS, BOP, and National Drug Intelligence Center DHS: ICE, CBP U.S. Department of Defense: National Guard	About 22, including a director, two deputy directors, 13 FBI intelligence analysts, and at least one analyst detailed from each participating agency	Provide law enforcement agencies with information and analysis of federal, state, and local law enforcement intelligence focusing on gangs that pose a significant threat to U.S. communities.
MS-13 National Gang Task Force	2004	FBI	DOJ: FBI DHS: No participating agencies	Supervisor, 4 FBI supervisory special agents, and 6 FBI analysts	Coordinate the development of local, state, federal, and multi-jurisdictional FBI investigations of MS-13 and 18th Street gangs, including transnational investigations, into national level investigations and prosecutions.

Source: GAO analysis of DOJ and DHS information.

These entities provide DOJ and DHS with a means to operate across agency boundaries. For example, according to the Office of the Deputy Attorney General, GangTECC has provided an avenue through which participating agencies share information to help facilitate communication among participating agencies at the headquarters level. NGIC has worked to provide law enforcement agencies with information and analysis of federal, state, and local law enforcement intelligence focusing on gangs that pose a significant threat to U.S. communities, including information on the growth, migration, criminal activity, and structure of gangs. NGIC has helped to facilitate information sharing on gang-related issues by, for example, issuing intelligence bulletins to law enforcement agencies.

Our work on effective interagency collaboration has shown that when multiple agencies are working to address aspects of the same problem, there is a risk that overlap or fragmentation among programs can waste scarce funds, confuse and frustrate program customers or stakeholders, and limit overall program effectiveness.¹⁷ Collaborating agencies should work together to define and agree on their respective roles and responsibilities and can use a number of possible mechanisms, such as

¹⁷See [GAO-06-15](#), which uses the term “collaboration” broadly to include “coordination.” We have adopted that same use in this report.

memoranda of understanding, to clarify who will do what, organize joint and individual efforts, and facilitate information sharing. The headquarters-level anti-gang entities have defined their individual roles and responsibilities. Although some overlaps in mission may be appropriate to help reduce gaps, these entities have not yet clearly identified their differentiated roles and responsibilities, resulting in possible gaps or unnecessary overlap in agencies' coordination and sharing of information on gang enforcement efforts. Examples include:

- The purpose of GangTECC is to allow participating agencies including ICE to access and use each respective agency's gang intelligence, allow immediate access to operational information in a collocated environment and provide a national deconfliction center for gang operations. Although the roles and participation by DOJ and its component agencies in GangTECC were specified by the Deputy Attorney General in a July 2006 memorandum establishing GangTECC, as well as in the GangTECC Concept of Operations, GangTECC and ICE have not yet documented ICE's participation in the center. ICE's participation has varied since GangTECC's inception. According to the head of ICE's National Gang Unit, in the past ICE's representative to GangTECC was engaged with other responsibilities at ICE headquarters, which periodically impacted the amount of time that the representative spent at GangTECC. However, the head of the National Gang Unit said that ICE's representative is assigned to GangTECC on a full-time basis. ICE officials said that they are willing to work with other GangTECC officials to develop a memorandum of understanding that documents ICE's role and participation in the center but had not yet done so at the conclusion of our audit work.
- Establishment of task forces at the field office level has not always been fully coordinated with ICE. Specifically, according to Anti-Gang Coordination Committee guidance, concurrence for each new gang or violent crime task force at the field office level is to be obtained by representatives of FBI, ATF, DEA, USMS, ICE, and the local USAO, as well as local or state police departments. The Anti-Gang Coordination Committee gives final approval to DOJ law enforcement agencies for establishing new anti-gang task forces in field locations.¹⁸ According to the Chief of the Gang Unit, this process for establishing new task forces in

¹⁸Any DOJ entity seeking to establish a gang task force must submit a threat assessment to the relevant USAO and ultimately to the Anti-Gang Coordination Committee. The purpose of the threat assessment is to outline the scope and magnitude of the gang issue, delineate whether there are currently any anti-gang task forces in place, and offer strategies for combating the issue.

field locations helps to reduce task force overlap and duplication of effort. However, ICE did not have the opportunity to provide its concurrence for the creation of all recently approved task forces, making it difficult for the Anti-Gang Coordination Committee to ensure that there are no unnecessary overlaps in the creation or mission of task forces. Our review of the approval process for eight task forces authorized by the Anti-Gang Coordination Committee from January 2008 through June 2008 found that ICE's concurrence was not obtained in three instances.¹⁹ Moreover, ICE is not represented on the Task Force Subcommittee of the Anti-Gang Coordination Committee, which, on behalf of the committee, reviews and provides recommendations concerning new task force applications.²⁰ DOJ officials said that no Memorandum of Understanding or other document outlines ICE's participation in the process for approving task forces.

- GangTECC and the MS-13 National Gang Task Force have overlapping missions and responsibilities for coordination and deconfliction of multi-jurisdictional investigations involving the MS-13 and 18th Street gangs. The two entities have these overlaps in part because the MS-13 Task Force already existed when GangTECC was established in 2006 and was not dismantled or folded into GangTECC at that time. The two entities differ in that GangTECC has participants from ATF, DEA, ICE, FBI, USMS, and other DOJ and DHS components and has responsibility for coordinating multi-jurisdictional investigations of all gangs except FBI-led investigations involving the MS-13 and 18th Street gangs. The MS-13 National Gang Task Force, on the other hand, has only FBI participants and is responsible for coordinating FBI's multi-jurisdictional investigations involving MS-13 and 18th Street gangs. As a result, both entities coordinate some multi-jurisdictional MS-13 and 18th Street gang investigations and risk unnecessary federal resource expenditures to fund two entities when a single group could be more efficient. The GangTECC and MS-13 Task Force Directors acknowledged that there is overlap between the missions and responsibilities of the two entities, and the chief of the DOJ Criminal Division's Gang Unit also noted that the two entities have overlapping jurisdictions and no formal coordination mechanisms. The Directors stated that the two entities do share information about the gangs and were co-located to encourage that interaction. Moreover, the director of GangTECC said he had invited representatives of the MS-13 National Gang

¹⁹All relevant DOJ component agencies provided their concurrence for the eight task forces that we reviewed.

²⁰DOJ and ICE officials said that ICE is invited to participate in the agenda for the full Anti-Gang Coordination Committee.

Task Force to participate in meetings. As the invitation had been extended just prior to the conclusion of our audit work, we were not able to assess the level of participation. The Directors also said that while there is mission overlap, it has not jeopardized investigations or law enforcement operations. Nevertheless, the rationale for why two separate entities are needed is unclear. For example, the Criminal Division chief said that if DOJ were starting from scratch in creating a structure for coordinating federal anti-gang investigations, the department would not have the structure that currently exists because of the potential for this overlap. While the overlap may not have interfered with investigations or operations to date, it is not clear that this is the most efficient and effective use of federal resources.

Articulating and differentiating among roles, responsibilities, and missions of headquarters-level anti-gang entities and ensuring ICE's full participation in authorizing anti-gang task forces would help to identify gaps or overlaps among the entities and participating agencies and help to increase the understanding of federal, state, and local law enforcement agencies of each of the entities' mission and goals. In addition, such action would strengthen these headquarters-level coordination efforts to help to ensure that they are not unnecessarily expending resources on overlapping missions.

In Localities We Visited Agencies Cited Benefits to Coordinating Federal Anti- Gang Efforts Primarily through Taskforces

At the field level, federal law enforcement agencies primarily conduct and coordinate their gang enforcement efforts through task forces. Examples include:

- The FBI's Violent Gang Safe Street Task Forces were established in 1992 to serve as long-term and coordinated teams of federal, state, and local law enforcement officers and prosecutors. These task forces focus on disrupting and dismantling the most violent and criminally active gang threats in the United States. According to the FBI, as of April 2009, 144 Safe Streets Taskforces were operating in locations across the country.
- ATF's Violent Crime Impact Teams were established in 2004 through partnerships with other state and local agencies to reduce firearms-related violent crime including violent gang crime in small, geographic areas experiencing an increase in violent crime. As of April 2009, 31 Violent Crime Impact Teams were operating in locations across the country, according to ATF.
- DEA's Mobile Enforcement Team (MET) program was established in 1995 to address the spread of drug trafficking and associated violent crime in

urban and rural areas. Due to budgetary constraints, the MET program was temporarily suspended in June 2007, however, in January 2008, Congress directed DEA to use appropriated funds to continue the MET program.²¹ At that time, DEA also made MET investigations targeting the drug trafficking activities of criminal street gangs and criminal organizations that supply them a priority. Teams of eight agents each operate in ten DEA field divisions nationwide, according to DEA.²²

- USMS' fugitive task force program and other initiatives such as Operation FALCON (Federal and Local Cops Organized Nationally) target fugitive gang members. Additionally, USMS coordinates a "Most Wanted Gang Members" list through GangTECC.
- ICE works with state and local law enforcement agencies in conducting its gang enforcement activities under its anti-gang initiative called Operation Community Shield.²³ Under this initiative, investigations focus on transnational street gangs, gangs whose members are subject to ICE's immigration and customs authorities because the members are foreign born and/or in the country illegally or have been involved in crimes with a nexus to the U.S. borders (i.e. narcotics trafficking and human trafficking). ICE investigations also focus on gangs operating in the United States and abroad as complex organized criminal organizations.

At the field division level, many officials from federal, state, and local law enforcement offices cited benefits to coordinating federal anti-gang efforts primarily through task forces and were generally satisfied that the task force approach resulted in collaboration and information sharing among the various law enforcement entities. These officials provided examples of how these taskforces provide avenues through which federal, state, and

²¹See Explanatory statement accompanying the Consolidated Appropriations Act, 2008 Pub. L. No. 110-161, 121 Stat. 1844 (2007).

²²The divisions are in Dallas and Houston, Tex.; Detroit, Mich.; Los Angeles and San Diego, Calif.; Miami, Fla.; Newark, N.J.; Philadelphia, Pa.; St. Louis, Missouri; and Washington, D.C. According to DEA officials, four additional teams will begin operating during fiscal year 2009 in Chicago, Ill.; Atlanta, Ga.; El Paso, Tex.; and Phoenix, Ariz.

²³Law enforcement agencies have also conducted gang enforcement activities through the Organized Crime Drug Enforcement Task Force (OCDETF). The principal mission of the OCDETF program is to identify, disrupt, and dismantle the most serious drug trafficking and money laundering organizations and those primarily responsible for the nation's drug supply. Federal agencies that participate in OCDETF include DEA, FBI, ICE, ATF, USMS, the Internal Revenue Service (IRS), and the U.S. Coast Guard.

local agencies can directly share resources and partner in conducting gang investigations, as noted below:

- Ten of the twenty local police chiefs or supervisors of gang units that we interviewed said that federally-led taskforces have resources to pay informants, conduct wiretaps, and purchase vehicles for surveillance and undercover operations; among other resources which state and local law enforcement agencies often do not have, or the officials noted that local law enforcement officers assigned to federally-led taskforces have better access to technology and new investigative techniques than officers not assigned to task forces. Use of these investigative tools and equipment allow state and local agencies to work with federal agencies in conducting investigations that target gangs as criminal enterprises, types of cases which state and local agencies would generally not be able to conduct in the absence of federal resources and assistance.

Officials also provided examples of how task forces provide opportunities for direct information and intelligence sharing among federal, state, and local law enforcement agencies, as noted below:

- Four of the twenty local law enforcement officials said that one of the primary benefits to their agencies participating in federally led task forces is access to information and intelligence on gangs. State and local officers assigned to federally led task forces benefit by learning new investigative techniques that they, in turn, can share with other local law enforcement officers.
- In nineteen of the thirty four federal law enforcement field division offices we visited, supervisory agents noted that their task forces also benefited from state and local police officers' intimate knowledge of the gang problems in their local communities.

In addition to these benefits, several officials identified a challenge to the task force structure that they work to overcome. In some cases, federal, state, and local agencies that participate in task forces may have differing priorities and interests for gang enforcement activities. For example, supervisors at two FBI field divisions said that the FBI focuses on long-term gang investigations designed to eliminate entire gangs. In contrast, they said that state and local law enforcement agencies tend to focus on efforts to help reduce gang crime and violence in the short-term and look for short-term results for their communities. Consequently, the officials said that state and local law enforcement agencies are sometimes reluctant to dedicate resources to support the long-term investigations, but

that these issues are worked through jointly by federal and local agencies involved in the task force.

In addition to task forces, interviewees in the localities we visited described other mechanisms or tools for deconflicting law enforcement actions, sharing information, and coordinating gang enforcement activities with one another. In areas of the country identified by the White House Office of National Drug Control Policy (ONDCP) as high intensity drug trafficking areas (HIDTA), including New York City, Chicago, and Los Angeles, the HDTAs monitored law enforcement activities including anti-gang operations to deconflict and coordinate across law enforcement agencies. In Richmond, Virginia, federal, state, and local agencies met regularly to deconflict cases and discuss anti-gang initiatives through a Cooperative Violence Reduction Partnership, which was created and chaired by the Richmond Chief of Police. Similarly, in Tampa, Florida, the Hillsborough County Sheriff's Department and the Tampa Police Department co-chair of a Multi-Area Gang Task Force composed of representatives of 60 law enforcement agencies, including local, state and county police departments, FBI, ATF, and ICE. The task force participants share intelligence at monthly meetings and support one another in major anti-gang operations.

The USAOs also have responsibilities for coordinating anti-gang efforts in their districts. For example, each of the 15 USAOs we visited had complied with DOJ requirements to appoint an Anti-Gang Coordinator for the district to help formulate the anti-gang strategies for their districts. The Anti-Gang Coordinators implement training opportunities for prosecutors and law enforcement agents and officers, act as liaisons for the USAO on gang-related cases with prosecutors from other offices as well as law enforcement officers and agents, and are proactively involved in developing strategies for investigating and prosecuting gang members with violent criminal behavior. Each USAO we visited had also completed a districtwide anti-gang strategy, as required by the Attorney General in 2005. According to guidance from the Attorney General, USAOs were to consult with federal, state, and local law enforcement; social service organizations; and community and faith-based groups in their district to develop the strategies. They included a description of the gang problem in each district; a description of how agencies within the district were responding or planned to respond to the problem; a description of whether the district has a specific gang unit or the resources being used to investigate and prosecute gangs; a description of the roles played by state and local law enforcement agencies in combating gangs; and any suggestions on how DOJ could more effectively address the gang problem

on a local or national level. Anti-Gang Coordinators are required to prepare annual reports on the district's anti-gang strategy, which are submitted to EOUSA and then provided to the Deputy Attorney General who informs the Attorney General of anti-gang activities throughout the nation. The reports are used to identify best practices, which are discussed at national conferences and informally among prosecutors.

Federal Agencies Have Measures for Gang Enforcement Efforts, but Lack a Common Definition of "Gang" and a DOJ Departmentwide Performance Measure

Federal agencies have developed and used measures to assess their gang enforcement efforts, but they lack a common or shared definition for "gang," hindering their efforts to measure and report on gangs, gang crime, and enforcement activities. While DOJ has emphasized strategies for combating gangs as a part of its strategic objective to reduce violent crime, the department lacks a departmentwide performance measure for its anti-gang efforts. DOJ and DHS law enforcement agencies measure their gang crime enforcement efforts by counting outputs such as gang activities disrupted, arrests made, and enforcement activities conducted. However, U.S. Attorneys have underreported their efforts in prosecuting gang-related cases as well as the amount of time spent working on gang-related cases. EOUSA has taken steps to improve reporting on gang enforcement efforts. For example, as a result of our review and in following up on its 2006 guidance on reporting case and time management information on "gang-related" activities, the EOUSA Director issued guidance to USAOs in February 2009 noting the underreporting of gang cases and gang-related work time, and reinforcing the importance of tracking anti-gang activities.

