

10-20-1988

Gang Violence: Recommendations for Legislative Solutions - October 20, 1988

Joint Committee on Organized Crime and Gang Violence

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CALIFORNIA LEGISLATURE
JOINT COMMITTEE ON ORGANIZED CRIME
AND GANG VIOLENCE
SENATOR WADIE P. DEDDEH

Interim Hearing

**GANG VIOLENCE: Recommendations
for Legislative Solutions**

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October 20, 1988
9:00 a.m. to Noon
The Barrio Station, San Diego, California

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CALIFORNIA LEGISLATURE

JOINT COMMITTEE ON ORGANIZED CRIME

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INTERIM HEARING: Gang Violence: Recommendations
for Legislative Solutions

October 20, 1988
9:00 a.m. to Noon
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CHAIRMAN: HONORABLE WADIE P. DEDDEH

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HEARING TRANSCRIPT

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CHAIRMAN WADIE P. DEDDEH: The virtually constant reports of gang shootings and killings are graphic reminders that the problems of gang violence is still with us. In fact, one of our local daily newspapers, The San Diego Union, featured a series on youth gangs last month, which indicated that this problem is an ongoing one and is extremely critical.

This article revealed several startling facts. It told us that the rapid growth in gangs and gang membership in San Diego has occurred over just the past two years. There are 2,000 young people in San Diego who belong to at least 35 gangs. Equally significant is the fact that a record 105 people have been killed in San Diego this year; of that total, 21 have been killed in incidents involving gangs.

Law enforcement officials concede that current efforts -- despite the large sums of money spent -- should in no way be viewed as a solution to the problem. Even though Governor Deukmejian has signed bills to toughen penalties and to aid police in gang and drug-related crimes, we recognize that there is still much to be done.

The Committee is aware that gang crime is a complex phenomenon that can only be reduced by a full community response. We hope that this hearing will generate recommendations of proposals for legislation that will help to reduce, if not completely solve the problem.

To this end, we have invited a variety of witnesses from law enforcement agencies as well as from community programs and organizations to participate in this interim hearing. In that same spirit of developing a full community response to the problem, I am pleased to be a participant here today.

MR. WESLEY PRATT: Good morning, Senator Deddeh and Committee members. The socioeconomic factors which generate drug and gang activity must be considered when developing prevention, education, and enforcement legislation addressing this particular issue. Poverty, inadequate education, and unemployment have large impacts on the gang and drug problem. Drug dealing presents a lucrative market in our community and police enforcement is not enough to eradicate the drug and gang problem.

The Problem: In the City of San Diego, there are 23 active gangs with almost 2,000 documented members. The ethnic makeup of these gangs is estimated to be 50% Chicano, 40% Black, and the remainder being Indochinese, Filipino, and white youth. The gangs have at their disposal at-risk youths from our schools and the employment lines as

potential recruits.

Black teenage unemployment is 36%, with a high school drop-out rate of 28%; Hispanic teenage unemployment is 24%; and the drop-out rate from the 9th through 12th grade is 39.2%.

The crime statistics are alarming as they relate to gangs and drugs. Since January 2, 1988, there have been 22 gang-related homicides, 65 killings related to drugs, 149 gang-related shootings and stabbings, and 74 drive-by shootings, as of September. This does not include the drive-by shooting which occurred this past weekend on South Boundary where a 14-year-old was shot. During one three-day period in May, 14 citizens, including two children, were shot during 12 shooting incidents. In 1987, the City Police Department arrested 410 youth for drug dealing, compared to 252 arrested in 1980. This represents a 63% increase. This year, there have been 334 juvenile felony arrests for dealing drugs.

Education and Enforcement Programs: Our city and its police department approaches the gang and drug problem through enforcement and education. The department has several units and programs in operation to combat the problems related to gang activity.

