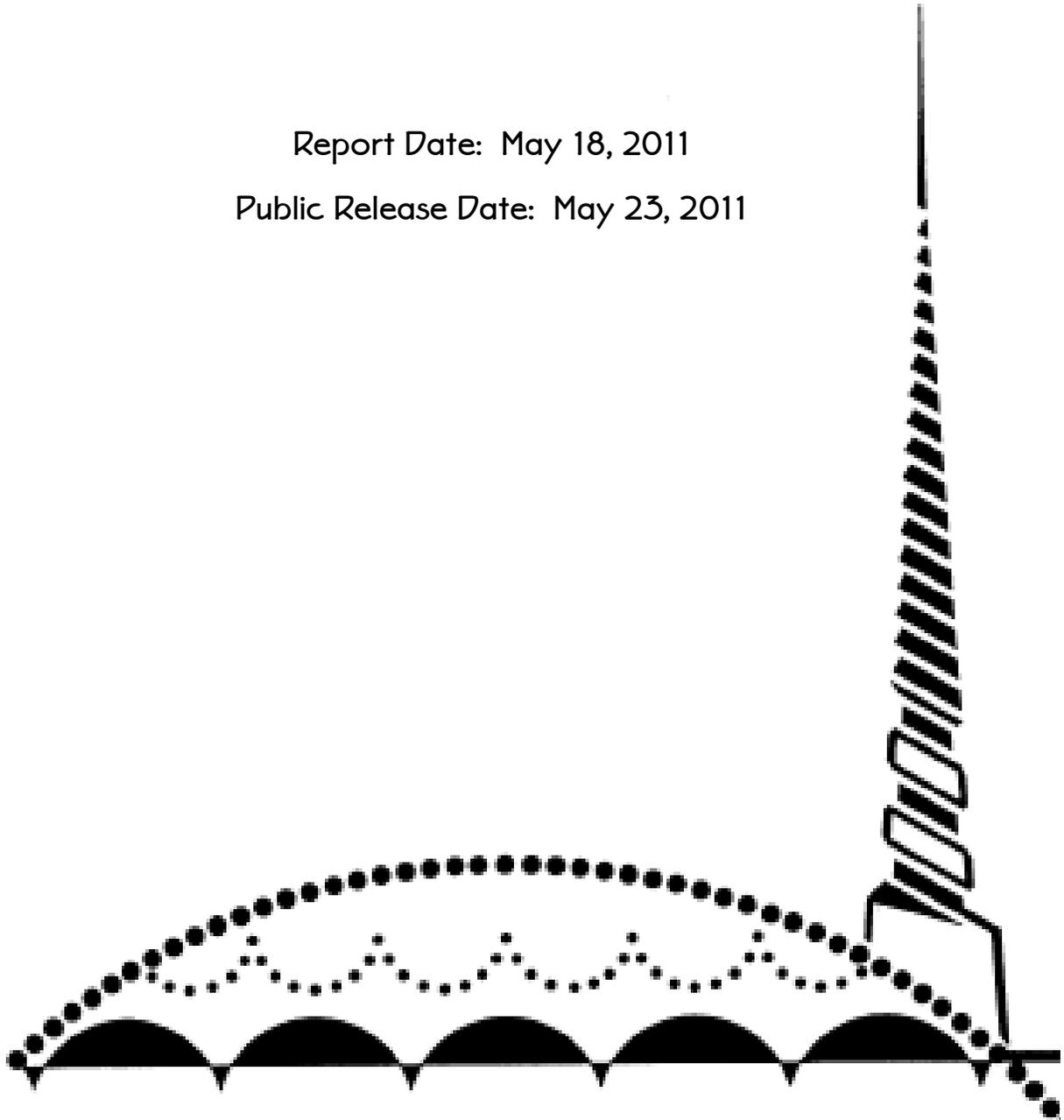


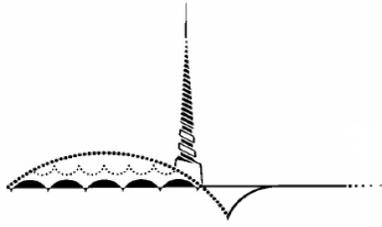
2010-2011 MARIN COUNTY CIVIL GRAND JURY

# Gangs of Marin: A Tale of Two Counties

Report Date: May 18, 2011

Public Release Date: May 23, 2011





## **GANGS OF MARIN: A Tale of Two Counties**

### **SUMMARY**

Marin is not just a geography, it is a lifestyle. Affluent citizens<sup>1</sup> walk safe streets with lives largely insulated from the majority of criminal influences found in neighboring counties. Residents pay for this privileged lifestyle with their taxes, their votes and an extensive commitment of volunteer time to the community. Marin is not the place where one would expect the specter of gangs to appear on anyone's radar much less rise to a level that would generate a Grand Jury investigation.

The first gang investigation was found recorded in the Grand Jury archives of 1996 and the most recent in 2008. The latter report titled: "Gangs of Marin<sup>2</sup>" concluded: "Marin has criminal street gangs, but they are small relative to the size of our population." The report went on to say, "Marin's gangs are less violent and their numbers are growing more slowly than in other Bay Area communities."

Early during the tenure of the current Grand Jury, it was brought to the attention of the jurors that Marin gang crimes were being reported in the local media with increasing regularity. Even more concerning than the arguably small numbers was the reported level of violence. It was escalating from property crimes to knifings and shootings. On the surface, that seemed to contradict the Grand Jury report of 2008 and an additional investigation was deemed necessary to validate or repudiate the issue.

An intensive interview process was undertaken. Without exception, every interview with over two-dozen expert witnesses who interact with local gangs regularly started with the question: "Do we have an escalating Gang problem in Marin?" The response in every case, except for two was an emphatic "yes!"

A rigorous search was then launched for pertinent local gang crime statistics; however, the jury found such information to be virtually non-existent or spotty at best. The small amount of data that does exist can be interpreted to support any point of view. The best interpretation we could make by analyzing the nominal data available was that the increase in crime is "probably" not significant.

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<sup>1</sup> In April 2011, the Federal Bureau of Economic Analysis pronounced Marin to be the richest county in California and fourth richest in the United States.

<sup>2</sup> Marin County Grand Jury Website - "Gangs of Marin" Report and Responses dated May 14, 2008  
<http://www.co.marin.ca.us/depts/GJ/main/cvgrjr/2007gj/index2007.cfm>

This morass of contradictions demanded an even more in-depth investigation. What resulted was recognition that we were asking the wrong question. Instead of asking if gang crime was escalating in frequency and ferocity, we needed to ask why Marin gang crime was perceptively lower than that experienced by our neighboring counties.