Lack of a Shared Definition for Gangs Hinders Measurement of Gang Crime Enforcement across Federal Departments and Agencies

Gangs vary in size, ethnic composition, membership, and organizational structure, which makes it challenging to develop a uniform definition of "gang." Federal law enforcement agencies have developed and used different working definitions of a "gang" and other associated terms, such as "gang-related." However, these agencies lack a common or shared definition for "gang" and related terms, hindering federal agencies' efforts to accurately measure and report on gangs, gang crime, and enforcement activities.

Our prior work on performance management and measurement practices for entities involved in implementing crosscutting programs has shown that establishing common definitions can help to ensure that data used for common purposes or assessing performance is, among other things,

consistently defined and interpreted.²⁴ For example, we noted that a broadly accepted definition of “homeland security” did not exist and that some officials believed it was essential that the concept and related terms be defined, particularly because homeland security initiatives are crosscutting, and a clear definition promotes a common understanding of operational plans and requirements, and can help avoid duplication of effort and gaps in coverage. Common definitions promote more effective agency and intergovernmental operations and permit more accurate monitoring of homeland security expenditures at all levels of government.²⁵

With respect to the definition of “gang,” DOJ and its components have discussed needs and possibilities for developing a common or shared definition for gangs in terms of numbers of members and organizational characteristics, but have not yet reached consensus on such a shared definition. DOJ developed a working definition of a “gang” as a group or association of three or more persons who may have a common identifying sign, symbol, or name and who are involved in criminal activity which creates an atmosphere of fear and intimidation. The DOJ definition is used by its component agencies such as ATF and FBI. ICE’s working definition of a gang also specifies that three or more persons must be involved in criminal activity; however, ICE’s definition requires that a gang crime be an ongoing pattern of criminal activity committed on two or more separate occasions. These working definitions are also distinct from a provision of federal law, which, for specified purposes, defines a criminal street gang as “an ongoing group, club, organization, or association of five or more persons that has as one of its primary purposes the commission of one or more of the described criminal offenses; the members of which engage, or have engaged within the past 5 years, in a continuing series of described offenses; and the activities of which affect interstate or foreign commerce.”²⁶

²⁴GAO, *Managing for Results: Challenges Agencies Face in Producing Credible Performance Information*, [GAO/GGD-00-52](#) (Washington, D.C.: Feb. 4, 2000); and GAO, *Managing for Results: Strengthening Regulatory Agencies’ Performance Management Practices*, [GAO/GGD-00-10](#) (Washington, D.C.: Oct. 28, 1999).

²⁵GAO, *Homeland Security: Progress Made; More Direction and Partnership Sought*, [GAO-02-490T](#) (Washington, D.C.: Mar. 12, 2002).

²⁶18 U.S.C. § 521(a).

According to the FBI's National Gang Strategy, a universal definition for a "gang" would facilitate intelligence collection and sharing, target selection, prosecution, and overall program management. The DOJ Criminal Division Gang Unit Chief recognized that having a standard definition of "gang" across agencies and departments would result in better statistics on how agencies are performing on gang-related criminal investigations. Other DOJ components also identified negative impacts resulting from the absence of a shared definition. For example, in its 2009 National Gang Threat Assessment, DOJ reported that one of the greatest impediments to the collection of accurate gang-related data was the lack of a national uniform definition of a gang used by all federal, state, and local law enforcement agencies. EOUSA officials also said that lack of consistent definitions of "gang member" and "gang-related crime" contributed to underreporting of gang-related cases by USAOs; therefore, EOUSA may not have complete data on its gang-related cases. Given the lack of a common definition, federal agencies do not have consistent and comprehensive data on the scope of the gang problem and the resources allocated to anti-gang efforts.

According to DOJ and DHS agencies, lack of a shared definition of "gang" and related terms stems, in part, from headquarters-level coordination entities not attempting to reach consensus on how to use the term, and DOJ's desire to provide agencies with flexibility in defining gangs. Agency officials said lack of a common definition did not adversely affect law enforcement activity. According to the Chief of the Gang Unit, agencies have not attempted to reach a consensus on a shared definition of "gang" because, while consistent use of the term would improve the quality of information available on federal efforts to combat gang violence, it would not make a difference in the cases investigated and prosecuted by federal agencies. For example, this official noted that a consistent definition of "gang" has no impact on U.S. Attorneys' decisions to prosecute cases nor on the charges brought against gang-related defendants. Although lack of a common definition for "gang," may not negatively affect gang investigations and prosecutions, the absence of a common or shared definition for "gang" and related terms makes it difficult for federal agencies to completely and accurately report on gang-related data.

DOJ Lacks a Departmentwide Performance Measure for Anti-Gang Efforts

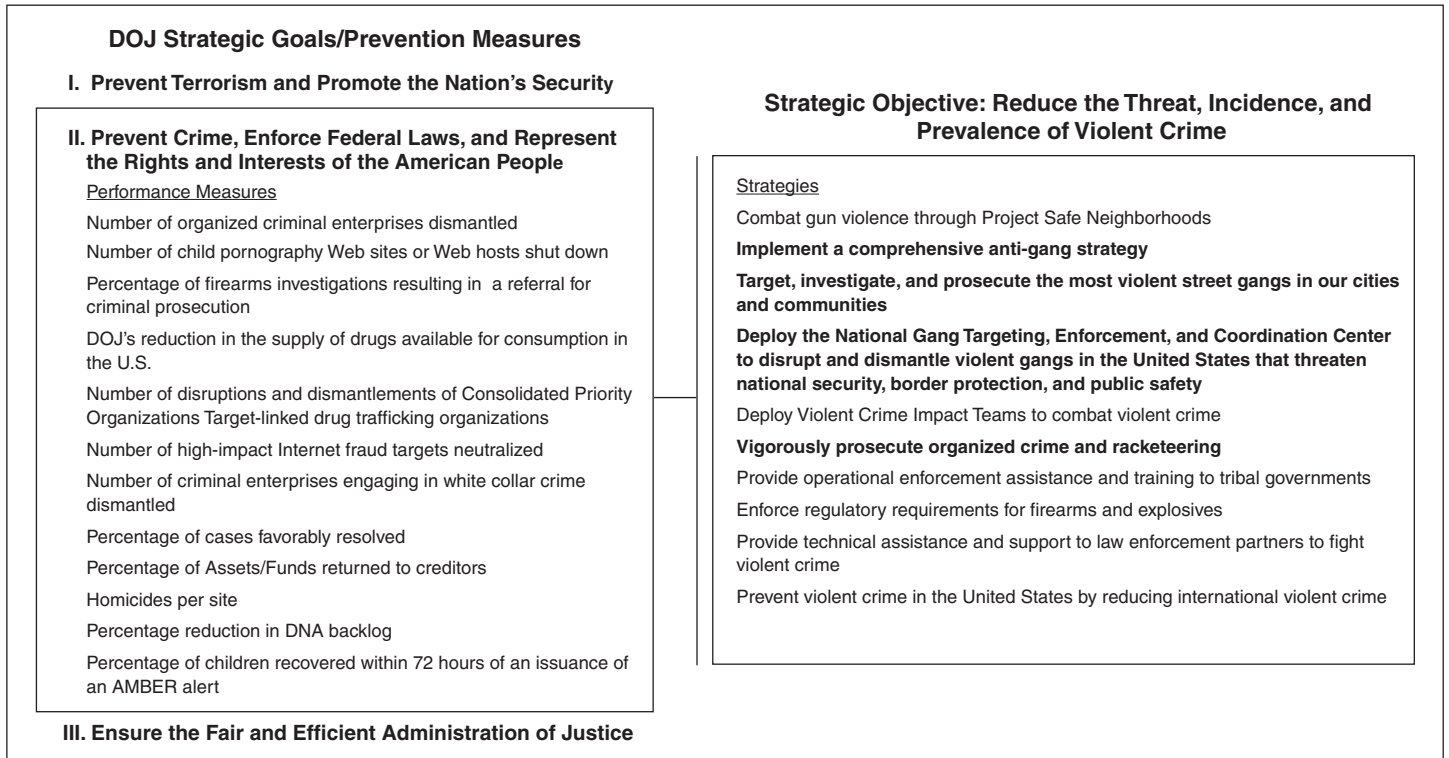
At the department level, DOJ lacks a performance measure for anti-gang efforts.²⁷ Congress enacted the Government Performance and Results Act of 1993 (GPRA)²⁸ to have agencies focus on the performance and results of programs, rather than on program resources and activities. The principles of the act include establishing measurable goals and related measures, developing strategies for achieving results, and identifying the resources that will be required to achieve the goals. GPRA requires federal agencies to develop strategic plans and performance goals and to identify resources needed to achieve them, as well as for agencies to develop performance measures to use in assessing the relevant outputs, service levels, and outcomes of each program activity. The act does not require agencies to use these principles for individual programs, but our related work and the experience of leading organizations have shown that the principles are the basic underpinning for performance-based management—a means to strengthen program performance. Performance measures help federal agencies to assess progress made on anti-gang efforts over time and provide decision makers with key data to facilitate the resource allocation process.

One of the three strategic goals in DOJ's fiscal year 2007 to 2012 strategic plan is the goal to “prevent crime, enforce federal laws and represent the rights and interests of the American people.” A strategic objective under this goal is to “reduce the threat, incidence, and prevalence of violent crime.” As shown in figure 4, associated with this strategic objective are various strategies, four of which are directly related to anti-gang efforts.

²⁷A performance measure is a particular value or characteristic used to measure output or outcome. Because DOJ has broad responsibility for anti-gang efforts across multiple component agencies, we reviewed the extent to which DOJ has established departmentwide, strategic level performance measures. We did not review the extent to which DHS has established departmentwide performance measures for anti-gang efforts because fewer component agencies at DHS have responsibility for anti-gang efforts.

²⁸Pub. L. No. 103-62, 107 Stat. 285.

Figure 4: DOJ's Fiscal Year 2007 to 2012 Strategic Plan Includes Anti-Gang Strategies but Lacks a Gang-Specific Performance Measure



Source: GAO analysis of DOJ's fiscal year 2007-2012 strategic plan.

While DOJ has outlined a number of departmentwide performance measures under the strategic goal, none relate specifically to gangs. DOJ undertook a process to identify long-term, measurable goals (key indicators) that would show, at a high level, progress toward meeting the department's strategic goals and objectives. Such measures are departmentwide in nature as they represent priority areas for DOJ, and are reflected in DOJ's strategic plan, as well as other GPRA-related documents such as the performance and accountability report. According to DOJ, anti-gang efforts are folded into several of the performance measures, including disrupting and dismantling drug trafficking organizations and reducing the supply of drugs available for consumption in the United States. Given that efforts to address gangs have been a major part of DOJ's overall approach to combating violent crime, the lack of a departmentwide performance measure or measures focused specifically on anti-gang

efforts makes it difficult for the department and Congress to assess the effectiveness of the department's overall anti-gang effort.

DOJ and DHS Law Enforcement Agencies Have Established Measures to Assess Their Anti-Gang Efforts, and Outputs Measured Have Generally Increased since Fiscal Year 2003

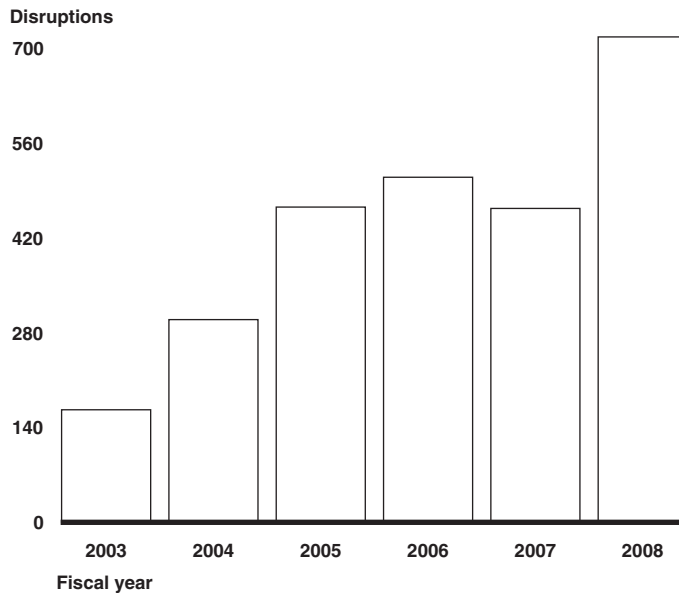
It can be difficult for law enforcement agencies to measure outcomes or results of their law enforcement efforts, including anti-gang efforts. Trying to isolate the effects of federal law enforcement efforts from other factors that affect outcomes but over which DOJ has little or no control presents a formidable challenge because many factors contribute to the rise and fall of crime rates including federal, state, local, and tribal law enforcement activities and sociological, economic, and other factors. DOJ and DHS law enforcement agencies have established output measures, such as numbers of arrests and convictions, for assessing their gang crime enforcement efforts. Outputs provide status information about an initiative or program in terms of completing an action in a specified time frame. For example, the FBI uses disruptions and dismantlements as its primary gang enforcement measures²⁹ and also reports on gang-related convictions. Among other things, ATF collects and reports information on gang-related convictions, and DEA and ICE collect and report information on gang-related arrests.³⁰ USAOs collect information on gang-related cases filed and gang-related defendants.

Since fiscal year 2003, federal law enforcement agencies' gang-related measures have generally increased. DOJ and DHS officials attributed these increases to the allocation of additional resources for anti-gang efforts over the past few years. As shown in figure 5, since fiscal year 2003, the number of FBI gang-related disruptions has increased from 166 to 716 in fiscal year 2008.

²⁹"Disruption" is defined as impeding the normal and effective operation of the targeted organization, as indicated by changes in its leadership and/or methods of operation. FBI defines "dismantlement" as destroying the organization's leadership, financial base, and supply network so that it is incapable of operating and reconstituting itself.

³⁰We provided data on federal agencies' gang-related outputs for illustrative purposes and did not report data on all outputs for which agencies collect and report data. The FBI also collects and reports data on number of gang-related complaints, number of gang-related indictments, number of gang-related indictments under racketeering and organized crime statutes, number of other gang-related racketeering statute indictments, and number gang-related arrests. ATF also collects and reports data on the number of gang-related defendants referred for prosecution, percentage of total gang-related defendants referred for prosecution, and percentage of total gang-related defendants convicted. DEA and ICE also collect and report data on the number of cases initiated and other case management statistics.

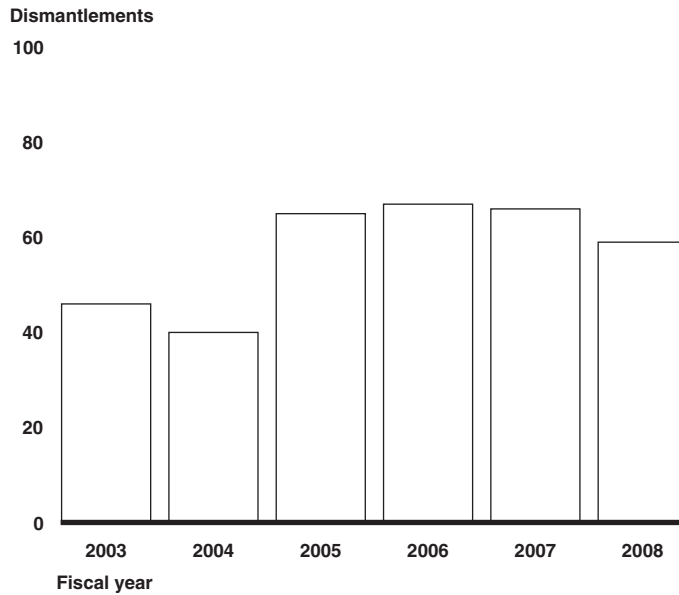
Figure 5: FBI Gang-Related Disruptions (Fiscal Years 2003 to 2008)



Source: FBI data.