Gang and Drug Awareness through Education Programs: They include the DARE Program, a successful drug abuse resistance education program, located in 36 San Diego Elementary Schools with over 3,200 students having completed the program. Juveniles Out of Gangs (JOG) is a 15-week program that is targeted toward 5th grade students at 10 selected elementary schools. This program presents a real view of gang life and its severe effects on individuals and our communities. The School Task Force Safety Patrol offers students at all levels anti-drug presentations by police officers through a city school grant for drug suppression.

Drug Enforcement Efforts: Special Investigation Street Gang Detail has 17 officers who respond in a proactive manner to gang activity and investigate felony gang crimes. The Gang Suppression Task Force was established in June, 1988, to deal with gangs involved with drug-related problems. The WECAN Unit (Walking Enforcement Campaign Against Narcotics) is another successful effort. The community has been very supportive of this task force, which is made up of 38 officers. WECAN has reduced the level of narcotic activity in drug-infested areas by providing aggressive, high visibility enforcement campaigns on a short-term basis. For example, in 1987, of a total of 5,169 arrests, 2,939 were made through this task force. This operation is very successful and should be expanded. The Narcotic Street Team focuses its 37-officer unit on the reduction of drug activity on the street. In 1987, this unit made a total of 1,371 arrests and served a total of 363 search warrants. The Narcotic Task Force is an inter-agency unit, and the San Diego Police Department contributes 22

of the 59 officers. Its primary focus is on major drug dealers and drug laboratories.

Prevention Programs: The Street Alternative and Resources Project (STAR Project) provides a wide variety of gang and drug diversion services to Black, Chicano, and Asian youths in the Southeast community: Logan Heights, Linda Vista, Golden Hill, to name just a few. The project deters youth from gang and drug involvement, and redirects potentially violent gang activities into wholesome, law-abiding activities.

There is a new program just recently funded with City and Regional Employment Training consortium funds. It is the Gang Members and At-Risk Youth Counseling, Job Training and Placement Program. The Urban League received \$354,000 and has brought together five community-based organizations that work with gangs and at-risk youth under one comprehensive program. They will provide counseling, job training and placement for gang members.

Legislative Needs: The recent legislative anti-drug package that was passed by the State Legislature, which I personally supported, was comprehensive in providing enforcement, prevention, and education relief to our city. However, the Governor vetoed several measures which were very important in our fight against gangs and drugs, and these should be reintroduced. We must concentrate our prevention efforts on school children and providing job training and placement for gang members. A comprehensive drug and alcohol abuse program needs to be established.

AB 2941, which was vetoed, required that instruction be given on comprehensive drug and alcohol abuse prevention in conjunction with Health courses for students in grades K-12. This program must be established since current city and school programs are limited.

Legislation should be introduced that will create a special jobs program targeting high-risk and at-risk youth. AB 3030 provided for a demonstration project to identify, coordinate, and prioritize existing resources at the county level, and to address the needs of at-risk youth. This particular legislation should be expanded to include high-risk youth and provide funding for a special jobs program directed at gang members. We should be just as aggressive in providing job training and placement opportunities as we are in enforcement. A remedial education component to these efforts is necessary to maximize the project's effectiveness. San Diego needs specific legislation that will allow the probation department and the courts to assign youth offenders to community-based organizations to clean up projects and remove gang graffiti.

Enforcement legislation should be reintroduced or amended. AB 4029, for example, would establish an Asset Forfeiture Strike Force that would make it easier to confiscate money and property generated by gang-related activities, and an Organized Crime and Violence Strike Force that will focus its activities on California gang

members.

Existing legislation that deals with drive-by shootings should be amended to include shooting at innocent victims and dwellings from an automobile, and there should be stiffer jail penalties for this crime.

Unfortunately, in the final analysis, the solution to the problems of gangs and the criminal activity associated with them requires our investment of resources at the front end of the process. While it is necessary to carry a "big stick" in relation to law enforcement, we need a renewed commitment to education, diversion, employment training, and jobs for youth and teenagers.

In conclusion, I would simply like to thank Senator Deddeh and the members of this Committee for allowing me the time to testify before you this morning.

CHAIRMAN DEDDEH: Thank you, Mr. Pratt. I think your statement is a comprehensive one, and I hope that you have a printed copy for the record. How much do you think dropouts in our junior high and high schools is related to gang membership?