It is true that Marin County is economically, geographically and sociologically insulated from the classical roots of gang crime. One Marin Police Chief we interviewed credited our safe community to the recognition that "Marin citizens just refuse to tolerate gang crime."

At San Quentin, prisoners told us that we citizens of Marin must 'Walk the Talk'. Marin citizens do just that. Refusal to tolerate gang crime manifests itself in Marin through the creative, proactive, and collaborative efforts of the courts, Marin law enforcement, Probation, involved citizens, Educators, and County and City governments. They have seen and recognized the potential havoc gangs can wreak on our society (but mostly on our youth) and they are working diligently to keep Marin's proverbial "finger in the dike" to keep local gang activity at a trickle in Marin rather than a torrent.

The body of this largely informational report is intended to shed light on the various facets of a very complex topic by providing the reader the same information this Grand Jury was privileged to examine. It looks at specific Marin gang issues from the point of view of people who are committed to diminishing the influence of local gangs. It specifies programs and activities that are working well to lessen their impact and finally, it garners helpful insights from current gang members in their own words and, where prudent, even in their own vernacular.

By having the facts and insights, each reader can come to his/her own conclusions regarding this volatile issue. The Grand Jury has issued this report in an effort to clarify the amount of activity presently being conducted to keep us gang-safe as well as the severity of ignoring the potential problems and letting the issues go unchecked.

## **BACKGROUND**

All grand juries undergo extensive training immediately after taking their oath of office. A large portion of that training comes from department heads in the County defining their roles and the present state of affairs of their organization. During that period, a number of law enforcement and court personnel shared their perceptions of recent escalations of gang activity. Those testimonies alone would have provided sufficient impetus for another investigation by the Grand Jury, however interest was supplemented by the perception by many that there appeared to be an increasing number of news reports regarding gang activity in the County. Typical headlines that garnered attention included:

- Man stabbed outside Novato restaurant - Marin Independent Journal 07/26/2010
- Mill Valley man (gang member) charged with murder in Marin City stabbing - Marin Independent Journal 12/20/2010
- Woman arrested in Novato (gang) shooting at Hamilton Safeway - Marin Independent Journal 01/03/2011

Novato woman charged in gang attack as shooter remains at large - Marin Independent Journal 01/05/2011

Novato police name second suspect in gang shooting - Marin Independent Journal 01/11/2011

Suspect in Hamilton Gang Shooting Arrested in Rohnert Park - Novato Patch 12/13/2011

- Gang suspect eludes manhunt in Point Reyes seashore - Pacific Sun 01/04/2011
- Novato officials take aim at gang activity - Marin Independent Journal 01/05/2011
- San Rafael gang patrol yields weapons arrest - Marin Independent Journal 02/03/2011
- Novato teen cited for gang graffiti - Novato Advance 02/05/2011
- Novato teen charged as adult in San Rafael (gang related) gun incident - Marin Independent Journal 02/08/2011
- Novato police link three youths (gang members) to theater graffiti - Marin Independent Journal 02/11/2011
- Novato takes action against gang graffiti -Novato Advance 02/22/2011
- City (Novato) toughens graffiti ordinance (Vandalism linked to gang activity) - Marin Independent Journal 04/13/2011
- Gang suspect accused of gun threat over soda - Marin Independent Journal 04/16/2011
- Three San Rafael juveniles arrested for suspicion of firing at rival gang members - Novato Advance 4/25/2011
- Man stabbed to death during California (Gerstle Park in San Rafael) gang fight - San Francisco Chronicle 5/12/2011

The most disturbing among these incidents was the double shooting at a popular Novato shopping center. That incident engendered a white-paper<sup>3</sup> by city officials to officers and citizens of the City of Novato discussing the event and clarifying how law enforcement was working to neutralize the threat. With all this information before us, the Grand Jury felt it most appropriate to launch a detailed investigation into all aspects of gang activity in Marin County and verify the present status of gang crime.

## **METHODOLOGY**

This investigation started with the Grand Jury interviewing a representative cross section of Marin's law enforcement community. This group included police chiefs and administrative officers as well as deputies, detectives, and patrol officers. We talked with representatives from the Sheriff's Office, the Public Defender's office, local Homeland Security, Juvenile Hall, the Office of the District Attorney, the Probation Department and San Quentin line staff and civilian volunteers. These interviewees represented various public safety organizations but their individual testimonies were consistent. Without exception, law enforcement expressed concern based on personal experiences that there was significant increase in gang

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<sup>3</sup> Novato Patch: City documents its steps to combat gang violence; January 4, 2011  
<http://www.novato.patch.com>

crime in the County, especially near the end of 2009 and continuing into 2010. The investigation then progressed by gathering more detailed information from people outside law enforcement but still closely associated with gang activity. They included management and staff of local community and youth organizations, County educators, Youth Court officers, elected officials, and private individuals and organizations engaged in gang prevention and mediation.

Finally, the interviews were supplemented with first-hand experiences. With the exceptional support and endorsement of Marin law enforcement (and with special thanks to the Probation Department), the Grand Jury was invited to ride along with cross-jurisdictional law enforcement agencies as they conducted unannounced night time "sweeps" on known gang members currently on probation. Because gang members associate regularly, the task force also sought out offenders not necessarily on probation but with outstanding warrants. During one sweep, two such persons were spotted by the task force and promptly arrested.

In addition to the ride-alongs, the Grand Jury was offered the opportunity to talk to current and ex-gang members from the streets of Marin and in San Quentin prison. The ground rules for talking to gang members stipulated that they would help us understand gang life from their vantage point but would not divulge anything about their associates or specific criminal activity. That way their shared information did not qualify them as "snitches" nor did the Grand Jury place itself in a position of having knowledge we could not, by virtue of our oath of secrecy, pass on to the proper authorities.

This ability to gain insights from gang members themselves was a crucial turning point for the investigation. It afforded us an opportunity to have current gang members articulate the what and the how, but mostly, the why, of their involvement in gang activities - specifically local gang activities directly affecting Marin. Their personal views of gang life are cited liberally throughout this report.

It should be noted that although the Mafia, Hells Angels and Zeta organizations qualify as gangs under California Penal Code 186.22, they were specifically omitted from this investigation because each of those enterprises would warrant a separate investigation and also because their presence in Marin was described by local law enforcement and Homeland Security as "negligible."

