

Chapter 12: Violent Juveniles and Gangs

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Much is written and reported about violent juvenile offenders and juvenile gang activities. Most everyone recalls Dylan Klebold and Eric Harris as the two students who devastated Columbine High School during the middle of a school day in April, 1999 with their shooting spree. Closer to home, few will forget the thirteen-year old Joplin, Missouri student who attempted to mimic the Littleton events at Memorial Middle School. The fortuitous jamming of the student's Mac-90 assault rifle was the only thing that prevented another national tragedy (Fox News story, 2006). The news is rife with such shocking events involving juvenile perpetrators, school shootings, gang activities and youth on youth violence. The perception promoted by the press is that juveniles are primarily responsible for violent crimes. Coupled with the U.S. Census Bureau's expectation that the teen population will increase 16 percent over a 15 year-period resulting in 21.5 million teens by 2010, many people fear that crime, particularly violent criminal activities caused by juveniles, will spiral out of control unless serious get- tough policies are instituted.

In reality, OJJDP reports that only about one in five nonfatal violent victimizations actually involve a juvenile offender acting either alone or with others. Most victims of juvenile violence are juveniles, and many of the victims of juvenile violence know the offender (Flores, 2004). Franklin Zimring, an authority on juvenile justice concludes that the actual statistics "suggest that American youths are no more violent in the late 1990s than 20 years before" (Gilmore, 1999). In fact, per Zimring's book, "American Youth Violence," since 1980, arrest rates for juveniles, ages 13 to 17, accused of rape and robbery showed no identifiable trend either upward or downward and the overall rates for the late 1990's were generally down. For example, the arrest rate for homicides by juveniles did rise sharply between 1984 and 1992 but fell by more than one-third by 1996 and, dropped an additional 16 percent in 1997. For a more comprehensive overview of the current statistics nationwide refer to Chapter 2 of the main text, *Juvenile Justice: A guide to Theory, Policy and Practice*, 6th Edition.

The temporary increase in the crime rate during the late 1980s and early 1990's, plus the reported incidents of juvenile events and gang related drive by shootings, and the juvenile population dynamics led three prominent criminalists to advance a theory of juvenile superpredators. In their book, "Body Count," they concluded that "[b]ased on all that we have witnessed, researched and heard from people who are close to the action, here is what we believe: America is now home to thickening ranks of juvenile 'superpredators' — radically impulsive, brutally remorseless youngsters, including ever more preteenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs and create serious communal disorders" (Bennett, et al, 1996).

The alarm generated by "Body Count" and like theories, although now thoroughly disproved and exaggerated, caused legislatures and courts to react by instituting get- tough policies and punishing offenders as adults. For instance, the waiver or transfer of jurisdiction provisions first promulgated under the 1974 Juvenile Justice and Delinquency Prevention Act were expanded dramatically during the mid 1990's to include provisions that would allow younger juveniles to be tried as adults for violent crimes, felonies, and some weapons violations. Many of these legislative enactments and policy changes are still in effect today. Missouri too, followed this anti-crime sentiment and implemented changes allowing children to be treated as young criminals. See Chapter Five herein for a thorough discussion of Missouri's certification procedures (RSMo. 211.071.1.).

In recent years, legislative proposals and crime reduction strategies motivated by a sense of urgency due to gang activity have spawned further changes in some jurisdictions. An early study referred

to as the Fritsch Study conducted from 1992 through 1998 in Dallas Texas reviewed several of the gang suppression techniques and their relative success rates in specific cities. The Fritsch report established the importance of combining suppression techniques with police-neighborhood partnerships (Jones & Wiseman, 2002). Later, in 1995 OJJDP funded five cities to evaluate the strategies used for dealing with gang related activities. For the most part, these cities were tasked with employing a series of five strategies known as the Spergel Model. The model strategies included:

- (1) Mobilizing community leaders and residents to plan, strengthen, or create new opportunities or linkages to existing organizations for gang-involved and at-risk youth;
- (2) Using outreach workers to engage gang-involved youth;
- (3) Providing and facilitating access to academic, economic, and social opportunities;
- (4) Conducting gang suppression activities and holding gang-involved youth accountable; and
- (5) Facilitating organizational change and development to help community agencies better address gang problems through a team "problem-solving" approach that is consistent with the philosophy of community policing.

The University of Chicago then evaluated the results of each city's operations. The University measured such items as changes in total arrests, serious violent crime arrests, total violent crime arrests, property crime arrests, drug crime and other arrests as well as the impact of specific activities and suppression efforts on categories of crimes. Finally, the University combined the results to construct a total success rate (Jones & Wiseman, 2002).