MR. PRATT: I believe it is a major contributor. I mean, you have the individuals, who, for whatever reasons -- the curriculum is not satisfactory; they have family problems, low self-esteem -- drop out of school. In order to maintain their self-esteem, they will generally be directed toward gang activity. I've seen young people in 7th and 8th grades, who live in the area where I live, and they are on the streets. They are not concerned about education, but they get together with these gang members and it makes them feel good that they are a part of a community so to speak -- that they are a part of a family unit which is separate and apart from their own family unit. So the fact that these youngsters are turned off from the educational system -- for whatever reasons -- we are missing them, and we are failing them educationally. They are being directly and actively recruited by gang members, and I think gangs consider these youngsters a readily available resource tool. So, I think the dropout rate, particularly as it relates to the Black and Hispanic youth in this city and perhaps throughout this state, is a direct contributor to our gang activity.

CHAIRMAN DEDDEH: So, if we were to improve our system of education where: (A) we would motivate and entice these kids to stay in school; (B) try to work with the kids who are at-risk and eventually find some jobs, or something for them to do where they could have that self-respect/self-esteem; if we could encourage the local communities to work with the schools, the law enforcement agencies, do you think that we probably could reduce the problem?

MR. PRATT: I think so. You've sort of summarized it in a nutshell. I think this would certainly have an effect, and would definitely contribute to reducing the problem. I think the Police Athletic League, that has recently been established, is going to help in that regard. But, we have young people, for instance, some of whom

will leave schools at 2:30 and 3:00 p.m.; I would think that the cities, the government, the school system, the law enforcement community, should all come together and provide some sort of support system for those individuals after school. Many of them are home alone -- latchkey kids from 3:00 to 6:00 or 7:00 in the evening. They need to have some structured activity, whether it is remedial education or it is an enhanced education program or vocational educational activities. But, they need to be provided with some kind of supervised activities where they can be involved and off the streets. I think we could pull all the resources together, better coordinate what we do in that regard. We could even provide opportunities for college students to work with these kids after school to get college credit or pay them for being teacher assistants or something of this sort. But, I think it is that sort of comprehensive approach that is going to be necessary to minimize the impact of gangs or the attractiveness of gangs to a lot of these kids who are at-risk.

MR. AUBREY LABRIE: How are you doing, Mr. Pratt? My name is Aubrey LaBrie. We met last weekend at the BAPAC Conference. One of your counterparts -- another councilman -- made the statement in a workshop on drugs that more flexibility was needed with regard to state legislation. He pointed out how being there on the front line, not as removed as state legislators, gave him this perspective. I was wondering what is your opinion in that regard?

MR. PRATT: Flexibility? You mean our ability to utilize funds and not be hamstrung by legislative regulations; what do you mean by flexibility? I am a little unclear on that.

MR. LABRIE: Okay, he was meaning in terms of adapting it to the distinctive...

MR. PRATT: Oh, characteristics of a particular community. I think basically there are generalized areas for which generalized solutions may be necessary, but I also believe various communities will have different amounts of interest based upon the activities of certain community-based organizations as well as a variety of receptivity or responsiveness to school systems or city government. Therefore, there has to be flexibility in how you direct and utilize those resources. People at the local level are best able, I think, to make some of those determinations. I know I actually talked to gang members, actually discussed with members of the Triple Crown Agency and the Star Project who are actively involved in working with these particular young people, and you get a sense of what is necessary and what is needed. So, from that perspective, I think flexibility would be good. But the key is: Resources have got to come in a comprehensive sort of approach to dealing with the problem. We can't say, "Put them all in jail," and, "Get them off the street," or "Bust them." You are just generating hard-core criminals once you bust them and put them through the criminal justice system. I think the City of Los Angeles' experience with gangs over the past 6

to 8 months, I mean how they have come down really hard as far as law enforcement is concerned, yet, their problem still exists demonstrates this fact. In a conversation I had with Mayor Bradley at the same particular conference, he indicated that strict law enforcement will deal with some of the hard-core criminals, but in the final analysis, that is not the solution to the problem. It has got to be much more comprehensive than that; even after they have expended tremendous sums of money, the problem still persists and is getting greater.