## **DISCUSSION**

### **Overlapping Marins**

To expand on the report sub-title "A Tale of Two Counties," imagine if you will that Marin is actually two separate counties. Each county has its own unique society complete with its own societal norms, but the two societies live in the same geographic area. One county is populated with law-abiding citizens and the other county with gang members. Most of the time, members of each county live in their own insulated worlds. Marin citizens reported that they see the occasional graffiti and view news reports of gang activities but, in general, the issue is well outside the confines of their normal lives and therefore off their daily radar.

While it is true that the two counties tend to keep to themselves, in the last year Court records and law enforcement personnel, combined with local news reports, indicate the two counties are interacting more regularly.

This analogy of the two counties was a direct result of our discussions with gang members. They were the ones who postulated the presence of an alternate Marin. They took delight in the fact that they see us, but we tend not to see them. They were amused to call our attention to the fact that citizens of Marin who eat in restaurants, have their landscapes groomed, cars washed or repaired, or take local buses, have most assuredly rubbed shoulders with bona fide gang members. This is not at all odd when you consider that having a legitimate full-time job is one of many stipulations of an offender's conditions of probation.

Additionally, places where children play or people shop during the day can, and sometimes do, become combat sites at night. Hotel restaurants that host relaxed social events for Marinites have occasionally found their parking lots to be the scene of vicious gang fights. County Fairs and similar outdoor gatherings provide venues where citizens are virtually guaranteed to be in the midst of current gang members. These people are from different gangs and those gangs are sworn enemies.

The Marin Independent Journal reported that on May 22, 2010, commuters at our local transit center witnessed an extreme case of the two counties overlapping when two suspects argued in a bank parking lot across from the San Rafael Transit Center and then opened fire on each other. Gangs have no respect for each other and certainly not for innocent people who find themselves in the wrong place at the wrong time. Gangs may agree to occasional truces, but they are in a constant state of war.

In some ways, our county's student population may be more aware of the presence of the two counties than their parents. Several officers said that they have recently investigated more violent crimes and noted a marked increase of known gang members frequenting the College of Marin campus than any other time in the past. They recommended that the Grand Jury visit high school campuses at noon to see how individual gangs claim their private turf to eat their lunches.

### **So what is a gang?**

It came as no surprise that a few of the people we spoke with denied there were gangs in Marin. Some just do not want to acknowledge their existence. Still others fear they might jeopardize the status quo or possibly bring into question the success of their community programs. Certainly local merchants fear the potential loss of business if shoppers feel unsafe in local malls.

More frequently, citizens get bogged down in semantic arguments claiming that, by definition, the Boy Scouts, Girl Scouts and Grandma's sewing circle are technically gangs. Still others denigrate the issue by saying that these are just kids who have known each other a long time and that they just like to "hang and have fun together singing and dancing." During a recent periodically held community forum aimed at educating parents and teachers on gang indicia, (specific actions or indicators that the person is a gang member) a number of

pictures were shown that were taken directly from current gang websites of these local, "non-existent" gang members. They proudly portrayed themselves sporting their gang tattoos, hand signs and guns. One picture showed a number of gang members brazenly seated on the steps in front of Mission San Rafael. **Note of caution: the police who gathered the pictures warned that most of the gang websites they visited were infected with identity-robbing trojans or viruses.**

A generic definition of a street gang<sup>4</sup> is a group of people who form an allegiance for a common purpose, who engage in criminal activity, and who conform to one or more of the following traits:

- Share a common group name, symbols, tattoos, graffiti and a common style of dress
- Frequently congregate in, or lay claim to, a specific geographic area
- Associate together on a regular or continuous basis

The key concept here is that to qualify as gang members, people must engage in criminal activity that furthers the illegal goals of their criminal enterprise.

### **Insights from the second Marin**

A word of caution is required before reading the following narrative. The information presented has been derived directly from present and "former" gang members. It is a compilation of their personal views of life in general and gang life specifically. Its value lies in providing a deeper understanding of gang life from a vantage point few are privy to witness. With that context in mind, it would be a grave error to misuse this information to broad-brush any specific group, race or creed or even any individual gang member. Some of the material is difficult to fathom but has been included here to provide the reader a more thorough understanding of the (gang) life and of the criminal mentality inherent in all gang related activities.

The largest gangs in Marin presently are the Norteños and the Sureños. Although the Norteños tend to be more hierarchical than the Sureños, neither gang has the strict codes nor the military-like structure we have come to expect in criminal enterprises like the Mafia. Marin's smaller gangs include the Young Hawgz, KUMI-415, Aryan Brotherhood, Crips, Bloods, Mexican Mafia, Mara Salvatrucha-13 and Zetas. There are reportedly more but these are the most commonly known and/or active.

It is important to note that if one reviews the ethnic composition of the local gangs listed above, one will find they encompass a cross section of different races. The 2010-2011 Grand Jury concluded that gang issues are not about race, creed, color or national origin... they are about criminality.

The hierarchical structure of gangs is relatively flat. There are "shot-callers" at the top and beneath them "generals" who run local turfs. All the rest are "soldiers." The top two tiers

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<sup>4</sup> <http://www.gangsor.us.com/definition.html>

demand "tax" or tribute payments from the soldiers. As a rule, the gang's most respected leaders also tend to be the most violent.

Gangs meet regularly to discuss criminal activities and to pay their "taxes." This money perpetuates gang activities and pays off members higher up.

In California, the topmost gang kingpins are career criminals and therefore are generally to be found in our prisons. This was of special interest since San Quentin lies within Marin's borders. The word from San Quentin staff is that the highest gang members in our local Prison would only qualify as "middle management." The best-known hard-core shot callers are presently incarcerated in maximum-security prisons such as Corcoran and Pelican Bay.

Our democratic rights of citizenship, coupled with criminal creativity allow incarcerated gang members to maintain effective gang control from the relative safety of their cells. Common prison methodologies include mail drops, three way correspondence, illegal cell phones and cleverly encoded mail. Gang leaders also communicate to the outside through less-than-ethical lawyers, complicit staff, visiting family members and "good soldiers" as they pass in and out of the prison system. They also use selected clergy and their inherent liturgical rights of secrecy. Legal ordination documentation can be purchased for \$25 on the Internet.

Running a gang from prison is complicated. For obvious reasons, shot-callers must keep meticulous records of their transactions and their "books" are held by the lesser soldiers on small paper sheets called "kites." These kites are written in extremely small characters to save space and are secreted in the anal cavities of the newly incarcerated. Such notes can carry any genre of information such as encoded names of current members along with their street names. Notes or records can identify areas of cities and which gangs control those territories. Some kites carry the BNL (Bad News List) which details the names of people who have to die for any number of gang related offenses. Such intelligence is invaluable to law enforcement and there is a constant cat-and-mouse game in prisons to hide or find such data.

