



August 15, 2019

Attorney General Xavier Becerra
California Department of Justice
Attn: DOJ Regulations Coordinator
1300 I Street, Suite 820
Sacramento, CA 95814
DOJRegulationsCoordinator@doj.ca.gov

RE: Regulations for the Fair and Accurate Governance of the CalGang Database Title 11, Division 1, Chapter 7.5; Regulations for the Fair and Accurate Governance of Shared Gang Databases, Title 11, Division 1, Chapter 7.6

Dear Attorney General Becerra,

On behalf of the ACLU of California¹, which supported the passage of A.B. 90, and which works with those affected by shared gang databases, we submit these written comments to the Office of Attorney General (OAG) and California Department of Justice (DOJ) on the changes made to the proposed regulations for the Fair and Accurate Gang Database Act of 2017, referred to hereinafter as A.B. 90. We intend these comments as an addendum to our June 25, 2019 letter, which is attached.

As discussed in more depth in our June 25 letter, A.B. 90 directed the DOJ to promulgate regulations that safeguard access to the databases that police agencies use to share information about suspected gang members. The Legislature passed A.B. 90 in response to public outcry from those who have been personally affected by inclusion in the CalGang database as well as the State Auditor's CalGang report, which showed that the vague and subjective criteria for inclusion led to overbroad inclusion in the database and demonstrated the pressing need for rigorous oversight of these databases and strict regulation of their scope and usage.²

We recognize the effort expended in updating the proposed regulations and allowing the public the opportunity to comment on the updates, and we appreciate that the modified proposed regulations reflect many of our recommendations to improve the fairness and accuracy of gang databases, especially with regard to changes to the criteria for inclusion. We submit these comments to recommend specific changes in line with our previously submitted comments which we believe

¹ The ACLU of California is comprised of the ACLU of Northern California, the ACLU of Southern California, and the ACLU of San Diego & Imperial Counties.

² *The CalGang Criminal Intelligence System: As the Result of Its Weak Oversight Structure, It Contains Questionable Information that May Violate Individuals' Privacy Rights* ("CalGang Audit"), CALIFORNIA STATE AUDITOR, Aug. 2016, at 3, <https://www.auditor.ca.gov/pdfs/reports/2015-130.pdf>.

more accurately reflect the Legislature’s intent and are consistent with the requirements imposed on the DOJ by A.B. 90 and existing law.

Comments on Modification to Text of Proposed Regulations

I. Removal of Gang Associate Designation Aligns with Reasonable Suspicion Standard Necessary to Include a Person in a Gang Database

We commend the DOJ for eliminating the designation of gang associate for inclusion in the gang database. As we noted in our June 25 letter, police agencies violate 28 C.F.R. § 23.20(a) when they include individuals in a gang database without reasonable suspicion that the individual has engaged in the illegal conduct, since the statute permits law enforcement agencies to “collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.”³ Simply satisfying the requirements to qualify as a gang associate under the previous draft of the regulations is not reasonable suspicion that a person is involved in criminal conduct or activity. Some of the criteria, for example displaying a hand sign or having a tattoo tied to a specific criminal street gang, do not indicate that a person has participated in a crime. As described in our letter, in practice police used the gang associate designation to store the information of people who police do not even contend are involved in criminal activity, like mentors and intimate associates, such as a girlfriend who shares a home or children with an individual designated as a gang member. Thus, removal of this designation helps to ensure that only people reasonably suspected of illegal gang activity are entered into gang databases, and is therefore an important step towards bringing the regulations into compliance with the law.

II. Changes to the Criteria for Inclusion Improve the Fairness and Accuracy of Gang Databases, But Further Changes are Necessary

We support the DOJ’s addition of a reasonable suspicion requirement (CalGang Regulations § 752.2(a); Shared Gang Database Regulations § 771.6(a)) for a person to be designated for inclusion in a gang database. As we described above and explained in detail in our June 25 letter, 28 C.F.R. § 23.20(a) permits the warehousing of individuals’ information in gang databases “only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.”⁴ The new language emphasizes that inclusion is only lawful with a nexus to gang activity; however, the word “may” in “. . . having reasonable suspicion that the person may participate in a criminal street gang . . .” does not reflect the language in 28 C.F.R. § 23.20(a) and could be interpreted as a lower standard. **We recommend that the DOJ omit the word “may.”**

³ 28 C.F.R. § 23.20(a) (emphasis added).

⁴ 28 C.F.R. § 23.20(a) (emphasis added).

We also recommend that the DOJ add the language “based on specific and articulable facts” after “reasonable suspicion” both in CalGang Regulations § 752.2(a); Shared Gang Database Regulations § 771.6(a) and CalGang Regulations § 752.8(a)(1); Shared Gang Databases Regulations § 772.2(a)(1). The DOJ’s Addendum to Initial Statement of Reasons states the word “articulable” was removed for the purpose of consistency. Case law requires that police base reasonable suspicion on “specific and articulable facts,”⁵ so the additional language does not add any additional requirement, but more specifically lays out how police must meet the standard. To ensure clarity, the DOJ can use the language “based on specific and articulable facts” following “reasonable suspicion” throughout the regulations.

The regulations should incorporate the word “actively” before “participate” in the phrase “the person may participate in a criminal street gang.” This addition conforms with A.B. 90’s requirement that a police agency “establish the person’s active gang membership . . .”⁶ as well as Penal Code 186.22(a), which allows police to charge a person with a gang offense only if they “actively participates in any criminal street gang.”⁷ In addition to making the language more consistent with these sections of the Penal Code, the word reminds police agencies that they should not add individuals who formerly participated in gang activity but do so no longer.

We approve of the DOJ’s decision to eliminate the following criteria for inclusion:

- (1) seen associating with persons meeting the criteria for entry or who have previously been entered as a Gang Member into a database (formerly CalGang Regulations § 752.4(a)(4); formerly Shared Gang Databases Regulations § 771.6(a)(4));
- (2) seen at one or more gang-related addresses or locations (formerly CalGang Regulations § 752.4(a)(6); formerly Shared Gang Databases Regulations § 771.6(a)(6)); and
- (3) seen wearing a style of dress or accessory that is tied to a specific criminal street gang (formerly CalGang Regulations § 752.4(a)(7); formerly Shared Gang Databases Regulations § 771.6(a)(7)).

As detailed in our June 25 letter, these overbroad and inaccurate criteria apply indistinguishably to people who are not gang participants, usually people of color who live and work in Black and brown neighborhoods. Similarly, the criterion identified as a Gang Member or Gang Associate by a reliable source (formerly CalGang Regulations § 752.4(b)(3); formerly Shared Gang Databases Regulations § 771.6(a)(3)) is potentially inaccurate because it allows subjective opinions to substitute for evidence that can be challenged in audits and petitions for removal. Elimination of these criteria thus makes gang database fairer and more accurate.

⁵ *Terry v. Ohio*, 392 U.S. 1, 21 (1968); *U.S. v. Hensley*, 469 U.S. 221, 226 (1985).

⁶ Penal Code § 186.35(d).

⁷ Penal Code 186.22(a).

III. Despite Changes to Provisions on the Retention Period, the Retention Periods Chosen by the DOJ Are Not Evidenced-Based (CalGang Regulations, §§ 754.2-754.4; Shared Databases Regulations §§ 773.6-773.8)

As explained in our June 25 letter, research cited in the DOJ's Initial Statement of Reasons (SOR) supports a retention period much shorter than five years for adults and three years for juveniles. The numerous studies cited in the research assessment consistently find that "periods of active gang membership rarely extend beyond one to two years," with most reports finding that the majority of youth remain in a gang for less than one year.⁸ The DOJ's decision to include youth as young as 13 in the databases conflicts with this empirical data.

The longitudinal data also shows that even when individuals joined gangs as adults, they "still reported short term gang membership with an average of 1.62 years in the gang."⁹ Thus, even when limited to individuals joining gangs in adulthood, the empirical evidence does not support ongoing active membership lasting five years. We reiterate our recommendation that, at minimum, that youth placed in the database while under 18 years old remain in the database for no more than one year, and that the retention period for those entered as adults last no more than two years.

We also recommend that the DOJ amend the language in CalGang Regulations § 754.4 and Shared Gang Databases Regulations § 773.8 to clarify that the three-year retention period applies to those who are 13 to 17 years old at the time of entry into a gang database and the language in CalGang Regulations § 754.2 and Shared Gang Databases Regulations § 773.6 to clarify that the five-year retention period applies to those who are 18 years old or older at the time of entry into a gang database. Hypothetically, a 16-year-old individual's information could be stored in a gang database at the time they turn 18 years old. At that point, the five-year retention period should not apply, because the individual was a juvenile at the time of inclusion. Addition of the language "at the time of entry" would preclude confusion regarding the retention period that applies.

We approve of the DOJ's decision to require a minimum of two additional criteria to reset the retention period, as it prevents overbreadth due to the retention of individuals' information beyond the period of gang membership.

IV. The DOJ Should Impose More Rigorous Safeguards in the Provisions on Access and Proxy Sharing to Prevent Adverse Immigration Consequences

After submitting our June 25 letter, we discovered that the DOJ plans to sign memoranda of understanding (MOUs) with out-of-state and/or federal agencies granting access to CalGang. Given this context, we reiterate that allowing the DOJ to grant access to out-of-state agencies not only exceeds the authority granted to the DOJ under the statute but undermines the protections the

⁸ Heistand at 20-21 (citing multiple studies finding that the majority of youth participate in gangs for less than a year); D. C. Pyrooz, G. Sweeten, and A. R. Piquero, *Continuity and change in gang membership and gang embeddedness*, 50(2) J. OF RES. IN CRIME AND DELINQ. 239, 244 (2013), <https://doi.org/10.1177/0022427811434830>.

⁹ Heistand at 21.

Legislature thought necessary to limit the transmission of “fact-based or uncorroborated information” that results in a designation of gang membership.¹⁰

CalGang Regulations § 750.8, mirrored in Shared Databases Regulations § 770.6, allows the DOJ to enter into a memorandum of understanding with an out-of-state or federal agency that would provide that agency with direct access to the CalGang database. However, nothing in A.B. 90 provides the DOJ the authority to grant this access. The DOJ’s SOR cites to Penal Code Sec. 186.36(1)(7) as authority for this provision, but this section only directs the DOJ to adopt “[p]olicies and procedures for sharing information from a shared gang database with a federal agency, multistate agency, or agency of another state that is otherwise denied access. This includes the sharing of information with a partner in a joint task force.” The Legislature specifically directed the DOJ to adopt policies that would permit the sharing of certain information obtained from a shared gang database while direct access was denied, not policies for granting unfettered access to agencies that are not permitted access under the existing law. As such, the proposed regulation exceeds the scope of legislative authority and should be not be included in the final regulations.

In addition to exceeding the DOJ’s authority under A.B. 90, the current draft of regulations does not contain adequate safeguards against improper usage by out-of-state and federal agencies that are not liable under the California Values Act (S.B. 54). We recommend that the DOJ require Node and System administrators conduct six audits of out-of-state and federal agencies’ use of CalGang and other shared gang databases, rather than three, as described in CalGang Regulations § 755.2(a) and Shared Gang Databases Regulations § 774.6(a). Regarding CalGang Regulations § 751.4 and Shared Gang Databases Regulations § 770.8, we recommend that the DOJ bar users in out-of-state and federal agencies from disseminating information via proxy query to non-users. Because out-of-state and federal agencies are not subject to the California Values Act (S.B. 54), which “prohibit[s] state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes and . . . proscribe[s] other activities or conduct in connection with immigration enforcement by law enforcement agencies,” these agencies may disseminate information that is used for immigration enforcement purposes via proxy requests. DOJ should take extra precaution to ensure that the gang databases are not used for immigration enforcement purposes.

Additionally, we recommend that the DOJ add a provision to CalGang Regulations § 750.6 and Shared Gang Databases Regulations § 770.4 requiring the DOJ to publish on its website all MOUs with out-of-state and federal agencies, such that the public may know what agencies access the databases. The DOJ should report in its annual report on gang databases the number of searches by out-of-state agencies and federal agencies for the same reason.

Regarding CalGang Regulations § 751.4(a)(1), the DOJ should set a deadline for a user to provide the DOJ with the completed Proxy Query Agreement form for ease of administration. Given the simplicity of the form, we recommend the DOJ require submission within five days of the proxy

¹⁰ Penal Code § 186.34(a)(2) (defining gang database).

query. Although Shared Gang Databases Regulations § 770.8 requires that users provide the proxy query information upon the DOJ's request if the information is directly input into the database, it does not require users to otherwise furnish the DOJ with proxy query information. We recommend that the same five-day deadline for providing the DOJ with the proxy query information apply to shared gang databases.

We also recommend that the DOJ add a provision to CalGang Regulations § 751.4 and Shared Gang Databases Regulations § 770.8 requiring the DOJ to publish (a) the number of proxy queries per requesting agency and granting agency in its annual report on gang databases, and (b) the names of the requesting agencies submitting proxy requests, so the public may know what agencies access the databases.

Lastly, we recommend that the language “unless required by state or federal statute or regulation” in CalGang Regulations § 751.4(a)(4)(B)(1) and Shared Gang Databases Regulations § 770.8(a)(3)(B)(1) be strictly limited in order to fulfill the purpose of AB 90. AB 90 limited the sharing of records in the gang database for purposes of enforcing federal immigration law, with a limited exception to account for 8 U.S.C. §§ 1373, 1644. S.B. 54 similarly prohibits law enforcement agencies from using agency personnel and resources for the purposes of immigrant enforcement, with only a limited carve-out to account for 8 U.S.C. §§ 1373, 1644. *See* Cal. Gov't Code 7284.6(e). If left unaddressed, the language “unless required by state or federal statute or regulation” could be interpreted expansively by out-of-state or federal agencies; these agencies may argue that their state or federal laws require them to use the gang database information for immigration purposes. Such a loophole would undermine the purpose of AB 90. Therefore, to be clear that AB 90 was intended to provide only a limited carve-out to account for 8 U.S.C. §§ 1373, 1644, the phrase “unless required by state or federal statute or regulation” be deleted or replaced with “unless required to comply with sections 1373 and 1644 of title 8 of the United States Code.”

V. The Proposed Regulations Undercut the Clear Statutory Limits on Evidence that a Superior Court May Consider When Deciding on a Removal Petition

CalGang Regulations § 753.4(i)(1); Shared Gang Databases Regulations § 772.8(i)(1) and CalGang Regulations § 754(b)(1); Shared Gang Databases Regulations § 773.4(b)(1) relate to an agency's ability to present to a court, *in camera*, evidence relating to an individual's inclusion in a gang database that has not been disclosed to the individual pursuant to the process of disclosure specified in Penal Code Secs. 186.34(c)(1) and (d)(1)(B). While the legislation allows that, in certain limited instances, a law enforcement agency may be able to withhold information relating to a gang designation,¹¹ both A.B. 90 and the California Rules of Court are clear that when a petitioner challenges inclusion on a gang database, the record before a Superior Court is limited to the materials exchanged between the petitioner and the agency.¹² To the extent these provisions appear

¹¹ *See, e.g.*, Penal Code Sec. 186.34(d)(2).

¹² *See, e.g.*, Penal Code Sec. 186.35(c) (“The evidentiary record for the court's determination of the petition shall be limited to the agency's statement of the basis of its designation . . . and the documentation provided to the agency by the person contesting the designation); Cal. R. Ct. 3.2300(e)(2) (“The record is limited to the documents required by Penal Code section 186.35(c)”).

to sanction the presentation of additional evidence to the Superior Court in camera that was not previously disclosed to the petitioner, they conflict with the clear language of Penal Code Sec. 186.35(c) and California Rules of Court.

If DOJ keeps these provisions, we recommend striking the language in both provisions stating that “[n]othing in this subdivision restricts the release of [information] . . . under court order or for an in-camera review by a court.” The Court of Appeals is currently considering whether a court’s consideration of evidence presented in camera violates A.B. 90 and due process in *Simmons v. City of San Diego*, Case No. 37-2018-0000190-CL-PT-CTL. The DOJ regulations ought not take a position on the legality of such a non-disclosure, especially as the issue is being litigated.

VI. The Gang Database Technical Advisory Committee Should Be Asked to Continue Its Oversight Mission by Allowing Members to Participate in California Gang Node Advisory Committee Meetings

To the extent that the California Gang Node Advisory Committee (CGNAC) serves any purpose in the operation of CalGang, its meetings must be transparent. Prior to the passage of A.B. 90, the CalGang Audit noted that inadequate oversight by the CalGang Executive Board and CGNAC contributed to inaccuracy of the database and privacy violations.¹³ The audit stated, “These oversight entities function independently from the State and without transparency or meaningful opportunities for public engagement.”¹⁴ Although A.B. 90 assigns the DOJ an oversight function in collaboration with the CGNAC, participation of the Gang Database Technical Advisory Committee (GDTAC), whose membership includes both law enforcement officials and representatives of community members, would ensure increased transparency over the CGNAC’s operation of CalGang. We recommend the DOJ add a provision allowing members of the GDTAC to participate in CGNAC

VII. These Regulations Should Apply Retroactively.

These regulations should apply to individuals entered into a gang database prior to the regulations’ effective date to ensure fairness those entered using criteria eliminated from the regulations due to their overbreadth and inaccuracy. In addition to requiring the DOJ to promulgate rules for gang databases that “ensure accuracy, reliability and proper use” of gang databases, Penal Code § 186.36(n) requires the DOJ to “mandate the purge of any information for which a user agency cannot establish adequate support.” As discussed previously, the DOJ eliminated the criteria (1) identified as a Gang Member or Gang Associate by a reliable source (formerly CalGang Regulations § 752.4(b)(3); formerly Shared Gang Databases Regulations § 771.6(a)(3)); (2) seen associating with persons meeting the criteria for entry or who have previously been entered as a Gang Member into a database (formerly CalGang Regulations § 752.4(a)(4); formerly Shared Gang Databases Regulations § 771.6(a)(4)); (3) seen at one or more gang-related addresses or locations (formerly CalGang Regulations § 752.4(a)(6); formerly Shared Gang Databases Regulations § 771.6(a)(6)); and (4) seen wearing a style of dress or accessory that is tied to a specific criminal street gang

¹³ CalGang Audit at 1.

¹⁴ CalGang Audit at 1.

(formerly CalGang Regulations § 752.4(a)(7); formerly Shared Gang Databases Regulations § 771.6(a)(7)) from the latest draft of the regulations because they were inaccurate. Without these criteria, numerous entries in CalGang are no longer supported by evidence an agency can use to maintain the entries in the database, and it would be arbitrary and unfair to allow unsupported entries to remain in the database simply because they were entered prior to the effective date of the regulations. Adding a provision requiring the DOJ to apply these regulations retroactively would clarify the DOJ's obligation under Penal Code § 186.36(n) to purge unsupported entries and would make the database more accurate and fairer. We recommend that the DOJ add a provision requiring retroactive application of these regulations.

* * *

We sincerely hope OAG and DOJ consider the objections and recommendations contained within this letter and revise the proposed regulations to reflect the underlying intent of this legislation to safeguard the privacy of the public and ensure that individuals are not unnecessarily added to and surveilled in gang databases.

Sincerely,

ACLU of California

CC: Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820

Thomas Bierfreund, Associate Governmental Program Analyst
Bureau of Criminal Identification and Investigative Services
California Justice Information Services Division
4949 Broadway Sacramento, CA 95820

gangdatabaseGDTAC@doj.ca.gov

Attachment



June 25, 2019

Attorney General Xavier Becerra
California Department of Justice
Attn: DOJ Regulations Coordinator
1300 I Street, Suite 820
Sacramento, CA 95814
DOJRegulationsCoordinator@doj.ca.gov

RE: Regulations for the Fair and Accurate Governance of the CalGang Database Title 11, Division 1, Chapter 7.5; Regulations for the Fair and Accurate Governance of Shared Gang Databases, Title 11, Division 1, Chapter 7.6

Dear Attorney General Becerra,

On behalf of the ACLU of California¹, which supported the passage of A.B. 90, and who works with those affected by shared gang databases, we submit these written comments to the Office of Attorney General (OAG) and California Department of Justice (DOJ) on the proposed regulations for the Fair and Accurate Gang Database Act of 2017, referred to hereinafter as A.B. 90.