CHAIRMAN DEDDEH: Thank you, Mr. Pratt. Our next witness is a very distinguished public servant. I've personally known him for over a quarter of a century. He has been our District Attorney for 20 years. It is my privilege to introduce Ed Miller, San Diego District Attorney.

MR. ED MILLER: Good morning, Senator Deddeh, it is a pleasure to be here this morning. I think I should make it clear at the outset; when we discuss the "youth gangs" or "street gangs" today, we are not talking about relatively harmless Sharks or Jets from West Side Story anymore. We are talking about vicious, deadly, ongoing criminal conspiracies which call not for our bemusement or irritation, but for the very best and strongest response the law enforcement community, aided by the Legislature, can make. We are talking, in short, about one particular variety of organized crime. For three years, I served as a member of the President's Commission on Organized Crime. Part of our work involved studying the emergence of new ethnic criminal enterprises in organized crime, and reports cover that extensively. Our commission warned the public about this development, and we are seeing it come true today in living -- and dying -- color, in our community.

Rampaging youth gangs armed with sophisticated, illegal automatic weapons go on search and destroy missions through entire neighborhoods. Residents of those neighborhoods are prisoners in their own homes, not free to walk the streets, not free even from the haunting fear that 7.62-calibre bullets from an AK 47, which can punch through an entire house, will kill them even in their own homes.

During the first nine months of this year, the San Diego Police Department reported 74 official drive-by shootings. That is two a week, and we know that there are many other unreported drive-by shootings. In just this past weekend, we had another three drive-bys. Gang members today have more money, more influence, more power, and certainly more firepower than ever before. They have a higher visibility, they drive luxurious automobiles, use sophisticated communications equipment, wear costly clothes and jewelry, and even buy real estate for cash. By virtually any definition, they are organized criminals.

Gangs exhibit all of the characteristics of traditional or conventional organized crime enterprises except one, and that is, longevity or self-perpetuation. We must, at

this point, reserve judgment on that element. Will some of these gangs survive as entities, as ongoing criminal corporations, even after their leadership is plucked off and imprisoned or killed in gun battles on the streets? We will have to see, but my suspicion is that a troubling number of these gangs are on the threshold of this kind of permanence. This makes our considerations today particularly timely.

You have asked for recommendations as to legislative contributions to the fight against gang activity, and I have a number of suggestions to make. First, however, let me tell you something of what we have done in San Diego the past several years, so you can get a better idea of where your assistance will best fit in.

In 1981, because of the bizarre nature of gang violence and the gang's success at witness intimidation, our conviction rate in these cases ran only about 37%. Since June of 1982, I have run a specialized gang prosecution unit, which is now staffed by five lawyers, an investigator, and clerical support staff. Those attorneys are "investigative lawyers." They go to the scene of violent crime in the company of investigating police officers. They have extensive contact with gang members in their associations on the street as well as in the courthouse.

With the advent of our gang prosecution unit, our adult conviction rate has increased to 90%, and our rate of success in juvenile court is yet higher -- 98%. I am referring to convictions for one or more of the serious crimes charged. Clearly, however, although we are successful in the courtroom, we are not stemming the tide of gang violence on the streets.

In the last year, the number of cases referred to our unit increased by 65%. The lure of drugs and drug profits have contributed to overall gang activity and homicides, and other violent acts.

We need a better response, and in my view, the appropriate response to California street gangs is the same response which should be directed to all other forms of organized crime. In San Diego, our street gangs today generally are made up of Blacks and Hispanics. There is evidence to suggest that might change, as it is changing elsewhere. We have noted the presence of Columbian criminals here, and have reason to believe that Jamaican gangsters might have an interest in operating in San Diego. We are not alone. Other areas of California are also likely targets for new criminal enterprises with expansionist aims.

