

Gang Violence: An Environment of Fear
U.S. Senator Dianne Feinstein
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On September 24 of this year, Los Angeles experienced a new low.

Three-year old Kaitlyn Avila was shot point-blank by a gang member who mistakenly thought her father was a member of a rival gang.

The gang member shot and wounded her father, then intentionally fired into little Kaitlyn's chest. This is the first time law enforcement officials remember a young child being "targeted" in a gang shooting.

This shooting is but a symptom of the disease that has taken hold of our cities – and that disease is gang violence. The violence perpetrated by gang members on one another, on police officers and on innocent bystanders is horrifying.

Gang violence is an attack not only on individuals, but also on our communities.

It stops mothers from allowing their children to play outside. It prevents the elderly from taking walks in their neighborhoods. It creates an environment of fear.

It is well past time for the federal government to provide a hand of assistance to state and local law enforcement. It is well past time to come to grips with the escalating levels of violence.

The key is a balanced, comprehensive approach.

First, we must help those on the front lines. This means new laws, tougher penalties, and millions for investigations and prosecutions.

Second, we must identify and fund successful community programs. These are programs like the Gang Risk Intervention Program – GRIP -- at Lennox Middle School in Inglewood, which I visited in August.

The program's results are clear: 80% of participants graduated high school and stayed away from gangs. Students in the program were truant less often, and also showed improvement in their work habits and grades. We've got to replicate successful programs like this one across the country.

And third, we must make it safer for witnesses to come forward and testify. You can't win cases, if witnesses fear for their life.

Many of you know that I've been working on gang legislation for several years. **Yet, the bill has not become law.**

So today, I'd like to talk about the scope of the problem; to let you know what I believe can be done to help stem the tide; and to ask for your help in getting a new, comprehensive law approved.

The latest FBI statistics are in. Violent crime is on the rise – Murders are up. Robberies are up. Aggravated assaults are up.

This is true in every region in the country, and the increases are greater than any year since 1991.

And a big reason for the rise? Gangs have metastasized from the big cities like Los Angeles and Chicago to the medium and small ones. Places like Milwaukee, Birmingham, Cleveland, and St. Louis.

There are now at least 30,000 gangs nationwide, with 800,000 members.

In California, there are 3,700 gangs up and down the State. 171,000 juveniles and adults are committed to this criminal way of life.

That's greater than the population of 28 counties, and the same number of people that live in the City of Tracy.

You are all too aware of the damage that gangs do. From 1992 to 2003, there were more than 7,500 gang-related homicides reported in California. That's equivalent to the entire city of Sausalito.

And in 2004, more than one-third (of the 2,000) homicides in California (698) were gang-related. It's worse among our young. Nearly 50 percent of the murders of 18-29 year olds were gang-related. And nearly 60 percent of the murders of teens under 18 were gang-related.

Now, the rate of gang violence is not always the same everywhere.

There has been a recent drop in gang membership and gang violence in Los Angeles, for example. This is good news, but it is likely just a blip on the radar. Gang roots run deep in Los Angeles, and these gains may only be temporary.

When you look at the big picture, you see that gangs continue to infiltrate our communities.

It is estimated that gangs are now having an impact on at least 2,500 communities across the nation.

They control neighborhoods through violence. They traffic in drugs, theft, extortion, prostitution, guns, and murder.

All too often this puts law enforcement in danger. Let me name but a few:

- Los Angeles Police Officer Ricardo Lizarraga.
Killed while responding to a domestic violence call, by a man who drew a gun and shot him twice in the back. The suspect was a known member of the Rollin20s Bloods.
- Merced Police Officer Stephan Gray. Officer Gray was shot and killed when a suspect (a gang member he had encountered before) fired two bullets into his chest.

The list goes on:

- Los Angeles Sherriff's Deputy Jeffrey Ortiz.
- Burbank Police Officer Matthew Pavelka.
- California Highway Patrol Officer Thomas Steiner.
- And San Francisco Police Officer Isaac Espinoza.

Los Angeles Police Department Chief Bill Bratton put it bluntly: "There is nothing more insidious than these gangs. They are worse than the Mafia. Show me a year in New York where the Mafia indiscriminately killed 300 people. You can't."

The problem is immense. It is on the streets. It is in the prisons. It is in big cities and small. It is in California, and every other State.

So we've got to come up with a comprehensive approach.

Here are the key questions:

How do we keep our youth out of these gangs in the first place?

How do we encourage and protect witnesses who come forward and testify?

And what do we do when the gangs perpetrate violence in our communities?

It is clear to me that a commitment has to be made on each of these fronts.

We know that a coordinated approach like this works. You have no further to look than Modesto for results:

In Modesto, community leaders put in place a model built on suppression, intervention and prevention. They established a law enforcement task force. They brought together police, sheriff, the DA, parole, and corrections. They were able to create a database on gang members and use that shared intelligence to coordinate enforcement efforts.