Grand Jury efforts to quantify the metrics of gang sizes failed even when talking to the gangs themselves. Local gang members were unsure (or unwilling) to guess the actual sizes of the various local gangs. Clearly gang members do not register anywhere. Additionally, there are large numbers of wannabes who "hang" with the gang from time to time. Wannabes can be people who ultimately become gang members but most use their affiliation to build local reputations but never pursue advancing their qualification for actual membership. Besides resident gang members, there are also those members who come and go frequently depending on how welcome they are to the gang and whether they are known or wanted for a recent crime. Recently, five wannabes committed thirty armed robberies in southern Marin. Their main intent, aside from monetary gain, is to increase their status with their gang and thus rise in the ranks.

The question of missing metrics perplexed us, but the experts told us a number of real-world factors come in to play everywhere that gangs exist, not just in Marin. Apparently, gang crimes are frequently not recognized as such unless the perpetrators are multi-offenders or known to local law enforcement. There are some issues as to how consistent individual

officers might be in assessing gang crime from other crime sources in the heat of the arrest. Plea-bargained cases can sometimes blur "gang" status to achieve agreeable terms. While these technical issues are factors, they are minor compared to the most significant factor in underreporting gang crime and that is because gangs thrive in an atmosphere of intimidation, fear, and retaliation. In some areas of the County, people who report gang crimes are very likely to be victimized twice - once for the crime and once again for reporting it.

Another mitigating factor is that gang crime is predominantly committed against other gang members. Police officers reported that in almost every case, gang-on-gang victims refused to name their attackers with comments like: "don't worry about it, it will be handled." More than one local gang member we interviewed mentioned their amazement at the extensive number of crimes they personally knew about (or participated in) that never appeared in a local newspaper.

Gangs have proven themselves to be creative and adaptive. When a local school gang wanted to display a show of force, they knew they could not come to school wearing their gang "colors" so they ordered their members to all show up in the same white shirts and black pants. Gang members who have been deported but are determined to continue their business in the United States have created halfway houses across the borders. From these sanctuaries, they can and frequently do return to their point of deportation. Local authorities told of one known local gang leader who returned to Marin in less than 2 weeks.

Most states have chosen to deal with criminal gangs by creating laws that automatically add on incarceration time if the convicted person is a proven gang member.<sup>5</sup> This practice is consistent with a well-known axiom among law enforcement and correctional officers that a small number of the worst offenders commit a majority of the crimes. This is sometimes referred to as the 8% problem. One recent study by the Probation department in Orange County found that 8% of young criminals committed 55% of the crimes.<sup>6</sup>

The only drawback is the add-on law effectively requires prosecutors to prosecute a gang member twice: once for the specific crime and once again to prove the offender's applicability for the add-on sentencing. Although it is an excellent idea in the abstract, in the real world it is frequently brought to its knees by practical issues of DA staffing and caseloads, added burdens of proof for police, and demanding court schedules. Note: Based on this investigation, the Grand Jury fully supports and encourages the use of the add-on law every time it is applicable.

When asked what kind of gang crime occurs locally we were told by gang members that the vast majority of gang crimes are actually retaliation for a previous act and against a rival gang. Crimes against the general population are not generally planned except possibly for home invasions. Home invasions are not specifically to steal "things" in the house but rather for the drugs that the gang knows are being grown or stored in the residence. In general,

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<sup>5</sup> Specific requirements to qualify for "add-on" time are defined fully in the California Penal Code Section 186.22.

<sup>6</sup> <http://www.ocgov.com/ocgov/Probation/8%20Percent%20Solution/8%20Percent%20Problem%20Study%20Methodology> Note: to use this URL, copy or paste into your browser window.

most local crime is property crime committed against targets of opportunity. Such targets would include for example, single bus riders at bus stops or people walking alone at night. An especially viable target is anyone who does not use banks and is suspected by the gangs to be carrying large amounts of cash on their person. Police corroborated this assessment and further characterized our local gangs as sharks that move about and eat any time they are hungry.

In addition, stealing cars is currently profitable. Not only are the cars resalable, but also they can be "chopped" into parts and the pieces sold for more than the car is worth. There is also a large stolen car market overseas and in Central and South America. The hottest new market is for the precious metals found in catalytic converters.

According to gang members and County officials, crystal meth (methamphetamine) is presently Marin's illegal drug of choice with the misuse of prescription drugs like Oxycontin vying hard for first place. We were told that meth cooks have progressed technically from needing a large, well-equipped laboratory to something small enough to fit into a van. Gang members lamented the fact that the misuse of prescription drugs is cutting into their profits. Prescription drugs are easier to get, cheaper, and generally do not arouse suspicion.

A more recent enterprise is ID theft. Gangs steal mail for any personal information that it might contain. There are criminal clearinghouses that buy personal mail for \$1.00 per piece.

### **The why - it's a matter of anger**

Most of our gang member interviews started with the question "why." Although one would expect a variety of answers, there emerged one consistent theme that included the word "angry." It was very significant that they talked about being angry almost all the time and that all of their friends are angry people. This is consistent with what the sociologists and psychologists tell us when they say root<sup>7</sup> causes of joining gangs include the following:

- Anger toward missing or abusive parents
- Anger at being victimized by "the system"
- Anger at the absence of security, structure and discipline in their lives
- Anger at finding no support from family, friends or society in general
- Anger at having no idea where they belong, who they are, or what they could be
- Anger at being left unprotected by people they trusted
- Anger at having no money and no respect
- Anger at being forced into a gang by the community and circumstances
- Anger at families whose current gang affiliations left them no other options

The primary list came from the selected sites on the Internet but we added the concept of "anger" to add emphasis based on the insights we received from gang members we

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<sup>7</sup> [http://www.co.middlesex.nj.us/prosecutor/MORE\\_docs/Gang%20Awareness%20&%20Prevention%20-%20Guide%20for%20Parents%20&%20Teachers.pdf](http://www.co.middlesex.nj.us/prosecutor/MORE_docs/Gang%20Awareness%20&%20Prevention%20-%20Guide%20for%20Parents%20&%20Teachers.pdf) Note: to use this reference, it must be pasted or written directly into your browser search window.

interviewed. The consistency of the anger comments went a long way in helping us understand why a gang member could so easily beat, shoot or stab someone for innocently committing what would seem to most people to be a minor affront. A notable quote came from an ex-gang member when he told CNN News that "Gangs are the language of those who have lost hope."