Background

The Legislature enacted A.B. 90 in order to establish rigorous guidelines and impose greater oversight over databases that law enforcement agencies use to share information about suspected gang members, to address some of the documented harms to public privacy and safety such databases have been documented to cause. As former Attorney General Bill Lockyer recognized back in 1999, shared gang databases “mix verified criminal history and gang affiliations with unverified intelligence and hearsay evidence, including reports on persons who have committed no crime.”² He warned against their use when making street-level determinations on who to stop and detain.³ Since then, the use of gang databases—specifically California’s statewide shared gang database, CalGang—has increased dramatically, with over 200,000 people tracked in the database

¹ The ACLU of California is comprised of the ACLU of Northern California, the ACLU of Southern California, and the ACLU of San Diego & Imperial Counties.

² See A.B. 90, 2017-2018 Leg. Sess. (Cal. 2017), Ass. Comm. on Pub. Safety, Committee Analysis (“Pub. Safety Committee Report”), at 6; see also Bill Lockyer, *Letters to the Editor: Lockyer Responds*, SFGATE, [Aug. 5, 1999](https://www.sfgate.com/opinion/letterstoeditor/amp/Letters-to-the-Editor-2915623.php), <https://www.sfgate.com/opinion/letterstoeditor/amp/Letters-to-the-Editor-2915623.php>.

³ *Id.*

accessible by over 6,000 individual law enforcement officials.⁴ It also reflects racial disparity in law enforcement's labeling of individuals as gang members: over 65 percent of those included in CalGang are Hispanic or Latino, almost 24 percent are Black and under 7 percent white.⁵ These statistics do not reflect the population demographics of California: statewide, Hispanic or Latino people and Black people comprise only 39.1 percent and 6.5 percent of the population, respectively, while white people make up 72.4 percent.⁶ Placement in CalGang holds severe consequences for the individual included, both immediate—impacting how law enforcement engage with those they encounter on the street and believe to be gang members—and long term—influencing decisions such as whether to grant bail or adjust an individual's immigration status.⁷ The existence of databases that surveil and track individuals on the basis of perceived membership in an organization poses a serious threat to those included within them. Despite these serious repercussions, police made the decision to identify someone as suspected gang members for inclusion in CalGang not on the basis of their criminal activity, but on vague and highly subjective interpretation of noncriminal activity such as perceived associations that allowed police broad discretion to add individuals who lived in neighborhoods with alleged gang activity or who grew up with family or neighbors who later became gang members or suspected gang members. The State Auditor's CalGang report showed that the vague and subjective criteria for inclusion had led to highly overbroad inclusion in the database and demonstrated the pressing need for rigorous oversight of these databases and strict regulations that limit their scope and access.⁸

With A.B. 90, the Legislature moved to address that need, as well as to respond to public outcry from those who have been personally affected by inclusion in the CalGang database and the release of a detailed state audit showing a myriad of issues. Among many issues, the state audit found an absence of meaningful oversight and an overinclusion of individuals within the database, caused by both adding individuals to the database without a substantiated factual basis and retaining them past the approved deadline for removal.⁹ A.B. 90 and the related statutes from earlier legislative sessions—S.B. 458 and A.B. 2298—directly create protections for individuals whom law enforcement seeks to add to gang databases. It also directs the Department of Justice (DOJ) to adopt further regulations to safeguard access to these databases and increase the fairness and accuracy of these databases by ensuring that decisions on who gets added and how long they remain are based in evidence and are intended to be limited in scope.

We appreciate the effort expended in creating these regulations by DOJ staff, the CalGang Technical Advisory Committee, and members of the public who have participated in this process. However, the proposed regulations fall far short of the legislative purpose of improving the fairness and

⁴ See California Department of Justice, ATTORNEY GENERAL'S ANNUAL REPORT ON CALGANG FOR 2018 at 5, <https://oag.ca.gov/sites/all/files/agweb/pdfs/calgang/ag-annual-report-calgang-2018.pdf#page=5> (accessed on June 12, 2019).

⁵ *The CalGang Criminal Intelligence System: As the Result of Its Weak Oversight Structure, It Contains Questionable Information that May Violate Individuals' Privacy Rights* ("CalGang Audit"), CALIFORNIA STATE AUDITOR, Aug. 2016, at 12, - <https://www.auditor.ca.gov/pdfs/reports/2015-130.pdf>.

⁶ QuickFacts: California, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/CA> (accessed on 6/10/2019).

⁷ See, e.g., CalGang Audit at 36.

⁸ CalGang Audit at 3.

⁹ Pub. Safety Committee Report at 8.

accuracy of gang databases, do not satisfy the Legislature’s specific instructions to ground these regulations in existing evidence, and in some cases directly conflict with the authorizing legislation. We submit these comments to object to certain proposed provisions and to recommend specific changes to the proposed regulations, which we believe more accurately reflect the Legislature’s intent and are consistent with the requirements imposed on the DOJ by A.B. 90 and existing law.

General Recommendations

I. The proposed regulations ignore the explicit purpose of A.B. 90 to ensure fairness and accuracy in gang databases by establishing criteria and retention periods that are evidence-based and not overbroad.

When the Legislature delegated to the DOJ the task of creating regulations regarding criteria and retention periods, it specifically required that it create regulations that “are unambiguous, not overbroad, and consistent with empirical research on gangs and gang membership.” Penal Code §§ 186.36(1)(2)-(3). Unfortunately, the regulations often fail to conform to these principles. In its Initial Statement of Reasons (“SOR”), the DOJ provides two stated purposes for the criteria section: 1) to list all criteria in a single section for clarity and 2) to “codify existing designation criteria.” While including all of the criteria in one section serves a practical purpose, there is nothing in A.B. 90’s text or legislative history to suggest that the Legislature intended the regulations to retain or codify the pre-existing criteria for inclusion in a gang database. To the contrary, A.B. 90 was enacted in response to public criticisms that the existing policies allowing law enforcement to designate individuals as gang members were overbroad and incorrectly swept in individuals who were not gang affiliated¹⁰ and findings by the California State Auditor that CalGang was “tracking people who do not appear to justifiably belong in the system.”¹¹ Thus the intent of A.B. 90 and expressly stated directions to the DOJ in creating these regulations was to increase the accuracy of gang databases by developing *new* designation criteria that would replace the ambiguous and overbroad criteria that were not consistent with empirical research.

Despite this clear record regarding A.B. 90’s overall purpose, neither increasing the accuracy of the database or ensuring that those who are not gang-affiliated are excluded from the database was stated as one of the purposes of the criteria section. Additionally, the justifications provided for most of the individual criteria did not reference any empirical basis for its inclusion. Indeed, in many instances the criteria are in direct contradiction to the DOJ’s own empirical literature review. As the DOJ’s research assessment observed:

One of the difficulties inherent in identifying gang membership for the purposes of inclusion in a database are concerns regarding overinclusion and underinclusion. In research parlance, misidentification of gang members is either a Type 1 error (false positive) or a Type 2 error (false negative). A Type 1 error occurs when a non-gang member is designated as a gang member in the database. . . . Type 1 errors are

¹⁰ See, e.g., Pub. Safety Committee Report, at 6-7.

¹¹ Id. at 8.

addressed in The Fair and Accurate Gang Database Act of 2017 mandate that criteria are “not overbroad.”¹²

Despite this clear recognition of the purposes of these regulations, the criteria and retention periods proposed introduce numerous Type I errors by relying on observations that apply to wide swaths of the populations and make it difficult for those who reside in Black and Latino communities—already overrepresented in CalGang—to avoid this labeling. Instead of an approach grounded in empirical evidence in order to limit Type 1 errors, these regulations appear to default to the existing criteria already deemed overinclusive by the Legislature, or to ignore the existing empirical evidence altogether. In doing so, the regulations overlook the need to protect the privacy rights of individuals and ensure that individuals are excluded from the database absent sufficient evidence to establish a reasonable suspicion of gang membership—the purposes of enacting A.B. 90. The resultant regulations around criteria and retention therefore ultimately conflict with the express instructions of the Legislature, the purposes of A.B. 90, and the DOJ’s obligation to adopt policies that are most effective at carrying out the purposes of the legislation.

II. The proposed regulations undercut the specific protections mandated by the Legislature intended to create fairness and accuracy in gang database

While the Legislature delegated to the DOJ responsibility to create certain regulations, A.B. 90 itself included specific protections for members of the public—both prior and subsequent to inclusion in the database. A number of the DOJ regulations directly contradict or scale back these protections and are therefore inconsistent with the purposes of the legislation and existing law. For instance, the statute imposes clear statutory limits on the evidence that a Superior Court may consider when determining whether to remove an individual from the database to ensure that a petitioner has the opportunity to contest the evidence against them.¹³ Despite this clear mandate, the regulations appear to sanction law enforcement agencies presenting information in opposition to a petition for removal that it has not previously disclosed to the petitioner.¹⁴ This provision undermines the express due process protections of the statute.

Additionally, A.B. 90, enacted against the backdrop of increased immigration enforcement activities and the same concerns about sharing information regarding immigration status with outside agencies that led to the enactment of S.B. 54,¹⁵ also limited access to law enforcement agencies outside of California—including federal agencies. The regulations circumvent these protections by granting the DOJ authority to give out-of-state and federal agencies direct access to the CalGang database.¹⁶ This not only exceeds the authority granted to the DOJ under the statute, but undermines the

¹² Todd C. Heistand, GANG MEMBERSHIP, DURATION, AND DESISTANCE: EMPIRICAL LITERATURE REVIEW 10-11.

¹³ See Penal Code Section 186.35(c).

¹⁴ See Department of Justice Regulations for the Fair and Accurate Governance of the CalGang Database, Title 11, Division 1, Chapter 7.5 (“CalGang Regulations”) § 753.6(i)(1)), § 754(d)(1)).

¹⁵ See A.B. 90, 2017-2018 Leg. Sess. (Cal. 2017), Assembly Floor Analysis, at 2 (“Any records contained in a shared gang database are not disclosed for purposes of enforcing federal immigration law, unless required by state or federal statute or regulation.”)

¹⁶ See CalGang Regs § 750.8.

protections the Legislature thought necessary to limit the transmission of “fact-based or uncorroborated information” that results in a designation of gang membership.¹⁷

III. The proposed regulations for shared gang databases other than CalGang needlessly remove basic provisions to ensure protections and oversight.

Although CalGang is the only shared gang database currently operating in California, the statute tasks the DOJ with developing regulations that would apply to any shared gang database that exists or may be created. In creating parallel regulations to apply to other shared gang databases, the DOJ largely adopted the same guidelines that apply to CalGang, but removed certain provisions intended to protect individuals’ rights without providing any justification. We recommend that these provisions—present in the CalGang regulations—be incorporated into the regulations in Department of Justice Regulations for the Fair and Accurate Governance of Shared Gang Databases, Title 11, Division 1, Chapter 7.6 (“Shared Database Regulations”).

Specifically, we recommend adopting the following sections from Chapter 7.5 into Chapter 7.6:

- 750.6(e) – Requiring that agencies demonstrate a need and right to know before access can be granted and provide information about who, within that agency, would have access to the database
- 751.2 – Providing guidance for monitoring the use of gang databases
- 755.2 – Requiring audits at least three times per calendar year, rather than once a year
- 756 – Imposing limits on the sharing of paper records
- 756.8 – Requiring that an investigation into allegations of misuse be initiated within five days, rather than providing no timeline for a mandatory investigation

Reinstating these provisions would further the purposes of A.B. 90 to ensure fairness and accuracy in gang databases and ensure that privacy rights of individuals remain protected. Moreover, if these regulations are deemed necessary to fulfill the purposes of the Legislation with respect to CalGang, this justification should apply equally to all gang database regulations, particularly given the potential for another system to replace or outpace the existing CalGang system.

Specific Comments on Proposed Regulations¹⁸

a. Criteria to be Designated as a Gang Member or a Gang Associate

- i. The person has been arrested for an offense consistent with gang activity**
(CalGang Regulations, Art. 5, § 752.4(a)(2))¹⁹

The CalGang Regulations, Art. 5, Section 752.4(a)(2) and their counterpart in the Shared Database Regulations both allow police to use evidence that “[t]he person has been arrested for an offense consistent with gang activity” as a criterion for inclusion in CalGang or other shared gang

¹⁷ Penal Code § 186.34(a)(2) (defining gang database).

¹⁸ The regulations applicable to other shared gang databases in Chapter 7.6 largely mirror the language of the CalGang regulations in Chapter 7.5, and our comments regarding the similar provisions in Chapter 7.6 are the same. Where applicable, we will indicate the corresponding regulation in Chapter 7.6 and intend for our comments to apply to those provisions as well.

¹⁹ These comments also apply to the similar provision in Shared Databases Regulations, Art. 5, § 771.6(a)(2).

databases. This criterion is overinclusive, because (1) a mere allegation that an individual committed one of the enumerated offenses is not sufficient evidence of their participation in gang activity, and (2) the offenses enumerated in the definition of “offense consistent with gang activity” includes offenses committed by non-gang members.

First, an arrest without conviction does not provide a reliable indication of criminality that could justify use of this criterion. Although the police may arrest an individual for a particular offense, prosecutors may charge the individual with a lesser crime, or jury may convict of the individual lesser crime or choose not to convict at all. Relying on convictions, rather than arrests, would ensure that sufficient proof that the individual actually committed the crime and the conduct is actually gang-related, instead of simply relying on potentially unfounded assertions. This criterion as it is written is over-inclusive because it would allow police to collect the information of people who were merely arrested. It therefore contradicts the Legislature’s instruction to create regulations that are not overbroad.

Second, the definition of “offense consistent with gang activity” will sweep up too many people who are not gang participants because it seems to include every offense listed in subdivision (e) of Penal Code 186.22. Subdivision (e) defines the term “pattern of criminal gang activity,” which is used in subdivision (a). The Department of Justice may have meant this criterion to apply to arrests for subdivision (a) that also meet the definition in subdivision (e); however, the language of the proposed rule implies that any person who commits two of the enumerated offenses would satisfy the criterion. This would be overbroad: recognized gang expert Dr. James Diego Vigil identifies drug use and sales, theft, and even violent crime such as assaults or robberies, as weak indicators have gang membership without evidence that the individual is sharing the profits of the crime with gang members — because both gang members and non-gang members commit those crimes.²⁰ Indeed, police frequently allege an individual committed a crime for the benefit of the gang, simply because they suspect the individual to be a gang member. This is circular logic and is not probative of gang membership.²¹

We recommend that this provision be limited to convictions rather than arrests. Alternatively, if this criterion continues to refer to arrests rather than convictions, we recommend that the definition of “offense consistent with gang activity” be limited to those offenses that are listed in subdivision (a) of the Penal Code section 186.22; Penal Code section 186.26 or 186.28, or where there is clear evidence that the individual committed the crime not merely with other gang members, but in furtherance of the gang.”

ii. **The person has been identified as a Gang Member or Gang Associate by a reliable source** (CalGang Regulations, Art. 5, Sec. 752.4(a)(3))²²

This provision allows law enforcement to use as a criterion for inclusion in CalGang an observation that “the person has been identified as a Gang Member or a Gang Associate by a reliable source.” But the criterion does not define what makes a source “reliable” nor what factual evidence a source

²⁰ See attached Declaration of James Diego Vigil at ¶ 29.

²¹ See attached Declaration of James Diego Vigil at ¶ 28.

²² These comments also apply to the similar provision in Shared Database Regulations, Art. 5, Sec. 771.6(a)(3).

could consider to render judgment on whether a person is a gang member. By allowing law enforcement to rely on a third party's opinion, this criterion would allow subjective opinions to substitute for evidence that can be challenged in audits and petitions for removal because the regulations allow police to simply claim a source's information to be reliable, rather than requiring police to demonstrate the basis for the source's opinion.

The express purpose of these regulations is to ensure the accuracy of gang databases by eliminating inclusion based on unsubstantiated assertions.²³ In the context of court cases, to the extent a lay person may be able to opine on gang membership, courts reject such opinions that are not based on the witness's personal observations, because an opinion is unreliable without a sufficient factual basis.²⁴ In *People v. Jones*, for example, the trial court excluded the lay opinion of a witness who opined that the defendant was no longer a gang member based on his discussions with the defendant, gang members, and others in the community, because the discussions were inadmissible hearsay and thus unreliable as the basis for lay opinion.²⁵ In the context of the gang databases, if a source based their opinion on prohibited criteria, such as jail classification and presence in gang neighborhoods, the opinion would be unreliable because the underlying basis is known to be unreliable. An auditor or individual petitioning for removal, however, could not challenge the unreliability of the opinion because the provision fails to require police to demonstrate the basis for the source's opinion. Thus, entry of individuals based on prohibited criteria would make the database inaccurate, since police could rely on evidence known to be unreliable.

Additionally, the definition of "reliable source" should exclude children under 18 years old. Courts have recognized that youth have lessened ability to assess the consequences of their actions.²⁶ Children may incorrectly identify people they know as gang members not understanding how this identification will have serious consequences for those people. They may even mistakenly inform on their own siblings, parents, and relatives if they do not understand the nature of gang membership or the de-stabilizing effect their actions may have on family dynamics.

We recommend that identification by a reliable source should be removed as an independent criterion. To the extent an individual can be added to a gang database based on observations made outside of the presence of the law enforcement officials ultimately responsible for their inclusion in the gang database, "reliable sources" should only be a permissible form of source data, confirming the presence of one or more listed criteria that should go in a separate source document provision.

- iii. **The person has been seen associating with persons meeting the criteria for entry or who have previously been entered as a Gang Member into the CalGang database (CalGang Regulations, Art. 5, Sec. 752.4(a)(4))²⁷**

²³ Pub. Safety Committee Report at 6

²⁴ *People v. Jones*, 3 Cal.5th 583, 602 (2017); *People v. McAlpin*, 53 Cal.3d 1289, 1308 (1991).

²⁵ *People v. Jones*, 3 Cal.5th 583, 602 (2017).

²⁶ *Miller v. Alabama*, 567 U.S. 460, 472 (2012).

²⁷ These comments also apply to the similar provision in Shared Databases Regulations, Art. 5, Sec. 771.6(a)(4).

This provision allows law enforcement to use as a criterion for inclusion in CalGang an observation that “[t]he person has been seen associating with persons meeting the criteria for entry or who have previously been entered as a Gang Member into the CalGang database.” The proposed regulations simply repeat the broadest, most problematic of the existing designation criteria, despite the recognition in both case law and the DOJ’s own evidence that it is overinclusive. This criterion should be removed or dramatically altered.

Mere association with someone designated as a gang member is one of the weakest indicators of gang membership. As case law has recognized, “gang members and nonmembers often grow up together in the same neighborhood and have social relationships and friendships unrelated to the gang.”²⁸ The difficulty disentangling innocuous social relationships from those that reflect gang membership was also cited in the legislative history for A.B. 90.²⁹ And as the DOJ’s research assessment notes, even after individuals disengage from a gang and are no longer members, some of the same social ties may remain.³⁰ Thus continued association with gang members may not be probative of current gang membership.

The regulations place no context-based limitation on the nature of the association used to satisfy this criterion. As a result, individuals who associate because of familial or intimate relations, professional relations including mentorship or gang interventionist work, scholastic pursuits, recreational activity, volunteer associations, or even religious ties to the same institution satisfy this criterion to be included as gang members or associates. The inclusion of individuals on this basis is not hypothetical, as law enforcement representatives on the CalGang Technical Advisory Committee acknowledged using such relationships as the basis for including individuals into CalGang,³¹ and individuals have shared their personal experiences of being added to the database on these grounds.³²

²⁸ *Vasquez v. Rackauckas*, 203 F.Supp.3d 1061, 1072 (C.D. Cal. 2011), *aff’d in part, rev’d in part and remanded*, 734 F.3d 1025 (9th Cir. 2013); *see also People v. Sanchez*, 18 Cal. App. 5th 727, 751 (2017) (“ . . . this factor [associating with gang members] is difficult to apply in practice because a person’s familial and social relationships can be misperceived as gang-related relationships and result in misidentification of that person as an active gang member.”).

