

142687

**Judges Model**

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142687

U.S. Department of Justice  
National Institute of Justice

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Distributed by:

National Youth Gang Information Center

NYGIC Doc.# D0007

142687

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Arlington, VA 22203

1-800-446-GANG  
1-703-522-4007

NYGIC Document Number D0007

This ~~report~~ report was prepared under Grant Number 90-JD-CX-K001 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice. 01/93

## Statement of the Problem

The growing seriousness and spread of the youth gang problem has placed a heavy burden on judicial decision-making in a number of jurisdictions across the United States. Factors contributing to this burden include a lack of knowledge by some judges about the youth gang issue, higher rates of gang-related drug trafficking and violence, long delays in court processing, heavy probation and parole caseloads, and overcrowding in youth and adult correctional facilities. The lack of adequate court attention to the gang problem is especially serious in large jurisdictions with inner city ghettos and mobile minority or newcomer, low income populations.

The juvenile court is often deprived of the knowledge it needs to adequately handle gang related juvenile court cases because of the inexperience of its judges. Jurisdictions often experience a high turnover among juvenile court judges seeking elevation to more prestigious adult court judgeships after they have spent only one or two years at the juvenile level. This often deprives the juvenile court of experienced bench officers who have developed both the specialized legal expertise and knowledge of local resources necessary to deal competently with gang youth and ensure the safety of the community. Thus, many judges are uncertain about how to balance a commitment to protect the community with the best interests of the gang youth who appears before them in court.

Legislative mandates have also impacted the juvenile and adult court. The discretion and authority of the bench officer has been severely limited in several states where legislation requires enhanced sentences for gang members engaged in violent and drug trafficking offenses, or automatic transfer of juvenile gang members to the adult court who commit certain serious crimes. The deterrent effect of such legislation has been questioned, since many of the juvenile gang members transferred to the adult court generally end up back out on the street with less supervision, sanction, and services than they would have received from the juvenile court.

Little attention has been directed by the judiciary to specialized approaches for dealing with youth gang offenders. Some law enforcement officials, particularly in chronic problem cities have called for prosecution of juvenile and adult gang offenders in special gang courts. In some chronic gang problem cities youth with delinquency petitions are dealt with in courts separate from those which deal with abused, neglected, and dependent children. However, distinctions among these categories of youth and children are not always easy to make. Furthermore, the distinction between youth who commit gang and non-gang delinquent offenses may also be difficult to construe.

In general, both the juvenile and adult court have stressed a suppression approach which emphasizes incarceration or close monitoring and supervision of gang youth in the community. Nevertheless, in some jurisdictions, judges have tried to use the juvenile court as a center for a coordinated approach in which

representatives of a variety of community, school, family, and justice system organizations are located and address the special needs of the juvenile gang member. These comprehensive community-oriented approaches attempt to integrate social control, intervention and opportunity approaches with respect to the juvenile gang member.

### Goals and Strategies

The primary goals of the juvenile court judge should be: first, to insure that the youth gang member receives a fair hearing; second, in the event that a juvenile court petition is sustained, to protect the community and the youth from violent and serious gang crime; and third, to use court orders to create conditions to rehabilitate the gang youth. In order to both protect the community and rehabilitate the youth gang member, the judge should promote a multiple strategy approach which focusses on the individual case, the structure of the court, community resources, and interagency processes. More specifically, the court should prioritize and appropriately integrate strategies of suppression, opportunities provision, social intervention, community mobilization, and organizational development to deal with individual youth gang cases.

The judge can operationalize a suppression strategy by incarcerating convicted or adjudicated delinquent youth gang offenders, particularly gang leaders and hardcore members, who engage in serious criminal activity of a particularly violent or harmful nature (e.g. driveby shootings, drug trafficking). Maximum penalties can be handed down in these instances to serve as a specific deterrent for certain gang youth and a general deterrent in communities where gang crime prevails. Specialized law enforcement by a police gang unit and vertical prosecution by the district attorney are often components of this strategy. To deter future violations, peripheral or younger gang members who are adjudicated for minor gang-related crimes should generally receive a short sentence (e.g. 5-10 days detention), some supervision in the community, and a community service requirement. Juveniles adjudicated for serious gang crimes can be placed on intensive probation supervision under strict conditions which require regular judicial review of the youth's progress. Additionally, the court can instruct probation officers to bring to the attention of the court any violations committed by the youth gang probationer which may warrant short-term detention or probation revocation.