### **Gang fodder is everywhere**

No gang investigation would be complete if we did not ask gang members what personally led each of them into the gang life. For some of the people, gang affiliation almost seemed pre-destined and a natural progression of their early lives. This group talked of being on Marin streets hungry and cold at a time in their lives when they were too young to understand why so many others had what they did not have. Their natural response to that was "anger." Introduce gangs into that scenario with offers to provide them with all the things they are missing, and even a hardened skeptic would have a hard time assuring this subset of kids that their gang affiliation was wholly a choice.

We heard of gang members who are the offspring of two or three generations of gang members. These people are strongly encouraged by parents and siblings to carry on the family business and simultaneously discouraged from seeking alternate options.

Still others said they had fallen victim to what they referred to as "the system" long before gang affiliation was a foreseeable option. As a result of the "sins of the parents" and circumstances beyond their control, these children ended up separated from their siblings and placed in what they referred to as "badly managed" or "physically abusive" foster or group homes in Marin and elsewhere. That lack of quality and control in their lives spawned their anger and initiated a pattern of running away and living on the street. For many street dwellers, the only group that offered them a better option was the gang. While the first Marin County might not make the same choices, the camaraderie, fellowship, mutual lifestyles and feeling of belonging offered by the gang offset the violence and loneliness of flying solo.

We were told of a third source of gang fodder - Juvenile Hall. An early investigation of "Juvie" by the present Grand Jury revealed a well-run facility. That stipulated, it was reported to the Grand Jury that the social patterns of the exercise yard forced the newly incarcerated to quickly choose an affiliation or "clique." Clique affiliation offered safe passage through their incarceration and rejection of a clique came with the threat of isolation or abuse. Of course, affiliation came with the mandatory hatred and anger toward the other residents and especially the other cliques. Incarceration also offered time to learn or hone their criminal skills, thus perpetuating a form of state-funded "high school of crime."

One might wonder about the inconsistency of saying Juvenile Hall is well run and then seemingly contradicting that statement by discussing how gang affiliation can flourish there. As with all institutions of incarceration - juvenile or adult - no amount of staff can watch everyone all of the time. In San Quentin, the prisoners take pride in saying that the officers run the prison as long as the prisoners are willing to let them. That is not really true but does point out that, like "A Tale of Two Counties," prisons sustain two separate lifestyles - even under the ever-vigilant and watchful eyes of the staff.

It is important to note that even those gang members who were the most uncomplimentary of Juvenile Hall were supportive of the "healing circles" and other psychological help they got at the "Hall." They said that for most of them it was the first and only time they had the opportunity and professional direction to stop long enough to evaluate and assess their lives. They were not as complimentary of the schooling provided, but conceded that many Juvenile Hall incarcerations are measured in days or weeks and that did not give them much time or incentive to seriously consider a long-term curriculum or direction. The Grand Jury supports providing all the mental health services the budget will bear.

There are two other potential sources of gang recruits that do not necessarily fit the traditional model:

- Some of the trained counselors we interviewed mentioned that some percentage of gang members are "sociopaths."<sup>8</sup> While this group does not inherently fit into the "angry" category, they certainly qualify as dangerous people. In gangs, the combination of sociopaths and cadres of angry people makes for an unstable mixture.
- Probation officers talked of a second non-traditional source. That is the anomalous handful of kids who come from prosperous homes, many times with one or even two loving parents. When asked why well-to-do kids might join gangs, it could only be speculated that the causes are generally boredom or a need for excitement. One person said, "if it's a girl, however, the issue is almost always 'love'." That observation was followed up with a tilt of the head and the overly macho comment: "Girls really go for the bad boys, you know."

### **Gang victimization is an equal opportunity attribute**

The literature, and most officers, affirmed the theory that gangs serve as a replacement for the missing family unit and provide their members the safe haven they did not find at home. Maybe that is why it seemed inconsistent to learn from our interviews that gangs can and do victimize their members just as much as they victimize people outside the gangs.

When wannabes become qualified candidates, they swear oaths of allegiance and state a willingness to die for their gang. In spite of this intense commitment, gangs have no qualms ordering members to kill or be killed, or to commit acts that are guaranteed to get them shot or, at best, incarcerated. When a member is hospitalized as a result of gang involvement or becomes incarcerated, outside gang support drops to nothing. When asked why, one young person shrugged and said: "Gang members cannot be seen associating with that person anymore... I guess that's just the way it is." We noted that the same denial comment of "that's just the way it is" was the frequent response to many questions for which there was no defensible answer.

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<sup>8</sup> Sociopath: the personality disorder characterized by an abnormal lack of empathy combined with strongly amoral conduct but masked by an ability to appear outwardly normal.

When asked about dreams and aspirations, some of the gang members interviewed acknowledged that they would like to live a "normal" life. They define normal as having someone who cares for them, a family, children, a safe place to live and perhaps even pets. They would like to have a good job and the ability to feel safe walking the streets. During interviews the body language was decidedly more open and hopeful when these topics were broached, but universally ended with a shrug, physical withdrawal, tightening of facial muscles and the verbal acceptance that none of that was ever likely to happen. Gang culture is the antithesis of that life. Two people even said during their interviews, "I love the family life but when the gang calls, I'M THERE!"

Even when the gang sees that someone wants or even tries to make a transition, the shot-callers call them to action knowing that their fellow gang members will leave whatever they were doing in at a moment's notice and fall in line as good soldiers. One person said his/her more realistic future "was not house and family - it was prison or street execution."

It amazed us all how easily gang members were able to completely compartmentalize their lives. They can be living lives we might all consider "normal" in one Marin and then shift instantly into committing horrific acts of violence in the alternate Marin. During the Marin gang sweeps it was not at all uncommon to find extensive religious relics on the front walls and huge gang-murals in the back rooms of the same residence.

### **How? The recruitment process**

When asked if it was difficult to recruit new gang members, the universal response was laughter. Gangs recruit kids as young as twelve. Several of our interviewees suggested that if Marin really wants to redirect kids away from gangs, they should start anti-gang education as early as eight years of age.

Kids are willing and eager recruits. The lure of money, power and respect in a world where they have none of these is irresistible. These kids are called "wannabes" or "pee wees" and they are highly sought after to commit minor crimes, carry and hide guns, transport drugs and sometimes even kill for the gang.

Young people are already conditioned by heroes they idolize, movies they see, music they listen to, and video games they play. They are predisposed to believe gang life will be enticing, exciting, and lucrative. At that age, they also see themselves as immortal. Graffiti touts gang activity on public walls and sows its venom of hate and intimidation. One wonders if rap artists and other celebrities know when they flash their oh-so-cool hand signs on the news or award programs just how much damage they are doing to these young kids who look up to them as role models.

To provide perspective on the lure of juvenile crime, several police officers testified that they arrest middle school students routinely who are making \$2000 a week and sometimes even more selling drugs. Multiple sources confirmed that one local probationer was arrested with \$17,000 in cash.