²⁹ Pub. Safety Committee Report at 6 (observing that it is difficult for youth in communities where gangs are present to avoid satisfying associational criteria, particularly when social media may be used as source documentation).

³⁰ Heistand at 22.

³¹ Numerous comments by law enforcement representatives on the CalGang Technical Advisory Committee cited reliance on these types of relationships to satisfy criteria including intimate relations and mentorships. Gang Database Technical Advisory Committee, Meeting Minutes at 19 (“Sept. 19 Minutes”), Sept. 19, 2018 (Eric McBride [representing Jarrod Burguan, designee of the President of the California Police Chiefs Association] states that an associate is “not identifying someone as a gang member. . . . What its saying is that might be someone is not an active gang member, doesn’t participate, and maybe even an older person . . . [m]aybe they open their house or backyard for them . . . They are associating with them. . . . It is an intelligence network that allows to identify people that are associates and help us at the end of the day, solve crime. . . . Hanging out with someone is associating with them. . . . In the argument of the girlfriend, you’re saying she is an associate. She lives with him, maybe has kids with him, to me that makes her an associate.”); Sept. 19 Minutes, at 20 (Eric McBride [representing Jarrod Burguan, designee of the President of the California Police Chiefs Association] states that “[f]or the purposes of intelligence, say you are mentoring a young person that is a gang member. On Friday you mentor that person, for intelligence purposes it would be important for law enforcement to know that if we are actively looking for that person, its likely that they may show up with someone they associate with.”).

³² For example, a 30-year-old man with no criminal history was added to the gang database after giving a ride to a high school classmate he had seen only once in over a decade and whom he had no knowledge the police alleged was a

Trivial associations such as presence in the same public space are also used to satisfy this criteria, as has been noted by advocates who have reviewed the source documentation created by law enforcement to support associational criteria.³³

To support the inclusion of this criterion, the DOJ's SOR only states that unnamed "[l]aw enforcement officials . . . asserted that, based on their extensive knowledge and history with gang members, association with gang members is a strong indicator of a person being involved in, or associated with, a gang."³⁴ The DOJ apparently relied on the anecdotal and unverified statements of a subset of law enforcement representatives as the sole basis for this criterion and failed to consider any of the empirical research or legal case law reliant on empirical evidence cited by experts as mandated by statute. Reliance on law enforcement's representations that association with gang members is a "strong indicator" of gang involvement or association is also belied by contrary assertions made by law enforcement³⁵ at public hearings, where they stated that they would use the "association" criteria to justify adding to the database individuals they know are not active gang members but are merely non-gang associates of a documented gang member, including mentors and significant others.

Individuals associate knowingly or unknowingly with those who happen to be gang members—or who have met the criteria within the last several years—for a variety of reasons that have nothing to do with an underlying shared membership in a gang. Despite the wide range of reasons why individuals associate with one another, the DOJ has cited no empirical research to support a conclusion that being in the presence of someone who is a gang member is highly probative of gang membership, or that an individual in the presence of a gang member is more likely than not to be a gang member themselves. The express directions provided to the DOJ by the Legislature was to establish criteria that "are unambiguous, not overbroad and consistent with empirical research on gangs and gang membership."³⁶ This criterion fails on all accounts by allowing the gang database to sweep in any individuals who have any interactions with an alleged gang member whatsoever, regardless of how fleeting or innocuous without providing any empirical justification for that provision.

We recommend removing this criterion completely. If the Department wishes to include association as a criterion, we recommend defining this criterion to apply only if a "person has been *convicted in*

gang member. Administrative Record at AR007-AR008, *Allen v. Los Angeles Police Department* (Los Angeles Sup. Ct. J9STCPO1979).

³³ Gang Database Technical Advisory Committee, Meeting Minutes ("Dec. 13 Minutes") at 102:8-17, Dec. 13, 2018 (Sean Garcia-Leys, an attorney at Urban Peace Institute, describes how police allege his client satisfied the association criteria because he was present in the same park as an alleged gang member, "The association was being in the same park, 20 to 50 feet away. And even if they had talked, right, this is somebody that they went to elementary school together. He was revisiting his old neighborhood for the first time. I was a little surprised that they didn't talk. But knowing the personal dynamics between them, it makes sense.")

³⁴ SOR at 16.

³⁵ The DOJ did not state the law enforcement representatives that provided this opinion, so the record is unclear whether it is the same representatives who participate in the CalGang Technical Advisory Committee that made conflicting statements at the public hearings.

³⁶ Penal Code § 186.36(l)(2).

the commission of gang-related crime with persons meeting the criteria for entry or who have previously been entered as a Gang Member into the CalGang database.” This is similar to the criterion as it existed before these proposed regulations—although not strictly followed by law enforcement³⁷—and is at least consistent with case law that recognizes association in the context of gang-related criminal activity to be probative of active gang membership³⁸.

iv. **The person has been seen at one or more gang-related addresses or locations** (CalGang Regulations, Art. 5, Sec. 752.4(a)(6))³⁹

This provision allows law enforcement to use as a criterion for inclusion in CalGang an observation that “the person has been seen at one or more gang-related addresses or locations.” We object to this provision. Allowing an individual’s presence in a geographic area, including an undefined gang-related “location,” conflicts with the express provisions of A.B. 90, which specifically identifies presence in a “gang neighborhood” as an impermissible criterion for gang database inclusion.

The CalGang policies that predated the enactment of A.B. 90 listed 10 criteria that, if satisfied, could allow an individual to be added to the database.⁴⁰ A.B. 90 mandated law enforcement agencies eliminate entries from any shared gang database that relied upon three of those ten criteria: “[admissions of membership made in] jail classification [interview], frequenting gang neighborhoods, or . . . [identification by] untested informant,” Penal Code §186.36(r)(1). It further required agencies to purge records of individuals whose remaining entries were “not sufficient to support the person’s designation” as a suspected gang member after those entries were removed, and prohibited agencies from adding any new records to a shared gang database that did not meet the “criteria established by the conditions of the purge.” Penal Code §§186.36(r)(1)-(s)(1). Penal Code Sections 186.36(r)-(s) therefore explicitly recognize that mere presence in a purported “gang neighborhood” is an insufficient ground to infer gang membership, and requires agencies to purge entries based on this criterion and prohibits them from relying on this criterion in the future.⁴¹ The proposed regulations directly contradict this command by making minor alterations in the language,

³⁷ SOR at 16.

³⁸ *People v. Martinez*, 158 Cal. App. 4th 1324, 1331 (2008) (finding sufficient evidence of active gang participation where individual had numerous gang tattoos, admitted gang membership, gave gang moniker when arrested, and was associating with an alleged gang member when he was arrested for gang-related crime).

³⁹ These comments also apply to the similar provision in Shared Database Regulations, Art. 5, Sec. 771.6(a)(6).

⁴⁰ See California Gang Node Advisory Committee, *Policy and Procedures for the CalGang System*, Sept. 27, 2007, <https://assets.documentcloud.org/documents/2298514/calgangs-policy-procedure.pdf>.

⁴¹ While the statutorily prohibited criteria refer to frequenting “gang neighborhoods” and the LAPD’s checklist references “gang areas,” this slight difference in language is not substantively meaningful. These terms are not defined or limited in statute or policy, and there is no basis to conclude that “gang area” is substantively different than “gang neighborhood.” Moreover, the CalGang policy manual setting forth the applicable criteria similarly uses the term “gang areas,” and the A.B. 90 purge—which was enacted after a CalGang audit found significant errors—was enacted to improve the reliability of existing databases. See Pub. Safety Committee Report at 7-8. If “gang area” and “gang neighborhood” were intended to refer to different criteria, the latter’s inclusion as the basis for the purge would have had no effect as it was not one of the existing criteria used by law enforcement. See *In re T.J.*, 185 Cal. App. 4th 1504, 1512 (2010) (construction of statute that would cause provisions to have no effect should be avoided, because “[e]very statute should be construed with reference to the whole system of law of which it is a part so that all may be harmonized and have effect.”) (internal citation omitted). In the absence of any statutory definition for the two terms, they should be presumed to refer to the same general concept.

while still permitting law enforcement to rely on presence in a geographic area to justify inclusion in a gang database.

Allowing law enforcement to rely on an individual's presence within a "gang-related address or location" as evidence of gang membership is also contrary to empirical research, evidence cited in the legislative record, and case law, which recognizes that presence in a particular geographic area alleged to be a gang area may easily be explained by reasons having nothing to do with gang associations.⁴² On "gang areas," noted gang expert Dr. Vigil⁴³ states, "[v]ery little weight should be given to presence in a 'gang area' as an indicator of gang membership, even if the 'gang area' is narrowly drawn. California's urban centers are an overlapping maze of gang territories. . . . Even when only specific intersections or housing complexes are identified as 'gang areas,' most individuals in those areas are typically not gang members."⁴⁴ For example, the Los Angeles Sheriff's Department map of Century Station gang areas depicts almost the entire area covered by the map as gang areas.⁴⁵ The arguments incorporated into the Public Safety Committee Report recognized the impact specifically on noncitizen immigrants because as "people of color [they] . . . also live in neighborhoods with gang injunctions or where gang activity may be high . . . [which] places these individuals at greater risk of being placed on a shared gang database solely for where they live."⁴⁶ And the authors of the report themselves noted that gang database criteria that relies in part on geographic location—particularly when in conjunction with mere association—makes it "difficult for a minor, or young adult, living in a gang-heavy community to avoid qualifying criteria."⁴⁷ The DOJ cited no evidence to support its position that the locations or addresses that law enforcement define as "gang-related" are solely or predominately frequented by individuals who are active members, such that mere presence in such an area is evidence of gang membership or association. To the contrary, the evidentiary record underscores the fact that such criterion are overbroad and sweep in substantial numbers of people with no gang affiliation.

Finally, the DOJ's stated rationale for including "gang locations" is flawed and contrary to the legal principles on which they purportedly rely. In its SOR, DOJ justifies inclusion of this criteria as necessary "because gang addresses and locations are designated as such due to their high gang presence"—without ever stating what is meant by "addresses" or "locations." It continues by stating that "by including gang locations/addresses that a person must stay away from in gang injunctions the courts have established the existence of gang locations/addresses. Thus, presence at a gang address or location is a strong indicator of gang membership and association."⁴⁸

⁴² See, e.g., *Vasquez v. Rackauckas*, 203 F.Supp.3d 1061, 1072 (C.D. Cal. 2011) (recognizing that growing up in a particular neighborhood and the social relationships that stem from that are not necessarily evidence of gang activity).

⁴³ The Ninth Circuit relied on Dr. Vigil's expert testimony in *Vasquez v. Raukauckas*, 734 F.3d 1025, 1046-47 (9th Cir. 2013). He is a retired Professor of Criminology, Law, & Society at the University of California, Irvine, who has authored eight books, five of which have focused on street gangs, and more than sixty articles in journals and edited books, most of which emphasize street gang and street youth.

⁴⁴ See attached Declaration of James Diego Vigil at ¶ 48.

⁴⁵ See attached LASD Century Station Gangs Map.

⁴⁶ Public Safety Committee Report at 10.

⁴⁷ Public Safety Committee Report at 6.

⁴⁸ SOR at 17.

The DOJ appears to be referencing the existence of gang injunction “Safety Zones”—which reflect the geographic area where a gang injunction is operative, and within which, those subject to a gang injunction have limited freedoms.⁴⁹ In the context of gang injunctions, presence or residence within a safety zone is not evidence of active participation in a gang. Rather, safety zones are a mechanism to limit the enforcement of a gang injunction to a finite area.⁵⁰ These alleged “gang locations” can encompass huge swaths of the community, and a presumption that mere presence in those areas is a “strong indicator” of gang membership is completely unfounded and is overbroad as a gang database criterion. First, the premise of gang injunctions belies the DOJ’s argument that presence in a Safety Zone is a “strong indicator” of gang membership, because gang injunctions are granted on the grounds that the activities of a comparatively few individuals—residents or not—“interfere with the comfortable enjoyment of life . . . by an entire *community or neighborhood*, or by any *considerable number* of persons.”⁵¹ Whether successful or not, gang injunctions are intended to recognize “the value of community and the collective interests it furthers,” by protecting the *majority* of community members *who are not members of the gang*.⁵² To use one’s presence or residence in a Safety Zone as evidence of gang membership would be contrary to the very legal definition of such an area because its existence relies on the fact that most of those who reside in the area are not, in fact, active members of the gang. The fact that gang injunction Safety Zones exist and purportedly reflect areas where there is a non-trivial presence of gang activity does not at all support the DOJ’s position that presence in that area is a strong indicator of gang membership or association.

Second, the reality of gang injunctions and safety zones underscores that the reliance of “gang-related addresses and locations” results in overbroad criteria. For example, Safety Zones often include entire neighborhoods; a single injunction in Los Angeles’ San Fernando Valley covers 10 square miles.⁵³ Even injunctions limited to addresses may encompass entire housing projects and include primarily individuals who would not otherwise be alleged to be gang members. Even a single-family home where an alleged gang member resides may be overbroad as this criteria would also include parents, siblings, extended family and any of their visitors. To further demonstrate the overbreadth that would result from allowing “gang-related address and locations” to serve as a criterion, in 2008 the City of Los Angeles had approximately 36 gang injunctions, and the Safety Zones from these injunctions encompassed more than 75 square miles—15 percent of the entire City of Los Angeles—and it has obtained ten more injunctions since that time, further increasing the

⁴⁹ For instance, those subject to a gang injunction may be prohibited from associating in public with other individuals the police allege to be gang members—including family members—or from possessing certain items like pagers, or pens in those areas.

⁵⁰ *People ex rel. Gallo v. Acuna*, 14 Cal.4th 1090, 1123 (1997) (“ . . . here the injunction is confined, encompassing conduct occurring within a narrow, four-block residential neighborhood.”) (internal quotation marks omitted).

⁵¹ *People ex rel. Gallo v. Acuna*, 14 Cal.4th 1090, 1104 (1997) (emphasis in original) (internal citation and quotation marks omitted).

⁵² *Id.* at p. 1109.

⁵³ Complaint for Declaratory and Injunctive Relief, *Youth Justice Coalition, et al. v. City of Los Angeles, et al.*, Case No. 2:16-cv-07932, at 5 (Oct. 25, 2016); Complaint for Declaratory and Injunctive Relief, *Youth Justice Coalition, et al. v. City of Los Angeles, et al.*, Case No. 2:16-cv-07932, at 5 note 2 (Oct. 25, 2016). See also *People v. Puente 13 and Bassett Grande* (LA Super. Ct. BC457055 (2011)); *People v. Fullerton Tokers Town* (Orange Super. Ct. 30-2011-00449392 (2011)); *People v. Longos and Surenos* (LA Super. Ct. NC056071 (2011)); *People v. Rancho San Pedro* (LA Super. Ct. BC460412 (2011))

percentage of the city designated Safety Zones.⁵⁴ The Los Angeles Police Department contends that, in a city of approximately 4 million there are about 45,000 gang members,⁵⁵ yet 15 percent of the City of Los Angeles includes nearly 600,000 people.⁵⁶ Presuming both the accuracy of LAPD's estimate and an equal distribution of purported gang members across the various Safety Zones, less than eight percent of those residing in Safety Zones are likely to be members of a gang, yet this criterion would authorize police to designate 600,000 people as suspected gang members. This also presumes that the areas police would designate as "gang locations" are limited to those already recognized under existing injunctions as Safety Zones—but the regulations permit law enforcement to denote any area or address as a "gang location," which means that the geographic area that sweeps people in is even greater than the total number of people who may be deemed to satisfy this criterion simply for living in or passing through an area is much higher than 600,000 individuals. This criterion allows for criminalizing entire communities because of alleged gang activity within their borders and makes it nearly impossible for someone who resides in such an area to avoid inclusion in the gang database—and would allow anyone who was ever included in the database to remain a documented gang member indefinitely as long as they live in, frequent, or pass through such an area. Allowing the regulations to include presence in a geographic area as a criterion for inclusion is contrary to the underlying purposes of the statute to limit the breadth of criteria and increase their accuracy and is therefore not necessary to effectuate its purpose.

Finally, even if the "gang location" were more specific than a neighborhood, the criteria do nothing to define how officers should identify a particular place as a "gang location." This criterion therefore just replaces officers' subjective judgments about who is a gang member with equally subjective judgements about what is a "gang location," and therefore does nothing to help address ambiguity or overbreadth.

We strongly urge that the DOJ remove this criterion entirely.

- v. **This person has been seen wearing a style of dress or accessory that is tied to a specific criminal street gang.** (CalGang Regulations, Art. 5, Sec. 752.4(a)(7))⁵⁷

Part (a)(7) of Section 752.4 and Section 771.6 allow police agencies to use evidence that "[t]he person has been seen wearing a style of dress or accessory that is tied to a specific criminal street gang" as a criterion for inclusion. The provisions further specify that the officers must "document the specific items and to which criminal street gang the style of dress and/or accessory is related."⁵⁸

⁵⁴ Complaint for Declaratory and Injunctive Relief, *Youth Justice Coalition, et al. v. City of Los Angeles, et al.*, Case No. 2:16-cv-07932, at 6 (Oct. 25, 2016).

⁵⁵ *Gangs*, THE LOS ANGELES POLICE DEPARTMENT, http://www.lapdonline.org/get_informed/content_basic_view/1396.

⁵⁶ The number of individuals living in Safety Zones is probably substantially higher than merely 15 percent of the Los Angeles population, given that many of the areas covered are high density. See *Citywide Gang Injunctions*, THE LOS ANGELES POLICE DEPARTMENT, http://assets.lapdonline.org/assets/pdf/COLUMBUS%20STREET%20GI%20gang_injun_citywide_85x11.pdf.

⁵⁷ These comments also apply to the similar provision in Shared Databases Regulations, Art. 5, Sec. 771.6(a)(7).

⁵⁸ CalGang Regulations, Art. 5, Sec. 752.4(a)(7); Shared Databases Regulations, Art. 5, Sec. 771.6(a)(7).

This criterion is a very weak indicator of gang membership, because of the overlap between urban culture and purported gang culture. Dr. Vigil identifies use of style of dress as a criterion as a “common source of error and should be given little weight,” because “styles of dress such as baggy clothes . . . are cultural expressions shared by both gang members and non-gang members in urban neighborhoods.”⁵⁹ Because this criterion would allow police to record in the database people who are not gang members, it is overinclusive and inaccurate. Because of the vagueness of the phrase “style of dress,” police could use this criterion as evidence of membership no matter what the individual is wearing. For example, in our case *Youth Justice Coalition, et al. v. City of Los Angeles, et al.*, the City’s gang expert, an LAPD gang detective, Officer Lamar, identified a button-down, plaid shirt; baggy shirt with shorts and socks; and a baggy shirt with Dickie pants all worn by plaintiff Peter Arellano as “gang attire,” raising the question what could Peter have worn that would not be “gang style of dress.”⁶⁰ For these reasons, this criterion would penalize urban culture, rather than accurately identify gang participants.