As shown in figure 6, the number of FBI gang-related dismantlements has remained fairly constant over the 6 years from fiscal year 2003 to fiscal year 2008, ranging from a high of 67 dismantlements reported in fiscal year 2006 to a low of 40 dismantlements reported in fiscal year 2004.

Figure 6: FBI Gang-Related Dismantlements (Fiscal Years 2003 to 2008)

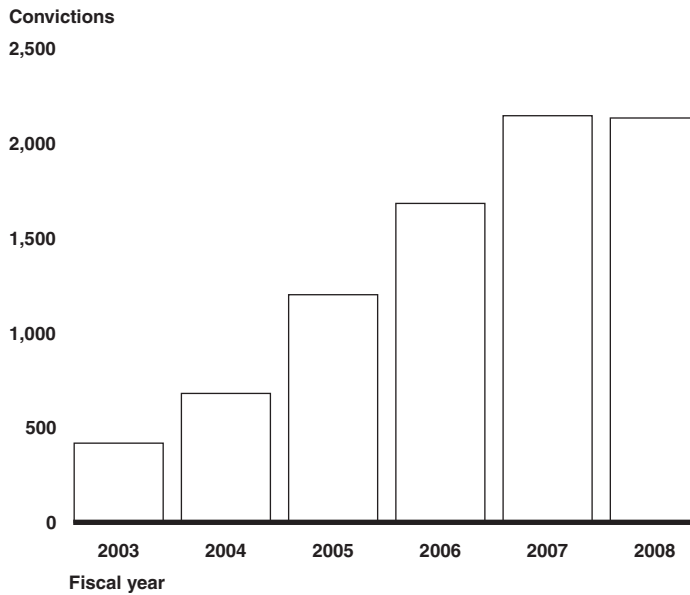


Source: FBI data.

In addition, FBI reports on gang-related convictions. From fiscal year 2003 through 2008, the FBI reported gang-related convictions that ranged from a high of 2,762 in fiscal year 2008 to a low of 1,690 in fiscal year 2005.

Among other gang-related measures, ATF also reports the number of gang-related convictions by fiscal year. As shown in figure 7, since fiscal year 2003, the number of convictions has generally increased each year, and the number of gang-related convictions in fiscal year 2008 was about 5 times the number of such convictions in fiscal year 2003.

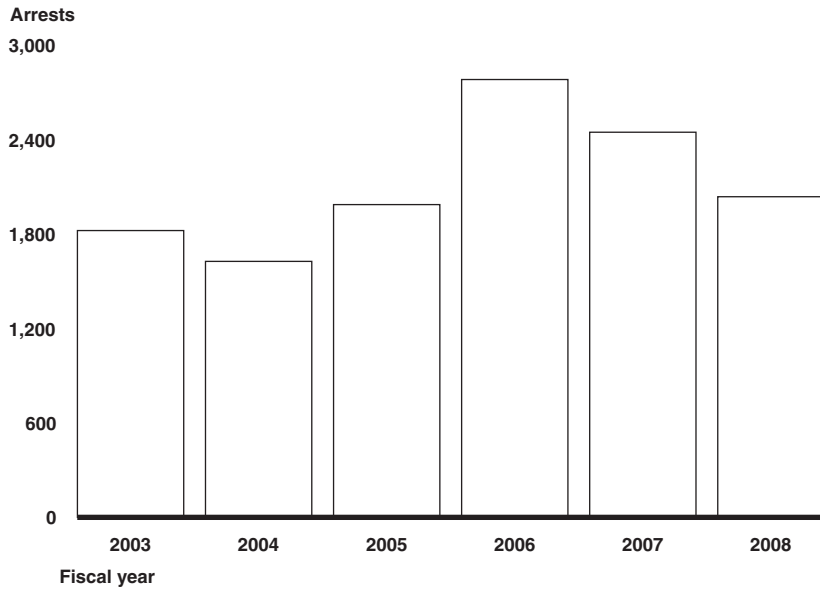
Figure 7: ATF Gang-Related Convictions (Fiscal Years 2003 to 2008)



Source: ATF data.

As shown in figure 8, DEA reported number of gang-related arrests have also increased slightly from 1,823 in fiscal year 2003 to 2,038 in fiscal year 2008, but were at their highest level over the 6-year period in fiscal year 2006.

Figure 8: DEA Gang-Related Arrests (Fiscal Years 2003 to 2008)

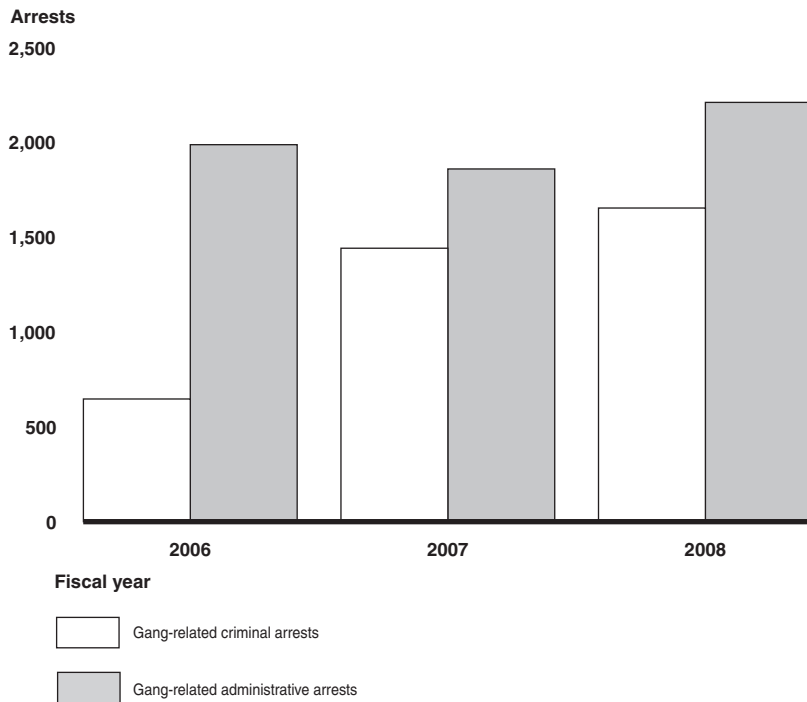


Source: DEA data.

Among other gang-related measures, ICE reports on the number of gang-related criminal and administrative arrests by fiscal year.³¹ As shown in figure 9, the number of criminal and administrative gang-related arrests made by ICE has increased since fiscal year 2006, the first full fiscal year that it compiled this information.

³¹Administrative arrests use ICE's authority to initiate procedures for deportation based on a violation of immigration-related statutes, regulations, or policy.

Figure 9: ICE Gang-Related Arrests (Fiscal Years 2006 to 2008)



Source: ICE data.

Underreporting of U.S. Attorneys' Gang-Related Case and Time Management Information Has Resulted in Inaccurate Measurement of Federal Gang Enforcement Efforts, but EOUSA Has Taken Action to Improve Reporting

According to EOUSA officials, USAOs have underreported the number of gang-related cases their offices handle and the amount of time they spend working on these gang-related cases. For fiscal year 2008, EOUSA data showed 536 cases filed in which a gang member had a participating role, a number that officials said they believe underreports the extent to which USAOs were prosecuting gang-related crimes. In 2006, EOUSA issued guidance to USAO personnel for them to record information in National Legal Information Office Network System (LIONS) and U.S. Attorney-5 (USA-5) systems on numbers of gang-related cases and matters and time spent working on gang-related cases and matters to assist in tracking resources and outputs for gang enforcement efforts. LIONS is the centralized computer database used by USAOs and managed by EOUSA to prepare annual statistical reports on the activities of the U.S. Attorneys by types of cases opened, pending, and closed. USAO personnel use the USA-5 system for time management, and EOUSA uses the system to analyze

and help manage assignment of resources to priority crime areas such as counter-terrorism, narcotics, and organized crime.

EOUSA officials said that improvements to the data collection are needed. A 2008 DOJ Office of Inspector General report found that caseload and time management concerns contributed to reliance by EOUSA on incomplete and inaccurate data to determine resource needs, allocate positions, and respond to inquiries from Congress and other interested parties.³² EOUSA officials identified three key challenges that impact the reliability of all case and time management information. First, because every attorney and support person in USAOs enters data into the information systems, the potential for errors and omissions is great. Second, the systems have become more complex to use as additional codes are created to record information on cases and time spent on various activities to respond to congressional interest, DOJ priorities, and audits. Third, attorneys, historically, have not viewed data entry as a priority, so they have not always been diligent about being sure that it is done correctly. With regard to collecting data specifically on gang-related cases, EOUSA officials identified other specific challenges. For example, extra data entry steps are required to enter information on gangs into LIONS and USA-5 beyond those steps required for inputting general case information to the systems.³³ Moreover, attorneys may not determine until after initial information on a case is entered into LIONS that the case is gang-related and then not go back into LIONS and revise the initial information to show that defendants are gang-related. In addition, EOUSA officials noted that attorneys do not have a common definition for what constitutes a “gang” and “gang-related crime” that would allow for consistent reporting.

EOUSA has taken steps to improve reporting on gang enforcement efforts. As a result of our review and in following up on its 2006 guidance on

³²Department of Justice Office of the Inspector General, *Resource Management of U.S. Attorneys' Offices* (Washington, D.C.: November 2008).

³³According to EOUSA officials, case information in LIONS is entered primarily by statute and program category (i.e., counter-terrorism, narcotics, and organized crime). The gang code is a secondary data-entry point under “defendant status.” These officials said that it is an unusual way for attorneys and support personnel to enter information into the system. Similarly, with respect to reporting time spent in the USA-5 system, time spent on gang-related prosecutions is a secondary time charge code called a USA-5a. USA-5a breaks out specific codes to track priorities and special initiatives such as cases involving gangs and Indian tribes, and its use is an extra data entry step for attorneys and support staff.

reporting case and time management information on “gang-related” activities, the EOUSA Director issued guidance to USAOs in February 2009 noting the underreporting of gang cases and gang-related work time in LIONS and USA-5, respectively, and reinforcing the importance of providing accurate information on anti-gang activities in these systems. In addition, EOUSA officials said that they continue to provide training to USAO personnel on use of the information systems and the importance of reporting complete and accurate information. Peer reviews conducted at USAOs every 3 years also assess, among other operations, the systems in place for entering information into LIONS and USA-5. This February 2009 guidance and training for USAOs are positive steps to help improve USAOs’ collection and reporting of data on gang-related cases. GAO’s Standards for Internal Control in the Federal Government state that internal controls should generally be designed to assure that ongoing monitoring occurs in the course of normal operations.³⁴ Given that USAOs have not consistently and accurately entered data on gang-related cases into their case and time management systems as required by EOUSA’s 2006 guidance, in the absence of periodic monitoring of USAOs’ gang-related data, EOUSA cannot be certain that USAOs have followed the guidance and accurately recorded gang-related data.

³⁴GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C., November 1999).

DOJ Has Funded Grant Programs to Test Anti-Gang Models, but Evaluations Have Reported Mixed Results in the Programs' Sustainability and Contributions to Reductions in Crime

DOJ anti-gang grants involve not only law enforcement efforts, but also efforts focused on gang prevention, intervention, and re-entry support for former gang members who are released from prison. DOJ, through OJJDP, has provided grant funding to localities across the nation under the Gang-Free Schools and Communities Program, Gang Reduction Program, and the Gang Prevention Coordination Assistance Program primarily to test models for communities to follow in implementing approaches for addressing gang problems. DOJ, through, BJA, also provides grant funding under the Comprehensive Anti-Gang Initiative, which is the largest current anti-gang program. Communities that received grants from OJJDP and BJA had flexibility in determining how to allocate and use grant funding and used the funding in support of different anti-gang approaches and programs. Grant programs for which DOJ-sponsored evaluations were completed reported mixed results for achieving reductions in gang crime with benefits for grant recipients but little evidence that the programs effectively reduced youth gang crime. Sustainability of grant programs after federal funding ended has also been a concern.

DOJ Has Supported Gang Prevention, Intervention, and Enforcement Programs through Grant Programs That Emphasize Coordination and Collaboration

DOJ, the department with responsibility for administering anti-gang grants, has pursued a strategy to assist communities in combating gang crime that involves not only law enforcement efforts, but also efforts to prevent young people from joining gangs, intervene and provide alternatives to gang membership for youth who are gang-affiliated, and offer support through re-entry activities for former gang members who are released from prison and returning to their communities. In fiscal year 2008, DOJ, through OJJDP and BJA, reported providing \$14.9 million for three grant programs specifically directed to combating gang activity, and demonstration projects were still spending OJJDP funds for two other anti-gang programs.³⁵ Three of the current grant programs—Gang Free Schools and Communities, Gang Reduction, and Gang Prevention Coordination Assistance—are administered by OJJDP. The other program,

³⁵In addition to these programs specifically for anti-gang efforts, communities may use other DOJ grant programs including Community Oriented Policing (COPS), Weed and Seed, Project Safe Neighborhoods, and the Edward Byrne Memorial Justice Assistance Grant Program for anti-gang activities or for other law enforcement and crime prevention efforts. Other federal departments may have grant programs that could be indirectly related to gangs, but we did not include them in our scope.

the Comprehensive Anti-Gang Initiative, is administered by BJA.³⁶ In addition to allocating funding under these discretionary grant programs, DOJ reported that it allocated about \$8.1 million in fiscal year 2008 for specific anti-gang programs, as directed by Congress. Grantees included cities, counties, law enforcement agencies, and private organizations in locations across the United States.

Officials of OJP noted many similarities in the grant initiatives funded by OJJDP and BJA. Most importantly, officials said, both models emphasize coordination and collaboration among law enforcement and social service agencies at the federal, state, and local levels, as well as community and faith-based groups that are involved in anti-gang efforts. However, the officials also noted differences between the OJJDP and BJA grant programs. For example, BJA does not specifically direct services to juveniles, and the BJA grant program has a component to provide assistance to former gang members released from prison and reentering their communities that was not present in the OJJDP grant programs.

OJJDP Grants Tested a Communitywide Gang Program Model

DOJ has provided grant funding to localities across the nation under the Gang-Free Schools and Communities Program, Gang Reduction Program, and the Gang Prevention Coordination Assistance Program primarily to test models for communities to follow in implementing approaches for addressing gang problems. Since the 1980's, OJJDP's anti-gang programs for juveniles were demonstrations or tests of the Comprehensive Community-Wide Gang Program Model developed by Irving Spergel, a researcher and professor at the University of Chicago. This model was based on the results of an assessment directed by Dr. Spergel and funded by OJJDP beginning in 1987 and was first implemented in the Little Village neighborhood of Chicago in 1993. To develop the model, Dr. Spergel and his research team conducted a national survey to attempt to identify every promising community gang program in the United States and then identify the common elements that were essential to each program's successes based on community representatives' responses to the survey questions.

³⁶Since 2004 when administrative responsibility for the program was transferred from ATF, BJA has also administered the Gang Resistance, Education and Training (GREAT) Program, which we did not include in the scope of our review. GREAT provides funds for a school-based anti-gang curriculum taught by law enforcement officers with the goal of preventing delinquency, youth violence, and gang membership by offering life skills for effective non-violent partnerships. In fiscal year 2008, a total of \$7.6 million in GREAT program funding was provided to 84 grantees around the country, down from \$14.7 million in funding to 165 grantees in fiscal year 2007.