An opportunities provision strategy can be advanced for gang youth by directing probation personnel to refer or provide youth gang probationers with access to remedial education, vocational training, and employment. The youth must be prepared with the aid and compulsion of the court to be successful in an academic and vocational role. This opportunities provision strategy can be coupled with a social intervention focus which requires youth participation in counseling and treatment programs as necessary. Services within these programs can include a psychiatric

examination, drug use treatment and testing, and individual or group counseling. Parents can also be strongly advised to undertake counseling and treatment. When parents or relatives of the juvenile are not present or incapable of fulfilling proper parental roles, the judge will need to work in conjunction with probation and child welfare agencies to develop alternative options which provide the youth with adequate supervision and nurturing social relationships to supplant the gang lifestyle. Research suggests that the gang serves as an alternate social institution to a weak family structure, especially when the youth is also failing in school.

Given their legal and civic stature, judges are in a unique position to mobilize community concern and development of resources to deal with the larger problems that cause or are associated with criminal youth gang activity. A judge can encourage a well balanced community response to the youth gang issue not only by giving public talks and media interviews, and sitting on agency boards and task forces, but also by spearheading educational, job, and social development efforts to fill opportunity and service gaps which contribute to the problems of gang youth.

Finally, a judge or an association of judges can champion development and change in policies and procedures within the court and related agencies such as police, probation, corrections, and child welfare, to improve the processing of gang youth. For example, a judge can develop a protocol which establishes uniform guidelines for sentencing gang youth and setting probation conditions. A judge can advocate for measures which improve the quality of probation services to youth and the court, e.g., reduced probation officer caseloads, higher standards for presentence investigation reports, and more time for probation officers to supervise and provide a greater range of services to gang youth. Judges can also mandate change in school, public and community agency procedures or service patterns through the use of court orders. These court orders can be used to clarify issues of confidentiality regarding the exchange of juvenile information, specify search and seizure procedures, and direct public agencies to provide adequate care and services to gang youth who are under their jurisdiction.

#### Court Functions and Issues

There appear to be no guidelines available to judges about how to deal specifically with gang cases other than legislatively mandated sentencing requirements in a few states, particularly California. Much effort is required to adapt existing and develop additional principles and procedures for dealing with gang cases. The following section identifies certain court processes and situations in which special judicial attention is required. General principles and procedures are suggested, but they should be tailored to the specific circumstances of each jurisdiction. Topics covered include organizational development and change; court proceedings; certification of youth to adult court; detention and

release; court hearings; evidence; sentencing; placement on probation; placement within a correctional institution; use of probation and special court review; community mobilization; selection, training and education; research and evaluation.

### Organizational Development and Change

A key problem within the court is the lack of resources available to carry out its varied justice system functions. As indicated above, the court is overburdened with cases. This is particularly so in chronic gang problem contexts which are usually characterized by heavy population density and high rates of social problems. Most judges in these areas have little time to focus adequately on individual cases or follow-up.

The court needs to improve its capacity to access and use gang-related information. After adjudication or at sentencing, the court is not always aware that a particular youth is a gang member or has a history of gang-related offenses. Additionally, most judges receive no information (e.g. recidivism data) on how individuals fare after their cases are disposed of by the particular court. The flow of data between the police and court is also slow and incomplete. Court's orders to the police (e.g. probation conditions) about specific gang cases may not be issued or delivered in a timely manner. Thus, the police are not always aware that a gang leader or core gang member has been returned to the community on court supervision. Consequently, court data systems need to be computerized so that appropriate gang-related information is available for judicial decision making and quickly relayed to police authorities.

The judge should ordinarily be able to organize and use court resources to improve the social adjustment of gang youth and protect the community. Probation and special service staff should be available and sufficiently skilled to implement these objectives. When they are not, certain justice system distortions may occur. For example, the judge may decide to sentence the youth to a correctional facility when sufficient probation arrangements or adequately trained staff are not available to supervise gang youth properly, primarily because of heavy caseloads. In other instances, the judge may decide to certify the youth to adult court or sentence him to a residential facility because specialized resources such as strong supervision, outreach probation, vocational training, and family counseling are not available to juvenile gang delinquents.

The nature and level of service resources through juvenile court may be relatively more adequate for dependent, neglected, and abused children. The amount of resources required to deal effectively with gang youth may not be allocated because the court system, the legislature, and the community at large may not yet fully understand the nature and scope of the youth gang problem.