DOJ does not support its inclusion of this criteria with any empirical evidence that certain accessories or styles of dress are specifically tied to membership with a gang, rather than associated with young people of color who reside in urban neighborhoods. Nor have they cited any empirical evidence that individuals wearing certain colors or styles of dress in a particular geographic area are more likely to be gang members than not. The DOJ’s SOR suggests that even wearing certain colors can be the basis for satisfying criteria.⁶¹ While the SOR states that a color that is associated with multiple gangs would not provide a basis for inclusion, it makes no exception for the fact that individuals may have completely innocuous reasons for wearing any single color. Law enforcement’s assertion that certain colors are associated with gangs is exceedingly broad, and, for example within a single neighborhood, they may allege that tan, beige, black, blue, and orange are all associated with a gang—making it very likely that non-gang affiliated individuals will be deemed wearing gang-related attire.⁶² Even seemingly narrowly-defined gang attire—such as clothing bearing certain words or symbols—may be overbroad. In one instance, for example, clothing bearing the word “orange” was deemed to be gang-related for a gang in Orange County, in the City of Orange, where many alleged members attended Orange High School.⁶³ In Fullerton a gang injunction prohibits wearing California State University Fullerton or Fullerton college gear⁶⁴, and in another neighborhood, clothing bearing the name “Deep Side South Modesto” was where it was both the name of the community and the name of a gang present there.⁶⁵ The DOJ cites no evidence suggesting that non-gang affiliated individuals in a particular area are both aware of specific styles of dress or accessories that law enforcement believe are present in their community and refrain from

⁵⁹ See attached Declaration of James Diego Vigil at ¶ 46.

⁶⁰ Declaration of Officer Lamar in Support of Defendants’ Opposition to Motion for Preliminary Injunction for Plaintiff Peter Arellano, *Youth Justice Coalition, et al. v. City of Los Angeles, et al.*, Case No. 2:16-cv-07932-VBF-RAO, at 17-19 (Dec. 16, 2016), Dkt No. 41.

⁶¹ SOR at 17.

⁶² See, e.g., *Vasquez*, 734 F.3d at 1033 & n. 4 (noting that, in obtaining a gang injunction, law enforcement initially sought to enjoin alleged gang members from wearing any of these allegedly gang-associated colors).

⁶³ *Vasquez*, 734 F.3d at 1033

⁶⁴ *People v. Fullerton Tokers Town* (Orange Super. Ct. 30-2011-00449392 (2011)) Order for Permanent Injunction, Filed May 23, 2011 at 11:9-11:28.

⁶⁵ *Sanchez*, 18 Cal. App. 4th at 751.

wearing them—however there is evidence that such styles are likely to be shared by members and non-members alike, rendering this criteria excessively overbroad.

We recommend removing this criterion. In the alternative, we recommend that it be amended to eliminate reference to a “style of dress” and require a specific worn item of clothing or accessory – not simply a color – that is tied to a specific criminal street gang.

b. Retention period for records (CalGang Regulations, Art. 9, Sec. 754.4)⁶⁶

This provision allows a person’s record to be retained in the CalGang database for up to five years, and, if a single additional criterion is added to the database, allows the five-year period to be reset. We strongly object to this provision.

First, the five-year retention length is unsupported by evidence and is contrary to the express directions provided to the DOJ under A.B. 90. The DOJ’s SOR states that it is “maintaining the current five-year retention period for records in the CalGang database” because it “has not located any substantial research to justify reducing the retention period.”⁶⁷ The DOJ’s decision to codify the existing policies around CalGang is not justified by anything in the legislation or legislative history, and is against the direct instruction to develop retention policies that are supported by evidence. Penal Code Sec. 186.36(1)(3).

Second, the evidence cited in the DOJ’s research assessment provides support for a much shorter retention period. The DOJ’s SOR acknowledges that most of the research regarding length of membership focuses on youth.⁶⁸ The numerous studies cited in the research assessment consistently find that “periods of active gang membership rarely extend beyond one to two years,” with most reports finding that the majority of youth remain in a gang for less than one year.⁶⁹ Given the DOJ’s decision to allow youth as young as 13-years-old within the database, this empirical data should compel a retention period for youth limited to one year. The longitudinal data also shows that even when individuals joined gangs as adults, they “still reported short term gang membership with an average of 1.62 years in the gang.”⁷⁰ Thus, even when limited to individuals joining gangs in adulthood, the empirical evidence does not support ongoing active membership lasting five years.

Finally, the regulations should not allow for the retention period to be reset every time a single criterion is satisfied, particularly if the DOJ adopts such overbroad and problematic criteria as associating with an alleged gang member, frequenting a gang location, and wearing “gang” style of dress. Retaining individuals within the database beyond their actual period of gang membership is yet another form of overbreadth recognized by the DOJ’s research assessment,⁷¹ and eliminating

⁶⁶ These comments also apply to the similar provision in Shared Databases Regulations, Art. 9, Sec. 773.6.

⁶⁷ SOR at 24-25.

⁶⁸ SOR at 24.

⁶⁹ Heistand at 20-21 (citing multiple studies finding that the majority of youth participate in gangs for less than a year); D. C. Pyrooz, G. Sweeten, and A. R. Piquero, *Continuity and change in gang membership and gang embeddedness*, 50(2) J. OF RES. IN CRIME AND DELINQ. 239, 244 (2013), <https://doi.org/10.1177/0022427811434830>.

⁷⁰ Heistand at 21.

⁷¹ Heistand at 23 (recognizing “[o]verinclusion . . . can also occur on the back end by continuing to include former gang members who have de-identified and disengaged).

such overbreadth is one of the purposes of A.B. 90 and its accompanying regulations. Unnecessarily including individuals in a gang database beyond their actual period of gang membership is not a costless act. This is true whether caused by an initial retention period that is too long, or through repeated extensions of this retention period. As the DOJ’s research assessment described, a large majority of individuals who have de-identified and disengaged with gangs nonetheless continue to be improperly labeled and treated as “gang members” by law enforcement—an experience they report occurring even more frequently than being targeted by a former or rival gang combined.⁷² Such continued inclusion in the database “may negatively impact the process of disengaging,” thus preventing individuals from desisting from criminal activity and engaging in pro-social activities, which is directly contrary to public safety.⁷³

Allowing the retention period to reset every time an individual satisfies an additional criterion means that law enforcement agents will be permitted to keep individuals in the database even after the retention period has expired for the other criteria and may result in individuals remaining in the database based solely on satisfying a single criterion. For instance, under the current regulations, an individual may be added into the database on January 1, 2020 because they have been seen with someone already within the database while at his neighborhood park, which has been designated a “gang location.” If, on December 1, 2024, this same person was observed in the same park, they would remain in the database until 2029—nearly five years based solely on their presence in a public space in their own neighborhood. Allowing such continued inclusion based on one criterion violates the requirements of 28 C.F.R. Part 23, because inclusion within a gang database must be based upon reasonable suspicion “that the individual is involved in criminal conduct or activity.” Satisfying a single criterion—particularly something as overbroad as presence in a gang location or associating with another person who law enforcement alleges to be a gang member—is not alone sufficient to provide a factual basis for an officer’s reasonable suspicion that an individual is involved in criminal conduct. Given the extensive information regarding the relatively short term of gang participation (typically lasting less than two years for those who join as adults and less than one year for those who join as youth),⁷⁴ it is inconsistent with research on individuals leaving gangs to allow law enforcement to rely on observations from years prior to serve as the basis for the conclusion that an individual is currently involved in a gang. Allowing an individual’s database tenure to reset on the basis of a single observed criterion also makes it potentially impossible for individuals to term out of the database if they continue to live or work in an area that is deemed a “gang location” or have relatives or acquaintances that are within the database.

We recommend, at minimum that youth placed in the database while under 18-years-old remain in the database for no more than one year, and that the retention period for those entered as adults last no more than two years.

**c. Limitations to the Access Provided to an Out-of-State or Federal Agency
(CalGang Regulations, Art. 3, Sec. 750.8)⁷⁵**

⁷² Heistand at 23 (This is probably not how it should be cited, but you can correct these later)

⁷³ Heistand at 23.

⁷⁴ Heistand at 20-21.

⁷⁵ These comments also apply to the similar provision in Shared Databases Regulations, Art. 3, Sec. 770.6.

This provision allows the DOJ to enter into a memorandum of understanding with an out-of-state or federal agency that would provide that agency with direct access to the CalGang database. However, nothing in A.B. 90 authorizes the DOJ to exercise such authority. The DOJ’s SOR cites to Penal Code Sec. 186.36(l)(7) as authority for this provision, but this section only directs the DOJ to adopt “[p]olicies and procedures *for sharing information from a shared gang database* with a federal agency, multistate agency, or agency of another state *that is otherwise denied access*. This includes sharing of information with a partner in a joint task force.” The Legislature specifically directed the DOJ to adopt policies that would permit the sharing of certain information obtained from a shared gang database while direct access was denied, not policies for granting unfettered access to agencies that are not permitted access under the existing law. As such, the proposed regulation exceeds the scope of legislative authority and should be not be included in the final regulations.

Prohibiting federal and out-of-state agencies from having direct access to the CalGang database is also consistent with the concerns that underscored the need for the law to include limitations on sharing. As was cited in the Public Safety Committee hearings on A.B. 90, information regarding alleged gang associations can be introduced in proceedings regarding removal or adjustment of status, and mere allegations—including presence in the CalGang database regardless of the accuracy of the underlying source data—may be fatal to an individual’s claim to remain in the United States.⁷⁶ And despite any limitations that an MOU may place on an individual federal agency, once information is transmitted to the federal government, federal law requires that it may be shared with any agency for immigration enforcement purposes⁷⁷—thus overriding the limitations on sharing for such purposes expressly written into A.B. 90.⁷⁸

The legislative command in Penal Code Sec. 186.36(l)(7) is more consistent with the regulations articulated in Art. 5, Section 751.6, which impose guidelines on the sharing of information obtained from databases with non-user agencies, and thus Section 750.8 is unnecessary as well as contradictory.

We recommend removing this provision.

d. Minimum Age of Entry and Requirements to Enter a Person into the CalGang Database (CalGang Regulations, Art. 5, Secs. 752.6(b)-(c))⁷⁹

Subsection (b) of Section 752.6 and 770.6 set a two-criteria requirement for gang membership. Subsection (c) of those sections allows police to enter an individual as a gang associate if they meet the association criterion and one other criterion. According to the DOJ’s SOR, these provisions,

⁷⁶ See public safety committee hearing on A.B. 90, April 18, 2017, testimony of Marissa Montes (this is at about 2:24:00+)—not sure what info is needed to cite to this.

⁷⁷ Testimony of Marissa Montes on A.B. 90, *Assembly Public Safety Committee*, The California Channel (April 18, 2017), http://calchannel.granicus.com/MediaPlayer.php?view_id=7&clip_id=4397 at 2:24:30.

⁷⁸ See Penal Code § 186.36(k)(7); 186.36(w).

⁷⁹ These comments also apply to the similar provision in Shared Databases Regulations, Art. 3, Sec. 770.6.

purportedly “specify the standard for entry in the CalGang database” and are “consistent with [28 C.F.R. Sec. 23.20(a)].”⁸⁰ Neither of these provisions satisfy the requirements of 28 C.F.R. Sec. 23.20(a), which permits law enforcement agencies to “collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.” Gang membership alone is not a crime.⁸¹ Thus, membership alone does not demonstrate reasonable suspicion of criminal conduct. Rather than requiring that there be reasonable suspicion that any individual added to CalGang is involved in criminal activity, the regulation only requires that “two criteria . . . are found to exist though investigation, based on a trained law enforcement officer’s reasonable suspicion.” Sec. 752.6(b). The regulations therefore do not require reasonable suspicion that the person listed is engaged in criminal activity—as mandated by 28 C.F.R. Sec. 23.20(a)—but rather only reasonable suspicion that two of the criteria set forth for establishing gang membership have been satisfied. The existence of the criteria merely formalizes the bases for law enforcements’ assessment that an individual is a gang member; the mere presence of those traits is not in themselves sufficient to establish the necessary criminal predicate for inclusion in criminal intelligence database such as CalGang.

Additionally, law enforcement representatives on the CalGang Technical Advisory Committee acknowledged that the way that the current “associate” or “affiliate” category functions is to allow them to collect intelligence on individuals who they do not even contend are involved in criminal activity, but rather merely associate with people who are gang members.⁸² They specifically cited using the associate or affiliate designation on individuals such as mentors, and intimate associates, such as a girlfriend who shares a home or children with an individual designated a gang member.⁸³ This is an improper use of the database and violates 28 C.F.R. Sec. 23.20(a), which, again, only authorizes the inclusion of personal information regarding individuals where there is “reasonable

⁸⁰ SOR at 18.

⁸¹ See *People v. Rodriguez*, 55 Cal.4th 1125, 1134 (because membership in a group is constitutional under *Scales v. United States*, 367 U.S. 203 (1961), Penal Code Section 186.22(a) penalizes commission of an underlying felony with at least one other gang member, rather than punishing gang membership).

⁸² See, e.g., Transcript pg. 71-72 (LAPD Detective Cooper [accurate title?] states: “We can have a contact with somebody . . . the guy is a full-fledged member And the guy with him, he says ‘I am not a member, I hang out with these guys,’ he is an associate.”); Sept. 19th minutes, p. 23 (Jonathan Feldman, representative for California Police Chiefs Association, states: “We talked about the fact that an associate is someone who’s associating with an individual on a regular basis, but not doing something for the benefit of the gang.”); Sept. 19th minutes, p. 24 (Jonathan Feldman, representative for California Police Chiefs Association, states: “If it is just an affiliate, they are not committing the criminal activity.”)

⁸³ Sept. 19 Minutes at 19 (Eric McBride [representing Jarrod Burguan, designee of the President of the California Police Chiefs Association] states that an associate is “not identifying someone as a gang member. . . .What its saying is that might be someone is not an active gang member, doesn’t participate, and maybe even an older person . . . [m]aybe they open their house or backyard for them They are associating with them. . . . It is an intelligence network that allows to identify people that are associates and help us at the end of the day, solve crime. . . . Hanging out with someone is associating with them. . . . In the argument of the girlfriend, you’re saying she is an associate. She lives with him, maybe has kids with him, to me that makes her an associate.”); Sept. 19 Minutes, at 20 (Eric McBride [representing Jarrod Burguan, designee of the President of the California Police Chiefs Association] states that “[f]or the purposes of intelligence, say you are mentoring a young person that is a gang member. On Friday you mentor that person, for intelligence purposes it would be important for law enforcement to know that if we are actively looking for that person, its likely that they may show up with someone they associate with.”).

suspicion that the individual *is involved in criminal conduct or activity.*” This is also inconsistent with the case law that recognizes that association, even with multiple members of a gang, cannot establish gang membership.⁸⁴

Law enforcement do not even purport to adhere to these standards when choosing to include people in the database as associates or affiliates and must not be permitted to add individuals to the database without, at minimum, reasonable suspicion of actual criminal conduct or activity in association with the gang itself—not merely association with a person alleged to be a gang member.

In order to comply with federal law, the proposed regulations must clearly require that, in addition to satisfying at least two specified criteria, there must be reasonable suspicion that the person is involved in criminal activity, and specifically reasonable suspicion the person is an active gang participant⁸⁵. We further suggest that the Department of Justice remove the category of “gang associate” from Section 752.6(c) because it is insufficient to include an individual in this database as an associate where law enforcement lacks reasonable suspicion that an individual is directly engaged in the illegal conduct of the criminal street gang, regardless of whether sufficient criteria may be satisfied.

e. **Notifying a Person of Inclusion in the CalGang Database** (CalGang Regulations, Art. 7, Sec. 753.6(i)(1))⁸⁶; **An Agency’s Response to an Information Request** (CalGang Regulations, Art. 8, Sec. 754(d)(1))⁸⁷

These provisions relate to an agency’s ability to present to a court, in camera, evidence relating to an individual’s inclusion in a gang database that has not been disclosed to the individual pursuant to the process of disclosure specified in Penal Code Secs. 186.34(c)(1) and (d)(1)(B). While the legislation allows that, in certain instances, a law enforcement agency may be able to withhold information relating a gang designation,⁸⁸ both A.B. 90 and the California Rules of Court are clear that the record before a Superior Court when a petitioner challenges inclusion on a gang database is limited to the materials exchanged between the petitioner and the agency when contesting inclusion at the agency level.⁸⁹ To the extent these provisions appear to sanction the presentation of additional evidence to

⁸⁴ *People v. Robles*, 71 Cal. Rptr. 2d 877, 882 (1998) (holding that “the evidence is insufficient, as a matter of law, that defendant was an active participant in the [gang]” where it showed only that he “hung out” with individuals who were members and there was no evidence he engaged in gang activities with any members), *aff’d* in part on other ground, *rev’d* in part on other grounds, 23 Cal.4th 1106 (2000).

⁸⁵ *People v. Englebrecht*, 88 Cal. App. 4th 1236, 1261 (2001) (defining active gang member as “a person who participates in or acts in concert with an ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of acts constituting the enjoined public nuisance, having a common name or common identifying sign or symbol and whose members individually or collectively engage in the acts constituting the enjoined public nuisance. The participation or acting in concert must be more than nominal, passive, inactive or purely technical.”)

⁸⁶ These comments also apply to the similar provision in Shared Databases Regulations, Art. 7, Sec. 772.8(i)(1).

⁸⁷ These comments also apply to the similar provision in Shared Databases Regulations, Art. 7, Sec. 773.2(d).

⁸⁸ *See, e.g.*, Penal Code Sec. 186.34(d)(2).

⁸⁹ *See, e.g.*, Penal Code Sec. 186.35(c) (“The evidentiary record for the court’s determination of the petition shall be limited to the agency’s statement of the basis of its designation . . . and the documentation provided to the agency by

the Superior Court in camera that was not previously disclosed to the petitioner, it conflicts with the clear language of Penal Code Sec. 186.35(c) and California Rules of Court.

In addition, A.B. 90 and its predecessor A.B. 2298 (Weber 2016) were intended to increase the accuracy and transparency of in the information included within gang databases by providing meaningful due process to those placed on the database, including an opportunity to confront the allegations against them and counter with their own evidence.⁹⁰ Allowing law enforcement agencies to present evidence to a Superior Court to support an individual’s inclusion in a database that the individual is unable to review or challenge undermines this goal and is incompatible with due process requirements.⁹¹ While an agency has the right to withhold confidential information that may impede a criminal investigation, it may not use that information to circumvent the clear evidentiary limits imposed by law. While this may result in the removal of an individual from the CalGang database because the agency fails to provide clear and convincing evidence that an individual is an active member of a gang—as is required to remain in the database—this does not prevent the agency from continuing any ongoing criminal investigations.

We recommend striking the language in both provisions stating that “[n]othing in this subdivision restricts the release of [information] . . . under court order or for an in-camera review by a court.”

* * *

We sincerely hope OAG and DOJ consider the objections and recommendations contained within this letter and revise the proposed regulations to reflect the underlying intent of this legislation to safeguard the privacy of the public and ensure that individuals are not unnecessarily added to and surveilled in gang databases.

Sincerely,

ACLU of California

CC: Shayna Rivera, CalGang Unit Manager

the person contesting the designation); Cal. R. Ct. 3.2300(e)(2) (“The record is limited to the documents required by Penal Code section 186.35(c)).

⁹⁰ See, e.g., Pub. Safety Committee Report at 4 (citing the author of A.B. 90 noting that “[t]wo recently passed state laws – S.B. 458 (Wright) and A.B. 2298 (Weber) – began the process of addressing accuracy, consistency and transparency in regards to shared gang databases by guaranteeing all people the right to be notified if they are designated a gang associate, affiliate or member; the right to challenge their designation at the agency level; the right to appeal an unfavorable decision to the civil court”); id. at 7 (committee citing courts’ recognition that due process protections are necessary where individuals are designated gang members in other contexts); A.B. 2298, 2015-2016 Leg. Sess. (Cal. 2016), Ass. Comm. on Pub. Safety, Committee Analysis at 4 (recognizing that “[t]he [g]eneral [e]ffects of this [b]ill are to [i]nclude [d]ue [p]rocess [r]ights for those [d]esignated”).

⁹¹ See *August v. Dept. of Motor Vehicles*, 264 Cal.App.2d 52, 60 (1968) (presenting *evidence ex parte* violates due process when it does not give the person an opportunity to contest that evidence); *Lynn v. Regents of Univ. of California*, 656 F.2d 1337, 1345-46 (9th Cir. 1981); cf. *Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989) (“The risk of error is considerable when such determinations are made after hearing only one side.”); *People v. Sanchez*, 18 Cal. App. 5th 727, 752 (2017) (noting “fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights”) (citation and quotation marks omitted).