The research team identified the following five elements common to promising community gang programs that became the comprehensive model:

- *Community mobilization*: Involvement of local citizens, including former gang-involved youth; community groups; and agencies, as well as coordination of programs and staff functions within and across agencies.
- *Opportunities provision*: Development of a variety of specific education, training, and employment programs targeting gang-involved youth.
- *Social intervention*: Involvement of youth-serving agencies, schools, faith-based organizations, police, and other juvenile and criminal justice organizations in reaching out to gang-involved youth and their families and linking them to needed services.
- *Suppression*: Use of procedures including close supervision and monitoring of gang-involved youth by agencies of the juvenile and criminal justice systems and also by community-based agencies, schools, and other groups.
- *Organizational change and development*: Development and implementation of policies and procedures that result in the most effective use of available and potential resources, within and across agencies, to better address the gang problem.³⁷

In 1995, OJJDP awarded funds to five competitively-selected sites that demonstrated the capacity to implement the model and then, in 1999, OJJDP funded a rural gang initiative to test the model in four rural

³⁷Communities that implement the model follow a five-step process to identify the gang problem, mobilize resources to address it, and evaluate the results: (1) the community acknowledges that it has a gang problem; (2) the community assesses the characteristics and scope of its gang problem to identify target areas and populations on which to focus; (3) using a steering committee, community leaders set goals and objectives for reducing gang problems within the target areas and populations; (4) the steering committee makes available relevant programs, strategies, services, tactics, and procedures consistent with the model's five core elements; and (5) the steering committee evaluates the effectiveness of its strategies and programs and, if necessary, alters the approach.

communities with growing gang problems.³⁸ Evaluations of the first five sites to demonstrate the model determined that, while results varied from location to location, when properly implemented, a combination of prevention, intervention, and suppression strategies was successful in reducing the gang problem. A national evaluation of the rural gang initiative was not completed because of staffing issues on the evaluation team.

OJJDP continued to test the model with two of the three programs that were funded as of January 2009. The Gang-Free Schools and Communities Program began in 2000 and the Gang Reduction Program began in 2003. The third program, the Gang Prevention Coordination Assistance Program, is not an additional test of Dr. Spergel's Comprehensive Community-Wide Gang Program Model. Rather, the program provides funds for demonstration locations to hire a coordinator who will enhance the coordination of existing community-based gang prevention and intervention strategies that are closely aligned with local law enforcement efforts. Table 2 provides information on these four anti-gang programs that were currently funded as of January 2009.³⁹

³⁸The first sites OJJDP selected in 1995 to test the comprehensive model were Mesa, Ariz., Riverside, Calif., Bloomington-Normal, Ill., San Antonio, Tex., and Tucson, Ariz. The four communities selected in 1999 to participate in the Rural Gang Initiative to test the comprehensive gang model in nonmetropolitan areas were Glenn County, Calif, Mt. Vernon, Ill., Elk City, Okla., and Cowlitz County, Wash.

³⁹Results of program evaluations that have been completed on these programs are discussed later in the report.

Table 2: OJJDP Anti-Gang Grant Programs That Were Currently Funded as of January 2009

Anti-Gang demonstration grant program	Purpose	Status	Funding level	Communities awarded funding
Gang-Free Schools and Communities	To build on accomplishments of anti-gang efforts since 1994, increase knowledge about youth gangs, and demonstrate successful gang prevention and intervention activities.	As of March 2009, all grant funds were expended. Some communities were continuing some aspects of the program with local funding sources.	\$1.05 million awarded to each pilot site in 2001. An additional \$205,000 for Houston, Tex. and Pittsburgh, Pa. in 2007.	Gang-Free Communities was funded in six communities: Broward County, Fla.; Lakewood, Wash.; East Los Angeles, Calif.; Louisville, Ky.; San Francisco, Calif.; and Washington, D.C. Gang-Free Schools was funded in four other communities: East Cleveland, Ohio; Houston, Tex., Miami/Dade County, Fla.; and Pittsburgh, Pa.
Gang Reduction Program	To reduce gang activity in targeted communities by addressing personal, family, and community factors with a relationship to juvenile delinquency and gang involvement.	The anticipated project end date for Richmond, VA; Los Angeles, CA; and North Miami Beach, FL is September 30, 2009. Milwaukee, Wisc. no longer receives grant funds.	\$2.5 million awarded to each pilot site in 2003. An additional \$200,000 for Los Angeles, Calif. and Richmond Va. in 2006.	Richmond, Va; Los Angeles, Calif.; Milwaukee, Wisc.; and North Miami Beach, Fla.
Gang Prevention Coordination Assistance Program	To facilitate coordination of community-based gang prevention and intervention programs with local law enforcement by funding a coordinator position.	Funded beginning in fiscal year 2007.	\$2.3 million awarded in fiscal year 2008. Grants received ranged by community from about \$169,000 to \$200,000.	Multiple locations. Twelve grant awards made in fiscal years 2007 and 2008. In January 2009, OJJDP announced it was seeking applications for fiscal year 2009 and would award 12 grants of up to \$200,000.

Source: GAO analysis of OJP data.

BJA's Comprehensive Anti-Gang Initiative Is the Largest Current Anti-Gang Program

The Comprehensive Anti-Gang Initiative administered by BJA is the largest currently funded anti-gang program. The initiative was announced in 2006 as an extension of Project Safe Neighborhoods (PSN), which has the broader goal of reducing violent crime in communities.⁴⁰ The Comprehensive Anti-Gang Initiative was designed to build on successes in the Project Safe Neighborhoods program by stressing the importance of collaboration among federal, state, and local law enforcement and community organizations. The initiative provided grant funding to sites in the following three areas: (1) law enforcement; (2) programs to prevent youth from joining gangs or remaining affiliated with gangs; and (3) services for former gang members re-entering the community after prison terms. Specifically, each community awarded funds under the initiative received a total grant of \$2.5 million to be used over 3 years. Of the \$2.5 million in grant funding, \$1 million was to be spent on law enforcement; \$1 million on prevention and intervention activities; and \$0.5 million to create reentry assistance programs for transitional housing, job readiness and placement assistance, and substance abuse and mental health treatment to prisoners re-entering society. By incorporating these three components into the grant program, DOJ intends to address gang membership and gang violence at every stage. The following 12 locations received grant awards from fiscal year 2006 through fiscal year 2008:

- Fiscal year 2006 grantees: Los Angeles, Calif.; Tampa, Fla.; Milwaukee, Wisc.; Cleveland, Ohio; an area of Pennsylvania encompassing communities from Easton to Lancaster, Pa.; and Dallas/Fort Worth, Tex.
- Fiscal year 2007 grantees: Oklahoma City, Okla.; Raleigh/Durham, N.C.; Rochester, N.Y.; and Indianapolis, Ind.

⁴⁰Project Safe Neighborhoods (PSN) is a national initiative established in 2001 to develop, implement, and evaluate data-driven violence reduction strategies in communities and improve the long-term prevention of gun violence. Since 2001, about \$2 billion in federal funds have been allocated. The annual PSN funding level declined from about \$19 million in fiscal year 2007 to \$13.6 million in fiscal year 2008 awarded to organizations in the United States and its territories. Fiscal year 2008 PSN awards ranged from a high of about \$583,000 to the California Governor's Office of Emergency Services to a low of about \$52,000 to the St. Thomas-St John, Virgin Islands Chamber of Commerce. Funds are used for purposes including hiring additional prosecutors and assisting state and local jurisdictions in support of training and community outreach efforts. Project Safe Neighborhoods initiatives typically involve U.S. Attorneys working with local law enforcement to implement programs to increase enforcement of federal firearms laws and prosecution of violent organizations. Some Project Safe Neighborhood programs address gang crimes.

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- Fiscal year 2008 grantees: Chicago, Ill., and Detroit, Mich.

Communities Have Used Federal Anti-Gang Grants for Different Approaches and Programs

Communities that received grants from OJJDP and BJA had flexibility in determining how to allocate and use grant funding and used the funding in support of different anti-gang approaches and programs, including intervention activities directed specifically to at-risk youth and prevention activities designed to benefit a range of residents in the targeted communities. Examples of activities initiated by OJJDP-funded communities in locations we visited include:

- A summer program with activities for youth and families at city parks that stayed open until midnight.—Los Angeles, Calif.
- A full range of services for gang-affiliated offenders who had been incarcerated and were returning to the community. Services available included training in adult literacy and anger management, substance abuse prevention, housing assistance, and job placement.—Dallas, Tex.
- Parenting classes and prenatal and infant health care services.—Richmond, VA
- Youth mentoring programs.—Durham, N.C.

The way communities chose to distribute grant funds also differed. Some communities chose to distribute a larger amount of funds to a small number of subgrantees and participants, whereas other communities chose to distribute smaller funding amounts to a larger number of subgrantees and/or serve large numbers of people. Officials in Pittsburgh, Pa., and Richmond, Va., who participated in OJJDP's Gang-Free Schools and Communities Program and the Gang Reduction Program, respectively, provided examples of how funds were allocated in their communities.

- In Pittsburgh, Pa., the Gang-Free Schools and Communities project served about 100 boys in the area where the highest incidents of violent gang activity were reported. This target area was also heavily affected by poverty, unemployment, and social disorganization. The participants were identified by the schools or other community organizations as being "gang-involved" and were provided with prevention and intervention services. Services include an after-school program and a mentoring program, as well as substance abuse treatment and employment services.
- In Richmond, Va., the Gang Reduction and Intervention Program was broader in scope, serving youth with a range of services from medical care

to job training based on their needs. Officials stressed the importance of the assessment phase of the program. The officials developed a resource inventory tool to assess resource availability and gaps that has been shared with other communities nationwide. Richmond was using both proven and new programs in two target areas of the city to work on gang prevention and intervention issues. For example, the officials said that one of their subgrantees, the Boys and Girls Club, had a proven track record in successfully implementing gang prevention and intervention programs, but that they had also supported more than 60 other promising programs through the grant, ranging from small faith-based groups to larger community organizations. The grant had been used to provide services to a large number of young people and other residents, and it resulted in collaborative partnerships among social service agencies and community service providers and, to an extent, between law enforcement and social service agencies. Figure 10 shows several services and programs that received funding under the grant.

Figure 10: Services and Programs Funded Under the Richmond, Virginia, Gang Reduction and Intervention Program



Source: Va. Attorney General's Office, Richmond, Va.

Clockwise From Top Left: At-risk youth participate in a summer Cal Ripken Baseball Camp; Richmond police and Gang Reduction and Intervention Program staff donated 300 gifts to children in targeted neighborhoods for the 2008 holiday season; and owners of an apartment complex in the target area donated use of an apartment for the Richmond Gang Reduction and Intervention Program to offer medical and social services to residents.

Communities we visited that received funding under the Comprehensive Anti-Gang Initiative also were using, or planned to use, the grants for a wide variety of activities.⁴¹ For example, in Dallas, Tex., program officials said that gang prevention activities would take place primarily in schools. The officials planned to use the law enforcement component of the initiative for police overtime for operations designed to get gang members off of the streets in targeted areas. The re-entry component funds were to be used to implement a comprehensive strategy to assist offenders to prepare for release while still in prison and then offer services on their release from prison. In Tampa, Fla., the city's "Gang Out" program provided many prevention activities. For example, in June 2008, more than 1,200 at-risk youth aged 7 to 14 in nine neighborhoods identified as "hot spots" for gang activity were participating in "Gang Out" programs. Children were referred to the program by law enforcement, social services, school officials, parents, or others, and they were provided access to a variety of structured services and activities according to their needs (i.e. mental health counseling, tutoring, mentoring, field trips, and participation on sports teams). Tampa officials said they were using the law enforcement portion of the grant to help pay overtime for law enforcement task forces investigating gang crime, and to develop a database to facilitate information sharing among federal, state, and local law enforcement agencies. Re-entry funding was being used to provide counseling, job placement assistance, housing, and other services to ex-gang members about to exit prison and return to the Tampa area. Figure 11 shows one young Gang-Out participant at work on an anti-gang mural and the mural the young people completed.

⁴¹Some communities we visited were still in the planning phase of their grant and had not yet implemented programs.

Figure 11: At-Risk Youth Design and Complete an Anti-Gang Mural in Tampa, Florida, as Part of the Comprehensive Anti-Gang Initiative



Source: Hillsborough County, Fla. Gang Out Program.

DOJ Reported Lessons Learned and Grant Recipients Reported Benefits, but Projects Had Mixed Results and Were Difficult to Sustain

DOJ sponsored evaluations of OJJDP grant programs that reported both benefits and challenges faced by communities in implementing comprehensive anti-gang models and awarded a contract to Michigan State University for a national evaluation of BJA's Comprehensive Anti-Gang Initiative. Cosmos Corporation completed an evaluation of the Gang Free Schools and Communities program in November 2007.⁴² The Urban Institute completed an interim evaluation of the Gang Reduction Program in May 2008.⁴³ The final evaluation of the Gang Reduction Program was not completed in April 2009 as scheduled because OJJDP officials said that the evaluators were waiting to receive additional data from one demonstration site and anticipated that the evaluation would be completed in 2009. The officials did not provide a revised estimated completion date for the evaluation. Officials said that no evaluation component of the Gang Prevention Coordination Assistance Program was funded because funding levels awarded to communities for gang prevention coordinator positions were relatively small amounts of \$200,000 or less. With respect to BJA's

⁴²Cosmos Corporation for Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *National Evaluation of the Gang-Free Schools Initiative* (Washington, D.C.: Nov. 30, 2007).

⁴³Urban Institute for Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Community Collaboratives Addressing Youth Gangs, Interim Findings from the Gang Reduction Program* (Washington, D.C.: May 15, 2008).

Comprehensive Anti-Gang Initiative, Michigan State University is expected to complete an interim report in late 2009 and provide it to NIJ, the OJP component handling the evaluation of the program.

According to DOJ-sponsored evaluations, grant recipients benefited in various ways from the grant programs. First, grant recipients received federal funds to implement gang enforcement, prevention, intervention, and reentry programs that they might otherwise not have been able to implement. These programs benefited those individuals who participated in them. For example, the evaluation of the Gang-Free Schools and Communities Program found that each of the four communities awarded grants implemented the programs according to requirements by providing outreach and social services to at least 100 youth in targeted communities and neighborhoods. The youth served ranged in age from 12 to 24 years with a median age of 16.2 years, and 75 percent of the participating youth were gang members. Second, grant recipients received technical assistance and support from OJJDP and BJA to implement their approaches to addressing gangs. For example, the interim evaluation of the Gang Reduction Program found that significant implementation successes were achieved at all four of the sites. Each grantee developed strategic plans consistent with target area needs and problems and achieved broad participation in planning the program. Communication about gang issues within the target area and among participating organizations generally improved over the course of the program. Third, as a result of having federal funds and participating in a grant program, sites obtained needed leverage to bring together a wide range of stakeholders, such as law enforcement agencies, social service providers, and faith-based and community groups, to address communities' gang problems.

Despite these benefits, the projects reported mixed results in achieving reductions in gang crime. For example, evaluations of OJJDP-funded programs—the Gang-Free Schools and Communities Program and the Gang Reduction Program—showed that, while grantees were successful in doing strategic planning, forming community partnerships, and implementing programs, and their experiences offered insights on best practices, they found little evidence that the programs effectively reduced youth gang crime. In particular, the Gang-Free Schools and Communities Program evaluation concluded that while some measures of gang crime decreased and each location had anecdotal evidence of success with some individuals, overall, the program had little positive effect on the targeted youth who participated in the programs. Similarly, the preliminary evaluation of the Gang Reduction Program found that the program had not achieved its goal of reducing gang crime. One location, Los Angeles, Calif.,

had a decrease in gang crime rates. The other locations had no changes or slight increases in gang crime after program implementation.