A member of the Public Defender's office with firsthand knowledge told us that gangs are partial to the use of minors because they know when minors are caught, the courts will treat

them with kid gloves and they will be back on the street before the ink dries on their arrest reports. Apparently the only downside to gangs who use kids is that "they tend to brag about their exploits" and are more than willing to trade information for leniency. Knowing that, the gangs have to be cautious and censor what the pee wees are allowed to know.

When an associate or wannabe decides he wants to advance in the organization, he tells the gang and is assigned specific "work" to do for the gang. "Work" means criminal activity of any sort. There is even a popular rap song called: "Putting in Work." At some point when the candidate has earned sufficient respect through successful criminal activity, the shot-callers will determine that he is ready to be a member. The candidate then goes through an extended period where the gang further tests his commitment to them. When the gang is satisfied that the candidate is a willing and capable "soldier," they jump him in. This equates to taking a beating from a handful of fellow gang members for a specified amount of time. Gangs appear to put a lot of energy into symbolism so if one belongs to the "Eighteenth Street" contingent of a local gang, for example, they are likely to inflict an eighteen-second beating.

These beatings were eagerly discussed with obvious pride. If one made an enemy or two in the gang the beating might be more severe, but otherwise, "they weren't that bad." Clearly being bludgeoned, shot, stabbed or maimed was an "expected part of the lifestyle." Each candidate was mentally conditioned to "take it like a good soldier." Beyond that, every wound enhances a soldier's status with the other members.

Women are allowed to be members in a few gangs. Several officers of the court lamented that they are seeing increased participation by women. The driver of the Safeway shooting drive-by car was female. For women, jumping-in can require them to do "work" for the group but more often it entails them sleeping with every member of the gang. This is referred to as being "sexed-in."

### **Rules and Regs?**

All organizations need to have some sort of rules to survive and street gangs are no different. Some groups accept multiple races into membership while still others limit membership to one race. Rules might specify that families of gang members are off limits for retaliation, or that rapists and child molesters must be killed. For some it is against the rules to kill innocent people when carrying out gang-to-gang mayhem. Failure to keep the rules results in having to pay a tax. "Taxing" in this case means taking a beating or even being killed if the offense is deemed sufficiently unacceptable.

It is against the rules of every gang to tattle or squeal. One local gang has tattoos saying, "ANT" which stands for "Ain't No Talkin." People who "rat out" other gang members are generally dealt with severely. In some Marin communities this rule holds for the entire population, and people who talk with the police can be beaten, have their homes vandalized, or sometimes they are even killed.

One case reported to us by law enforcement and the Public Defender's office told of a man who was stabbed in his doorway on a very public street at 1:00 o'clock (lunchtime) but nobody in the neighborhood reported it. The body was not discovered until 5:30 that night.

Paramedics said the man bled out and could have been saved if they had arrived just a few hours sooner. A N T!

"ANT" notwithstanding, "intel" (street language for intelligence or information) from gang members about other gang members is a way of life. Although it frequently accompanies plea deals, in many other cases it stems from jealousy or fear. Sometimes it is a judicious means for having the police deal with something they cannot or do not want to deal with themselves.

Since squealing is unforgivable, gang members are often accused of ratting out the gang and they must then produce their "papers" to prove themselves innocent of the charges. The "papers" in question refer to the arrest documents created as part of the arrest procedures. State law requires giving these papers to offenders. The documents are acceptable proof of "innocence" to other gang members if they do not detail, or in any way lead the reader to believe, that the offender was offered a deal as a result of turning on another gang member. The same papers can be used to prove "guilt" in which case the offender will have to pay the tax with money, a beating, or his life.

Body tattoos are a significant expression of gang life. Tattoos are badges of honor designed to instill fear in the beholders but also to articulate tales of gang membership, criminal exploits and details about their enemies. If a gang member has gang related tattoos (e.g. MS-13, ANT, X3, etc.) on the neck, head or the face, one can be assured they are top echelon soldiers, generals or even shot-callers. In prison, a tear below one eye usually denotes the owner has killed for the gang.

Gang members need permission to add a tattoo when they have successfully done "work" for the gang. If someone has a "tat" that has not been sanctioned, the standard practice; according to our gang members; is to remove it with a blowtorch or flay off the offending skin. We can safely assume that citizens of the first Marin are appalled by the image that conjures up, and confused as to why anyone would risk that much pain for a symbolic act.

There are at least two answers to that question and both serve to clarify gang mentality. The first possibility is that whether or not it is true, the threat alone is sufficient to inhibit unsanctioned tattoos for most people. Secondly, symbolic or not, gang tattoos are a sign of power and respect in the second Marin. The kids who risk unauthorized tattoos never intended to show a gang member their illegal tattoo(s), just their close friends and girlfriends. The whole process demonstrates a mentality of "invincibility." It also demonstrates an inherent confusion regarding cause and effect. There seems to be little or no link between taking an action and then receiving some sort of consequence for that action.

### **Marin - "Jewel of the North Bay"**

While gang members downplayed the extent of local-grown gang crime, they were quick to point out that Marin is the jewel of the North Bay, surrounded on three sides by cities with extreme gang activity. One gang member went so far as to describe Marin as a "tasty morsel, ripe for the taking."

To illustrate this, two police officers told of arresting out-of county gang members caught stealing money and electronic goods from Marinites at the San Rafael Transit Center. They told the officers they committed their crimes there because Marin people do not fight back. One young man said that if he tried to do the same thing in Richmond or even Santa Rosa, he would most likely be shot or stabbed by his victim. Another young man from Marin City said he could not even do crime in Marin City because all the sheriffs there know him by sight.

The same people who estimated Marin gang members in the hundreds estimated up to a thousand in Richmond and somewhere around four thousand in Santa Rosa. That does not begin to account for other proximate gang regions like Vallejo, Napa, and Oakland. Even as this document was being written, there were daily reports of a major gang war in the Mission district of San Francisco. The same insiders speculated from their sources that MS-13 and the Mexican Mafia may have their sights on local expansion.

### **What exempts Marin?**

Tasty morsel or not, Marin is still highly sheltered from gang activity. The naysayers are wrong - we do have small local gangs and huge nearby gangs but they are not terribly successful in this county. To be sure, gang crime is rising and must be watched, but it is presently under control thanks to the efforts of professionals who fully comprehend the consequences of ignoring the issue.

When law enforcement personnel and officers of the court were asked to speculate why Marin has kept itself relatively free of gangs, they offered a number of plausible theories based on their career experiences in Marin.