Bureau of Criminal Identification and Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820

Thomas Bierfreund, Associate Governmental Program Analyst
Bureau of Criminal Identification and Investigative Services
California Justice Information Services Division
4949 Broadway Sacramento, CA 95820

gangdatabaseGDTAC@doj.ca.gov

EXPERT DECLARATION OF JAMES DIEGO VIGIL

I, James Diego Vigil, declare as follows:

1. The world of criminal street gangs is inscrutable to outsiders. Gang members act paradoxically – many engage in criminal activities they wish hidden from law enforcement yet visibly tattoo their gang affiliations on their body and publicize their names and gang affiliation in graffiti on neighborhood walls and on social media. Gangs operate in segregated communities whose cultures are, in many ways, foreign to outsiders. Outsiders' thinking about gangs is often distorted by popular media exaggerations and inaccurate caricatures of gangs and gang members.

2. My purpose in this expert declaration is to shine into the arcane world of street gangs the light of decades of rigorous research by social scientists that explains the paradoxical behaviors of gang members. By doing this, I hope to help police and courts make the difficult, fact-based determination of whether an individual is a currently active gang member and therefore subject to inclusion in a law enforcement shared gang database. This declaration will include a short background on shared gang databases, the consensus findings of gang researchers regarding the characteristics of California gangs and gang membership, and a description of the relative strength of common types of evidence of gang membership.

CREDENTIALS

3. I am a retired Professor of Criminology, Law & Society at the University of California, Irvine. I received my Ph.D. in anthropology from the University of California, Los Angeles and have held various teaching and administrative positions, including at Harvard University, University of California at Los Angeles, and University of Southern California. My research has focused on urban anthropology, specializing on Mexican Americans and other ethnic

minorities. I have conducted research on ethnohistory, education, culture change and acculturation, and adolescent and youth issues, specifically street gangs. I have authored eight books, five of which have focused on street gangs, and more than sixty articles in journals and edited books, most of which emphasize street gang and street youth. My full curriculum vitae with a list of my publications is attached to this declaration.

4. I have lectured and consulted on urban youth problems for various government agencies, including the U.S. Department of Health and Human Services, the National Institute of Justice, the U.S. State Department, the Inter-American Development Bank, the Los Angeles Unified School District, the Los Angeles Sheriff Department, the Gang Investigators Association of California, the California Defense Attorneys for Criminal Justice, the Federal Public Defenders, the Los Angeles Superior Court, and numerous smaller venues.

5. My opinions and conclusions in this declaration are based on my review of relevant research on gangs and the environments where they exist, including my own career of field work. Most of my field work has been conducted in urban areas focusing on urban street youth and their problems. Similarly, I have lived among and interacted with gang members and other youth and written extensively on their experiences.

SHARED GANG DATABASES

6. Today's shared gang databases are vast catalogs of information and photographs about individuals suspected of gang membership. There is no requirement that the people subjected to this surveillance be suspected of any criminal behavior. Criteria for entry is as subjective and easily met as wearing "gang dress" in a "gang area." These databases have included hundreds of thousands of Californians, some as young as ten years old.

7. Modern shared gang databases have their roots in the first computerized gang databases created by individual law enforcement agencies in the late 1980s and early 1990s. Before that, law enforcement agencies kept documentation of gang allegations in file cabinets of index cards or in three ring binders. By the first half of the 1990s, there existed two large computerized gang databases in California, the Gang Reporting, Evaluating, and Tracking (G.R.E.A.T.) database in Los Angeles County, and the Gang Incident Tracking System (G.I.T.S.) in Orange County.

8. Of the two early databases, G.R.E.A.T. was more inclusive and allowed law enforcement officers to enter an individual's name and suspected gang affiliation without requiring any further information. The threshold for entry into G.R.E.A.T. was so subjective and easily met that a 1992 audit of G.R.E.A.T. by the Los Angeles District Attorney found that almost one-half of all young Black men in Los Angeles had been added to the database (Reiner, 1992).

9. G.I.T.S. was the more focused database. It required a nexus between a gang-related crime and an individual before entering the individual into the database. Proponents of the G.I.T.S. design argued that a nexus with gang crime made the database more accurate, effective, and consistent with constitutional principles.

10. Despite the advantages of the G.I.T.S. design, law enforcement agencies across California adopted the G.R.E.A.T. platform when designing their own gang databases during the late 1990s. In 1997, G.R.E.A.T. was used as the basis for the first statewide shared gang database, CalGang. CalGang has since replaced most local gang databases and become California's primary gang database.

11. The CalGang database is comprised of personal data about gang members and gang affiliates such as name, birthdate, address, tattoos, as well as information such as common gang symbols and gang territories. The most common source for this data is an encounter in a public

space between a law enforcement officer and a suspected gang member. In that encounter, the officer typically questions the suspected gang member about where they are from and whether they have any tattoos. These are most often “consensual” stops where there is no suspicion of a specific crime. If the officer believes the person meets CalGang’s criteria for documentation as a gang member, the officer records the gang allegation on an index card known as a “field interview card” or, simply, an “F.I. card.” The criteria for documentation as a gang member are profoundly subjective and are met by merely alleging a person was wearing “gang dress” in a “gang area.”¹ Importantly, an officer may opine that an individual is a gang member despite his or her affirmative denial during this interaction. F.I. cards are later collected by the officer’s department and the information is entered in the CalGang database. Because this methodology allows broad discretion on the part of the law enforcement officer, there is little consistency in the resulting documentation.

12. In 2016, the California State Auditor published a report criticizing the CalGang database (Howle, 2016). The report found there were more than 150,000 people designated as gang members or gang affiliates in CalGang. The people included in CalGang were overwhelmingly male, the majority were between 18 and 30 years old, and the database disproportionately included Black and Hispanic/Latino/Chicano people. Despite the low threshold for entry, the audit found that all the audited agencies had inappropriately included individuals in the database. Most agencies were unable to adequately support their claim that many of the groups in the database met the criteria for inclusion as gangs.

¹ According to CalGang Policy, a person may be documented as a gang member based on an in-custody classification interview, or if they meet any two of the following criteria: admission of membership, arrest with known gang members for an offense consistent with gang activity, identification by either a reliable or untested informant, affiliating with documented gang members, displaying gang symbols and/or hand signs, frequenting gang areas, wearing gang dress, or having gang tattoos (California Gang Node Advisory Committee, 2007).

TRADITIONAL STREET GANGS

13. An understanding of the characteristics of street gangs is necessary to accurately identify gang members. An identification should consider (1) the typical characteristics of street gangs, (2) the variation between street gangs, and (3) the peculiarities of the gang the person has allegedly joined. Gangs are not alike in purpose or organization and stereotypes and misinformation about gangs is common. Too often, the term “gang” is used merely as a proxy to label young people of color as something “other.” Fortunately, there is a wealth of research that can guide a person seeking to understand gangs.

14. **The most common type of gang in California, as reflected in academic studies and in the California gang database, are “traditional street gangs.”** Gang researchers and law enforcement have identified a variety of gangs and criminal organizations that range from adolescent “tagging” crews to sophisticated organized crime operations. Gang databases are not populated with information from every gang type; instead, law enforcement in California have primarily focused on tracking urban, generational street gangs that are identified with specific neighborhood enclaves and are labeled by gang researchers as “traditional street gangs.”

15. **Traditional street gangs typically share similar characteristics such as a membership based on a shared neighborhood, a membership that fluctuates as new members join and older members mature out of the gang, and a lack of formal structure.** Traditional street gangs are usually formed according to the social networks and family ties of members. Individuals who choose to identify as gang members form peer cohorts, or cliques, based typically on age and the neighborhood in which they live. In this way, gangs form and continue to exist even as members mature out of the gang and new cohorts are formed (Moore, 1978; Klein, 1995; Vigil, 2007).

16. Research into gangs has been remarkably consistent in finding a lack of formal organization. In 1998, gang researcher Scott Decker led a team who conducted interviews with 85 incarcerated gang members in two states and found that the California gangs had no formal organization, no designated leader, no formal meetings other than social gatherings, and no established rules (Decker et al., 1998). In 2003, researcher Avelardo Valdez collected 150 intensive interviews by paraprofessionals of individuals from 26 Mexican-American gangs, 17 of which were traditional street gangs (Valdez, 2003). Valdez found that 12 of the 17 traditional street gangs studied lacked a functioning hierarchy and had no established leadership. In my own longitudinal study of the Cuatro Flats gang in Los Angeles, I found the gang only ever came together as a single organization for short periods of times, and only due to extraordinary circumstances (Vigil, 2007). Even then, the gang's collective organization was merely the result of the informal leadership of the gang's most respected individuals.

17. Despite the consistent finding that California's traditional street gangs lack organization, some law enforcement gang experts still describe traditional street gangs as hierarchically organized into "shot callers," "lieutenants," and "foot soldiers." While this structure has been found in some gangs, particularly in prison gangs and in street gangs in Chicago, it is extremely rare in traditional street gangs in California. In fact, titles like "lieutenant," and "foot soldier" are used nearly exclusively by law enforcement with no comparable language used by academic gang researchers or California's traditional street gang members. Also, there is reason to believe that law enforcement gang experts intentionally overstate the organization of street gangs when in court. In 1995, researcher Malcom Klein interviewed 261 law enforcement gang experts and found that, outside of the courtroom, most of these gang experts described street gangs

not as well organized hierarchies, but as typically small, autonomous, and poorly organized (Klein, 1995).

18. **Other common misunderstandings about traditional street gangs are that their members regularly engage in serious and violent crime, that they are formed for organized criminal behavior like drug distribution, and that they are part of sophisticated gang networks.** Research into gangs consistently find that most gang members are involved solely in low level, hedonistic crimes like drug use, theft, or vandalism. To be sure, there are serious crimes and acts of violence committed by gang members that further the interests of their gang, and these crimes occur at much higher rates among gang members compared to the general population; but it is equally true that even among gang members, these serious crimes are committed by only a small minority of individuals within gangs.

19. Traditional street gang members are usually drug users and are generally not involved in high level drug-sales conspiracies. Klein points out that traditional street gangs have none of the requirements for a successful drug-sales conspiracy (Klein, 1995). A successful drug-sales conspiracy, he writes, requires “(1) a clear, hierarchical leadership, (2) a strong group cohesiveness, (3) a code of loyalty and secrecy, and (4) a narrow focusing of efforts on the mechanics of drug sales and the avoidance of independent or non-sales-related criminal involvement.” Instead, Klein writes, traditional street gangs “tend to have shifting leadership, intermediate levels of cohesiveness, frequently broken codes of honor, and very versatile and independent criminal involvements.” Traditional street gang members who want to engage in serious drug sales must usually create a new organization besides the street gang to be successful. While these drug-sales conspiracies may include other traditional street gang members, they are new and distinct organizations.

20. And while traditional street gangs often have connections with prison gangs and umbrella networks of gangs, those connections are frequently overstated. Media reports and some law enforcement gang experts claim most street gang members are part of sophisticated umbrella networks of gangs, such as the Crips, Mexican Mafia, or Mara Salvatrucha, and that these umbrella networks control hundreds or thousands of neighborhoods across the country. Contrary to these claims, gang researchers have consistently found that most traditional street gang members are only loosely connected to prison gangs and umbrella networks. Umbrella networks of gangs tend to be prison-based and draw their membership from prison inmates who were active traditional street gang members before prison; but like drug-sales conspiracies, these prison gangs and umbrella networks are distinct, separate organizations from the traditional street gangs from which they recruit.

21. **Traditional street gangs are formed to fill the unmet psychological and social needs of marginalized youth.** My own research finds the purpose of traditional street gangs is to fill the psychosocial vacuum left when the institutions of family, school, and police fail young people who also face multiple forms of social marginalization (Vigil, 2002). In these cases, marginalized individuals, particularly adolescents experiencing the psychosocial moratorium developmental stage, will often look to the street for socialization. There, these young people find gang members projecting an image of confidence and power that defies social marginalization. While many marginalized adolescents will never become gang members, some become involved with gangs to try to gain that confidence and power for themselves. Once involved, they find that gangs can serve as a proxy for family and provide a new set of norms, values, and attitudes. However, most gang members quickly learn this new “family” does not meet their needs in any sustainable way, and individuals end their membership in a short time. But as long as institutions

continue to fail neighborhoods whose residents face multiple forms of social marginalization, neighborhood gangs will be able to reproduce themselves with new cohorts of young people even as previous members leave.

CHARACTERISTICS OF TRADITIONAL STREET GANG MEMBERSHIP

22. **Defining gang membership is a notoriously difficult task.** The challenge to a rigorous definition of gang membership is best illustrated by the language that California traditional street gang members commonly use to describe gang membership – where you are “from.” When a person says, “I’m from ___ [gang/neighborhood],” he or she makes no distinction between currently active gang participation, former gang membership, nominal gang membership, or that the person was simply raised in that neighborhood.

23. **Active gang participation differs from nominal and former gang membership.** In my study of the Pico Gardens Clique of the Cuatro Flats gang, I asked active gang members to identify other members of their clique (Vigil, 2007). Based on these peer identifications, I created an initial roster of 35 gang members. However, only about half of them were actively involved in gang violence, even at the time they were initially identified as members. Some were only members for a few months before drifting away from the gang and never committed any crimes more serious than infractions. It was clear from observing these 35 individuals that the gang included both active and passive members. These findings are consistent with findings regarding gang membership in other studies.

24. **Gang research has consistently found that gang membership generally lasts a short period of time.** Studies consistently find that the majority of adolescent gang members leave their gang within three years. According to the U.S. Department of Justice’s National Gang Center,

“Based on multiple studies, in multiple cities, across multiple research projects, it is repeatedly found that most youth who join a gang do not remain in it for an extended period of time. For the majority of youth who join a gang, the average amount of time they remain active in the gang is one to two years, and fewer than 1 in 10 gang members report involvement for four or more years” (National Gang Center, 2017).

In my longitudinal study of the Cuatro Flats gang, only 2 of the 35 gang members were active gang members for over 10 years (Vigil, 2007). Most others had simply matured out of the gang. This is supported by the fact that gang membership, as measured by entries in CalGang, has been steadily declining for decades. If most people who joined gangs did not cease gang membership within a short period of time, the numbers of gang members would necessarily increase. Law enforcement’s CalGang database and gang research states otherwise.

25. **Research shows that there is an arc to the involvement and separation of most gang members.** Most individuals end their active participation in a gang in only a few years by mature integration into society or by becoming addicts (Vigil, 2007). When a gang member begins to take on the role of a mature, socially integrated adult, street gangs no longer fill the gang member’s social or psychological needs. Father Gregory Boyle, founder of the gang intervention program Homeboy Industries, describes this in terms of “hope.” Father Boyle claims to have “never met a hopeful kid that joined a gang” and he describes gang involvement as a “lethal absence of hope” (Boyle, 2010). When adolescent gang members inhabit new social roles and a new orientation to the future, they develop the capacity to hope and their gang involvement ends. In practice, this means that if a gang member develops a healthy, romantic relationship with a partner, becomes an involved parent, or begins working full time, it is highly unlikely that person will also remain an active gang member.

26. **Maturing out of a gang is an expected, normal process in most traditional street gangs.** It is a misconception that gangs will not allow members to leave. While it might be risky for some people to quit a drug or prison gang, this is generally not true of traditional street gangs. Some traditional street gangs have exit rituals similar to initiation rituals. But for the most part, individuals exit a gang gradually by simply spending less and less time around other gang members or by moving away. This gradual end to gang participation is analogous to the way most non-gang individuals spend less and less time with their adolescent social networks as they mature and is usually unremarkable.

INDICATORS OF CURRENT, ACTIVE GANG MEMBERSHIP

27. While the fluid and temporary nature of gang membership makes identifying gang members difficult, there are strong indicators that outsiders such as law enforcement officers and courts can use to identify currently active gang members. For example, recent conviction of a gang crime is a strong indicator of current, active gang membership. So is recent participation in a gang initiation or participation in discussions of gang business. On the other hand, law enforcement officers often rely on weak indicators of current, active gang membership. These weak indicators include mere presence in a gang area, gang-style dress, association with family members and neighbors who are gang members, and information more than three years old.

Gang Crime

28. **A person's criminal record can be a reliable indicator of membership, particularly if the record includes recent or repeated convictions for gang crimes under the S.T.E.P. Act.** Under California's Street Terrorism Enforcement and Prevention Act, (S.T.E.P. Act), a person who commits a crime that furthers the interests of a gang may be subject to an enhanced criminal sentence. A conviction that includes a gang enhancement is a reliable indicator

that a person was an active gang member at the time of the crime. Similarly, an express claim of gang membership during the commission of a crime might be a reliable indicator of gang membership even if there is no gang enhancement. Additionally, a recent conviction for painting gang graffiti may be a reliable indicator of gang membership. However, there is also a potential for circular logic when using a gang crime to indicate gang membership – what sometimes makes a crime gang-related is merely that it is committed by a suspected gang member. This is especially true for arrests for gang crimes that do not result in convictions under the S.T.E.P. Act.

29. **Not all crimes are strong indicators of gang membership.** Drug use and sales, theft, and even most violent crime such as assaults or robberies are not usually indicative of gang membership by themselves. These crimes are usually motivated by the self-interest of the perpetrator, not the interests of a gang. Without evidence that the perpetrator is sharing profits from their crimes with other gang members, these crimes are generally not evidence of gang membership. Similarly, arrest for a crime “consistent with gang activity” is not typically a strong indicator of gang membership since most crimes consistent with gang activity are also committed by non-members. Additionally, an arrest without a conviction is usually not a reliable source of evidence.

30. **Gang injunction violations are hardly a reliable indicator of gang membership.** Individuals are typically added to a gang injunction by law enforcement in an entirely one-sided process without notice or hearing. As such, the risk of error is extremely high. There are many people served and subjected to gang injunctions even though they are not active gang members. Gang injunctions typically have no fixed end date or sunset provision and individuals will typically remain on a gang injunction even after they have ceased their active participation. Since gang injunctions prohibit a vast array of otherwise legal and non-gang related

activity such as being in public at night or wearing certain clothes, a violation of a gang injunction is not a reliable indicator of gang membership. A gang injunction should only be considered reliable evidence of gang membership in the rare cases where the violation was for gang activity or the defendant has received a full hearing and was found to be an active participant in the enjoined gang.

31. **A lapse of evidence of criminal behavior for more than three years is an indication that gang membership has ceased.** Even when a crime is committed to further the interest of a gang, the arrest and conviction is not a reliable indicator of *current* active gang membership unless it is recent or part of an ongoing pattern of gang crimes. And since most gang members only actively participate for a few years, three or more years without an arrest and conviction is an indicator that a person is no longer an active member.

Express Acceptance of Membership by a Gang

32. **One way to define membership is to look at whether there has been an express acceptance of membership by other gang members, often indicated by a recent initiation.** Gang researcher Martín Sánchez Jankowski studied 37 gangs over a ten-year period and found that most gangs deliberately restrict who they allow to join as members. (Jankowski, 1991). While in some gangs, a person may be “born in” or “walked in” to the gang by family connection, in most gangs a person will need to undergo an initiation ritual with currently active gang members. In either case, prospective members are sponsored by an existing member and accepted by some number of other existing members.

33. Common initiation rituals include fighting several gang members at once, committing a crime under the observation of current gang members, or for women, having sex with one or more current gang members. Though initiation rituals are usually hidden from

outsiders, they are utilized widely among gangs and provide the clearest distinction between gang members and those who are merely part of the gang's neighborhood or broader social networks. Because of the short gang career of most gang members, an individual's initiation ritual that happened more than one to two years in the past is a weak indicator of current active membership unless there is further evidence of recent or ongoing gang activity.