In addition, communities that received funding under OJJDP's grants to demonstrate the Comprehensive Community-Wide Anti-Gang Model faced difficulties in sustaining their programs after federal funding ended. No sites that received grant funds under the Rural Gang Initiative sustained the project with local funding or new grants after federal funding ended. Likewise, by 2004, all of the communities that had received funding under the Gang-Free Communities program had used all of the federal funding allocated and could not continue the programs with other funding sources. Of communities that received funding under the Gang-Free Schools program, Cleveland, Ohio did not sustain the program, however, as of March 2009, three other communities that received grants were sustaining at least some parts of their programs with other sources of funding. For example, the Houston, Tex., and North Miami Beach, Fla., programs received city funds; and the Pittsburgh, Pa., program received funding from the School Board and Project Safe Neighborhoods. The project coordinator in Pittsburgh, Pa., noted that sustainability is a great challenge. According to the coordinator, sustaining a program that targeted and enrolled about 100 gang-involved youth who lived or attended school in the target area once federal funding expires was definitely possible. However, expanding the program was a concern. For example, the coordinator wanted the project to be able to serve girls in addition to boys and increase efforts to provide services to youth reentering the community after being detained in juvenile facilities, but she had not identified funding sources to do so. Finally, OJJDP reported that very little planning for sustainability of projects and services funded by the Gang Reduction Program had taken place by 2006; however, in 2007, OJJDP reported that three of the four communities that were awarded funding under the Gang Reduction Program had taken steps toward sustaining at least portions of the initiative beyond the federal funding period. For example, in North Miami Beach, Fla., the initiative was incorporated as a nonprofit organization in 2007 and in Richmond, Va., partnerships with the Office of the Attorney General and Richmond Police Department ensured that some efforts would be sustained.

DOJ has not yet made decisions about whether to expand existing anti-gang grant programs or fund new programs in the future. In particular, OJJDP and BJA officials told us that the department has not yet made decisions about priorities and availability of funding for future anti-gang programs. As of March 2009, OJJDP officials said that in the short term, no plans are in process for funding future demonstration projects of the

Comprehensive Community-Wide Gang Program Model because OJJDP plans to use the funding it has available to provide information and technical assistance to communities nationwide to assist them in implementing community-based anti-gang efforts using lessons learned from the demonstration projects that have been completed or are underway. To this end, in 2008, DOJ published a report on best practices to address community gang problems based on OJJDP's comprehensive gang model and lessons learned from the demonstration projects.⁴⁴ The report is available to interested communities through OJJDP's Web site, and OJJDP officials said that they had discussed aspects of the report with officials of communities that were interested in implementing the model. According to OJJDP officials, communities in Nevada, Oklahoma, Utah, and North Carolina are developing anti-gang programs based on OJJDP's recommendations without federal funding, and have consulted OJJDP for information on best practices and lessons learned. Since these programs are all in the planning stages, it is too early to tell whether they will be successfully implemented, reduce youth gang crime, and be sustainable by the communities without federal funding. With regard to the Comprehensive Anti-Gang Initiative, the BJA-sponsored evaluation of sites funded under this program has not yet been completed, but the evaluation will include assessments of programs' outcomes and sustainability, among other things. As of April 2009, BJA officials said that the agency does not currently plan to fund additional locations under the initiative in the short term and that results achieved in the communities currently funded under the program would be considered in making any future determination of whether to expand federal funding for the initiative to additional communities, and whether it is feasible for communities to implement the model without federal funding.

Conclusions

Gangs have spread across community, state, and regional boundaries to become a national problem, requiring federal agencies to strengthen their coordination and collaboration on anti-gang programs and initiatives to combat gang crime and violence. Carrying out gang enforcement, prevention, and intervention efforts that involve multiple agencies with varying jurisdictions and missions is not an easy task, especially since agencies have limited resources and, in most cases, competing priorities. Federal agencies have taken positive actions to coordinate their anti-gang

⁴⁴Department of Justice, *Best Practices to Address Community Gang Problems: OJJDP's Comprehensive Gang Model* (Washington, D.C., 2008).

programs and initiatives and share information about gang threats and multijurisdictional investigations. However, these actions have not addressed all possible gaps or unnecessary overlaps in anti-gang programs, nor have they addressed all of the challenges identified in this report. Further actions by DOJ and DHS would enhance and sustain their collaboration in combating gangs. In particular, differentiation of the roles, responsibilities, and missions of headquarters-level gang coordination entities—including the MS-13 National Gang Task Force, NGIC, and GangTECC—could enhance DOJ and DHS’s collaboration in combating gang crime and reduce the potential for expending resources on overlapping missions. Moreover, DOJ and DHS could strengthen their efforts to more fully involve ICE in the task force review and approval process. In addition, to assist Congress, federal agencies, and other stakeholders in understanding and assessing gang enforcement efforts, additional actions are needed on the part of DOJ and DHS to improve performance measurement and evaluation. More specifically, consensus is needed on a shared definition of “gang” and other related terms to help federal law enforcement agencies improve their collection, evaluation, and reporting on gang enforcement efforts. For DOJ, a departmentwide performance measure for gangs is needed to help the department and Congress track the progress of the department’s overall gang enforcement efforts. Additionally, at a component level, additional monitoring of the extent to which USAOs track and record gang-related case information is needed to ensure accurate reporting of such information within DOJ and to external stakeholders, such as Congress.

Recommendations for Executive Action

To strengthen federal agencies’ coordination of anti-gang efforts; help reduce gaps or unnecessary overlaps in federal entities’ roles and responsibilities; and assist the department, Congress, and other stakeholders in assessing federal gang enforcement efforts, we recommend that the Attorney General take the following three actions:

- direct DOJ law enforcement agencies that lead or participate in the headquarters-level anti-gang coordination entities—including GangTECC, NGIC, the Anti-Gang Coordination Committee, and the MS-13 National Gang Task Force—to, in consultation with DHS, reexamine and reach consensus on the entities’ roles and responsibilities, including identifying and addressing gaps and unnecessary overlaps;
- develop a departmentwide, strategic-level performance measure for the department’s anti-gang efforts; and

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- direct EOUSA to periodically review gang-related case information entered by USAOs into the case and time management systems to ensure more accurate and complete reporting of USAOs' gang-related cases.

We also recommend that the Attorney General and the Secretary of Homeland Security jointly take the following two actions:

- ensure that ICE is part of the process for reviewing and approving the creation of new anti-gang task forces and
- jointly develop a common or shared definition of “gang” for use by DOJ, DHS, and component agencies for reporting purposes.

Agency Comments and Our Evaluation

In providing written comments on a draft of this report, DOJ concurred with three of our five recommendations and stated that it will consider the other two recommendations. DHS concurred with the two recommendations directed to DHS. DOJ and DHS provided information on steps they were taking or planning to take to address the recommendations.

First, DOJ concurred with our recommendation to, in consultation with DHS, reexamine the roles and responsibilities of four DOJ headquarters anti-gang coordinating entities, including identifying and addressing any potential gaps and unnecessary overlaps. DOJ commented that this role is performed by the Anti-Gang Coordination Committee and that the department will continue to work with ICE, the headquarters-level anti-gang entities, and other DOJ agencies to identify and address gaps and unnecessary overlaps.

Second, DOJ stated that the department will consider the recommendation to develop a departmentwide strategic-level performance measure for its anti-gang efforts as part of its strategic planning process. DOJ stated that it is in the initial stages of developing its next strategic plan and that it is too early in the planning process to state for certain that such a measure would be included. DOJ commented that senior leadership will consider including such a measure and that it recognizes that gangs are a major factor in many crimes and that it is possible that raising the visibility of DOJ's efforts to combat gangs would weigh in favor of including such a measure. Given that efforts to address gangs have been a major part of DOJ's overall approach to combating violent crime, we continue to believe that a departmentwide performance measure for gangs would help DOJ

and Congress track the progress of the department's overall anti-gang efforts.

Third, DOJ concurred with our recommendation for EOUSA to review the case and time management systems of the USAOs to ensure more accurate and complete reporting of their gang-related cases and noted that beginning in fiscal year 2010, USAOs will be specifically required to enter gang-related information into the data management systems accurately and in a timely manner. According to DOJ, compliance with this requirement will be measured in performance evaluations of each USAO approximately every 3 years by evaluation and review staff. We believe this is a positive step that could help DOJ strengthen the completeness and accuracy of USAOs' data on gang-related cases.

Fourth, DOJ and DHS concurred with our recommendation to ensure that ICE is part of the process for reviewing the creation of new anti-gang task forces. DOJ and DHS said they would work on implementing a procedure for reviewing the creation of new anti-gang task forces, and DOJ outlined steps it has begun to take to address this recommendation. Specifically, in a letter dated July 17, 2009, the Deputy Attorney General formally extended an invitation to ICE to be a member of the Anti-Gang Coordination Committee and its Taskforce Review Subcommittee and to be afforded the same level of review as participating DOJ law enforcement agencies.

Finally, DOJ agreed that a shared definition of "gang" for use by DOJ, DHS, and component agencies for reporting purposes would facilitate data collection and evaluation efforts and stated that it would broaden the discussion on whether to develop such a common definition to include DHS, and, specifically, ICE; however DOJ also noted some technical and operational challenges to implementing a uniform definition, including consideration of possible implementation costs. DOJ noted that it will use the Anti-Gang Coordination Committee as a forum to jointly consider a common definition or otherwise develop an effective performance measurement system for anti-gang activities. DHS concurred with the recommendation. We agree that it is important for DOJ to consider the costs in implementing a common definition for "gang" as it explores this issue with DHS through the Anti-Gang Coordination Committee. We continue to believe that a shared definition of "gang" would help agencies improve their collection, evaluation, and reporting of gang enforcement efforts.

DOJ's and DHS's written comments are contained in appendices V and VI, respectively. We also incorporated technical comments provided by DOJ, DHS, and component agencies as appropriate.

We are sending copies of this report to the Attorney General and the Secretary of the Department of Homeland Security, selected congressional committees, and other interested parties. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>. Please contact Eileen Larence at (202) 512-8777 if you or your staff have any questions concerning this report. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix VII.

Sincerely yours,



Eileen R. Larence
Director, Homeland Security and Justice Issues

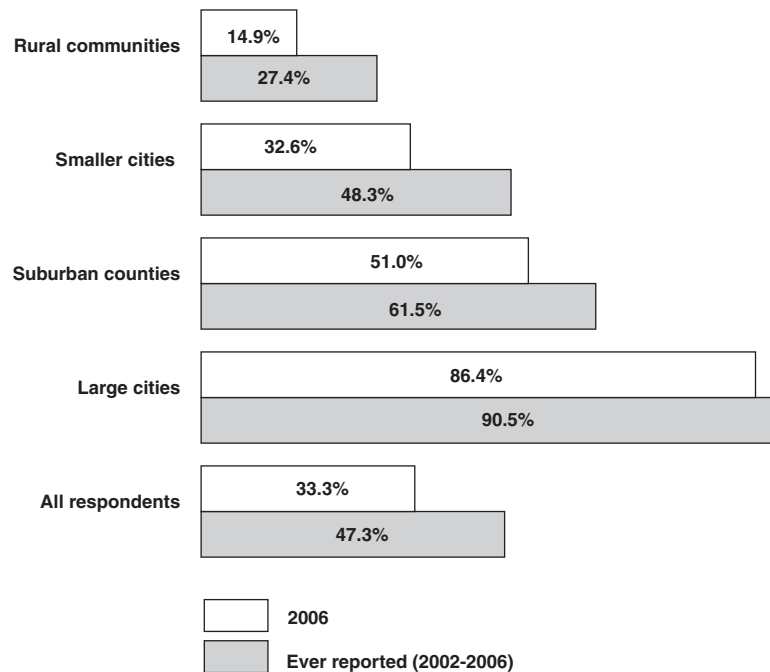
Appendix I: Nature and Scope of Gang and Gang Crime in the United States

Department of Justice Assessments Identify Gang Crime Problems Nationwide from Large Cities to Rural Communities

Historically, gang crime has been associated with urban areas of the country. However, as shown in figure 12, Department of Justice (DOJ) National Youth Gang Surveys from 2002 through 2006 showed that youth gangs are a problem not only for inner cities, but for surrounding suburbs and rural areas, as well.¹

Figure 12: National Youth Gang Surveys (2002 to 2006)

Percentage of Law Enforcement Agencies Reporting Youth Gang Problems 2002-2006



Source: 2006 National Youth Gang Survey.

¹U.S. Department of Justice and National Alliance of Gang Investigators Associations, *2005 National Gang Threat Assessment*, (Washington, D.C.: 2005); and U.S. Department of Justice, National Gang Intelligence Center and National Drug Intelligence Center, *2009 National Gang Threat Assessment* (Washington, D.C.: January 2009). The 2007 National Youth Gang Survey did not report on gang problems ever reported in rural communities, but found the 15 percent of agencies that serve rural counties reported experiencing youth gang problems in 2007.

The surveys found that respondents who reported gang problems in their jurisdictions reported increases in various categories of gang-related crime, as well. More than half of respondents with gang problems reported increases from 2004 to 2006 in gang-related aggravated assaults and drug sales. Some respondents also reported increases in gang-related robberies, larceny/theft, burglary, and auto theft. In 2007, jurisdictions reported the highest annual estimate of youth gang problems since before 2000, with 86 percent of law enforcement agencies serving larger cities, 50 percent of suburban counties, 35 percent of smaller cities, and 15 percent of rural counties reporting that they experienced problems.

In 2005 and 2009, DOJ reported on the gang threat nationally and by region to assist policymakers and law enforcement agency administrators understand the dimensions of the problem and assist them in facilitating policy and allocating resources to address it.² The following were some trends the reports identified.

- 58 percent of state and local law enforcement agencies reported criminal gangs were active in their jurisdictions in 2008 compared with 45 percent of state and local agencies in 2004.
- Local street gangs, or neighborhood-based street gangs, remained a significant threat because they continue to account for the largest number of gangs nationwide. Most engage in violence in conjunction with a variety of crimes, including retail-level drug distribution.
- Gangs remain the primary retail-level distributors of most illicit drugs throughout the United States. They are also increasingly distributing wholesale-level quantities of marijuana and cocaine in most urban and suburban communities.
- Criminal gangs commit as much as 80 percent of the crime in many communities, according to law enforcement officials throughout the nation.
- Gang members are becoming more sophisticated in their use of computers and technology. These new tools are used to communicate, facilitate

²U.S. Department of Justice and National Alliance of Gang Investigators Associations, *2005 National Gang Threat Assessment*, (Washington, D.C.: 2005); and U.S. Department of Justice, National Gang Intelligence Center and National Drug Intelligence Center, *2009 National Gang Threat Assessment* (Washington, D.C.: January 2009).

criminal activity, and avoid detection by law enforcement. Many gang members use the Internet to recruit new members and to communicate with members in other areas of the United States and in foreign countries.

- Forming multi-agency task forces and joint community groups is an effective way to combat the problem. However, decreases in funding and staffing to many task forces have created new challenges for communities.

Composition, Size and Criminal Activities of Four Major National-Level Street Gangs

Major national-level street gangs include the Bloods, Crips, and Mara Salvatrucha, or MS 13, and 18th Street. Brief descriptions of the composition, size, and criminal activities of these four national gangs follow.

Bloods. Bloods members are predominantly African American males. Membership estimates range from 5,000 to 20,000 members in 37 states. Bloods members are involved in distribution of drugs, including cocaine; methamphetamine; heroin; and marijuana, and they are involved in many other criminal activities, including assault, auto theft, burglary, car jacking, drive-by shooting, extortion, homicide, and identification theft.