First, Marin is an expensive place to live and the majority of people who live here tend to protect their lifestyle. It is also a beautiful place and people tend to move here because they appreciate that beauty. A corollary to the theory is that people tend to take better care of nice things than they do of broken things. If you take a new car for repair, the mechanic will drape a cover over the fender before working on the engine. If it is an old car, he/she will not.

Perhaps a more logistical reason might be that Marin has one main highway running through the center of the County and only four highway routes in-and-out of the County - all of which could be closed by the police if the crime warranted. This has never happened but just knowing it could is a strong deterrent.

### **Walking the talk**

Various sections of this discussion have alluded to the fact that Marin “Walks their Talk.” It is true that the prevailing attitude among a cross section of experts interviewed was doubt that gangs will ever be eradicated in our time. Nevertheless, in Marin, that philosophical point is offset by the sustained mutual efforts of law enforcement, government, community and professional organizations. Their activities have and continue to go far in keeping young people's interest away from gangs. The following is a representative list of quality programs

in Marin County that have a proven track record for diminishing gang activity while effectively re-focusing our kids' interest toward more positive pursuits.

### **Nighttime gang sweeps**

One tool worthy of extensive review is the nighttime gang sweep. This effective tool is used by law enforcement in many communities. It consists of periodic and unannounced evening visits at the residences of gang members. Its intent is to maintain a constant presence in the lives of gang-related youth of Marin who are on probation, or under house arrest.

Briefings start the evenings' activities and are often attended by the top members of County enforcement departments. They are there to supply the latest information and statistics available and to offer words of encouragement, support, and commendations to the officers in attendance. Almost universally some variation of the words, "be safe out there" accompany each briefing.

Probationers have contracts with the courts that allow probation officers free access to their personal spaces without the requirement for a search warrant. This is known in the trade as "waiving their Fourth Amendment rights." These contracts enable law enforcement to look for signs of active gang affiliation or gang indicia such as excessive cash or expensive objects, firearms, needles, drugs and drug paraphernalia. Known gang turf can be defined as off-limit areas for the probationers and these areas are checked periodically to be sure probationers are in compliance with their "stay away" orders.

If there is sufficient suspicion, a roving K9 team is available on these sweeps for more specific investigation. Another roving backup team carries a device that can read and copy the telephone numbers from a cellular phone. This is extremely valuable in checking the offender's frequently called list. This data can provide names and numbers of other gang members or burgeoning wannabes.

In addition to specific violations, the sweeps provide valuable information to law officers and the probation department that they could never acquire in any other way. They also keep gang members more law abiding when they realize their probation can be terminated at any time for violating the conditions of their probation grant. Probation contracts do call for periodic office visits but a few minutes of good behavior hardly provides probation officers with accurate information as to how the probationer is really living.

Once again, the Grand Jury thanks the many members of law enforcement who took the extra time to accommodate our presence on these sweeps and explain every action that was being taken. Our attendance afforded us a unique opportunity to see gang members on their home ground and to view firsthand the relationships between law enforcement and offenders. It showed the County's commitment to keeping gang activity in check in a way no amount of interviewing could have achieved.

The normal entry process entailed two armed law enforcement officers knocking and then making entry. When they cleared the house or apartment and declared it safe, they would then bring in the probation officers to conduct the actual search and adjudicate any issues. At

this writing, probation officers in Marin are unarmed. A 2008 Grand Jury report titled "Probation Officers: Arming for Safety" recommended arming probation officers and the County is reportedly working with the Probation Department to implement such a plan. Probation officers would validate the presence of the offender and check his/her personal space and all public spaces in the area. This means that kitchens and bathrooms were fair game but another family member's quarters would be off-limits. Houses we saw ran the normal gamut from clean to filthy. In some, the rooms were spotless and even the clothes were folded with military precision. Officers said this generally meant that the person had been in prison because folding clothes is a mandatory requirement of prison life.

The condition of the homes or apartments raided reflected the same cross section as any community. One apartment floor was covered with dog feces and another had mold-encrusted walls. Still others had expensive luxury items such as a 60-inch projection television with surround sound or a \$2,000 bicycle.

Clearly, one has to know what one is looking for during these sweeps. Several residences had pellet guns. While they are not against the law, they can still cause serious injury and are easily mistaken for the real thing. There were also an inordinate number of Phillips-head screwdrivers found. To the citizens of the first Marin these tools represent no cause for alarm but Phillips-head screwdrivers are an excellent weapon of choice. They can be lethal but their presence engenders little to no suspicion.

Additional insights came from watching the interaction between the offenders and law enforcement or probation. The code of the day was to start each interaction with respect and deference. That demeanor prevailed as long as it was mutual. Reception to the sweeps varied widely. In some places officers encountered quiet acceptance while in others it was out and out shouting and hostility. In some homes the task force members were offered coffee and shelter from the cold night, while in other places the residents ran away shouting "five oh" or greeted the cops by throwing beer bottles and carving gang signs into their car doors. Families of the offender were treated well, usually with apologies for disrupting their evening. The searches were thorough and focused based on extensive relationships and knowledge that probation officers had with each offender.

It was made crystal clear that these sweeps are not witch-hunts. Minor infractions such as the presence of blue or red clothing (symbols of Surenos or Nortenos) were frequently overlooked and addressed with a short lecture instead of re-incarceration. The teams were looking for serious offenses and information; there was no imperative to bring anyone back for minor violations of parole. It became evident, and was later corroborated by gang members themselves, that they frequently build strong and supportive relationships with their probation officers. There is no question that there is an obvious adversarial position, but even that is accepted with a large measure of respect. The point of the sweeps is not to flaunt authority but rather to keep offenders off guard and, when possible, help them modify their previous life path.

On the sweeps we attended, temporary teams were formed with representatives from multiple jurisdictions and frequently the team members met for the first time at the briefing. We learned from our interviews that officers who work with each other regularly know they can

trust what their partner will do in any given situation. That knowledge does not exist in the present format of sweep activity, making it slightly more dangerous than it has to be.

A lack of coordination between teams also led to occasional overlaps and wasted time. On at least two occasions, multiple teams arrived at the same apartment complex at the same time, exacerbating the anxiety of residents who were not involved in any wrongdoing but whose parking lots were now doubly inundated in SWAT uniforms and police cars.

Through interviews and watching the sweeps, it became clear that there is no universal gang database in use in the County. While there are a number of local databases (e.g. Cal Gangs) only a few of them are shared, and there is no single source of information used by all County enforcement personnel. This not only duplicates efforts and increases costs, but it limits sharing of critical information that could be useful to all local agencies. The Grand Jury believes that there should be a single database of gang information that is shared by all local agencies.