The lessons learned from the results of the five city study enhanced the overall knowledge about responding to chronic and emerging youth gang problems in both large and small communities; but perhaps more importantly, the study produced a set of guidelines or best practices for effective youth gang programs and strategies. Some of the suggested strategies included: "(1) Denial of gang problems, or fear of tackling gangs in a comprehensive, cultural fashion, precludes early intervention and worsens the problem considerably; (2) Overreaction in the form of excessive police force and publicizing of gangs may have unintended consequences in serving to enhance a gang's cohesion, facilitate its expansion, and lead to more crime; (3) Community responses to gangs must begin with a thorough assessment of the specific characteristics of the gangs themselves, crimes they commit, other problems they represent, and localities they affect; (4) Gang problems vary widely from one community to another; (5) The most effective suppression tactics seem to be targeting specific crime areas or "hotspots" with high-impact community policing, which includes intensified proactive neighborhood presence, coupled with street sweeps, intensified surveillance, cooperation with probation and parole officers, illegal weapons experts, and others; (6) Long-term, proactive investigations of entire gangs are more effective than short-term, reactive investigations of individual gang members; (8) Police forces need gang information systems that combine computerized, FASTRAC approaches with the full use of human intelligence resources developed through close partnerships in the community over an extended period of time; and (9) Programs are needed to break the cycle of gang members moving from communities to detention to corrections and prisons and back into communities partnerships" (Jones & Wiseman, 2002).

For a long time most of Missouri denied gang-related activity; but now many Missouri jurisdictions claim to suffer from an emerging gang problem. Twenty- one of Missouri's law enforcement agencies reported having few gangs and gang members. Only St. Louis City, St. Louis County, and Jackson County reported significant gang problems. All of the remaining counties (51) reported no knowledge of gang related activities or gang presence (Decker, Scott, 2001). If Missouri's perception of an emerging gang problem is correct, interventions must be implemented consistent with the research that discourage gang growth and emphasize providing social opportunities such as job placement. Per a nationwide survey study of 254 law enforcement and social service agencies done in 1993 evaluating gang intervention strategies, the most effective strategies provided job placement and job training

opportunities, while the least likely strategy to reduce or prevent gang activity involved law enforcement suppression strategies like arrest, prosecution and incarceration (Curry and Spergel, 1993). Thus, the survey suggests that suppression approaches should not be the primary intervention strategy.

So what exactly does Missouri do to address its gang or its emerging gang problem? Missouri has legislated a number of statutes that deal directly with gangs, gangs in schools, and drive-by shootings. For example, Missouri has established legislation that allows school districts to regulate appropriate dress codes so as to discourage gang identification by apparel. Specifically, the Missouri Code Section 167.029 entitled School Uniforms provides that “A public school district in any city not within a county shall determine whether a dress code policy requiring pupils to wear a school uniform is appropriate at any school or schools within such district, and if it is so determined, shall adopt such a policy. The school district may determine the style and color of the school uniform.”

Furthermore, legislation was enacted that allows elementary and secondary education institutions to identify, adopt, and administer their own violence prevention programs (RSMo. 161.650). These noncredit programs should instruct “students of the negative consequences, both to the individual and to society at large, of membership in or association with criminal street gangs or participation in criminal street gang activity . . . , and shall include related training for school district employees directly responsible for the education of students concerning violence prevention and early identification of and intervention in violent behavior.” Further, the programs should: afford nonviolent conflict resolution methods; present alternative constructive activities for the students; and encourage community participation in program instruction, including but not limited to parents and law enforcement officials RSMo. 161.650).

The St. Louis Public Schools are considering implementing a notification system. When police become aware of gang activity or problems off school grounds, the information will be faxed to the school to alert them of any potential problems. Further, a team of juvenile probation officers and social workers are now housed on high school campuses to serve as a resource source for students at risk for gang activity.

Missouri has passed other legislation to assist in gang prevention and gang control. For example, a number of bills have been enacted that deal with drive by shootings. Missouri now penalizes persons who knowingly discharge or shoot a firearm at or from a motor vehicle or any building as felons with stiff sentences potentially without the possibility of parole depending on their prior records (RSMo. 571.030). Furthermore, another statute provides enhanced sanctions for those who promote or assist criminal conduct by gang members. One statute provides that,

Any person who is convicted of a felony or a misdemeanor which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished in the following manner:

(1) Any person who violates this section in the commission of a misdemeanor shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years;

(2) Any person who violates this section in the commission of a felony shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony of which he has been convicted, be punished by an additional term of one, two, or three years at the court’s discretion. If the underlying felony is committed on the grounds of, or within one thousand feet of a public or private elementary,

vocational, junior high or high school, the additional term shall be two, three, or four years, at the court's discretion. The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements on the record at the time of sentencing;

(3) Any person who violates this section in the commission of a felony punishable by death or imprisonment for life shall not be paroled until a minimum of fifteen calendar years have been served in the custody of the department of corrections (RSMo. 578.425).