Crips. Crips members are also predominantly African American males. Membership is estimated to be 30,000 to 35,000 members in 41 states. Crips members engage in street-level distribution of powder and crack cocaine, marijuana, and PCP and are involved in other criminal activity such as assault, auto theft, burglary, and homicide.

MS-13. MS-13 is an Hispanic street gang estimated to have 8,000 to 10,000 members in at least 38 states. MS-13 is an international gang with an estimated 30,000 to 50,000 members worldwide. Traditionally in the United States the gang consisted of loosely affiliated groups; however, law enforcement officials have reported the coordination of criminal activity among MS-13 members operating in Atlanta, Dallas, Los Angeles, New York, and Washington, D.C. metropolitan areas. MS-13 members smuggle drugs into the United States and transport and distribute them throughout the country. Some members are also involved in alien smuggling, assault, drive-by shooting, homicide, identification theft, prostitution operations, robbery, and weapons trafficking.

18th Street. 18th Street formed in Los Angeles, Calif., but now has an estimated membership of 30,000 to 50,000 in 28 states. In California, about 80 percent of its members are illegal aliens from Mexico and Central America. Gang members are involved in retail-level distribution of cocaine

and marijuana, and, to a lesser extent, heroin and methamphetamine. They also commit assault, auto theft, car jacking, robbery, identification fraud, and homicide.

Impacts of National-Level Street Gangs and Local Neighborhood Gangs in Localities Visited

Interviewees in 8 of the 15 localities we visited reported the presence of organized national-level street gangs in their communities in addition to local neighborhood gangs, while officials in 8 localities said that local neighborhood gangs were the primary source of gang-related crime. In all of the localities, officials attributed a wide range of violent crimes and other criminal activities to gangs.

Interviewees in Baltimore, Md.; Los Angeles, Calif.; Chicago, Ill.; Dallas, Tex.; Durham, N.C.; Brooklyn and Manhattan, N.Y.; and Newark, N.J., said that organized national-level gangs are active in their communities. The level of organization and hierarchy of the national gangs varied from location to location.

The following are three examples of descriptions by interviewees of how national gangs impact their communities:

Los Angeles, Calif.: The city and the eight surrounding counties have about 150,000 gang members linked to 1,000 different gangs. The gangs are very aggressive and violent. Twenty years ago, the Bloods and Crips were the national gangs in control. Now, MS-13 and other Hispanic street gangs, as well as Asian and East European gangs are emerging with sophisticated structures like organized crime groups. Gangs are developing increasingly sophisticated tools to engage in criminal enterprise. For example, Eastern European and other ethnic gangs appear to be active in white collar crimes such as identify theft and credit card and health care fraud. Hispanic gangs have affiliated with international drug trafficking organizations, and an African American gang is engaged in extortion of money from small business owners.

Chicago, Ill.: The city has a long history of gang activity that spans generations. The police department has identified families in which grandparents, parents, and children had all affiliated with gangs. The city police estimate 70,000 to 100,000 gang members in the area. Some gangs have as many as 10,000 members. Gangs here are large, territorial, and highly organized with written rules and a reporting structure to national gang leaders. Gangs control the retail drug trade. Gangs have corrupted local officials by having

members serve as election workers at polling places. The city has experienced cases of police corruption by gang members and gang members employed by the police department and prisons.

Newark, N.J.: Ten different sects of Bloods have been identified here. They fight each other but occasionally align against the Crips. The relationship between drugs and gangs is strengthening. Gang membership is rising as various gangs establish territory and relationships with narcotics trafficking markets in urban areas and more recently establishing transportation routes to suburban and rural markets in other states.

Interviewees in the other 7 of the 15 localities we visited described the gangs in their area as primarily neighborhood or street-based. Officials in Atlanta, Ga.; Cleveland, Ohio; Milwaukee, Wisc.; Pittsburgh, Pa.; Raleigh, N.C.; Richmond, Va.; and Tampa, Fla., said that gangs present in their areas were primarily local street gangs. In some areas the local gangs loosely identified with national organizations by, for example, wearing the colors of the Bloods; however officials said that they did not communicate closely with the national gang hierarchies. Officials described gang organizations that were fluid and rapidly changing. Officials said that local gangs can literally take over neighborhoods. They are no less violent than national gang members. For example, officials in Newark, N.J., and Brooklyn, N.Y., said that in areas where both national and street gangs were present, the local gangs were violent and intimidating enough to hold their territory against the national gangs. The following are three examples from officials we interviewed of the composition, size, and criminal activities of the neighborhood gangs in their localities, and how they impact their communities.

Pittsburgh, Pa.: The big problem here is with neighborhood street gangs that are involved in drug trafficking and retaliation against witnesses and rival gangs. A recently completed survey determined that affiliations with national gangs do not exist. Gangs are relatively small, usually 10 to 25 members, and are typically affiliated by neighborhood or street block. Some gang sets have adopted the names of streets where their members live. Gang members are predominantly young, with ages from early teens to twenties.

Richmond, Va.: Gangs are widespread in the city. The major problem is “home-grown” gang members, many of whom have gone to prison and come back to the community. Because they see no

other options, siblings and children of older gang members follow in family footsteps and join local gangs. Crimes committed by these groups include vandalism, murder, assault, and drive-by-shootings.

Tampa, Fla.: The gang problem is mostly local. Some gangs operate within the city limits and some in the outlying county. The entire area has about 3,000 gang members. Gang members who live outside of the area also come into the beach, so the police and sheriff's departments spend time tracking gangs that are not local. Gangs cross geographic, racial, and cultural boundaries. They are not closely affiliated with national organizations, although national gang groups do come through the area. The gangs are extremely violent as they fight for control of turf and control of the drug trade. Newly arriving immigrants, who tend to carry large amounts of cash and face language barriers, are susceptible to being victimized and may turn to Hispanic gangs for protection and support.

Appendix II: Federal Statutes Used in Gang-Related Prosecutions

Most criminal cases involving gang members are prosecuted by state and local prosecutors; however the Department of Justice (DOJ), through its Criminal Division and U.S. Attorneys, brings federal charges under a number of different federal statutes against gang members. U.S. Attorneys prosecute most federal gang-related crimes, and the Criminal Division prosecutes or assists U.S. Attorneys in prosecuting gang cases of national significance or those that involve national gangs operating across United States Attorneys Office (USAO) jurisdictions (e.g. Bloods and MS-13). Officials in 15 USAOs we visited said that U.S. Attorneys' guidelines on the types of gang cases that warrant federal prosecution are generally those involving the most violent and dangerous gang members and gangs located in the USAO districts.¹

Federal statutes under which gangs members are prosecuted fall into three categories:

- criminal drug, firearm, and other violent crime statutes where the unlawful acts are not specifically related to membership in a gang;
- broad statutes under which criminal enterprises—including gangs—may be prosecuted; and
- enhanced penalties added to the criminal convictions of defendants who are gang members.

Federal Prosecutors Most Frequently Reported Using Criminal Drug, Firearm, and Violent Crime Statutes to Prosecute Gang Members

Officials in the 15 USAOs we visited most frequently reported prosecuting gang members under statutes for offenses involving drugs, firearms, and violent crimes. These offenses are related to the criminal acts the gang members have committed and not their gang membership specifically.² Officials noted the following reasons that they frequently prosecuted gang cases under these criminal statutes:

¹For example, in one USAO, a prosecutor explained that the goal for his office was to regain stability in neighborhoods where local law enforcement had lost control and citizens were threatened by gangs engaged in violence and drug trafficking. Once stability was restored, state and local prosecutors and police were to resume primary responsibility for gang-related prosecutions.

²As discussed in the body of this report, USAOs do not consistently maintain data on the number of gang-related cases prosecuted under various criminal statutes.

Appendix II: Federal Statutes Used in Gang-Related Prosecutions

- evidence to support such charges is relatively easy for juries to understand;
- investigative and prosecutive resources required to build the cases are not as great as for organized criminal enterprise prosecutions; and
- penalties and prison sentences for convictions can be substantial.

Table 3 lists the offense and code section, the statutory elements of the offense, and penalties for conviction for the federal statutes USAO officials said they used frequently to prosecute gang members.³

Table 3: Federal Criminal Statutes Frequently Used to Prosecute Gang Members

Federal criminal statute	Elements of the offense	Penalties for conviction ⁴
Unlawful receipt, transportation or possession of firearms or ammunition; Armed career criminal, 18 U.S.C. §§ 922(g)(1), (5), 924(e).	Shipping or transporting in interstate or foreign commerce, or possessing in or affecting commerce, any firearm or ammunition; or receiving any firearm or ammunition which has been shipped or transported in interstate or foreign commerce by a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year [felony conviction]; or an alien illegally or unlawfully in the United States or admitted under certain nonimmigrant visas, except in certain circumstances.	Up to 10 years imprisonment for a knowing violation. In the case of a person who has three previous convictions for a violent felony or a serious drug offense, the term of imprisonment shall be not less than 15 years.
Use of a firearm during or in relation to certain crimes, 18 U.S.C. § 924(c).	During and in relation to any crime of violence or drug trafficking crime, using or carrying a firearm, or possessing a firearm in furtherance of any such crime.	In addition to the punishment for the crime of violence or drug trafficking crime, a consecutive term of imprisonment of not less than 5 years; not less than 7 years if the firearm is brandished; and not less than 10 years if the firearm is discharged. Additional penalties up to not less than 30 years imprisonment are included depending on the type of firearm possessed and prior conviction under this subsection.

³This list is not exhaustive; other federal criminal statutes are also used to prosecute gang-related crimes.

⁴Penalties listed include terms of imprisonment and do not include other penalties, such as fines and terms of supervised release.

Appendix II: Federal Statutes Used in Gang-Related Prosecutions

Federal criminal statute	Elements of the offense	Penalties for conviction⁴
Robbery and extortion, 18 U.S.C. § 1951.	Robbery or extortion or attempting or conspiring to do so, or committing or threatening physical violence in furtherance of a plan or purpose to do the same, affecting interstate commerce.	Up to 20 years imprisonment.
Bank robbery and incidental crimes, 18 U.S.C. § 2113(a), (d).	(1) By force and violence, or by intimidation, taking, or attempting to take, from the person or presence of another, or obtaining or attempting to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association; or (2) Entering or attempting to enter any bank, credit union, or any savings and loan association, or any building used in whole or in part as such, with intent to commit therein, any felony affecting such bank or such savings and loan association and in violation of any statute of the United States, or any larceny.	Up to 20 years imprisonment. An additional maximum penalty of up to 25 years imprisonment is applicable where in committing, or in attempting to commit, the offense, the defendant assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device.
Carjacking, 18 U.S.C. § 2119	With the intent to cause death or serious bodily harm, taking a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or attempting to do so.	Up to 15 years imprisonment; up 25 years imprisonment if serious bodily injury results.
Unlawful manufacturing or trafficking (including possession with intent to commit these offenses); Attempt or conspiracy, 21 U.S.C. §§ 841(a)(l), 846.	Knowingly or intentionally manufacturing, distributing, or dispensing, or possessing with intent to manufacture, distribute, or dispense, a controlled substance; attempt or conspiracy to do the same.	Up to life imprisonment depending on the type of drug and amount, prior felony drug conviction, and other factors.

Source: GAO analysis of information from USAOs.

Organized Crime Statutes Allow for Focus on the Criminal Activities of Entire Gangs, but Prosecutions Can Be Resource Intensive, Time Consuming, and Complex

In some instances, USAOs use two broad federal statutes—the Racketeer Influenced and Corrupt Organizations (RICO) Act and the Violent Crimes in Aid of Racketeering (VICAR) Act—to prosecute criminal enterprise organizations. While RICO was originally enacted to dismantle organized crime groups such as the Mafia, prosecutors have successfully used it to bring cases against members of organized gangs. RICO prohibits the commission of a pattern of racketeering activity to invest in, maintain an interest in, or participate in, directly or indirectly, an enterprise, the activities of which affect interstate or foreign commerce; it also prohibits

conspiracy to commit any of these activities.⁵ The second statute, VICAR, was intended to supplement RICO and makes it unlawful to commit any of a list of violent crimes in return for anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of joining, remaining with, or increasing a position in such an enterprise.⁶ The listed violent crimes are murder, kidnapping, maiming, assault with a dangerous weapon, assault resulting in serious bodily injury, and threatening to commit a crime of violence⁷ and may be violations of state or federal law.⁸ The statute also makes unlawful attempt and conspiracy to commit the listed crimes.⁹ To use these statutes to prosecute gangs, prosecutors must prove several elements. In particular, prosecutors must prove that the gang functions as an “enterprise”¹⁰ through evidence of an ongoing organization, formal or informal, and by evidence that the various associates function as a continuing unit. This may be accomplished by showing that the gang holds meetings, has a specific, stated mission, collects dues, and has a decision-making structure, among other characteristics.

DOJ requires that prosecutions under these statutes be coordinated with DOJ Criminal Division and approved for prosecution by the Criminal Division’s Organized Crime and Racketeering Section. In addition, the staff of that section has developed extensive manuals on RICO and VICAR to assist federal prosecutors in the preparation for and litigation of cases involving those statutes.

According to USAO officials we spoke to, RICO and VICAR are tools for prosecution that can disrupt and destroy entire gang structures. One

⁵See 18 U.S.C. §§ 1961-68. Under RICO, “racketeering activity” includes a broad assortment of state and federal crimes. § 1961(1). These include, for example, murder, kidnapping, gambling, arson, robbery, extortion, mail fraud, wire fraud, obstruction of criminal investigations, obstruction of justice, retaliation against a witness, forgery or false use of a passport, federal offenses involving controlled substances, and alien smuggling crimes. *See id.*

⁶ 8 U.S.C. § 1959. “Racketeering activity” has the same meaning as under RICO. § 1959(b)(1).

⁷As defined in 18 U.S.C. § 16.

⁸18 U.S.C. § 1959(a).

⁹*Id.*

¹⁰See 18 U.S.C. §§ 1959(b), 1961(4).

USAO official explained that the organized crime statutes allow prosecutors to tell the entire story of a gang's existence and criminal activity in an indictment and later to a jury. The official noted that every aspect of the gang and its history—including how it acquired its territory; how it makes and disposes of its money; how it uses coded language, hand signals, and graffiti; and what crimes it has committed and why—can be offered in one coherent story during the trial. Gang cases prosecuted under an organized crime statute generally have more co-defendants than cases prosecuted under narcotics trafficking, firearms, and other violent crime statutes. The officials explained that such cases allow prosecutors to reach deep into the gang hierarchy to the top leaders of the gang organizations and are generally well-publicized by the news media.

Violations of the criminal provisions of RICO and VICAR carry significant penalties. A gang member convicted under RICO is subject to up to 20 years imprisonment, or up to life imprisonment if the violation is based on racketeering activity for which the maximum penalty includes life imprisonment. Defendants also remain subject to conviction and sentencing for the underlying or predicate crimes that make up the racketeering activity. Additionally, the statute provides for the forfeiture of property maintained or acquired in violation of the Act. Under VICAR, conviction may result in up to life imprisonment depending on the predicate offense committed; VICAR murder is a death-eligible offense. Gang members convicted of crimes under RICO or VICAR may be fined up to \$250,000. RICO also contains a civil provision that allows people who have been injured by a RICO defendant to recover damages in federal court.

USAO interviewees also cited limitations to the use of RICO and VICAR statutes. RICO and VICAR cases are resource-intensive, time consuming, and complex, according to some interviewees, and only suited to prosecutions of highly structured gang organizations; not the local street gangs that are the predominant gang crime concern in some localities.

Although U.S. Attorneys do not maintain data on the number of gang-related organized crime cases they accept for prosecution, the total number of organized crime cases they accept for prosecution is a small percentage of the overall caseload. In fiscal year 2007, a total of 217 organized crime cases of all types, including gangs and traditional groups, against 483 defendants were filed in the United States, about 0.4 percent of the total cases filed—and that figure was an increase of 39 percent from the previous year.