In both emerging and chronic gang problem contexts the presiding court judge needs to assume a proactive leadership role that will allow the court to effectively address the youth gang

problem. In emerging problem contexts, this will entail providing training to judges on gang-related topics which will allow them to confront the issue in the court room from a knowledgeable vantage point. It can also consist of developing a protocol which provides a standard set of guidelines for sentencing youth gang members. These guidelines should stress a balanced approach by the court which integrates social control strategies with the provision of competency building activities for youth.

In chronic gang problem contexts, judges are confronted with high volume caseloads and frequently operate in a crisis reaction mode responding only to the manifestations of the youth gang problem. In this situation nothing short of collective action by the presiding judge and his colleagues is necessary. Setting up a gang training program and developing a protocol to standardize sentencing guidelines for gang members should be a top priority. Structural changes for the court should be considered. This could entail a specialized track for the processing of gang-related cases to expedite cases and ensure consistency in sentencing. However, appropriate due process and other safeguards would have to be established in the restructuring process.

#### Court Proceedings

Judges must adhere to values of fairness in their role as bench officers. Judges also have to stay independent and unbiased in their interactions with other justice system actors (e.g. police, prosecutor, public defender). At the same time, the court should take into account factors unique to gang cases, particularly at pre-sentencing or trial hearings. For this purpose, clear definitions and reliable data should be obtained to determine whether the youth is a gang member, the group in question is a gang, and the incident is gang motivated. To facilitate the effective operation of the court and, indeed, the entire justice system, the judge needs to demand of key criminal justice agencies - police, prosecutor, probation - a consensus on these key gang terms (i.e., gang member, gang, gang incident). These definitions should be available to the court to insure that consistent and meaningful evidence and testimony are provided.

#### Certification of Youth to Adult Court

An early and primary consideration for the judge in juvenile court is whether or not a case should be transferred to the adult criminal court. In a number of jurisdictions juvenile court judges are required to or will readily transfer or waive gang cases to the adult court. However, it is vitally important that constitutionally based principles guide the judge in making the transfer decisions. Gang membership or the nature of the gang incident per se should not ordinarily be a sufficient basis for certification. The certification or transfer hearing has an extremely important impact on juvenile court proceedings. It can

signify for the youth a "loss of status of a class specially protected and deemed amenable to juvenile rehabilitation."

The U.S. Supreme Court in Kent set out rigid standards for transfer of a juvenile case to adult criminal court and it required that:

- a. a hearing be held on the transfer motion;
- b. a full investigation be made;
- c. a child be afforded counsel;
- d. counsel have access to all records to be considered in reaching decisions;
- e. the court issue a statement of reasons for the transfer.

A sixth requirement has been added since Kent - that the court must find probable cause to believe that the child has committed the offense charged against him. Furthermore, in the development of grounds for transfer or certification which usually grows out of the investigation report, the following factors should be considered:

- amenability of the child to treatment in terms of age, prior record, presenting offense;
- the degree of sophistication of the child;
- the likelihood of successful rehabilitation through the juvenile justice system;
- the fact that the juvenile loses the right to juvenile detention and confidentiality of proceedings by such transfer;
- the general consequences that a transfer outcome usually has for the prospects of rehabilitating the youth and protecting the safety of the community within the judge's particular jurisdiction.

#### Detention and Release

The concerns of judges in adult and juvenile courts should be quite similar in the determination of whether to detain or release gang offenders. The juvenile court judge only has the option to detain or release the juvenile (to the custody of his parents or guardian). In adult court, the judge can detain, set bail and release a suspect or defendant. Judges in both courts should base their decisions with reference to: the seriousness of the particular offense; the general propensity for violence of the gang member; the need to ensure protection for the suspect as well as the witness; and the present state of criminal activity and conflict between warring gangs of which the suspect or defendant may be a member. Gang membership in and of itself should not be the primary consideration for whether a gang youth should be



detained. Detention for adult recalcitrant (gang member) witnesses can be considered in certain states if they are likely to recant testimony.

### Court Hearings

The judge has to maintain the integrity of trial proceedings both inside and outside the courtroom. This is particularly important in adult criminal court where proceedings are public in contrast to the juvenile court where proceedings are generally private. In adult court, the judge needs to be alert to the presence of other gang members during the hearing. Their presence and actions may be distracting, particularly when gang members use hand signals or wear gang colors and symbols. Outright gang intimidation may occur and should not be permitted whether in the courtroom, in the hallway outside, or in the community. Special police arrangements should be made to protect witnesses and suspects. In cases involving serious, retaliatory gang violence, it may be advisable to search people attending the trial before they enter the court room. Prosecution should also be encouraged to bring appropriate charges against such disruptive or intimidating gang members, including violation of probation or parole by youth causing the disturbance, if they are under supervision.