They come onto the scene, not as rivals for mastery over geographic turf, but as suppliers of narcotics and weapons to our existing street gangs. They operate at a higher level of criminal sophistication, and in some cases, with even more violence. But whether we are sighting in on traditional organized crime, street gangs as they exist today, street gangs as they may exist in the future, or other criminal enterprises which form a symbiotic relationship with the street gangs, the appropriate

response, including the legislative response, is essentially the same.

My leadership assignment on the President's Organized Crime Commission, was to shepherd what we called "The State's Project." It is an evaluation of the role to be played by the states in the fight against organized crime, and the tools necessary for the states to meet that responsibility. That report is published and available to you, and I urge you to adopt each of its recommendations, with one exception. That exception concerns the statewide Grand Jury recommendation. That recommendation makes a great deal of sense for many states, but not for California. Sadly, in California the investigative utility of the county Grand Jury was destroyed by the Hawkins opinion of the California Supreme Court about a decade ago. Today, the Grand Jury in California is a mere shadow of its former self.

But the other recommendations of our commission are both sensible and timely. Those recommendations are: First, enactment of an adequate state RICO statute; second, enactment of an adequate electronic surveillance law; and third, enactment of Use Immunity authority statutes rather than requiring Transactional Immunity; fourth, full utilization of cross-designation programs; and fifth, effective action against money laundering.

In addition to those commission recommendations, I have a few supplemental suggestions. But let me take each of those in order. First, the state RICO statute. A RICO statute (Racketeer Influenced and Corrupt Organization statute) criminalizes the pattern of conduct characteristic of organized crime. It also authorizes the seizure of the proceeds and profits of such illicit enterprises, dedicating those seized assets to law enforcement and prosecution for use in the continuing fight against organized crime. California does not have an effective RICO statute. And the Attorney General currently is considering introducing legislation to correct that weakness. We do have the Criminal Profiteering Act, but it is insufficient, and we need to expand it by enacting RICO legislation similar to the federal law. Existing state law is a civil forfeiture statute. It carries no criminal penalties because it is designed to be used in conjunction with the separate criminal prosecution. In fact, it requires a criminal conviction before property can be forfeited. Frankly, it is not a useful tool and is never used.

Second, court-ordered interception "wire taps." This year -- and I might say that my first attempt to introduce wire tap legislation occurred in 1971, and was introduced by our now Senator Pete Wilson. So it gives you an idea of how long we have been in the Legislature attempting to get them to act in this area. But this year, after years of law enforcement and prosecutorial lobbying, we've succeeded in getting a very limited, highly restrictive wire tap bill enacted into law. Next year, we will have the ability to wire tap, by court order, in a few selected narcotics cases. In my

view, that law is much too restrictive, but it is at least progress.

Much gang activity centers around narcotics manufacturing and distribution. I believe that law will be of some assistance, but only minimally, in the war against street gangs. Under the terms of that legislation, the court cannot authorize electronic surveillance in a murder case. Indeed, if narcotics officers overheard drug dealers talk about a past murder, those words are immunized and cannot be used as evidence. I recommend granting authority only for electronic surveillance that is court ordered; but that authority cannot be as restricted as it is under current state law and still be of much help in fighting gangs.

Use Immunity: I cannot over-stress the importance of Use and Derivative Use Immunity in dealing with the street gang problem and other crime problems. Let me give you an example of the importance of Use Immunity. Let us say that in a room, you have a dead body, one gun with no fingerprints, and three gang members: one of whom is the shooter, and two who are either witnesses or accomplices. As the District Attorney, you must prosecute the shooter for murder; and clearly, at least one of those people is needed as a witness. Under California Law, as the District Attorney, you are forced to guess as to which of the three in the room did not do the shooting. If you guess wrong, you and the case are both finished, because the subpoena compelling one of them to testify will be met with the demand for California immunity.