A case charged under organized crime statutes in Los Angeles, Calif., provides an example of the large commitment of time and investigative and prosecution resources that are required for these complex cases that result in indictments of leaders and members of large gang operations.

- A 3-year investigation of the Florencia 13 Gang in Southern Los Angeles, Calif., resulted in indictments against 102 defendants on RICO and narcotics trafficking charges. As of January 2009, 76 defendants had been convicted with other cases pending trial. The defendants were alleged to be part of a controlled drug distribution operation. Gang leaders were charged with collecting fees and/or rent from gang members and others engaged in criminal conduct in areas controlled by the Florencia 13 Gang. Numerous federal and local law enforcement agencies were involved in the investigation. Federal agencies included FBI, DEA, ATF, USMS, ICE, and IRS. Local agencies included Los Angeles City Police Department, Los Angeles County Sheriff's and Probation Departments, and local police departments in five other area towns.

DOJ Officials Said Enhanced Penalties for Gang Membership Are Generally Not Used Because the Elements Are Difficult to Prove

As part of the Violent Crime Control and Law Enforcement Act of 1994, Congress established an enhanced penalty for gang-related crimes by authorizing the imposition of an additional term of imprisonment of up to 10 years for participation in certain federal felonies involving drugs or violence by members of criminal street gangs.¹¹ Some USAO officials we visited said that the sentencing enhancement for gang members was generally not used because the elements of proof required are difficult for prosecutors to establish.¹² For the defendant to be subject to the enhancement, prosecutors must prove several elements. At the outset, there are four components required to establish the “criminal street gang” under the statute: (1) an ongoing group, club, organization, or association of five or more persons; (2) that has as one of its primary purposes the commission of one or more specified felonies involving violence or drugs in violation of federal law; (3) the members of which engage, or have engaged within the past 5 years, in a continuing series of the same specified felonies; and (4) the activities of the criminal street gang affect

¹¹Pub. L. No. 103-322, § 150001(a), 108 Stat. 1796, 2034 (codified at 18 U.S.C. § 521).

¹²Indeed, there were few reported cases where the enhancement has been successfully utilized to increase the defendant's penalty of conviction. *See e.g., Sepulveda v. United States*, 330 F.3d 55, 58-59 (1st Cir. 2003) (affirming on collateral review defendant's sentence enhancement under § 521).

interstate or foreign commerce.¹³ In addition, prosecutors must establish that the defendant committed the crime for which he was charged to promote the felonious activities of the gang or maintain or increase his position in the gang; that the defendant had been convicted of another crime of violence or drug offense arising to a felony under state or federal law within the past 5 years; and that the defendant participates in a criminal street gang with knowledge that its members engage or have engaged, in a “continuing series” of federal felonies involving violence or drugs.¹⁴

¹³See 18 U.S.C. § 521(a).

¹⁴*Id.* § 521(d). The Supreme Court’s decision in *Apprendi v. New Jersey*, 530 U.S. 466 (2000) has a bearing on this statutory provision. In *Apprendi*, the Court held, “Other than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.” 530 U.S. at 490. The Court of Appeals for the Fifth Circuit examined the criminal street gang enhancement in light of *Apprendi* and found that *Apprendi* requires that “[t]he essential facts for a § 521 enhancement . . . must be pleaded in an indictment and found by a jury beyond a reasonable doubt,” rather than found by a preponderance of the evidence by the judge. *United States v. Matthews*, 312 F.3d 652, 663 (citing 18 U.S.C. § 521(d)). Beyond a reasonable doubt is a higher burden to prove than a preponderance of the evidence, which only requires the greater weight of the evidence. This means that after *Apprendi* proving the required elements to increase a defendant’s term of imprisonment under the criminal street gang enhancement would be subject to a higher burden, like a separate offense. There are no post-*Apprendi* reported decisions in which the criminal street gang enhancement has been successfully used.

Appendix III: Important Elements of an Approach to Combating Gangs

Federal and local agencies, research experts, and others we interviewed, as well as research we reviewed, identified important elements for consideration in developing and implementing an approach for combating gangs. Among others, these elements include:

- thorough assessment and understanding of local gang problem(s);
- consensus among stakeholders;
- ongoing communication and coordination among stakeholders;
- comprehensive and varied efforts (i.e., prevention, intervention, suppression, and re-entry);
- public and community outreach and visibility for programs;
- plans for sustainability of programs and efforts; and commitment to long-term focus; and
- performance monitoring, evaluation, and feedback incorporation.

Presence of these elements does not guarantee that an approach to addressing gangs will be successful. These elements are important for federal, state, and local agencies and communities to consider in developing and implementing anti-gang approaches. In addition, these elements should not be considered as an exhaustive list of items for agencies and communities to consider in developing their anti-gang approaches. Rather, these elements were identified as key considerations by the agencies and individuals we interviewed and the research we examined.

- *Thorough assessment and understanding of local gang problem(s):* Agencies and individuals we interviewed and research we examined indicated that it is important for agencies and communities to thoroughly assess their gang problems in order to gain a complete understanding of the nature of the gang threat and the resources needed to address that threat. For example, in identifying best practices that resulted from its projects testing the Comprehensive Community-Wide Anti-Gang Model, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) reported assessments of gang problems helped projects determine types and levels of gang activity, gang crime patterns, community perceptions,

and gaps in available services.¹ OJJDP found that assessment also assisted communities in identifying target populations to be served, understanding why those populations merited attention, and making the best use of available resources. Similarly, the Bureau of Justice Assistance (BJA) reported that a needs assessment is often the first step in planning a comprehensive solution to a gang problem, as it can help uncover hidden problems, set priorities, and develop a communitywide consensus about what to do.

Similarly, agency officials and research experts we interviewed noted the importance of agencies and communities thoroughly assessing gang problems and threats. For example, one prosecutor told us that a “one-size fits all approach” does not work for addressing gangs. This prosecutor stated that each jurisdiction or community is different, and a program that works in one community may not work in another. This is because of different characteristics and different gang problems in each community; a gang problem in one community has different characteristics and occurs in a different environment than a gang problem in another community. Furthermore, officials from one U.S. Attorneys Office (USAO) suggested that communities recognize and admit their gang problems, complete an assessment of those problems, and plan strategically for how to best address them. Several research experts also emphasized that gangs are inherently a local problem best addressed through targeted solutions carefully vetted through community input.

- *Consensus among key stakeholders:* Based on our interviews and examination of research, it is important for stakeholders, including law enforcement agencies, prosecutors, community-based social service agencies, schools, citizens’ groups, and other interested community residents, to reach consensus on an overall approach and goals for a coordinated anti-gang effort. For example, OJJDP reported that partners should try to find shared goals for anti-gang efforts. According to BJA, planning can help stakeholders to establish a common mission and common priorities and minimize parochial perspectives in favor of broader goals.

Agency officials and research experts we interviewed also noted the importance of obtaining consensus for anti-gang strategies from all key stakeholders. Officials involved in managing one Department of Justice

¹Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *Addressing Community Gang Problems: A Practical Guide* (Washington, D.C.: August 1999).

(DOJ) funded grant program said that it is important for all stakeholders to feel like they have ownership and have bought into the program. They said that allowing all stakeholders to take credit for program successes and providing them all with an opportunity to discuss failures and obstacles helps the program succeed and last over the long term. Furthermore, one local prosecutor stated that a comprehensive approach requires all stakeholders within a community—police, prosecutors, social service providers, and elected officials—to buy into a comprehensive approach for addressing gang problems. If just one of these groups is not committed to such an approach, the approach ultimately may not be successful. Likewise, officials from two USAOs stated that organizing the effort to combat gang violence and understanding the problem are key to combating gangs. They suggested that communities, law enforcement agencies, and researchers agree and buy into the assessment of the gang problem and the strategies developed to address that problem.

- *Ongoing communication and coordination among stakeholders:* After consensus is established among stakeholders, agencies we interviewed and research we reviewed indicated that it is important that there be ongoing communication and coordination among stakeholders involved in overall anti-gang efforts. For example, according to BJA, one of the most important components of a successful approach to gangs is multiagency cooperation.² BJA reported that communities should actively involve all community components that have a potential interest in responding to gang problems.

Federal agencies similarly affirmed the importance of coordination and multiagency efforts to address gangs as part of a comprehensive approach but also within specific efforts. For example, officials from three Federal Bureau of Investigation (FBI) field offices told us that the most critical element to an approach for successfully addressing gangs is for federal, state, and local law enforcement agencies to work together through joint investigations and task forces to leverage information, experience, and resources. These agencies also need to coordinate with and gain cooperation from the USAO to get USAO support for prosecuting cases. Officials from another FBI field office told us that a task force or collaborative approach is crucial in successfully addressing gangs. Agencies that participate in a task force or collaborative approach should

²Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *Addressing Community Gang Problems: A Model for Problem Solving* (Washington, D.C.: August 1999).

clearly define their roles and responsibilities and clearly understand other agencies' roles, responsibilities, resources, and missions. In addition, Drug Enforcement Administration (DEA) officials discussed the task force model as being a critical element in any successful effort to combat gangs, drugs, and violent crime. They stated that task forces facilitate information sharing among participating agencies, nurture cooperation, and build trust among participants.

- *Comprehensive and varied efforts (i.e., law enforcement, prevention, intervention, and reentry):* Agencies and research experts we visited and research we reviewed indicated that overall anti-gang approaches should include a variety of efforts that address law enforcement, prevention, intervention, and reentry. For example, OJJDP reported that comprehensive programs that incorporate prevention, intervention, and enforcement components are most likely to be effective. Gang research experts have argued that enforcement responses are less likely to be successful if isolated from other strategies. It is important that prevention and intervention activities occur in conjunction with suppression, despite challenges in implementing and maintaining such efforts.³ Moreover, BJA recommended that communities with emerging or existing gang problems plan, develop, and implement comprehensive responses that include a broad range of community-based components.

Officials we interviewed similarly commented on the importance of an overall anti-gang approach including programs and initiatives that address law enforcement, prevention, intervention, and reentry. For example, officials managing one DOJ-grant funded program stated that strong state laws and gang enforcement efforts are needed to complement prevention, intervention, and reentry programs. They said that a successful gang approach is one that appropriately includes and balances prevention, intervention, enforcement, and reentry. One local prosecutor suggested that a community or local government invest in prevention and intervention programs as well as law enforcement programs, suggesting that communities may be more successful at combating gangs and curbing gang violence when they take a communitywide approach in addressing the problem. For example, one of the research experts we interviewed suggested that pulling together strategies “across intervention domains”

³Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Youth Gang Programs and Strategies* (Washington, D.C.: August 2000).

such as law enforcement, social services, and schools is an effective way to sustain anti-gang efforts.

- *Public and community outreach and visibility for programs:* Our interviews indicated that it is important for entities involved in implementing anti-gang programs to conduct community outreach and provide publicity and visibility for the programs and program accomplishments. For example, officials from one DOJ-funded grant program told us that one element important to successful program implementation is for program officials to be visible to communities. When program officials are on the streets in communities, it shows communities that the officials care and are invested in the program. DEA officials also suggested that community leaders need to be willing to speak out against violence. They stated that before prevention and intervention efforts can be effective in a specific community, law enforcement agencies first have to get violence under control so that community members are not afraid to participate in community events or report crimes to law enforcement agencies. Moreover, according to one USAO, anti-gang programs and services can be unified under a common brand and marketed aggressively, so that the public is aware of the existence and affiliation of anti-gang efforts.
- *Plans for sustainability of programs and efforts:* Entities we interviewed and research we reviewed suggested that agencies and communities should plan on how to sustain their anti-gang programs and initiatives over time, particularly as gang problems and availability of resources change. For example, OJJDP recommended that programs begin planning for long-term sustainability during the initial stages of implementation.

Agency officials and experts interviewed also noted that resolving gang problems can require a long-term commitment. For example, one local prosecutor told us it can be challenging to sustain a communitywide approach to dealing with gang problems because such an approach requires leaders committed to making a long-term investment in the approach and resources to sustain the long-term effort. Another local prosecutor noted that it is important to sustain gang programs over the long term because as soon as a community or region believes it has solved its gang problems and scales programs back, gangs reemerge. Research experts noted that communities have to be willing to invest resources in anti-gang programs, particularly comprehensive programs, for a long period of time in order to achieve results and establish programs that include adequate study time up-front in order to measure results.

- *Performance monitoring, evaluation, and feedback incorporation:* A final common element identified by individuals we interviewed and research we examined was the regular monitoring and evaluation of program progress and performance and the incorporation of feedback and performance results into programs. For example, OJJDP reported that evaluation is a valuable tool that can tell the community whether it has accomplished what it set out to do and whether there are ways to do it better.⁴ The key to good evaluation is to build the evaluation strategy from the earliest planning stages, throughout implementation, and throughout the life of the project. Furthermore, BJA reported that evaluation provides useful feedback on how well anti-gang programs are working. This information can be used to change the response, improve the analysis, or even redefine the nature of the problem. According to BJA, information gathered through assessment can also be used to plan strategies for types of problems and to revise the problem-solving process.

The importance of program monitoring, evaluation, and feedback incorporation was similarly noted by agency officials and experts we interviewed. For example, officials from one USAO suggested that there be a feedback loop among researchers, law enforcement, and community stakeholders to regularly assess the gang problem and solutions being implemented to address those problems. The community's strategy may need to be revised to address evolving gang problems or to fix or replace ineffective programs. Seven research experts suggested that additional evidence is needed to prove the viability of community-oriented, comprehensive initiatives and that in general the federal government has failed to recognize the importance of outcome evaluation and ongoing funding being contingent on tangible results, instead focusing on activity counting, such as number of arrests made.

⁴Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *OJJDP Comprehensive Gang Model: Planning for Implementation* (Washington, D.C.: June 2002).

Appendix IV: Scope and Methodology

To examine the roles of the Department of Justice (DOJ) and Department of Homeland Security (DHS) in gang enforcement efforts and the extent to which the efforts are coordinated with each other and state and local partners, we reviewed federal agencies' strategies and plans to combat gang crime and interviewed headquarters DOJ and DHS officials involved in gang crime enforcement activities. We reviewed DOJ's and DHS's strategic plans including goals and objectives for efforts to combat gang crime and how the departments assessed their performance in meeting these goals and objectives. We compared DOJ and DHS coordination and information sharing efforts to criteria in our prior work on effective interagency collaboration and results-oriented government.¹ We also examined staffing levels and budgets for DOJ and U.S. Immigration and Customs Enforcement (ICE) within DHS.

To assess the reliability of statistical information and budget data we obtained, we discussed the sources of the data with agency officials and reviewed documentation regarding the compilation of data. We determined that the data were sufficiently reliable for the purposes of this report. Using semi-structured interview instruments, we interviewed the U.S. Attorney or designated staff of U.S. Attorneys Offices (USAO) and supervisory agents of DOJ and DHS law enforcement agencies involved in investigating and prosecuting gang members in 15 localities across the country. We also reviewed anti-gang strategies and other documentation of enforcement efforts to reduce criminal gang activity in these localities. We focused our discussions on particular localities within the U.S. Attorneys' districts rather than the district as a whole. For example, in the U.S. Attorney District of Maryland, we discussed anti-gang efforts in Baltimore. The localities we visited were Atlanta, Ga.; Baltimore, Md.; Brooklyn, N.Y.; Chicago, Ill.; Cleveland, Ohio; Dallas, Tex.; Durham, N.C.; Los Angeles, Calif.; Manhattan, N.Y.; Milwaukee, Wisc.; Newark, N.J.; Pittsburgh, Pa.; Raleigh, N.C.; Richmond, Va.; and Tampa, Fla. We selected these localities based on a mix of criteria that included a desire to talk with officials in communities of varying sizes and geographic locations that had received federal grants to address gang-related crime problems. Other criteria considered in selecting these localities included the location of the USAO and federal law enforcement agency field offices, the presence of federally led task forces to combat gang crime, and recommendations of officials of DOJ and DHS components during our preliminary interviews.