### Evidence

The judge, as suggested above, should be especially concerned about the quality of evidence brought to the court which identifies the youth as a gang member and the incident as gang related. The judge needs to be knowledgeable about the different levels of proof required to establish the validity of these terms and particularly careful not to accept hearsay evidence as sufficient. The quality of police reporting and the reliability of police files should be determined. The "expert" testimony of an experienced police officer as to the gang affiliation of the youth and the gang-relatedness of the incident should not be routinely accepted. The court needs to take care not to be influenced by the testimony of "experts" and others concerning the gang affiliation of the youth appearing before the court when such membership has no bearing on the case. The background characteristics of the youth are irrelevant unless directly related to the motivational circumstances of the incident, e.g., gang retaliation. A combination of training, education, and experience should be key criteria for determining the qualifications of expert witnesses.

The judge should make sure the jury understands that if the defendant is charged with a gang offense, the offense must directly and clearly grow out of gang motivation and specific related circumstances. The identification of the suspect as a gang member is prejudicial since the general public holds the view that gang members are potentially violent and their actions are harmful to the community.

Thus, it is important to determine whether in fact the suspect is a gang member. This has important ramifications since, in instances where the defendant is proven to be a gang member, he may be subject to an enhanced sentence for certain offenses, particularly in a state such as California. Additionally, the conspiratorial actions of the suspect may have to be assessed. The defendant may or may not have been directly involved in the particular crime, e.g., a driveby shooting. However, if he gave orders for the shooting, he may be charged and convicted of the assault or killing that has occurred. Evidence to support a theory of conspiracy, therefore, needs to be carefully established.

The accuracy of testimony by witnesses who may be members of an opposing gang needs to be meticulously examined. Gang members may manipulate testimony either to falsely incriminate a suspect or withhold evidence which could lead to a dismissal of charges. In some instances the aggrieved gang member or witness may prefer to have his gang "settle the score" later on the street. The court should be familiar with the current state of gang relationships in the community and carefully assess the motivation and background of witnesses.

The burden of directly establishing the facts may fall more heavily on the juvenile court judge than the adult criminal court judge since, in most states, a jury trial is not allowed in juvenile court. The juvenile court judge therefore must be particularly well informed "to apply the appropriate burden of proof to the facts at hand for proper adjudication."

### Sentencing

Since the judge depends heavily on the probation officer's investigation to guide him in the sentencing decision, the juvenile and adult court judge should ensure that the report includes the youth's gang and non-gang related criminal history, and his personal, family, school and work history as well as other pertinent matters. Considerable attention needs to be given to the youth's current and future potential for criminal especially violent activity and the nature of the youth's commitment to the gang. The youth's role or position in the gang, his record of gang membership and criminality, the history and reputation of the gang itself, and the source and reliability of the probation officer's information are all important items which should be contained in a presentence investigation report for the judge.

In coming to a decision, the judge should consider the current offense and the youth's previous criminal history. Recommendations of the probation officer, the defense attorney and other interested and responsible representatives have to be considered in the development of a rehabilitation program for the juvenile or young adult, even the serious and chronic gang offender. The judge must understand that gang membership and gang offenses tend to be time limited. Most gang youth are committed members only for a short period, usually between the ages of 14 and 18 years. Key questions a judge should ask are: What can be done to get the youth out of

the gang? How quickly and by what means? The judge must be especially sensitive to precisely when and why a youth is sincerely ready to give up the gang life style and what community circumstances exist to support such a decision by the youth.

Of primary importance in the judge's sentencing decision is the weight given to specific factors which can assist the youth to develop social competence and protect the community from further youth gang depredations. These two criteria can be closely related, but much depends on the availability of adequate resources both in the community and the correctional institution to serve these purposes. In regard to rehabilitation, a key objective of the sentencing decision should be to provide the youth with an environment in which value and behavioral change can occur. Integral to this change process is the provision of opportunities for remedial education and training which will allow him to succeed at school or in an employment situation.