Gang Decision Making and Discipline

34. **Other activities that are reliable indicators of gang membership are participation in gang decision making and discipline.** Not all street gangs have regular meetings, but among those who do, it is common for only the most senior and most active members of the gang to be present. Similarly, only active gang members usually participate in the disciplining of gang members for breaking the rules or norms of a gang. However, one should take care not to mistake social gatherings for gang meetings or mistake bystanders for participants in initiations or discipline. Gang members frequently gather at parties and other social gatherings that include both gang members and non-members and initiations and discipline may take place at these parties or in public locations like parks where non-gang members might gather to watch.

35. Calls or letters in which decisions are made for the gang are also reliable indicators of gang membership. However, calls and correspondence between gang members and non-members will also typically include discussions of news regarding family and friends, some of whom are likely to be gang members. Unless the conversation or correspondence includes gang-related decision making, it should not be considered a strong indicator of gang membership. Furthermore, unless the attendance at gang functions or communications regarding gang decision making is recent or part of an ongoing pattern, it is not a reliable indicator of active gang membership.

Insider Identification

36. **The next strongest indicator of active gang membership is a truthful identification by another gang member or another person with an insider's knowledge of the gang.** Distinctions between who is "from" a neighborhood with a gang and who is a currently active member can be subtle and difficult for outsiders to make. The people best able to make that distinction are other gang members. But since insiders most used by law enforcement are confidential informants who may not be trustworthy, the credibility of the informant must be weighed. To be reliable, the source of the identification should be able to support the identification with some of the other reliable indicators described above. Even in cases of identification of gang membership by an insider, further distinction must still be drawn between current and former members and between active and nominal membership.

Admission of Active Gang Participation

37. **Unambiguous admission of gang membership can be a reliable indicator of gang membership.** However, there are many instances when statements are misinterpreted as admissions of gang membership or where non-gang members are compelled to falsely claim gang membership.

38. **The most common misinterpretation of a statement as an admission of gang membership happens when law enforcement officers stop individuals in public and ask where they are "from."** Since gangs frequently use the name of their neighborhood as the name of the gang, answering with the name of the neighborhood can be easily misinterpreted as an admission of gang membership. The most common alternative answer is for a person to say they are from "nowhere." While this answer is often accepted by peers, it is rarely satisfactory to a law enforcement officer.

39. **Additionally, false admissions of gang membership can occur in situations where gang members and non-gang members are detained simultaneously by law enforcement officers.** In situations such as a street corner detention of everyone present in a public space, individuals who are not currently active gang members will often falsely admit gang membership for fear of being later victimized by actual gang members. A person may feel unsafe denying gang membership in the presence of actual gang members because denying a connection to the neighborhood, or saying one is from “nowhere,” could be interpreted by the currently active gang members present as disrespect to the neighborhood or gang.

40. **Admission of gang membership at a classification interview at a jail or prison is a poor indicator of street gang membership.** Like in street corner detentions, non-gang members may admit membership to jail or prison officers when in the presence of actual gang members for fear of retaliation. And even active membership in a gang while incarcerated is not a reliable indication of traditional street gang membership after release because prison gangs and traditional street gangs are separate and distinct entities. Also, the safety concerns that typically motivate individuals to join gangs in jail or prison no longer apply after release.

41. **The use of gang hand symbols should be treated as the equivalent of a verbal admission of gang membership.** Like verbal admissions, recent or frequent displays of gang hand signs can be a reliable indicator of gang membership. However, like verbal admissions, less weight should be given to instances where a non-member might be coerced into showing gang signs and little weight should be given to instances that are more than two years old.

Outsider Identification

42. **Identification of gang members by those who are not members of a gang or are not intimately connected with a gang are generally not reliable.** Identifications based on

observations of dress or day-to-day interactions with neighbors have a high risk of error. This includes passive observations made by law enforcement officers and the observations made by law enforcement officers during stop-and-frisk and similar types of encounters.

43. When determining the reliability of gang member identification by outsiders, the source of knowledge of the individual making the allegations must be analyzed. The most reliable claims of gang membership by an outsider come from individuals who (1) have regular, positive interactions with people living in the neighborhood where the gang operates and so are trusted and receive reliable information from neighborhood residents; (2) conduct robust surveillance, carefully documented with photographs and recordings, such as done by law enforcement officers during targeted investigations; or (3) work with knowledgeable informants or undercover officers.

Tattoos, Gang Attire, Gang Symbols

44. **Tattoos and the use of gang names or symbols are only reliable indicators of gang membership if unambiguous and recent.** In some instances, use of a gang's name that is not the same as the name of the neighborhood, or the combination of a name of a neighborhood and the numbers 13 or 14, can be a clear indicator of gang membership. But in other instances, it can be difficult to distinguish between tattoos and clothes that show pride of neighborhood from tattoos and clothes that show gang membership, since many gangs take the name of their neighborhood as the name of the gang. Likewise, interpreting the logos of sports teams or popular clothing brands as gang symbols makes for a poor indicator of gang membership since often both gang members and non-members will be genuine fans of a team or brand, even if some individuals interpret the team or brand's logo as a reference to a gang.

45. Also, attention must be paid to the recency of tattoos and photographs showing gang attire since they typically outlast a person's actual involvement with the gang. Unless

removed through a painful and often expensive medical process, tattoos will stay with a former gang member for the rest of his or her life, far beyond the years of their actual involvement with the gang. Furthermore, use of gang symbols in dress or tattoos might be evidence of *passive* gang membership, but without more, it is not evidence of *active* membership.

46. **The use of *style* of dress or tattoos as an indicator of gang membership is a common source of error and should be given little weight.** Styles of dress such as baggy clothes and style of tattoos such as “cholo” tattoos are cultural expressions shared by both gang members and non-gang members in urban neighborhoods. Through the appropriation and re-appropriation of styles between gang members, celebrities, and fashion designers, styles of dress and tattoos blend together between gang members and non-gang members.

Associating with Gang Members and Frequenting Gang Areas

47. **For individuals who live in neighborhoods where gangs are present and public, it can be nearly impossible to avoid associating with gang members.** This is especially true for siblings or other family members of gang members. Likewise, non-gang members who grew up as friends of people who later became gang members will often continue to associate with each other. In some cases, obviously avoiding association with gang members can be interpreted as disrespect and can put an individual at risk.

48. **Very little weight should be given to presence in a “gang area” as an indicator of gang membership, even if the “gang area” is narrowly drawn.** California’s urban centers are an overlapping maze of gang territories. Every block of a city may be divided up among gangs. Considering this, simply referring to presence in a “gang area” as evidence of gang membership cannot be taken seriously. Even when only specific intersections or housing complexes are identified as “gang areas,” most individuals in those areas are typically not gang members.

Social Media

49. **Social media posts are rarely, if ever, reliable evidence of gang membership.**

The internet is a place where young people engage in identity experiments where they “try-out” different online identities to investigate how people will react. A Pew survey indicates that 64% of American male adolescents with online profiles have posted false information (Lenhart and Madden, 2007). Furthermore, studies have found that young men tend exaggerate their masculinity in social media, an effect which can be achieved by mimicking the hyper-masculine stereotypes of gang members (Valkenburg et al., 2005). The Pew survey also found 50% of American female adolescents with online profiles have posted false information. Considering this, less weight should be given to behavior on social media than behavior in real life.

50. Social media websites tend to combine the writings of multiple people into “streams” of posts and comments and many websites will allow the “tagging” of people in posts without requiring consent of the person tagged. As a result, accurately attributing posts to their authors can be difficult. Also, social media websites will often archive old posts and comments in a way that makes it difficult to determine when a post was made. In cases of people who were formerly involved with a gang, it can be impossible to determine how much weight should be given a photo unless its age can be determined.

CONCLUSION

51. Law enforcement’s shared gang databases are used to target gang suppression. Inclusion in a gang database will likely result in more detentions by police gang units, a greater risk of being subjected to a gang injunction, less favorable discretion from prosecutors, and a host of other negative outcomes. Determining who is a gang member appropriately targeted for gang suppression is a difficult task with a high risk of error. The decision that someone is a currently

active gang member should be based on clear and reliable indicators such as those discussed in this declaration, and not on poor indicators such as association with neighbors and family, presence in a “gang area,” or dressing in a certain style – actions which are often innocent, unavoidable, or so subjectively interpreted as to be merely a justification of an officer’s hunch.

Executed this 11th day of July, 2017 in Whittier, CA.



JAMES DIEGO VIGIL

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Austin, University of Texas Press.

CURRICULUM VITA

James (Diego) Vigil

Residence: 6021 Hoover Avenue
Whittier, California 90601
(562) 699-0041; FAX: 692-5504

Office: School of Social Ecology
Department of Criminology, Law, and Society
University of California, Irvine
2355 Social Ecology II
Irvine, California 92697-7080
(949) 824-6113; FAX: 949-824-3001
E-mail: Vigil@UCI.edu

Personal Data:

Birthplace: Los Angeles, California
Marital Status: Married, seven children
Social Security #: 553-48-6616

Academic Training:

1976 Ph.D. in Anthropology, University of California,
Los Angeles

1973 M.A. in Anthropology, University of California,
Los Angeles

1970-71 Doctoral Student in the Department of History for
one year, University of California, Los Angeles

1969 M.A. in Social Science (History emphasis),
Sacramento State

1962 B.A. in History, Long Beach State

Academic Appointments:

2001-Present Professor of Social Ecology
University of California, Irvine

2000-2001 Visiting Professor, Harvard University,
Graduate School of Education

1995-2001 Professor of Anthropology
University of California, Los Angeles
Director, Center for the Study of
Urban Poverty

1981-1996 Professor of Anthropology,
University of Southern California
(Director of Ethnic Studies, 1981-92; Research
Fellow at the Center for Multiethnic and
Transnational Studies)

1988-1989	Associate Professor of Anthropology and Director of Chicano Studies, (visiting), University of Wisconsin, Madison
1971-1981	Professor of History and Anthropology, Chaffey College
1980-1982	Lecturer in Chicano Studies, California State University, Los Angeles (Part-time)
1979-1980	Research Fellow in Sociology, University of Wisconsin, Milwaukee
1977-1980	Instructor in Anthropology, California State University, Sacramento (Cross Cultural Resource Center) (Part-time)
1977-1979	Lecturer in Sociology, Whittier College, California (Part-time)
1974-1976	Research Associate, Spanish-Speaking Mental Health Research Program, University of California, Los Angeles
1969-1971	Master Instruction Specialist (High Potential Program) and Lecturer in Chicano Studies, University of California, Los Angeles
1968-1969	Lecturer in History, Sacramento State College, California
1962-1968	Public School Teacher (three years elementary, one year junior high, two years high school), Norwalk-La Mirada Unified School District, California

Professional Organizations

Association of Latina/Latino Anthropologists (President Elect, 1991-92, and member of Executive Committee)
 Phi Kappa Phi
 American Anthropological Association
 Fellow of the Society for Applied Anthropology
 Southwestern Anthropological Association
 Council on Anthropology and Education
 National Association of Chicana/Chicano Studies
 Editorial Board, Latino Studies Journal
 Editorial Board, Aztlan Journal

Administrative Activities:

1995-2001	UCLA, Director, Center for the Study of Urban Poverty
1994-present	Chairman, The National Center for Gang Policy
1993	Executive Director, NALEO (National Association of Latino Elected and Appointed Officials)
1981-1992	Director of Ethnic Studies, University of Southern California

- 1988-1989 Director of Chicano Studies, University of Wisconsin, Madison
- 1978-1990 Research Supervisor of Street Ethnography (Also known as Chicano Pinto Research Project); Studies undertaken for Dept. of Labor, National Institute of Drug Abuse, N.I.M.H., and Social Science Research Council.
- 1977-1980 Consultant/Trainer for Cross Cultural Resource Center; California State University, Sacramento
- 1969-1971 Master Instruction Specialist of High Potential Program, University of California, Los Angeles

Academic Honors

- 2008 Best Book of 2008 (The Projects) by The Association of Latina and Latino Anthropologists; AAA Annual Meeting in San Francisco, November 22, 2008.
- 2007 Robert B. Textor and Family award for Excellence in Anticipatory Anthropology, American Anthropological Association Annual Meeting in Washington D.C., November 29.
- 2003 Best Book of 2002 (A Rainbow of Gangs) on Ethnic and Racial Politics in a Local or Urban Setting, by the American Political Science Association, August 28/31, 2003, Philadelphia.
- 2003 W.E.B. Du Bois Award
Western Society of Criminology; best work on crime, race, and ethnicity.
- 2003 Honorable Mention for best history book,
Latino Literary Hall of Fame
- 1997 Distinguished Alumnus, Long Beach State Alumni Association
- 1990-93 Fellow, The National Center for Gang Policy
- 1990 LULAC (League of United Latin American Citizens)
Educator of the Year
- 1987-1988 Ford Foundation Postdoctoral Fellowship, National Research Council
- 1980 National Endowment of the Humanities Summer Fellowship
- 1979-1980 Ford Foundation Individual Study Grant
- 1979-1980 National Research Service Award, Post-doctoral grant, National Institute of Mental Health.
- 1971-1976 Behavioral Anthropology Fellowship, National Institute

of Mental Health, University of California, Los Angeles

- 1970-1971 Danforth Foundation Fellowship, University of California, Los Angeles
- 1968-1969 Experienced Teacher Fellowship Program, Mexican American Education Project, Sacramento State College, California

Other Honors:

- 2010 Research and Travel Sabbatical, UC Irvine
- 2009 The Robert Harman Scholar of Applied Anthropology, Long Beach State, Fall 2009
- 2007 Research and Travel Sabbatical, UC Irvine
- 2000 Research and Travel Sabbatical, UCLA
- 1993 Research and Travel Sabbatical, USC
- 1991 Social Science Research Council, Graduate Seminar on the Underclass
- 1990 Working Group on the Ecology of Crime and Drugs, Social Science Research Council
- 1989 Social Science Research Council; Underclass Research for Undergraduate Assistants
- 1987-1988 Public Policy Research on Contemporary Hispanic Studies, Social Science Research Council
- 1986-1987 Faculty Research and Innovation Fund, University of Southern California
- 1978-1979 Research and Travel Sabbatical, Chaffey College
- 1972-1975 Graduate Advancement Program, University of California, Los Angeles

Fields of Study:

Urban Anthropology
Psychological Anthropology
Socio-cultural Change
Urban Poverty
Socialization and Educational Anthropology
Mexico and United States Southwest Ethnohistory
Comparative Ethnicity

Courses Taught:

Culture Change	Chicano Anthropology
Urban Anthropology	Street Ethnography
Urban Poverty	Chicano History
Cross-cultural Study of Gangs	History of Mexico
Social and Cultural Anthropology	California History
Applied Anthropology	American Civilization

Educational Anthropology
Comparative Ethnic Relations
Peoples of Mesoamerica
Latin American Studies

American History
Ethnic Studies
Peasant Society
Latinos and the Law

Publications:

Books:

StreetSmart/School/Smart: Urban Poverty and the Education of Adolescent Boys. G. Conchas and J.D. Vigil (second author). New York: Teachers College, University of Columbia Press, Forthcoming 2011.

From Indians to Chicanos: The Dynamics of Mexican American Culture. 3rd Edition, expected 2011 (see below).

Gang Redux: A Balanced Anti-Gang Strategy. (Waveland Press, 2010).

"The Projects:" Gang and Non-Gang Families in East Los Angeles. (University of Texas Press, 2007).

AWARD: Best book for 2008, Association of Latina and Latino Anthropologists.

A Rainbow Of Gangs: Street Cultures in the Mega-City. Austin: University of Texas Press, 2002.

(AWARDS: The Western Society of Criminology's W.E.B. DuBois award for best work on crime and race/ethnicity in 2003; The American Political Science Association for best book on Ethnic and Racial Politics in a Local or Urban Setting in 2003; and Honorable Mention for the 2003 Award for the Best History Book, presented by the Latino Literary Hall of Fame.)

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Personas Mexicanas: Chicano High Schoolers in a Changing Los Angeles. (Reprinted and Reissued: Belmont, CA: Wadsworth, Thomson Custom Publishing, 2002: originally published: Ft. Worth, TX: Harcourt Brace, 1997)

Barrio Gangs: Street Life and Identity in Southern California. Austin: University of Texas Press, 1988.

Books in Progress:

Drop-Outs, Kick-Outs, and Push-Outs: Marginal Chicano Students in Los Angeles High Schools

Inside the 1960s Chicano Movement: An Ethno-biographical Account

Monographs:

Early Chicano Guerrilla Fighters. La Mirada, CA.: Advanced Graphics, 1974

Cultura Chicana. With Steve Arvizu and Sam Rios (second author).
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- and Joan W. Moore (eds.), *In the Barrios: Latinos and the Underclass Debate*. New York: Russell Sage Publications, 1993, pp. 27-49.
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- Moving from Mexican to American Control. J. Hay, Book Ed. *Immigration: Turning Points in World History*. San Diego: Greenhaven Press, Inc., 2001, pp. 152-159 (Reprinted from, *From Indians to Chicanos: The Dynamics of Mexican American Culture*. Prospect Heights, ILL: Waveland Press, 1998).
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Ethnic Succession and Ethnic Conflict: Street Gangs in Los Angeles. IN E. Telles, ed. *Black-Latino Relations in Los Angeles*. New York: Russell Sage, forthcoming 2011.

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Reports:

Victory Outreach: Self-Help Through Christianity. In Chicano Pinto Research Project's, *A Model for Chicano Drug Use and for Effective Utilization of Employment and Training Resources by Barrio Addicts and Ex-offenders (Final Report, U.S. Department of Labor and National Institute on Drug Abuse)*, October 1979.

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Arrest and Incarceration: A Drama in Six Acts. In Chicano Pinto Research Project's (Joan Moore and John Long), *The Barrio Impact of High Incarceration Rates (Final Report, National Institute of Mental Health)*. October 1981.

Hispanic Youth and the Future. In the California Hispanic Recreation and Leisure Services Symposium Proceedings. Oakland: The National Hispanic University, 1984.

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El Jardin: An Ethnographic Enumeration of a Barrio in Greater East Los Angeles. U.S. Bureau of the Census, April 1987.

Historical Interpretation for Olvera Street. Revitalization Plan for Historic Olvera Street. Olvera Street Restoration Association. June 1987.

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Pico Gardens: A Report About the Community. (Bilingual pamphlet expressly written and disseminated to the residents of a public housing development). 1995

Final Evaluation Report for the Light of the Cambodian Family (Southeast Asian Health Project). Long Beach, 1996, 14 pp. 1992-1996 gang-proofing program for early elementary school grade children.

Gang Families in a Public Housing Project; report to Department of Health and Human Services based on 1992-1995 investigation. Grant # 90-CL-1105; 1996, 176 pp.

Community Oriented Policing; evaluation of L.A. Sheriff's Department; 1997-1999; seven reports totaling over 200 pp.

Inner-City Games, San Jose. Evaluation of sports, education, and recreational program; 2000; 78pp.

Inner-City Games, Las Vegas. Evaluation of sports, education, and recreational program; 2000; 81pp.

Expert Report of James Diego Vigil for Gang Injunction Case in Orange, Orange County. November 2010. Investigation and research for ACLU. 20 pages.

Book Reviews:

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Ignacio M. Garcia, United We Win: The Rise and Fall of La Raza Unida Party. Tucson: University of Arizona Press, 1989. IN Southern California Quarterly 73(3): 301-304, 1991.

Joan Weibel-Orlando, Indian Country, L.A. Urbana, Illinois: University of Illinois Press. IN Research and Exploration (National Geographic Society). 8(2):247-248, Winter, 1992.

Herbert C. Covey, Scott Menard, and Robert J. Franzese, Juvenile Gangs, Springfield, IL: Charles C. Thomas Publ., 1992. IN Criminal Justice Review 19(2): 307-308, 1994

Laura Pulido. Environmentalism and Economic Justice: Two Chicano Struggles in the Southwest. Tucson: University of Arizona Press, 1996. IN Pacific Historical Review: 23-24, 1997.

Carlos I.-Velez. Border Visions: Mexican Cultures of the Southwest United States. Tucson: University of Arizona Press, 1996. IN Southern California Historical Quarterly, forthcoming.