Missouri has made it not only a crime to participate knowingly in criminal street gang activities; but also authorizes that individuals between the ages of fourteen and seventeen who have engaged in this conduct are now eligible for certification to adult court (RSMo. 578.423). The prohibited conduct includes actively participating in "any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by gang members." Criminal street gangs are defined as any ongoing organization, association, or group of three or more persons, whether formal or informal, which has a common name or common identifying sign or symbol and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity which include as one of its primary activities the commission of one or more of the following criminal acts (RSMO. 578.421):

(a) Assault with a deadly weapon or by means of force likely to cause serious physical injury, as provided in sections 565.050 and 565.060, RSMo;

(b) Robbery, arson and those offenses under chapter 569, RSMo, which are related to robbery and arson;

(c) Murder or manslaughter, as provided in sections 565.020 to 565.024, RSMo;

(d) Any violation of the provisions of chapter 195, RSMo, which involves the distribution, delivery or manufacture of a substance prohibited by chapter 195, RSMo;

(e) Unlawful use of a weapon which is a felony pursuant to section 571.030, RSMo; or

(f) Tampering with witnesses and victims, as provided in section 575.270, RSMo.

Basically, the definition includes persons who are identified as members of a group whose activities are primarily criminal in nature and who engage in such activities within a certain time frame on the group's behalf.

All weapons owned or possessed by a member of a criminal street gang for the purposes of the commission of a gang related offense or those that have been or will be used in criminal street gang activity or upon return are likely to result in endangering the safety of others may be confiscated by any law enforcement agency or destroyed pursuant to a court order provided prior notice is given (RSMo. 578.435). However, if the lawful owner disputes the law enforcement activity, then a hearing will be held. At the hearing, the government bears the burden of proof to show by a preponderance of the evidence that the seized item has been or will be used in criminal street gang activity, or that the return of the weapon would likely result in the endangering of the lives of others (RSMo. 578.437).

Property used by gangs may be deemed a public nuisance in an equity suit if the court determines that “the owner of the room, building, structure or inhabitable structure knew that the premises were being used for criminal street gangs in a pattern of criminal street gang activity” (RSMo. 578.430.1). If the finding is made, the court may order that the premises shall not be occupied or used for up to one year (RSMo. 578.430.1).

Despite the legislative provisions that allow certification to adult court for gang membership and activities, the Missouri system still tries to treat the offenders within the juvenile justice system in an “unimprisonment” like placement (Ramshaw, Emily, 2007). Instead of an institutional lock-up, Missouri prefers to send youths, including gang members to a residential treatment center for youth run by the Missouri juvenile justice system. Before releasing the youth back into society, Missouri tries to establish and “maintain supportive connections with their families, and their communities – the places and people they're going back to” (Ramshaw, E. 2007). The key to Missouri’s success is to separate the youth into groups no larger than 12 with two college educated youth specialists for each group. The smaller settings make the recovery process more personal, comfortable and safe (Ramshaw, E 2007).

Missouri has established a number of practices with which to handle violent juvenile offenders and gang membership. Coalitions exist including law enforcement, school officials, government employees, clergy and crime prevention specialists to reduce youth violence and to intervene in gang activity. Ceasefire, the St. Louis Gun Recovery Project and D.A.R.E. (Drug Abuse Resistance Education) the pro-active substance abuse program previously discussed in *Chapter Seven, Juveniles and the Police*, herein are two such examples. Both of these initiatives follow the guidelines suggested by the Spergel Model. For example, the Ceasefire collaborative effort offers non-criminal alternatives to youth, it affirmatively intervenes in the lives of delinquent youths, and it promotes tough accountability for violent criminal activity (Harmon, C. 1998).