### Placement on Probation

If the judge places the gang youth on probation, special arrangements must exist that guarantee an appropriate level of supervision, including protection of life and property of the youth and the community, community restitution on behalf of the victim, and, if appropriate and possible, the delivery of suitable services to the youth and his parents. Supervision can be enhanced by the use of special orders which allow the probation officer to enforce a discontinuation of gang activity. Such orders can require that the probationer not associate with other gang members, not participate in gang-related behavior including wearing of gang attire, colors, or use gang symbols, and observe curfews, especially during periods of high gang activity. Additionally, fines and community service can be mandated. Search and seizure powers can also be provided to the probation officer.

The court should require participation by the youth and his parents or spouse in activities designed to improve his chances for successful adjustment in a community setting. Such conditions should emphasize school attendance and special tutoring, appropriate health care (e.g. physical/psychiatric examination, tattoo removal, substance abuse treatment), job readiness and vocational training, age appropriate employment, recreational activities linked to youth group activity sponsored by youth service agencies, and parental or spousal participation in special gang awareness and social skill training classes. In regard to parents of juvenile gang members, contempt of court powers can sometimes be utilized to enforce many of these conditions. When the juvenile's family situation is totally destabilized, alternative arrangements need to be made to place the youth in an environment which will allow him to adopt conventional norms and behavior. Assignment to a setting which provides special supervisory arrangements may be appropriate.

### Placement Within a Correctional Institution

If the judge decides to sentence a youth gang member to a correctional institution, care must be taken to ensure that the youth is placed in a protected and secure environment which reduces gang-related opportunities and provides viable competency building activities as an alternative to the gang lifestyle. Certain youth because of their physical demeanor or gang specific affiliation may be placed in danger if sentenced to a particular institution. Judges in jurisdictions where the gang problem is just emerging must take special care not to place gang youth in "chronic" gang problem settings where gang identity and lifestyles will become more entrenched and sophisticated. Probation officers may be a good source of information on these topics. Youth who do not receive appropriate remedial education, vocational training, and social skill development services in the institution are likely to return to gang affiliation and gang-related criminal behavior when they return to the community.

### Use of Probation and Special Court Review

A judge should make a special effort to get to know all of the probation officers working in his courtroom in order to get their perspectives on the gang problem and information about resources available locally and within different institutions to assist gang youth. A good working relationship between the judge and probation is integral to an effective approach by the court since probation sees to it that the youth complies with the judge's orders and receives the services which the judge has mandated. Accountability and reciprocity must be the hallmark of this relationship.

The judge should carefully consider all of the information provided by the probation officer in the dispositional process and be prepared to enforce his own court orders. Probation officers must also be allowed access to the bench so they can inform the judge about their capacity to implement court orders and how they plan to carry them out. The judge, in turn, should set high standards for probation officer performance. Presentence investigation reports which do not meet an appropriate standard should be rejected by the bench; probation officers who are not sufficiently aware of the availability of resources or who fail to carry out court orders should be reprimanded.

To adequately supervise the youth gang member in the community the court should expect the probation officer to communicate clear expectations and provide adequate oversight, follow-up, and swift, consistent enforcement of consequences if the youth violates a court order. The following options should prove particularly useful in juvenile court:

- \* Intensive probation which places the youth gang member under continued surveillance. This option when combined with mandated parental participation may be especially promising. Electronic monitoring in lieu of placement in

the institution may also prove cost effective as well as promising.

- \* Regular court review, usually monthly or bimonthly, whereby juvenile gang members appear in court and their compliance with their court orders is reviewed, e.g., through special court checks of school attendance, grades, and conduct.
- \* Allowance of a petition by the parents or guardians requesting the court to assume custody of the youth gang member who is deemed incorrigible. If the child violates court conditions, the court can enforce consequences such as detention.

The judge may delay disposition of the case pending review of the youth's attempt to make a satisfactory social adjustment. Postponing sentence may be a useful device to avoid institutionalization and development of the "rep" of the youth offender in the eyes of his gang peers. A "stiff" sentence might only enhance the youth's standing as a "proven" gang member. An elaborated juvenile court review process also requires the youth, his parents, probation officer, teachers, and significant others to appear in juvenile court periodically to attest to and present documentation that the youth is making social progress, e.g. no longer affiliated with a gang or engaging in delinquent activity. Court review also allows the judge to determine whether services and social support are being provided to the youth and his family. It can be used as a way to sustain pressure on outside agencies, including the school, to meet the social needs of the youth and his family.