George Sanchez. Becoming Mexican American. Berkeley: University of California Press, 1994. IN Pacific Historical Review, forthcoming.

Jagna W. Sharff. King Kong on 4th Street: Families and the Violence of Poverty on the Lower East Side. Boulder, CO.: Westview Press, 1997. American Anthropologist 101(1): 219-220.

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Menchaca, Martha. 2001. *Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans*. Austin: University of Texas Press. *The Journal of the Royal Anthropological Institute*, London, UK, forthcoming.

Brotherton, D., L. Barrios. 2004. *The Almighty Latin King and Queen Nation*. N.Y.: Columbia University Press. *The Latino Studies Journal*, 2005.

Bill Sanders. 2005. *Youth Crime and Youth Culture in the Inner City*. New York: Routledge, *Critical Sociology*, June 2006.

J.L. Abu-Lughod 2008. *Race, Space, and Riots in Chicago, New York, and Los Angeles*. New York: Cambridge. *Anthropology Quarterly*.

Film Reviews:

Uneasy Neighbors (Paul Espinosa). *American Anthropologist* 95(2):519-520, June 1993.

Editorial Boards:

1993-present Editorial Advisory Board, *The Encyclopedia of Cultural Anthropology* (Human Relations Area Files at Yale University)

1989-present *Latino Studies Journal*

1998-Present *Aztlan: Journal of Chicana/o Social Science and Literature*

Title of Doctoral Dissertation (1976):

"Adolescent Chicano Acculturation and School Performance: The Role of Social Economic Conditions and Urban-Suburban Environmental Differences.

Title of M.A. Thesis (1973):

"Legacy of Hispanic Colonial Past: Race and Ethnic Relations in the Western Highlands of Guatemala."

Title of M.A. Thesis (1969):

"A Resource Manual of Teaching Mexican-American Cultural Studies in High School."

Fieldwork:

1969	Chiapas, Mexico (Ethnic relations and culture change)
1970-1971	Central Mexico and Oaxaca (Temple ruins)
1972	Western Highlands of Guatemala (Modernization and Ladino/Indian relations)
1973-1976	East Los Angeles (Adolescent and youth issues, especially education; on and off during year, mostly summers)
1976-1978	Chicano Gangs of East Los Angeles and Southern California (Survey, interviews and compilation of life histories)
1986	Special research conducted in Los Angeles barrios for U.S. Census Bureau (Census block ethnographic enumeration; three summer months)
1987-88	Urban and suburban high schools in greater Los Angeles (Restudy of two high schools, examined acculturation and achievement)
1989	Crosscultural Research on Los Angeles Street Youth (Fieldwork training for 5 undergraduate assistants; 150 interviews, 50 life histories. Grant from Social Science Research Council, three summer months)
1990	The Ecology of Crime and Drugs in Vietnamese American Communities, Orange County (Fieldwork in Little Saigon, 3 assistants, Social Science Research Council Grant)
1992	Evaluation of a Drug Suppression Program (Qualitative study of a HUD funding program in the Pico Gardens Housing Projects, Los Angeles)
1992-95	"Gang Families in the Pico Gardens Housing Projects" (3 year, \$300,000 grant from the Family and Youth Services Bureau, Department of Health and Human Services to focus on families in a poverty area)
1994	The Characteristics of Legal and Undocumented Mexican Immigrants to Los Angeles County: A Pilot Study. (Survey of mobile populations and households, responsible for training and supervising ethnographic interviewers. Joint transnational project of COLEF (El Colegio de la Frontera Norte), with Mexican scholars and USC researchers.
1993-96	Cambodian children in Long Beach, CA.: An examination and evaluation of early childhood gang prevention.

1997 to present (summers)	Chiapas, Mexico (Ethnic Relations and street children).
1998-99	Community Oriented Policing (COPS). L.A. County Sheriff's Department.
1999(summer)	Chiapas, Mexico (Urban youth subcultures; \$1500 stipend from Latin American Studies Center, UCLA)
1999	Ford Foundation grant, Interdisciplinary Research and Training Program in Urban Poverty and Public Policy, 3 year continuation for \$640,000 (1999-2002).
1999	Social and Economic Changes in Chiapas, Urbanization, and The Emergence of Street Children; proposal to NSF, \$440,000, rejected.
2000	Inner-City Games, Las Vegas and San Jose; sports, recreation, and education program for at-risk youth.
2000	UCMEXUS (grant for \$15,000) and UCLA Academic Senate (grant for \$3500) to continue Chiapas research on street youth.

Conferences and Professional Papers:

1. "Chicano Perspectives on De-Colonizing Anthropology." 74th Annual Meeting, Dec. 2-7, 1975. San Francisco, CA. American Anthropological Association.
2. "Cultural Action for Freedom." 5th Annual Meeting, April 28-May 1, 1977, U.C. Berkeley. Chicano Research as a Catalyst for Social Change. National Association of Chicano Social Scientists.
3. "Demystifying the Concept of Culture." June 22-24, 1977. Cross Cultural Institute. California State University, Sacramento.
4. "The Six C's Model of Sociocultural Change." 76th Annual Meeting, November 29-December 3, 1977. Houston, Texas. American Anthropological Association.
5. "Cultura Chicana: Un Repaso Historico.": April 2-9, 1978, Merida, Mexico. Annual Meeting. The Society for Applied Anthropology
6. Organized and Chaired Session--Research Issues in Chicano/Mexicano Anthropology: An "Insider" Approach to Social Problems, with Applied Implications. 77th Annual Meeting, November 16, 1978. Los Angeles, CA. American Anthropological Association.
 - a. (paper presented)--Unidirectional or Nativist Acculturation?: Strategies for Cultural Adaptation
7. "The Legacies of the Culture of Oppression: How Does It Affect the Hispanic Underachiever?" The Los Angeles Project on Mexican American Education. Conference I: A Review of the Literature. California State University, Dominguez Hills, June 9, 1979.
8. "Sociocultural Dynamics of Chicano Gangs in Southern California: A Research Note." March 20, 1980, Denver, CO. Annual Meeting, The

Society for Applied Anthropology.

9. "Dynamics of Chicano Barrio Life: Drug Use and Abuse Aspects." May 21, 1980, Wheaton, Maryland, Technical Review Meetings on Inhalant Abuse Problems, Sponsored by the Division of Research, National Institute on Drug Abuse.
10. Continuities of Conflict in Police/Chicano Community Relations: Implications for Policy and Action. 9th Annual Meeting, April 2-4, 1981, U.C. Riverside. National Association for Chicano Studies (Discussant on panel).
11. "The Psychodynamic Functions of Chicano Youth Groups: Gangs or Barrio?" 80th Annual Meeting, December 3-6, 1981. Los Angeles, CA. American Anthropological Association.
12. Ecological Adaptation and Chicano Gangs. Technology and Border Youth (Panel). Conference on Technology and Culture in the Mexico-United States Border. Sponsored by the Consejo de Estudios Chicanos (California State University), La Jolla, California, October 11, 1983.
13. "Deviance and Stress: Chicano Gangs." (With Joan W. Moore, second author) Annual Meeting of the American Society of Criminology. Denver, Colorado. November 11, 1983.
14. "Mexican American Street Youth in Southern California." October 20, 1984, California State University, Los Angeles. 30th Annual Meeting, Pacific Coast Conference on Latin American Studies.
15. La Familia and Higher Education: An Analysis of Cultural Continuities in Chicano College Students (Panel member). 13th Annual Conference, National Association for Chicano Studies, (Theme: Chicano Politics--After 1984). March 23, 1985, Sacramento, California.
16. "Marginals and Cholos: Historical, Structural, and Cultural Factors in the Lives of Mexican American Street Youth." 1985 Annual Meeting, Academy of Criminal Justice Sciences. (Theme: Justice and Society: Crime and Culture), April 2, 1985. Las Vegas, Nevada).
17. Understanding Hispanic Cultural Differences (Seminar Presentor and Facilitator). 79th Annual Conference, Boys Club of America. San Juan, Puerto Rico. May 2-7, 1985.
18. Culture Change, Acculturation, Schooling, and Hispanics. Planning Seminar, "Cultural Norms and the Education of Hispanic Women". Tomas Rivera Center, The Claremont Colleges, September 6, 1985.
19. "The Nexus of Class, Culture, and Gender in the Education of Mexican American Females" (Paper). Symposium on: The Educational Experience of Hispanic American Women. The Tomas Rivera Center, The Claremont Colleges, October 20-21, 1985.
20. "The Gang Subculture and Locura: Variations in Acts and Actors" (Paper). Are Gangs Hazardous to Your Health?: Assessing Intervention Strategies (Panel). American Society of Criminology, Annual Conference, San Diego, California, November 16, 1985.
21. "Social Control and Mexican American Street Gangs: Home, Street Peers, and Public Institutions." Social Control in Modern Nations (Panel). 84th Annual

- Meeting, American Anthropological Association, Washington, D.C., December 4-8, 1985.
22. "Chicano Youth Gangs: Generational Change and Subculture." Issues in Migration Research (Panel). 58th Annual Meeting, Southwestern Anthropological Association, Bakersfield, California, March 26-28, 1987.
 23. Organized and chaired session--Youth Gangs and Delinquency: A Cross-Cultural Look at the Children of Immigrants. 47th Annual Meeting, Society for Applied Anthropology, Oaxaca, Mexico, April 8-12, 1987.
 24. The Hard to Count: An Ethnographic Analysis of Mexican American Barrios. Seminar, Preparing for the 1990 Census, Bureau of Census, Washington, D.C., June 23-25, 1987.
 25. "Street Socialization, Locura Behavior and Violence Among Chicano Gang Members." Research Conference on Violence and Homicide in Hispanic Communities. Sponsored by The National Institute of Mental Health, September 14-15, 1987.
 26. Milwaukee Gang Research Project (Respondent). Conference on Understanding Youth Gangs: A Midwest Conference for Small and Medium Sized Cities. Urban Research Center, University of Wisconsin, Milwaukee (Held at Wingspread Conference Center, Racine), October 25-26, 1987.
 27. The Expert Witness, Legal Issues, and Chicano Street Gangs. Conference sponsored by the Mexican American Bar Association, Mazatlan, Mexico, November 7-11, 1987.
 28. "Irregular Life Styles Among Former Chicano Gang Members." Conference on New Directions for Latino Public Policy Research. Sponsored by A Project of the Inter-University Program for Latino Research and the Social Science Research Council. January 15-17, 1988, Stanford University.
 29. "Public and Private Gang Violence: Drug Use and Gang Banging in the East Los Angeles Barrios." 15th Annual Conference of the Western Society of Criminology. Criminology in the Post-Reagan Era. Panel: Youth Violence. February 25-28, 1988, Monterey, California.
 30. Enumerating the Hard to Count (Panelist, paper). 5th Annual Conference, Bureau of the Census, March 7, 1988, Washington, D.C.
 31. "El Jardin: An East Los Angeles Barrio in Transition." (Panel: Participant Observation Research in Large Scale Statistical Data Collection). 48th Annual meeting, Society for Applied Anthropology, April 21-23, 1988, Tampa, Florida.
 32. Gang Violence: Policy Issues. Legislative Hearing on Gang Violence at the California State Capitol (chaired by Assembly Speaker Willie Brown), May 9, 1988, Sacramento, California.
 33. "Ethnic Identity Issues Among Mexican Americans." Panel: Tradition and Ethnic Identity: Ethnicity and Multiculturalism. 12th International Congress of Anthropological and Ethnological Sciences. July 24-31, 1988, Zagreb.
 34. "New Policy Initiatives for Former Chicano Gang Members." Conference on Cities in Transition: Policies for the 1990's Co-sponsored by the Inter-

- University Program for Latino Research, the Social Science Research Council, and the Lyndon B. Johnson School of Public Affairs. October 6-8, 1988, Washington, DC.
35. Inner City Males: Recent Research and Its Policy Implications. Roundtable #3, Urban Underclass. Sponsored by the Joint Center for Political Studies. October 21, 1988, Washington, DC.
 36. Studying Gangs Crossculturally: Mexican American, Afro-American, and Asian American Street Youth. Panel (Chair): The Issue of Gang, Community, and the "Justice" System. 17th Annual Conference, National Association of Chicano Studies. Los Angeles, California, March 29-April 1, 1989.
 37. Endangered Cultures, and the Struggle for Cultural Democracy (Keynote speaker). 16th Annual World Touch Cultural Heritage Week; Theme: Diversity and Multicultural Literacy. University of Minnesota, Morris, April 27.
 38. Culture Change and the Ecology of Barrio Crime in Los Angeles. Social Science Research Council's research on the urban underclass. Working Group on The Economic and Social Ecology of Crime and Drugs in American Inner Cities. New York, December 7-8, 1989.
 39. Comparative Ethnicity and Social Control: Street Gangs. 1990 Annual Meeting, Society for Applied Anthropology, York, England. March 28 - April 1, 1990.
 40. Ethnography and Interviewing in Urban Communities. Workshop for Minority Students Engaged in Research on the Urban Underclass. The Center for the Study of Urban Poverty, UCLA, June 25, 1990.
 41. Research on the Urban Underclass: Training the Future Social Scientist. Conference sponsored by the Social Science Research Council, Barnard College, New York, September 20-22, 1990.
 42. Ethnicity and Ethnography. The Celebration of Diversity: The Challenge of a Multicultural World. Conference sponsored by the National Research Council, Irvine, California, October 17-19, 1990.
 43. Little Saigon: Vietnamese in Orange County. Working Group on the Ecology of Crime and Drugs, Social Science Research Council, Naples, Florida, January 23-26, 1991.
 44. Gangs, Social Control, and Ethnicity: Ways to Redirect Street Youth. Conference, Ethnic Diversity and Implications for Youth-Serving Organizations. Center for the Advanced Study of the Behavioral Sciences, Stanford University, February 7-9, 1991.
 45. Street Baptism: Chicano Gang Initiation. 1991 Annual Meeting, Society for Applied Anthropology. Co-chaired session: Hispanic Family Life. Charleston, South Carolina, March 13-16, 1991.
 46. History and Place in the Formation of Chicano Ethnicity. Conference, Hispanic History and Culture, University of Wisconsin, Milwaukee, April 25-27, 1991.
 47. Adolescent Aggression and Urban Violence. Guggenheim Foundation, New York, May 3-4, 1991.

48. Transferring Research to Action: Gangs and Applied Anthropology. The First Annual Conference of the Youth Gang and Drug Prevention Program. Family and Youth Services Bureau, Department of Health and Human Services. Washington, DC, June 5-7, 1991.
49. Barrios in Transition. Paper presented at 20th Annual Conference, National Association of Chicano Studies. San Antonio, Texas, March 28, 1992.
50. Social Ecology of Crime and Drugs in the Inner City. Panel Presentation at Conference: The Urban Underclass: Perspectives from the Social Sciences. Ann Arbor, Michigan, June 8-10, 1992.
51. Multiple Marginality and Chicano Gangs. Paper presented at Fifth International Conference of Hispanic Cultures of the United States. Madrid, Spain, July 6-10, 1992.
52. Intergenerational Gangs and Gang-Involved Family Members (October 6, 1992); Building Cultural Competance: Valuing the Diversity (October 7, 1992). The Second Annual Conference of the Youth Gang and Drug Prevention Program. Family and Youth Services Bureau, Department of Health and Human Services. Washington, DC, October 5-7, 1992.
53. American Anthropological Association Annual Conference, December 2-6, 1992, San Francisco:
- A) Vivimos Aqui--We Live Here: Latinos in the United States: Poster Session;
 - B) Association of Latina/Latino Anthropologists, Business Meeting (Presiding President 1991-92);
 - C) The Los Angeles Riots and Beyond (Panel).
 - D) Invited Session: Rompiendo Barreras de Genero: Social Construction of Gender in U.S.Latino Communities (Discussant);
 - E) Panel (Co-chair): The Comparative Anthropology of Latinos in the U.S.; Paper: Chicano and Latino Efforts Toward Political Change and Activism
54. International Congress of Anthropological and Ethnological Sciences. July 29-August 4, 1993, Mexico City.
- A) Points of contact between Mexico and the United States: Cultural Styles and Multiple Ethnic Identities (chair)
 - 1) Paper: Personas Mexicanas or Cultural Marginality: Measuring Ethnicity.
55. Inter-Ethnic Gangs (moderator). The Third National Conference of the Youth Gang Drug Prevention Program. Family and Youth Services Bureau, Department of Health and Human Services. Washington, D.C., Oct. 19-20, 1993.
56. Gang Violence in a Housing Development Complex. Paper presented at American Society of Criminology 1993 Annual Meeting, Phoenix, Arizona,

October 29, 1993.

57. Roundtable Discussion. Violence, Reconciliation and the Challenge of Peace in Latin America: What Can Applied Anthropologists Contribute? 1994 Annual Meeting, Society for Applied Anthropology, Cancun, Mexico, April 13-17, 1994.
58. Criminal "Justice" and the "Underclass". (Discussant on panel). 1994, American Sociological Association Conference, Los Angeles, CA, August 6.

A) Special Session: Community Participation in Gang and Drug Research (Pico Gardens Staff). 1994, American Sociological Association Conference, Los Angeles, CA, August 8.
59. The Effects of Gangs, Drug Abuse, and Violence. Jan. 18-20, 1995, (Plenary Guest Speaker), Fourth National Conference of the Youth Gang Drug Prevention Program, Washington, D.C.
60. Street Imagery of Cholos in East Los Angeles. March 16-28, 1995, Colloque International, Universite Paris VII and Institut Charles V., Paris, France.
61. Urban Gangs: Ways to Address and Redirect Street Youth (organized panel). March 29-April 2, 1995, Society for Applied Anthropology 1995 Annual Meetings, Albuquerque, New Mexico.
62. The Sixth Annual Walter C. Reckless Memorial Lecture, "Gangs in America," April 20, 1995; and Ethnic Identity, Cultural Change, and Academic Achievement Among Mexican American Students. April 21, 1995, Hispanic Awareness Celebration. The Ohio State University.
63. Gang Violence: Locura and Other Factors (Panel); and Ethnic Factors in Youth Gangs (Panel). National Youth Gang Symposium; sponsored by a consortium of federal government agencies, Dallas, TX., June 17-20, 1996.
64. Educational Inequalities. 8th International Conference on Socio-Economics; Geneva, Switzerland, July 12-14, 1996.
65. Race and Racism in Mexico and the Southwest United States. Seventh International Conference on Latino Cultures in the United States. Taxco, Mexico, August 7-11, 1996.
66. Youth Subcultures in a Changing Los Angeles (Plenary Speaker). Fifteenth Annual Conference of Ford Fellows. Beckman Center of the National Academy of Sciences, Irvine, CA., October 4-5, 1996.
67. Urban Youth Policy: Targeting Gangs (Invited Session). 95th Annual Meeting of the American Anthropological Association, San Francisco, CA., November 20-24, 1996.
68. Family Life in a Public Housing Project: Gang and Non-gang Households. (Panel: Street Gangs in Context). Western Society of Criminology Annual Conference, Honolulu, Hawaii, Feb. 28, 1997.
69. Gang Research and Public Policy. (Plenary session: Confronting Urban Apartheid in the United States). Society for Applied Anthropology Annual Meetings, Seattle, Washington, March 4-8, 1997.