¹See [GAO-06-15](#).

We also considered the results of our review of data from the 2006 Federal Bureau of Investigation (FBI) Uniform Crime Report on localities' population and number of violent crimes. We considered this data in order to select localities that represent a range of population sizes and violent crime concerns. We also considered sites that were located in close geographic proximity where possible in order to maximize travel resources. At each locality, in addition to meeting with federal officials, we met with selected state and local prosecutors and law enforcement officials to discuss the gang problem in their area and the federal agencies' role in helping to address it. The results of our site visits cannot be generalized across all U.S. Attorney districts, DOJ or ICE field offices, or states and localities in the United States. However, because we selected sites and localities based on a variety of factors, they provided us with a broad overview of activities of DOJ and ICE related to federal anti-gang activities including law enforcement, as well as prevention and intervention programs. See table 4 for additional information on the interviews we conducted in each locality we visited.

To determine how DOJ and DHS have measured the results of their gang enforcement efforts, we first assessed how DOJ and DHS components define "gang" and gang-related crimes. We then reviewed data on gang-related investigations and prosecutions maintained by DOJ and DHS law enforcement agencies and U.S. Attorneys. To assess the reliability of statistical information and budget data we obtained, we discussed the sources of the data with agency officials and reviewed documentation regarding the compilation of data. We determined that the data were sufficiently reliable for the purposes of this report. We also interviewed headquarters officials about performance measurement initiatives and reviewed DOJ and DHS strategic plans, budgets, and performance reports, and we reviewed a DOJ Office of Inspector General report that evaluated the Executive Office of U.S. Attorney's (EOUSA) case management system.² We compared DOJ and DHS efforts to measure the results of their gang enforcement efforts to our prior work on effective interagency collaboration and results oriented government.³ In addition, we asked state and local law enforcement officials in nine of the 15 localities we visited how they measured the results of local gang enforcement efforts.

²DOJ Office of Inspector General, *Resource Management of U.S. Attorneys Offices* (Washington, D.C.: November 2008).

³See [GAO-06-15](#).

To determine how DOJ administers and/or supports gang prevention, intervention and law enforcement programs through grant funding, we examined documentation of DOJ's overall approach and objectives for anti-gang grant programs, as well as DOJ-sponsored evaluations and a guide to best practices to address community gang problems. We interviewed Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Bureau of Justice Assistance (BJA) officials about the status of funding, sustainability of anti-gang programs without federal funding, and results of evaluations of the effectiveness of the anti-gang grant programs, among other topics. We also reviewed funding levels for fiscal years 2007 and 2008 for the four active grant programs that we identified as being directly focused on anti-gang efforts and included in the scope of our review.⁴ In eight localities we visited that received federal grants for anti-gang efforts, we interviewed grant recipients to determine activities that they were pursuing with the grant funds and how they planned to sustain programs when federal funding expired. In two of these locations, we observed youth gang prevention and intervention programs in process and spoke with participants and representatives of community-based groups implementing them to gain an understanding of the scope of the demonstration projects and how they used federal funds for anti-gang prevention and intervention activities. In addition, we interviewed USAO officials to obtain information on their roles in anti-gang programs. We reviewed guidance on developing and implementing comprehensive prevention, intervention, and suppression programs and key documents related to the four federal grant programs, including grant applications, community reports on the use of grant funding and performance data. We did not, however, review every program supported by federal funding that communities could use for anti-gang efforts or for other law enforcement and crime prevention efforts. For example, DOJ grant programs including the Community Oriented Policing Services, Weed and Seed, Project Safe Neighborhoods, and Edward Byrne Memorial Justice Assistance Grant Program were not in the scope of our review because they are not specifically designated for anti-gang efforts, although communities could choose to use funds from the grants for anti-gang activities or for other law enforcement and crime prevention purposes. We also reviewed available nationwide evaluations of grant programs sponsored by DOJ.

⁴The four grant programs are the Comprehensive Anti-Gang Initiative, Gang Reduction Program, Gang Free Schools, and Gang Prevention Coordination Assistance Program.

Nine criminal justice researchers with expertise on anti-gang issues provided their views on how effective the federal government has been in measuring its gang suppression, prevention, and intervention activities and whether the programs are sustainable without federal funding and likely to be implemented by communities that did not receive federal grants based on lessons learned from the federally funded projects.

Semistructured interviews with officials in 15 localities provided information to help address each of our three reporting objectives. During our visits, we interviewed officials of the following offices:

- USAOs;
- FBI; Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); Drug Enforcement Administration (DEA); and ICE offices when a field division or resident office or an FBI, ATF, DEA or ICE-led task force was present and found to be engaged in local anti-gang efforts through communication with officials of the USAO;
- local law enforcement agencies when those agencies accepted our request for interview; and
- state, local, or nongovernmental entities that received or were responsible for administering DOJ anti-gang grants.

Table 4 lists the officials we interviewed at each locality visited.

Table 4: Officials We Interviewed in 15 Selected Localities

Locality	U.S. Attorney's Office	Federal law enforcement agency	State or local law enforcement agency	State, local or nongovernmental organization involved in anti-gang grant administration
Atlanta, Ga.	Georgia, Northern District	FBI, ATF, ICE	Gwinnett County, Ga., Police Department	
Baltimore, Md.	District of Maryland	ATF		
Chicago, Ill.	Illinois, Northern District	FBI, ATF, DEA, ICE	Chicago Police Department	
Cleveland, Ohio	Ohio, Middle District	FBI, ATF, DEA	Cleveland Police Department	Administrators of the anti-gang initiative including coordinators of law enforcement, prevention and reentry
Dallas, Tex.	Texas, Northern District	FBI, ATF, DEA, ICE	Dallas Police Department and North Texas Crime Commission	Administrators and partners of the anti-gang initiative including the North Texas Crime Commission, Offender Reentry Court, and Boys and Girls Clubs
Durham, N.C.	North Carolina, Middle District	FBI	Durham Police Department	Office of the City Manager, Anti-Gang Program Administrator
Los Angeles, Calif.	California, Central District	FBI, ATF, DEA, ICE	Los Angeles Police Department; Los Angeles County Sheriff's Department	Mayor's Office of Gang Reduction and Youth Development
New York City, N.Y. (Manhattan)	New York, Southern District	FBI, ATF, DEA, ICE		
New York City, N.Y. (Brooklyn)	New York, Eastern District	FBI, ATF, DEA, ICE		
Milwaukee, Wis.	Wisconsin, Eastern District	FBI, ATF		
Newark, N.J.	District of New Jersey	FBI, DEA, ICE	Newark Police Department	
Pittsburgh, Pa.	Pennsylvania, Western District	FBI, ATF	Pittsburgh Bureau of Police	Youth Intervention Project, Pittsburgh Public Schools
Raleigh, N.C.	North Carolina, Eastern District	FBI		Law enforcement coordinator for Anti-Gang Initiative
Richmond, Va.	Virginia, Eastern District	FBI, ATF		Virginia Attorney General's Office; Virginia Interagency Anti-Gang Workgroup
Tampa, Fla.	Florida, Middle District	FBI, ATF, ICE	Tampa Police Department; Tampa Sheriff's Department	Hillsborough County, Fla. Community Service Program

Source: GAO.

We also interviewed officials of the Los Angeles County District Attorney's Office and the Los Angeles City Attorney's Office who had an established history of prosecuting gang-related crime, and we pre-tested our structured interview instruments with law enforcement officials in Washington, D.C.; Montgomery County, Md.; and Northern Virginia.

Research experts provided input to our reporting objective on how DOJ administers and/or supports gang prevention, intervention and law enforcement programs through grant funding and to appendix IV, which provides perspective on important elements for consideration in developing and implementing an approach for combating gangs. We identified research experts through a review of literature related to gangs and gang crime issues, their participation in gang-related conferences, and by asking federal officials for recommendations. We contacted these research experts by e-mail with several questions, and we either discussed their answers in telephone interviews or received e-mail responses from them. The following research experts contributed their views:

- G. David Curry, University of Missouri-St. Louis
- Scott Decker, Arizona State University
- Finn-Aage Esbensen, University of Missouri–St. Louis
- Karl Hill, University of Washington
- Ronald Huff, University of California-Irvine
- Charles Katz, Arizona State University
- David M. Kennedy, John Jay College of Criminal Justice, City University of New York
- Malcolm Klein, University of Southern California
- Irving Spergel, University of Chicago

We conducted this performance audit from December 2007 through July 2009, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe

that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix V: Comments from the Department of Justice



U.S. Department of Justice

Office of the Deputy Attorney General

*Senior Counsel to the Deputy Attorney General
Chair of the Attorney General's Anti-Gang Coordination Committee*

Washington, D.C. 20530

July 17, 2009

Eileen R. Larence
Director
Homeland Security and Justice Team
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Larence,

Thank you for the opportunity to review the subject draft report and for the opportunity to respond on behalf of the Department of Justice (DOJ). Each of the five recommendations directed to the Department of Justice is addressed in turn, below.

The first recommendation is for DOJ (in consultation with the Department of Homeland Security (DHS)) to reexamine the roles and responsibilities of four DOJ headquarters-level anti-gang coordinating entities, including identifying and addressing any potential gaps and unnecessary overlaps. DOJ concurs with the recommendation and the importance of regularly coordinating crosscutting efforts such as law enforcement's anti-gang efforts. This role is performed by the Attorney General's Anti-Gang Coordination Committee (AGCC), which meets at least quarterly and includes DHS's U.S. Immigration and Customs Enforcement (ICE) among its membership. The AGCC will continue to work with ICE, DOJ headquarters-level anti-gang entities, and other DOJ components and agencies to identify and address gaps and unnecessary overlaps.

The second recommendation is for DOJ to develop a Departmentwide strategic-level performance measure for the Department's anti-gang efforts. The Department is in the initial stages of developing the next DOJ Strategic Plan, due in June 2010. The recent change in Administration will result in adjustments in DOJ's focus and priorities which will be reflected in this next version. It is too early in the development process to state for certain that the new Plan will include a Departmentwide, strategic-level performance measure specifically aimed at anti-gang efforts; however, the senior leadership will consider including such a measure. DOJ recognizes that gangs are a major factor in many crimes, and it is possible that raising the visibility in our fight against gangs will weigh in favor of including such a measure.

The third recommendation is for DOJ's Executive Office for United States Attorneys (EOUSA) to review the case and time management systems of the 93 United States Attorneys' Offices (USAOs) nationwide to ensure more accurate and complete reporting of their gang-

related cases. DOJ concurs with this recommendation. Since 2006, USAOs have been instructed to use appropriate codes to identify gang members and the role of gang members in the National Legal Information Office Network System (LIONS) and the U.S. Attorney Monthly Resource Summary Reporting System (USA-5) systems, which record the numbers of gang-related cases and matters and the time dedicated to working on gang-related cases and matters. However, in recognition of the fact that USAOs were likely under-reporting LIONS and USA-5 data on gang prosecutions, gang defendants, and hours spent on gang-related prosecutions, EOUSA has taken steps to make improvements. On February 15, 2009, EOUSA Director, Kenneth E. Melson, issued a memorandum instructing all USAOs to use the appropriate LIONS and USA-5 codes for all gang-related defendants and cases. More recently, EOUSA also clarified the Evaluation and Review Staff (EARS) performance evaluations which are conducted in each USAO approximately every three years. The EARS program is the means by which EOUSA is able to conduct reviews of internal management controls for USAOs. Beginning in Fiscal Year 2010, the revised case management systems standards will specifically require a USAO to timely and accurately enter gang-related information into the LIONS and USA-5 systems.

The fourth recommendation is for DOJ and DHS to jointly ensure that ICE participates in the review and approval process for the creation of new anti-gang task forces. DOJ concurs with the recommendation and has already taken steps to ensure ICE participation. Specifically, we have added a line to the DOJ task force application requiring district-level concurrence by the ICE Special Agent in Charge. Moreover, DOJ has invited a representative of the ICE National Gang Unit to participate in the headquarters-level Task Force Review Subcommittee (a subcommittee of the AGCC). These new measures provide ICE with the same level of review as the other participating DOJ law enforcement agencies. We are also exploring with ICE whether any of their anti-gang activities include task forces that should be included in a similarly coordinated review process at DHS.

The fifth recommendation is for DOJ and DHS to jointly develop a common definition of "gang" for use by DOJ, DHS, and component agencies for reporting purposes. DOJ agrees that a common definition would facilitate data collection and related evaluation efforts. For this reason, in Spring 2007, the Department's Bureau of Justice Statistics (BJS) was asked to determine how a uniform definition of "gang" could be implemented across DOJ component agencies. Noting that implementation would pose both technical and operational challenges, BJS developed a multi-stage project implementation plan for reporting DOJ gang conviction statistics. BJS acknowledged the plan could be costly. DOJ has not yet begun implementation as we consider whether after enduring significant cost, measuring the number of gang convictions will adequately measure our anti-gang performance. DOJ concurs that it is appropriate to broaden this discussion to include DHS, and most specifically ICE, which engages in significant anti-gang activities. DOJ will seek to use the AGCC as a forum to jointly consider a common

**Appendix V: Comments from the Department
of Justice**

definition of "gang" or otherwise develop an effective performance measurement system for our anti-gang activities.

Sincerely,



Jennifer Shasky Calvery

Appendix VI: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

July 16, 2009

Eileen R. Larence
Director
Homeland Security and Justice Issues
U.S. Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Larence:

ICE Response to GAO Draft Report: "Combating Gangs: Better Coordination and Performance Measurement Would Help Clarify Roles of Federal Agencies and Strengthen Assessment of Efforts" GAO-09-708 (440651)

Thank you for providing U.S. Immigration and Customs Enforcement (ICE) with the opportunity to review and comment on the subject Government Accountability Office (GAO) draft report.

ICE provides the following information in direct response to the recommendations directed to the Secretary of the Department of Homeland Security (DHS):

Recommendation 1: "The Attorney General and the Secretary of Homeland Security jointly take the following action: ensure that ICE reviews and approves the creation of new anti-gang task forces"

ICE Response: ICE concurs with this recommendation directed to DHS. ICE will work with the Department of Justice (DOJ) to become an approving official on the creation of new anti-gang task forces by identifying and implementing the procedure for such action.

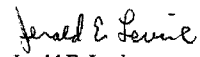
Recommendation 2: "The Attorney General and the Secretary of Homeland Security jointly take the following action: jointly develop a common or shared definition of "gang" for use by DOJ, DHS, and component agencies for reporting purposes."

ICE Response: ICE concurs with this recommendation directed to DHS and will work with DOJ to jointly develop a common or shared definition of "gang" for use by DOJ, DHS, and component agencies for reporting purposes.

**Appendix VI: Comments from the Department
of Homeland Security**

Thank you again for the opportunity to comment on this Draft Report and we look forward to working with you on future homeland security issues.

Sincerely,



Jerald E. Levine
Director
Departmental GAO/OIG Liaison Office

Appendix VII: GAO Contact and Staff Acknowledgments

GAO Contact

Eileen R. Larence (202) 512-8777 or larencee@gao.gov

Acknowledgments

In addition to the contact named above, Rebecca Gambler, Assistant Director; Katherine Davis; Anthony Fernandez; Deborah Knorr; Amanda Miller; Jeffrey Niblack; Octavia Parks; Janet Temko; and Jeremy Williams made significant contributions to this report.

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