They established a community task force to make sure every elementary school had an after-school prevention program. They put sheriff's deputies into the middle and high schools, creating a constant visual presence.

This balanced approach has worked. Murders have dropped from 24 in 2003 and 2004 to only six in 2005 and 2006.

Drive-by shootings have fallen 88%. Gang-related gun assaults have dropped by two-thirds from their peak.

The gang bill I am sponsoring would encourage this kind of balanced approach.

Senator Orrin Hatch of Utah and I first introduced legislation in 1996. And I have introduced a gang bill in each Congress since that time.

Along the way, we have gotten close.

Many of the provisions of our gang bill were incorporated into the 1999 Juvenile Justice bill, which was approved overwhelmingly (73-25) by the Senate in the 106th Congress.

But the bill stalled in Conference, and these provisions were never signed into law.

In 2004, our bill was approved by the Senate Judiciary Committee, but once again it stalled. And in this Congress, we worked with members of both sides of the aisle to develop a bill that enjoys broader support than we have had in the past. And we will reintroduce this legislation in the early days of the next Congress.

So what would this bill do?

Simply put, it would be a balanced program – with new programs and funding for prosecutions, and support for programs to prevent people from joining gangs in the first place.

The Department of Justice announced this Spring that it was devoting \$30 million in new funds to fight gangs, including \$2.5 million in Los Angeles.

This is welcome, but it is but a drop in the bucket. So the bill I have introduced would authorize almost 30 times the DOJ's initiative – \$870 million for all activities over five years.

\$500 million of that would be used to create new "High Intensity Interstate Gang Activity Areas."

These would mirror the successful HIDTA (High Intensity Drug Trafficking Area) model that brings together federal, state and local agents to coordinate

investigations and prosecutions. And the \$500 million would be split 50/50, so that for every dollar spent on law enforcement, a dollar would be spent on prevention.

Simply put, we would try to replicate and expand the state and local models that have worked in the past.

And we would establish a clearinghouse to collect “best practices,” so that this isn’t theory, but what works on the street.

The bill would also authorize \$100 million for Project Safe Neighborhoods, a Justice Department program designed to reduce gun violence in America.

But at the same time, this bill would establish new crimes and tougher federal penalties.

Today’s federal street gang laws are weak, and are almost never used. Currently, a person committing a gang crime might have extra time tacked on to the end of their federal sentence.

This is because federal law currently focuses on gang violence as a sentencing enhancement, rather than a crime unto itself.

So the bill I have offered would make it a separate federal crime for any criminal street gang member to commit, conspire or attempt to commit violent crimes – including murder, kidnapping, arson, extortion -- in furtherance of the gang.

And the penalties for gang members committing such crimes would increase considerably.

- For gang-related murder, the penalty would be life imprisonment or the death penalty.
- For kidnapping, aggravated sexual abuse or maiming, or if death resulted, the penalties would be from 5 years to life imprisonment.
- For any other serious violent felony, the penalty would be 3-30 years.
- And for any crime of violence – defined as the actual or intended use of physical force against the person of another – the penalty would run from 0-20 years.

The bill would also:

- Create a new crime for recruiting juveniles and adults into a criminal street gang. Currently, there is no federal crime that covers this.
- This bill would change that, by making recruiting gang members a new federal crime, with a penalty of 0-10 years. If someone recruited a minor,

the penalty would be 1-20 years. And if someone recruited from prison, the penalty would be 5-20 years, and would be consecutive to their existing sentence.

- The bill would create new federal crimes for:
 - committing multiple interstate murders;
 - crossing state lines to obstruct justice; and
 - committing violent crimes in connection with drug trafficking (whether or not it is gang-related).
- The bill would also increase the penalties for “RICO” (Racketeering Influenced and Corrupt Organizations)-related crimes, so that they match the new penalties the bill establishes for gang crimes.

This balanced approach – of prevention plus tough penalties -- will send a clear message to gang members.

Hardened gang members can take advantage of the opportunities we are creating, with schools and social services agencies empowered to make alternatives to gangs a realistic option.

But if they continue to engage in violence, they will face serious consequences.

The bill would also provide \$270 million in funds for witness protection grants.

Too often, witnesses are afraid to come forward and tell the truth due to fear.

State and local law enforcement officers lack the resources needed to protect the safety of such witnesses and informants.

So this legislation will be a clear-eyed approach to tackle all aspects of the problem.

Bottom line: the growth in size and complexity of gangs has become a national problem, requiring a federal response.

As long as I am a member of the United States Senate, I will make it one of my highest priorities to make that federal response a reality.

I hope you will join me in this effort.