70. Personas Mexicanas: Identity and Change. The Latino Cultures Seminar, Interdisciplinary Perspectives. Harvard University, April 23, 1997.
71. Pandillas Callejeras y Marginalidad Multiple en Los Angeles: Una Perspectiva Comparativa (May 7) and Encontrando Soluciones Para Las Pandillas (May 8). Pan American Health Organization Youth Conference, San Salvador, El Salvador, May 7-9, 1997.
72. Youth Gang Violence in Los Angeles: A Multidimensional Framework. World Congress on Violence and Human Coexistence, Dublin, Ireland, August 17-21, 1997.
73. Macrostructural Identities and Culture Change. The Latino Cultures Seminar, Interdisciplinary Perspectives. Harvard University, February 26, 1998.
74. Identity and Street Socialization. Seminar on Identity and Achievement, Children Studies Program, Harvard University, February 27, 1998.
75. Juvenile Justice and Street Ethnography. MacArthur Foundation's Working Group on Adolescents and Juvenile Justice. Competency and Culpability in Courts. March 28, 1998, Sonoma, CA
76. Public Policy and Research. Latino/a Research and Policy Center at University of Colorado, Denver. April 11, 1998, Denver, Colorado.
77. Panel: Reactions to Philippe Bourgois's El Barrio: Street Research and Applied/Action Anthropology, and Poster Session: Multiple Marginality and Shaping an Urban Youth Policy. April 23, 1998, Society for Applied Anthropology 1998 Annual Meeting, April 21-26, San Juan, Puerto Rico.
78. History, Culture Change, and Macrostructural Identities: The Case of the Chicano. 10th Annual International Conference, Society for the Advancement of Socio-Economics, Vienna, Austria, July 13-17, 1998.
79. Ethnicity and Place: Anthropological and Geographical Perspectives. Panel, Rethinking Diversity in the U.S. Anthropological Curriculum. American Anthropological Association 97th Annual Meeting, Philadelphia, December 2, 1998.
80. The Second Generation: Identity and Change. Harvard University, December 14, 1998.
81. The Killing Fields: Street Violence. American Geographical Association annual meetings, Honolulu, March 27, 1999.
82. A Cross-cultural Look at L.A. Street Gangs. Latino Cultures Seminar, Harvard University, April 14, 1999.
83. Towards a Successful Academic Career (Panel). 17th Annual Ford Fellows Conference, National Academy of Sciences, Washington, D.C., October 9, 1999.
84. Partnerships with Law Enforcement: Community Policing. Panel: Community Sanctions. 27 Annual Conference, Western Society of Criminology, Kona, Hawaii. February 24-26, 2000.
85. Meet the author's panel. Society for Applied Anthropology, San Francisco, CA., March 21-26, 2000.
86. Community Dynamics and the Rise of Street Gangs. Conference: Latinos in the 21st Century: Mapping the Research Agenda. Harvard University, David Rockefeller Center for Latin American Studies, April 6-8, 2000.

87. Family Life in a Public Housing Development in East Los Angeles. Society for Applied Anthropology Annual Conference, March 27-April 1, 2001, Merida, Mexico.
88. From Zoot Suits to Ramparts: Understanding Mexican-American/LAPD Relations through Scholarship and Film. (Moderator) Organization of American Historians, April 26, 2001, Los Angeles, California.
89. Oral History, Urban Ethnography, and Cultural Anthropology. Panel: How to Collect Data Sensitively and Ethically. Office for Human Research Protection/University of Southern California National Human Subject Protections Education Workshop. Westin Long Beach, July 16, 2001.
90. A Dominant Culture vs. an Alternative Subculture: Schooling Gang Members. Conference, Telling the Truth(s) About Youth: Popular Culture, Peers, and Education. University of Southern California, March 22, 2002.
90. From Zoot Suit to Ramparts: Understanding Mexican American-LAPD Relations through Scholarship and Film. National Association for Chicana and Chicano Studies, Chicago, March 28, 2002.
91. Social and Economic Changes, Urbanization, and Migration in Chiapas, Mexico: Families and Children in San Cristobal de las Casas. Globalization and Gangs, University of Illinois, Chicago Circle, May 16-17, 2002.
92. Urban Realms in the United States. Conference, Heidelberg, Germany, November 13-16, 2002.
93. Participatory Action Research: A New Vision and Practice in Latino Communities. National Association of Chicana and Chicano Studies Annual Conference, Los Angeles, California, April 2-5, 2003.
94. The Second Generation: Time, Place, and People. Immigration Seminar: Russell Sage Foundation, New York, May 21-23, 2003.
95. The Gang Subculture and Locura: Variations in Acts and Actors. National Consortium on Violence Research Conference, November 6/8, 2003, UCLA.
96. Gang Prevention and Intervention in the Western Hemisphere. Dialogo de alto nivel: Prevencion de la Violencia a Nivel Local. Presentation: Inter-American Development Bank, December 8, 2003, Washington, DC.
97. STEP (Street Terrorism Enforcement and Prevention) ACT: Where the Law and Science Meet. Conference, Criminal Attorneys for Justice, December 13, 2003, San Francisco.
98. Asian American Street Gangs. Annual Death Penalty Conference, California Attorneys for Criminal Justice (CACJ), Monterey, CA., February 13, 2004.
99. Poverty and the Cultural Aspects of Crime. CACJ, Monterey, CA, February 15, 2004.
100. The Cultural Dynamics of Adolescent Youth in Los Angeles: The Chicano Case (Keynote Presentation). Annual Academic English Mastery Program, Los Angeles Unified School District, LAX Hilton, March 5, 2004.
101. Anthropologists as Advocates: A Debate. Plenary Session: Society for Applied Anthropology 64th Annual Meeting, Dallas, TX, April 2, 2004.

102. Representing Culture as Process: Research and Advocacy in Low-Income Communities; Discussant. (SfAA meetings above), April 3, 2004.
103. Counter-narrating Gangs, Violence and Urban Youth in the New Century. Panel: Tom Hayden, Tim Watkins, Diego Vigil; Watts Labor Community Action Center, June 3, 2004.
104. Encontrando Soluciones Para Las Pandillas. Keynote presentation, IV Congreso de Psicólogos, Panama, November 17-20, 2004.
105. A Transnational Look at Multiple Marginality. Kokugakuin University Law School, Tokyo, Japan, December 7, 2004.
106. Gang Culture. Northern Colorado University, Greeley, Co, April 27-28, 2005.
107. Pachucos, Zootsuiters, Cholos, and Gang Members. California State University, Pomona, May 17, 2005.
108. Ecological Issues in the Formation of Gangs. Euro-gang Conference, The Social Contexts of Gangs and Troublesome Youth Groups in Multi-Ethnic Europe; International Institute for the Sociology of Law, Onati, Spain, May 27-29, 2005.
109. Race and Ethnic Relations in Mexico and the Southwestern United States. Annual Conference, The Society for the Advancement of Socio-Economics, Central European University, Budapest, June 30 thru July 2, 2005.
110. Las Maras: Mitos y Estereotipos. Coloquio: Las Maras: Identidades Juveniles al Limite. Universidad Autonoma Metropolitana-Iztapalapa, Mexico City, July 5-7, 2005.
111. Latinos and Urban Policy Issues. American Anthropological Association, Washington, DC, December 3, 2005.
112. Reflections on Octavio Romano: The First Chicano Anthropologist. American Anthropological Association, Washington, DC, December 3, 2005.
113. What Works: Addressing the Community Youth Gang Problem in the U.S. Festschrift honoring Irving Spergel. Panel: Framing the Youth Gang Problem. University of Chicago, January 20, 2006.
114. Latino National Congress. Panel of Drugs. Sheraton Hotel, Los Angeles, CA. September 7, 2006
115. The State of Gangs in America: Gender Perspectives (Discussant). American Anthropological Association. San Jose, CA. November 18, 2006.
116. Effective Strategies for Addressing Gang Influence. Senate Committee on Public Safety. Gangs: a Statewide Perspective. Los Angeles, CA. March 29, 2007.
117. Anthropologists Addressing Youth Violence in a Global Context. (Panel Discussant). American Anthropological Association 106 Annual Meeting, Washington, D.C, November 28-December 2, 2007.
118. Street Socialization and the Psychosocial Moratorium. Latino Masculinities. Steinitz School of Urban Education, New York University, January 16-19, 2008.
119. Who Are the Experts?: Engaging Youth in Participatory Action Research for Educational and And Social Transformation. (Panel discussant). The 2008 Annual Meeting of the American Education Research Association, New York, March 24-29, 2008.

120. The State of Black-Latino Relations: Inter-group Dynamics and Prospects for Coalition Building. UCLA Downton Labor Center, April 18-19, 2008.
121. Disconnected Males: Planning for the Future. Seminar, Gates Foundation, Seattle, Washington, April 24-25, 2008.
122. Mexican Migrants: A Second-Generation History. Annual conference of European Society of Criminology, Edinburgh, Scotland, September 2-5, 2008.
123. Black-Brown Gang Conflict. Conference: Black-Latino Relations, Intergroup Dynamics and Prospects for Coalition. UCLA, April 2009.
124. Chicanos in a Global Context. Global Gang Workshop, International Center for Conflict and Violence, Geneva, May 14-15, 2009.
125. Blueprints: Prevention and Intervention; Workshop, U. Colorado, Boulder, June 2-4, 2009
126. Public School and their Communities. Successful Youth Transition in Healthy Communities: A Focus on Young Men and Boys of Color. Warren Insitutue, UC Berkeley, October 2-3, 2009.
127. The Transnationalization of Gangs. Lecture and Workshops in Copenhagen, Denmark, February 5-13, 2010. Research group: LFS , nyt.
128. CRT (Critical Race Theory) and PAR (Participatory Action Research) in American Public Schools. (Panel Discussant). The 2010 Annual of the American Research Association, Denver, May 2, 2010.
129. Community Based Research: From Service Learning to Problem Solving. May 24, 2010, Occidental College.
130. Aims and Objectives of Latino Writers. November 17, 2010, American Anthropological Association Annual Conference, New Orleans.
131. The Discourse of Objectivity among Anthropologists. November 18, 2010, AAA Annual conference, New Orleans..

Lectures:

1. "Demystifying the Cultural Dimension of Education." March 4-8, 1978. San Francisco, California. 33rd Annual Conference. Association for Supervision and Curriculum Development.
2. The Chicano Pinto Research Project: An Overview. February 6, 1980, East Los Angeles, CA. The Secretary of Health and Welfare Agency Task Force on Incarcerated Minorities.
3. Apectos del-Juvenil Chicano: Drogas y Trabajo. March 17, 1980, California State University, Los Angeles. Conference on the Mexican and Spanish-Speaking Communities Needs and Goals for the 1980's.
4. Inhalant Abuse. 51st Annual California Probation, Parole and Correctional Association State Conference, Fresno, May 5-8,1981.
5. Ethnic Scholars and the Community. Conference on Ethnic Minority Scholarship in the Public Humanities Program. Sponsored by the California

Council for the Humanities and Ethnic and Women's Studies Department,
California State Polytechnic University, Pomona. Pomona, February 11, 1982.

6. Youth Gangs: University of California, Los Angeles. March 10, 1982. Symposium, Latinos and the Law: Meeting the Challenge. Sponsored by the UCLA School of Law and the UCLA La Raza Law Students Association (Panel Moderator)
7. Culture in the Classroom. "Implementing What the Futurists Say About Public Education in the Year 2000." Co-sponsored by the University of Southern California, Department of Education and the Los Angeles Unified School District, February 18, 1983.
8. From Indians to Chicanos: The Six C's Model of Sociocultural Change. Chicano Studies Lecture Series. Sponsored by the Chicano Studies Center, Claremont, California, September 20, 1983.
9. Los Angeles' Multicultural Community (Keynote address), Eighth Annual Multicultural Education Conference, "Los Angeles County--A Microcosm of the World", Davidson Center, University of Southern California, March 9, 1985.
10. Cholos: Gang Membership and Non-Violence in East Los Angeles, Visiting Scholar Program, California State University, Sacramento, March 19, 1985.
11. Focus on Central American and Caribbean Island Culture. International and Cultural Perspective Series, March 28, 1985, El Camino College, Torrance, California.
12. The Sociology of Gangs. Annual Conference of The California Gang Investigators Association, Disneyland Hotel, Anaheim, California, June 13, 1985.
13. You Do Make a Difference--Latino Parents, the New Generation and Higher Education. Conference for Community Parents, and Higher Education for Children. March 2, 1988, Cerritos College, Norwalk, California.
14. Youth Gang Violence. A Symposium: Violence in American Society: A Focus on the Young. April 19, 1988, School of Health and Human Services, California State University, Los Angeles.
15. Understanding Street Gangs: Underclass Barrio Youth. Symposium, The Truly Disadvantaged: Minorities in Inner Cities. February 9, 1989, Grinnell College, IA.
16. Classroom and Cholos: Schools in the Making and Breaking of Gangs. Conference, "The Hispanic Student as Client"; sponsored by the Council of Mexican American Administrators, and The Association of Mexican American Educators. UCLA, March 3-4, 1989.
17. Theoretical Implications of Multiple Marginality. Colloquium, University of California, San Diego, Department of Anthropology, June 6, 1989.
18. Street Life and Identity. Growing up in Poverty Conference. University of San Diego, March 1-3, 1990
19. Understanding Barrio Gangs. Mount St. Mary's College, October 23, 1990.

20. Cities and Street Youth. "Partners and People" conference, UC Berkeley, January 11, 1991.
21. Crime, Gangs, and the Criminal Justice System. California Center for Judicial Education and Research, San Diego, California, April 25-27, 1991.
22. Gangs in Middle-Size Cities. University of Utah, May 16-17, 1991.
23. What Makes Gangs Tick: A Time Bomb in the Courtroom, September 15, 1991, California Judges Association, Anaheim, CA.
24. Multicultural Independence: As Minorities Become the Majority, November 1, 1991, California State University Pomona.
25. Hispanic Awareness and Identity. Keynote Lecture: Central Michigan University, March 16, 1992.
26. Stop the Violence! Gangs, Drugs and the Future of Our Youth. University of Wisconsin, Madison, March 19, 1992.
27. Criminal Justice in the Wake of Rodney King. Agenda for Justice in a Multicultural City. UCLA Extension, November 4, 1992.
28. Stopping Gangs: The Many Ways of Regaining Social Control. USC, Issues and Briefings, San Diego, January 27, 1994.
29. Urban Reform: Schools, Police, and the Inner City, Rethinking Los Angeles, USC, March 8, 1994.
30. Turning Gang Youth Around, "Partners and People", 6th Annual Conference, U.C. Berkeley, March 30, 1994.
31. A Rainbow of Gangs in Los Angeles. Pasadena City College, September 14, 1994.
32. A Rainbow of Gangs: Ways to Redirect Street Youth (Public Lecture). March 8, 1995, California State University, Long Beach.
33. Mexico, A Nation in Transition: What Now NAFTA? May 3, 1995, International Trade and Career Day. East Los Angeles College.
34. Cross Cultural Study of Gangs (Keynote). Alternative and Community School Institute (Seminar). City of Commerce, CA., March 28, 1996.
35. Chicano!--The Mexican American Civil Rights Movement! Panelists on PBS film series, Whittier College, CA., April 16, 1996.
36. The Changing Structure and Operation of Barrio Gangs over the last Two Decades: An Ethnohistorical View. Eighth Annual Institute for Youth Services Management, Department of Criminal Justice, California State University, Los Angeles, June 24, 1996.
37. Street Gangs and Multiple Marginality In Los Angeles: A Comparative Perspective. Hispanic Research Center, Cross-Cultural Lecture Series, University of Texas, San Antonio, Feb. 4, 1997.
38. Critical Friend to the 1996 Spencer Dissertation Fellows, UCLA, Feb. 14, 1997.

39. Studying Gangs Cross Culturally. Anthropology Colloquium Series, University of California, Riverside, May 14, 1997.
40. A Look at Urban Youth: Policy Issues. Ninth Annual Institute for Youth Services Management, Department of Criminal Justice, CSU-Los Angeles, June 24, 1997
41. A Cultural Perspective on Crime and Delinquency in the Inner-City. National Conference, Mexican American Correctional Officer's Association: Gangs: Current and Future Perspectives. Los Angeles, CA.: May 1, 1998.
42. Urban Research and Ethnic Minority Children. Urban Problems Lecture series, Millersville University, Pennsylvania, October 5, 1998.
43. Writing on Los Angeles. Latino Book Fair, L.A. Convention Center, August 28, 1998.
44. Acculturation and Ethnic Identity: The Hispanic Case. Facing History, LAUSD, Burbank, CA., November 16, 1998.
45. Reaching Higher. Keynote, Cerritos College graduation ceremony, May 15, 1999.
46. Recent Changes in Chicano/a Culture and Identity. Hispanic Week, University of Montana, April 12, 2000
47. Violence as a Way of Life: Street Cultures in L.A. Annual Meetings of Los Angeles County Public Employees, Sheraton Hotel, Cerritos, March 5, 2002.
47. Youth Homicides in Long Beach: Causes and Cures. Long Beach City College, November 26, 2002.
48. Chicano Culture in Orange County. Cypress Community College, December 2, 2002.
49. Rainbow of Gangs in Los Angeles. Presentation, Weingart Institute for Homelessness, December 3, 2002.
50. Drug and Alcohol Abuse. Glendale Community College, December 5, 2002.
51. Rainbow of Gangs book signing and presentation. Bohemia Books, Pico Union areas, December 8, 2002.
52. Policy Issues on Urban Youth. Graduate Center for Public Policy, California State University, Long Beach, April 22, 2003.
53. La Vida Loca: The Gangs of LA. L.A Times/UCLA Festival of Books, author's panel and book signing of a Rainbow of Gangs, April 27, 2003.
54. The Application of Theory to Practice: Multiple Marginality and Gangs. Workshop: Gang and Youth Violence Intervention Specialist Certificate Program, June 13, 2003, California State University, Los Angeles.
55. Gang Injunctions and the STEP Act. Community Workshop; June 10, 2004. Oxnard, CA.
56. Strategies for Youth Gang Violence. Youth and Gang Violence Prevention Task Force. Long Beach, February 16, 2005.

57. Community Dynamics and Socio-Economic and Ecological Problems in Low-Income Communities, Plenary Presentation, California Attorneys for Criminal Justice Conference Death Penalty topic. Monterey, CA. February 18-21, 2005.
58. An Academic View on Gangs. Plenary Session, California Gang Investigators Annual Conference, Marriot, Disneyland Hotel, July 20, 2005.
59. Gang Strategies for Los Angeles. The California Endowment, November 4, 2007.
60. Rural Gangs: Media Diffusion or Ethnic Enclave Developments? Yakima College, Yakima, Washington, February 21-22, 2008.
61. Understanding the Dynamics of Street Youth. United American Indian Involvement, Los Angeles, March 19, 2008.
62. Pachucos Yesterday, Vato Locos Today. Understanding the Changes in Street Youth Since the Zoot-Suit Riots of 1943. Pomona College, March 31, 2008.
63. The National Gang Problem; Eccles Distinguished Lecture, Southern Utah University, January 7, 2009.
64. Ethnographic Methods and Para-Legal Training. Office of the Los Angeles Public Defender. October 11, 2009
65. Issues and methods of ethnography in the courts. June 18, 2010, Orange County Public Defenders.

Consultant:

Expert witness, cultural defense in gang-related homicides. Numerous teacher-training institutes (varying from one day to three days in duration) throughout California for public school teachers and para-professionals. (Similar workshops were conducted for law enforcement officers, but as a non-paid community service and a focus more toward delinquent gang behavior). While education was the focal point throughout, these other topics were also stressed: socio-cultural change and history, patterns of self identity and inferiority, counseling techniques, cultural aspects of bilingual-multicultural education, and deviant and anti-social behavior.

Teacher Credentials (Life)

- 1) Community College; 2) Standard Secondary, and 3) General Elementary

References

Professor Robert Edgerton, Department of Anthropology, UC Los Angeles

Professor Tom Weisner, Department of Anthropology, UC Los Angeles

Professor Juan Gomez-Quinones, Department of History, UC Los Angeles

Professor Joan W. Moore (ret), Department of Sociology, University of Wisconsin
Milwaukee

Professor Curt Roseman (ret), Department of Geography, University of Southern
California

REFERENCES:

Community Dynamics and the Rise of Street Gangs. IN M. Suarez-Orozco and M.M. Paez, eds. Latinos! Remaking America. Berkeley: University of California Press and the David Rockefeller Center for Latin American Studies, Harvard University, 2002, pp. 97-109.

Barrio Genealogy. 2009. Journal of City and Community. Spring 2009.