California Law requires that Transactional Immunity be given to the immunized witness. That has often been called an immunity "bath", which completely washes away any criminal responsibility or accountability for crimes admitted by the witness. What does that mean to this case, the hypothetical I posed? If the witness you picked to be immunized gets on the stand and says, "I did the murder," he is forever free from prosecution for that murder. And the other suspects also walk out, because their defense is that the "immunized" witness did it. Worse yet, because transactional immunity provides this "bath" to the witness as to any crime about which he might testify, all he has to do in the course of testimony is proffer a laundry list of his other illicit activities, and those too, are foreclosed from prosecution.

"Derivative Use Immunity," which is what I most strongly recommend be enacted by the Legislature in California, still protects the witness from self-incrimination, but it does not give him a complete "bath." The rule is that the defendant may not be prosecuted on the basis of his testimony or any leads derived from that testimony. He may, however, be prosecuted if law enforcement independently proves the case against him.

Full Utilization of Cross-Designation Programs: This is more a matter of agency procedure and protocol than it is a matter of legislative interest, but there is a valuable role you can play here as well. The Cross-Designation Program pioneered in

San Diego when I was United States Attorney. It permits the special appointment of a Deputy District Attorney to serve as a Special Assistant United States Attorney, and corresponding special appointment of a Federal Prosecutor to work as a special Deputy D.A. to prosecute cases in state court under the supervision of the District Attorney. This program has been highly successful and has been implemented nationwide.

ASSEMBLYWOMAN LUCY KILLEA: Can you give us an example of how it works?

MR. MILLER: Well, you may start at a state case -- let's use narcotics -- and you begin to develop the investigation. You may be spending weeks or several months in that case, and you determine that this case is best prosecuted in federal jurisdiction because federal laws apply. This is the manner in which we developed and prosecuted the Battaglia Case, which is fairly well-known in San Diego. And so, when you reach the point at which it's clear to you that you have a federal violation, which fits the investigation more properly, you simply take the matter to federal court. You don't give it to the federal authorities, and start it all over again. You just take it over there and prosecute it. It saves money, effort, and takes advantage of some of the federal rules of criminal procedure, including the Federal Grand Jury.

CHAIRMAN DEDDEH: When you transfer it to the federal court, would the local D.A. be doing the prosecuting?

MR. MILLER: That is the way we do it. Sometimes we do it with the Assistant U.S. Attorney working with us. Sometimes we do it by ourselves, sometimes we'll do it in a number of different ways. The Attorney General has the same program.

CHAIRMAN DEDDEH: On that point, before I let you go, until recently, local jurisdictions were using the federal law on asset seizure. Can you apply also the federal RICO statute to local cases?

MR. MILLER: We do. We did it with the Hell's Angels. The Hell's Angels' prosecution was a federal prosecution, but it was investigated locally. That was under the federal RICO statute.

CHAIRMAN DEDDEH: I see. Then you do this at the local level, Mr. Miller, and do you not borrow from the federal law for the purpose of law enforcement?

MR. MILLER: Yes, but we do that in many instances because we don't have adequate state law.

CHAIRMAN DEDDEH: It is sometimes very tough to get things from the State Legislature. I wanted to introduce -- and did do so -- an asset seizure law for California that would have been identical to the federal law, but it did not even get a motion in committee. Luckily, we got the Katz bill -- how that bill came to us from the Assembly, I will never know -- but we take them -- I won't ask. I'm just delighted to see it.

MR. MILLER: And that's a great advancement that's going to be a tremendous help to

local authorities, and was a great step forward. The matters I am discussing here are in the same vein. Give us a full complement of tools.

The Cross-Designation Program has been highly successful and has been implemented nationwide. Combating organized crime, in all its forms, is an effort particularly susceptible to this coordinated, multi-jurisdictional approach. It may well be that street gang members under investigation for a series of robberies, for example, might also be prosecutable under federal law for serious firearms violations. The State Prosecutor, in his specially designated capacity, can simply cross over to federal court, and under the direction of the U.S. Attorney, put on his federal hat and handle the case effectively and efficiently, with no lost time, no wasted motion, no loss of sanction against a violent criminal.

Full use of this program should be encouraged, and the Legislature could lend an encouraging hand by providing funds to reimburse District Attorneys for salaries and other costs incurred by their staff members serving in a federal capacity.