#### Community Mobilization

Judges should be more visible on community and interagency gang task forces. Judges can facilitate interagency communication, assist in resolving interagency differences, and provide guidance on the potential constitutional constraints concerning gang measures proposed by justice and community-based agencies. Judges can also make a significant contribution to the development of a clear and consistent approach to the community's youth gang problem. They can facilitate collaboration among prosecution, police, and probation in regard to implementing special suppression and rehabilitation procedures. Examples of this can include suggesting and processing requests for nuisance abatement and search and seizure warrants; promulgating the development of policies which mandate referral of gang prone youth by criminal justice agencies to social services; and promoting school and city wide campaigns which require gang probationers to participate in graffiti-expunging projects.

Judges are highly respected and influential community leaders. They have to understand the gang problem and adequately fulfil

their leadership role. They can promote community safety by educating agencies and community groups about the complex nature of the gang problem and ways to effectively address the issue. It is important that judges take on a public role since community failures significantly contribute to most of the gang cases that come to court, particularly defective schooling and a lack of jobs.

The judge should contribute his expertise and influence to the decision-making process of public and non-profit boards of agencies and foundations concerned with youth and gang-related problems. Support for funding efforts to fill existing service gaps in the community can be a part of this. Judges should seek out opportunities to address community groups on the gang problem and actively attempt to convene community forums of both an interagency and grassroots nature to encourage the development of an effective response. Accurate awareness and understanding by the citizenry about the serious nature of gang activity and what can constructively be done is vitally important, particularly to the success of funding new program initiatives. Moreover, judges should advocate through their professional associations that more legislation be passed not only for suppression but also for meaningful rehabilitation measures targeted to gang members and gang prone youth. Finally, judges should actively attempt to educate the general public and community-based agencies, especially school and youth groups, by inviting their representatives into the courtroom to better understand the nature of the problem and witness the functioning of the court in relation to it.

#### Selection, Training and Education

Effective juvenile court judges generally exhibit a life long concern for youth and display a demonstrated commitment to the rehabilitation of minors. However, it usually takes some time before a new appointee to the court can be productive unless he brings prior experience and understanding of the dynamics of gang activity to the position, and is already familiar with the gang-impacted neighborhoods and social service networks in the jurisdiction.

Given the limited knowledge that most judges and court personnel have about the nature and scope of youth gang activity, it is imperative that they seek out training opportunities. The objective of training is to learn about youth gang-related crime and its impact on the community, causes of youth gang formation, motivators of gang member behavior, gang member background, and court strategies which can be utilized to confront the issue. Youth gang-related topics could include the sociology of street gangs and prison gangs, distinctions between gang and non-gang crime, special youth gang-related court orders, courtroom security, dealing with witness intimidation, effective sentencing for developing social competencies in youth, types of community-based resources available, and court procedures for influencing parents of gang members. Police, prosecutors, probation officers, academics, and others can be brought in as training resources.

Veteran judges in juvenile or adult court with experience in gang cases can be especially helpful by making new judges aware of techniques and procedures (e.g. differential sentencing) which they have used effectively in court, and community programs that have been especially helpful in both rehabilitating problem youth and protecting the community. New judicial appointees should be required to tour gang communities. Ideally there should be a standard gang curriculum available to judges new to the bench both in emerging and chronic gang problem jurisdictions.

### Research and Evaluation

Policy and organizational development research is necessary concerning the court's functioning in regard to the gang problem. Systematic study is required, for example, to determine whether the juvenile gang member should comprise a special category in juvenile court law, such as minors in need of supervision. The general delinquency category may not be adequate to deal with gang cases. Of particular importance is the determination of whether youth gang members and their gang-related criminal activity should receive special court processing through a separate court across juvenile and adult age periods. There should be inquiry as to whether court consideration of youth as gang members or their involvement in gang incidents has consequences for sentencing outcomes and recidivism rates. We need to know whether similar types of gang youth receive different treatment in different court jurisdictions and with what long-term consequence for social adjustment. This is critical to developing promising court approaches to the youth gang problem.

From a legal standpoint, the court must determine whether certain processing decisions are consistent with constitutional law, e.g., utilizing special court procedures, such as automatically waiving suspects who are gang members to adult criminal court; using gang membership per se as a basis for more stringent sentences; and requiring youth not to associate with other gang members, particularly with gang members who may not have criminal records. Judges should also be evaluated in regard to their understanding and use of relevant procedures and their skill in handling gang cases. Evaluation of judges should be conducted periodically by prosecutors, defense attorneys, and probation officers in their courtrooms. Findings from these evaluations should be utilized by the presiding judge and judges themselves to improve court organization and processing in respect to gang youth.