Ceasefire provides an outstanding example of collaborative efforts or partnerships with law enforcement personnel, criminal justice agencies including parole and probation, school officials, and community participants. Each of the groups brings intelligence, resources and strategies to the table so that efforts to deal with gangs and violence can be dealt with efficiently and economically. By working together replication of efforts and resources is reduced and the scope and quality of the investigations and initiatives is expanded. One component of the Ceasefire initiative replicating Boston’s successful Ten Point Coalition includes involvement and outreach by local clergy in anti-violence efforts. “Members of INTERACT and the African-American Churches in Dialogue are leading these outreach efforts.” Reverend Solomon Williams, the pastor of the New Jerusalem Cathedral Church of God in Christ in Missouri has commented, "We must be there for our youth, in the church and on the street. Gang membership is simply an attempt to belong, to identify with peers. We have the ability to foster an environment, through our ministry, where our youth do not have to commit acts of violence to belong" (Harmon, C. 1998). The churches help identify gang members and potential gang members, assist in assessing their problems, and mentor or refer the at risk children to appropriate programs.

The Ceasefire initiative promotes the dual message: gang violence and gang offenders will be brought to justice; but if gang members want to change or reform, help is available. Law enforcement is seriously committed to prosecuting gang activity and removing offenders who repeatedly violate the laws; but they are just as committed to helping residents take back their communities and protect their neighborhoods. As Mayor Harmon, from St. Louis has reported, "As to the violent youth in our community, the police are doing a good job identifying and arresting those who commit violent acts; but we must do more to ensure that we don't lose those youth who simply need some guidance and options in life." (Harmon, C.1998).

One new outreach effort involves offering immediate intervention in area emergency rooms to prevent retaliatory acts. Other efforts include systematically tracing every gun seized from suspects under 24 years of age, interviewing the suspects to learn more about the flow of guns among youths, and providing assistance and information concerning the safeguarding and disposal of firearms. The St. Louis Family Court has established another approach that involves establishing better communications within law enforcement agencies. The agencies share reports of juvenile gang membership with each other and provide parental notification as to a child's gang affiliation (Harmon, C. 1998). Other intervention programs include the Drug Education for Youth (DEFY) camp and mentoring program, the Weed & Seed Jobs Program and the National Guard "Show Me Challenge" (Harmon, C. 1998).

The Department of Justice created the Weed and Seed program to "weed out" violent crime, drug use and gang activity from selected neighborhoods. To foster prevention of criminal activity from recurring after the offenders are weeded out, the government then "seeds" the communities with resources. The City of St. Louis alone has seven weed and seed neighborhoods: Vandeventer; Tower Grove East; Gravois Park; Fox Park; Benton Park West; Fountain Park; and Lewis Place. In several of these neighborhoods, Weed and Seed Councils collaborated with initiatives dealing with housing, educational, economic, health and human service development programs. In fact, in one program, the Youth Employment Program, 60 high school students were placed in part-time positions (Five Year Consolidated Plan Strategy).

Finally, the Justice Department's Gang Resistance Education and Training (G.R.E.A.T.) program is also used in Missouri. Although, alone the program will not prevent drug abuse, prevent delinquent behavior, or keep kids out of gangs, the program's success lies in its education of youth on the consequences of gang involvement and in its fostering of favorable attitudes toward law enforcement personnel. This strategy should be used in conjunction with other gang prevention programs (Evaluating G.R.E.A.T.). The G.R.E.A.T. Program is active in St. Louis where the St. Louis police and ARCHS partner with the Department of Justice and the public schools to promote positive self esteem and gang avoidance in young people. In 2006 St. Louis Metropolitan Police Department received \$249,901 in a G.R.E.A.T. grant and an additional \$150,000 in funding for 2007 – 2008. (G.R.E.A.T. Home Page). The program which consists of four components: elementary school, middle school, summer programs, and family engagement, focuses on helping students avoid delinquent activities and associates.

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Review Questions

1. Explain the Spergel Model and how its strategies are being implemented in Missouri's gang prevention programs.
2. What programs or strategies do you believe are most effective in preventing serious delinquent type behaviors?
3. Are gangs truly a serious problem in Missouri?
4. Why does Missouri believe that they now have an emerging gang problem?
5. Should Missouri reevaluate its certification statutes now that the theory or notion of "superpredators" has been disproved?

6. What factors contribute to the rise and fall in violent behaviors among youth in the last two to three decades?
7. Research the infamous violent offenses committed by youth in Missouri and discuss what factors or character traits each offender possessed at the time of the incident. Include in the discussion whether risk factors were apparent and which, if any, of the violence prevention programs or approaches could have possibly prevented the act.
8. G.R.E.A.T. and D.A.R.E are two widely used programs within the school setting; however, many youth believe the programs are ineffective and a waste of resources. What benefits can be contributed to these programs that justify continuation of the programs in the future?
9. Research the effectiveness of Missouri's "unimprisonment" idea of treatment compared to the "lock them up" approach utilized by other states and jurisdictions.