The next item is money laundering. Illicit profits from criminal enterprises are often "laundered" by transfers of money through various accounts, enterprises, or investments at the end of which the money appears untainted -- "clean." Detecting and preventing money laundering is essential to combating organized crime. The primary tool in this regard is the Federal Bank Secrecy Act, which requires financial institutions to report and keep record of certain financial transactions. The comparable California Law is more narrow. It should be broadened to include non-cash transactions so that it applies to any transaction conducted with the proceeds of crime, or conducted to promote criminal activity. We need a plan in which police and prosecutors can easily trace the "dirty money" accumulated and laundered by gang members. While the Attorney General should coordinate this important criminal intelligence function, our plan should result in police officers and prosecutors obtaining and using the financial transaction records to quickly and easily identify and prosecute those financial crimes.

We've got to develop a system using all of the resources we have to trace the illicit profits that are gained through these gangs and get our hands on it and charge those people if in fact they have violated the money laundering laws.

In addition to the recommendations contained in the state's project, I would suggest other legislation specifically addressing gang prosecution needs here in California. First, provide for continuances in preliminary hearings. Unlike most other cases, gang cases are characterized by multiple defendants, often with a mix of juveniles and adults. The law requires that we afford the juvenile defendants a fitness hearing in the juvenile court to determine whether they should be retained within that system or transferred to adult court for trial. That proceeding delays

their arraignment and preliminary hearing. At the same time, adult co-defendants exercise their statutory rights to demand a preliminary hearing within ten days of arraignment. The net effect is that we must put on multiple preliminary hearings in many gang cases. This is not only burdensome and wasteful, given the level of violence of many of these cases and the reluctance of witnesses to cooperate, it is both dangerous for the individuals involved and risky to the success of the case.

I propose that you enact legislation which would make those juvenile court proceedings against juveniles who will be charged as adults in the same case, "good cause" to continue the adults' preliminary hearing beyond the statutorily required ten days. Thus, we would be able to join all defendants into a single adult court action and avoid multiple preliminary hearings.

Second, Limit Discovery in gang cases. Current law requires in general, that the District Attorney give discovery to defense attorneys. Discovery usually includes the name, address, and telephone number of each witness. As we have noted, many of those witnesses are afraid for their lives and do not wish their whereabouts known to defense attorneys, defense investigators, and, presumably defendants and fellow gang members.

I propose that you enact legislation within constitutional limits, which exempts from discovery the addresses and telephone number of gang victims and witnesses in gang violence cases. You could easily require the District Attorney to produce those witnesses in a room and make them available for interview by the defense, unless they personally decline to be interviewed by the defense. Witnesses will then feel and be protected to some extent.

Third -- another important area -- require speedy trial in gang cases. Because of the problem associated with gang cases, and because it's often difficult to hold gang cases together through preliminary hearings, let alone through trial, I suggest legislation that would designate gang cases as matters taking priority on the criminal calendar, just as priority is now given to sex offense cases. This is particularly appropriate in gang cases owing to the fragile nature of many of these cases, and to the level of violence they represent.

Fourth, enact District Attorney subpoena power. I've tried to get the State Legislature to do this now for 18 years without success. District Attorneys should be empowered by statute to subpoena witnesses, and administer oaths during investigations, especially because of our grand jury problems. It is difficult enough to obtain facts in gang violence cases. A tool for preserving witness statements taken under oath during the investigation and before the criminal case has been filed, would be of immeasurable assistance in difficult investigations. The Attorney General already has such an investigative tool, and there is no logical reason that same tool should not be made available to the prosecutorial official most responsible for handling gang cases.

CHAIRMAN DEDDEH: Are you seeking subpoena power only in specific cases, Mr. Miller, only in the area of gang violence and related matters?

MR. MILLER: Yes. It is structured in that area.