### **The Phoenix Project**

A prominent anti-gang program in Marin City was created in July 2009, and named "The Phoenix Project of Marin - A Community Connections Center." Its aim is to assist juveniles in getting their lives in order. They specialize in working with juveniles who have been in jail and/or are on probation or have been involved in minor crimes. An information and assessment sheet is completed for each youth as to their past family and criminal history and a determination made as to what they need to start on a more effective lifestyle. It has been so successful that a preliminary report shows area crime statistics decreased forty-two percent in the first six months after the program started.<sup>9</sup>

### **The Canal Alliance**

Incorporated in 1982, Canal Alliance is a comprehensive community resource center that develops self-sufficiency and leadership in Marin's low-income, immigrant populations through access to health and social services, youth development, economic security, and citizenship. They work with youth from their early years through College. They presently have 80 middle schools students and 80 high school students; (mostly from Mexico and Guatemala) who come to study after school (3:00pm to 6:00pm). Their founding philosophy is that if they can engage families, provide education, offer foundations for self-sufficiency, and alternate lifestyles, they negate the draw toward gangs. Their kids tell them they like going to the Alliance because "it is a safe environment, unlike their streets."

### **The Martin Luther King Jr. Academy**

In an effort to boost student performance, the Martin Luther King Jr. Academy in Marin City has extended the school day to 6 p.m. four days a week. The ten-hour school day is the first of its kind in Marin and attendance is mandatory for the school's forty-five students. The

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<sup>9</sup> [http://abclocal.go.com/kgo/story?section=news/assignment\\_7&id=7514311](http://abclocal.go.com/kgo/story?section=news/assignment_7&id=7514311)

program includes math, English and science instruction in addition to sports, current events, college preparation, life skills and electives such as fashion design, cooking and sewing. We were told by multiple sources that the hours between school closure and parents arriving home are the most dangerous time for students to be idle and the time when they are at the most risk of committing crime. Although the MLK Academy extended day program is primarily aimed at increasing student success, a secondary benefit is filling student's time with worthwhile and interesting pursuits, thus diminishing the time some students previously used for developing gang interests.<sup>10</sup>

### **The Marin County Office of Education**

The Marin County Office of Education periodically sponsors gang-awareness and identification workshops for teachers and parents. Speakers from the Sheriff's office, Novato and San Rafael Police, and Probation Department present all aspects of gang life as well as the extent of gang activity in the local venue. They also instruct parents on how to spot indications of gang interest in their own children. Other local school boards do the same commensurate with the gang problems recognized within their jurisdiction.

### **Restorative Justice**

A tool that is finding its way into Marin schools, prisons and courts is called Restorative Justice. The concept is in common use elsewhere around the globe and is presently a prime methodology supporting the Jurisprudence system of New Zealand. Restorative Justice is the umbrella term for a number of specific methods that focus on the needs of victims and offenders as opposed to focusing on principles of law or the exacting of punishment. After careful preparation by trained practitioners, offenders, and victims come together in an effort to understand and deal with the issues of the offense in an effort to find closure for both parties. Educators and practitioners we interviewed told of amazing successes in decreasing recidivism rates and directing young offenders into more acceptable lifestyles.

### **Youth Court**

There is a "diversionary" program in Marin, based on the principles of Restorative Justice that provides youthful offenders with peer-to-peer review and adjudication of their offenses. It has full legal standing with the courts and if peer-sentences are satisfied within 90 days, the offender's record is expunged. If not, the case is remanded to the regular Juvenile Justice system.

Youth court is financed by the YMCA and miscellaneous anti-crime grants. The judges are volunteers. At this writing, there are 60 Youth Courts in California and 1000 in the United States. The local director of the program reported that the recidivism rate for our Youth Court is 8% as opposed to 26% in the regular juvenile courts. Of course, the severity of crimes in Juvenile Court vs. Youth Court might skew those results, but clearly, the low risk offenders are getting the message without messing up the remainder of their lives.

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<sup>10</sup> [http://www.marinij.com/marinnews/ci\\_17505372?IADID](http://www.marinij.com/marinnews/ci_17505372?IADID)

## FINDINGS

The Grand Jury finds that:

**F1.** The County Probation Department plays a significant role in limiting local gang activity. Their job functions afford them the extended time required to build relationships and trust with their probationers.

**F2.** Marin has comparatively low resident gang activity but it is a tempting target and market for the significant gangs residing in Santa Rosa, Napa, Vallejo, Richmond, Oakland and San Francisco.

**F3.** Organizations that can keep youth busy during their leisure hours with extended schooling or recreational activities may well decrease their interest in gang affiliation.

**F4.** Most gang crime is committed against other gangs or within the gangs themselves. Crimes against citizens are typically serendipitous crimes of opportunity.

**F5.** While gang members are to be held responsible for choosing the gang life, several of those we interviewed joined because they saw no other option available to them to "escape" their violent, neglectful or impoverished environments.

**F6.** A number of gang members claimed they would "opt out" if they had the social and economic opportunities and the support and encouragement to do so.

**F7.** The topmost gang leaders or shot-callers are incarcerated in our state prisons but they are able to effectively direct their criminal enterprises from their cells.

**F8.** Nighttime gang sweeps are an effective, pro-active method for keeping gang probationers in check while gaining valuable information that can be used to prevent potential problems before they occur.

**F9.** Increased coordination and interdepartmental cooperation would ensure that gang sweeps are safer and more efficient.

**F10.** There is presently no single gang-related database in use by all County enforcement personnel.

## RECOMMENDATIONS

The Grand Jury recommends that:

**R1.** Nighttime gang sweeps be continued, and The County Probation Chief, Chiefs of Police from Novato and San Rafael, and the County Sheriff should collaborate to find ways to make sweeps even more effective and safer by creating and maintaining consistent sweep teams.

**R2.** The Chiefs of Police of Novato and San Rafael, the County Sheriff and the County Probation Chief evaluate existing gang databases, and choose, and install the most effective option for regular use by all law enforcement personnel in Marin County by the end of 2011.

## REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following individuals:

- Novato City Council: **R1, R2**
- San Rafael City Council: **R1, R2**
- Marin County Sheriff: **R1, R2**

Governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933 (c) and subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

California Penal Code Section 933 (c) states that "...the governing body of the public agency shall comment to the presiding judge on the findings and recommendations pertaining to matters under the control of the governing body." Further, the Ralph M. Brown Act requires that any action of a public entity governing board occur only at a noticed and agendized public meeting.

The Grand Jury invites responses from:

- Marin County Probation Department Chief

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.