Fifth, I recommend that you enhance the resources available to the State Witness Protection Program, either through making more funds available for the operation of that program statewide, or by targeting high action counties, such as San Diego, for special assistance. We rely on the Witness Protection Program, and ask that you enhance its ability to protect our witnesses and to preserve our prosecutions. We have more and more witness protection problems as we get more of these cases into the system.

Sixth and last, assist us in forming multi-agency investigator prosecutor teams. Gang cases abound with problems: witness intimidation, witness credibility, the need for witness protection, immunity problems, and the use of confidential informants. These very elements make gang cases particularly well suited to a team concept with investigators and prosecutors working closely on the cases. It makes no difference whether you call these teams "strike forces," "task forces," "working groups," or give them no name at all. It does make a difference that law enforcement officers and prosecutors are willing to form partnerships to investigate and prosecute gang crimes, regardless of whether it is pre-filing investigation or post-filing courtroom work, and regardless of whether state or federal laws are used. To the degree that the state can provide funds and other incentives to spur creation of this working group concept, that would be a very valuable contribution.

I very much appreciate your consideration today, and I thank you for working with us to fight what is unfortunately a growing form of both organized and domestic crime.

CHAIRMAN DEDDEH: Mr. Miller, I gather from your testimony, if we did not have the preponderance of drugs in all their forms coming into our country across the border, generating a great deal of illicit money, the problem that now exists, probably would not be of the magnitude we see today.

MR. MILLER: Certainly.

CHAIRMAN DEDDEH: As a law enforcement official, obviously you would stress what we need to help enforce the law and crack down on those who break it. Is there any other area where you also see there is something lacking? Whether it is in our educational system because all of these kids are being failed, or for reasons of poor self-esteem. I don't assume that we can say that everybody is born criminal or, at a certain age or at a certain stage of his or her life; they become criminal because of some specific reasons.

MR. MILLER: Well, I am not a sociologist, but I certainly agree with the premise that the earlier you get kids on the right track, the better off you are going to be.

The same principle has been applied to the entire drug area -- the educational system, the demand quotient of the drug problem -- this has to do not only with drugs, but with citizenship. If you don't educate people and give them an opportunity at an early age, then you have to anticipate that a great many of these people are going to fall by the wayside. And with the profits that are available in the distribution and sale of drugs today, it's an overwhelming temptation to people who are not educated and who may have a terrible family situation and are without any hope or opportunity. I think that is self-evident; we should all recognize that. That is not my function of course, but it is an observation.

CHAIRMAN DEDDEH: Ms. Killea, a question?

ASSEMBLYWOMAN KILLEA: Yes. In terms of deterrence and discouraging this kind of activity, it seems to me that getting at the money is one of the key things. That is, if we can strengthen the deterrence so that gang activity doesn't have the attraction because the crime simply doesn't pay off, then we can get somewhere. I'm aware that this is a very difficult task, but I see you have that as one of your recommendations. Is there anything else along that line you think would be very useful?

MR. MILLER: Yes, deterrence is important whatever organized crime situation that you are attacking. You can send people to prison for years, for decades, and not solve the problem if the entity is still alive, and if the assets and the profits are still there, because there is always someone to fill the vacuum.

CHAIRMAN DEDDEH: Thank you very much, Mr. Miller. We appreciate your expert testimony and I'm sure we will give it very serious consideration. Thank you, sir. (Applause)

I want to recognize someone from the Speaker's office before I recognize our Assemblywoman. Mr. Silverman, representing the Speaker's office, is here. It is my privilege, ladies and gentlemen, also to introduce a lady who has just joined us; a member of the State Assembly, 78th Assembly District, the Honorable Lucy Killea.

Now, our third witness is Mr. Al Howenstein, who has to be in four different places all within the next two hours. Mr. Howenstein is from the Office of Criminal Justice Planning.

MR. AL HOWENSTEIN: Thank you very much, Senator, and my compliments to you and to the Committee for addressing this very, very pressing issue for the State of California. And, Assemblywoman Killea, it is a pleasure to see you here this morning.

For the sake of brevity, and I know that you have a very tight schedule today, I won't run through the entire history of the Office of Criminal Justice Planning. We'll try to get down to some meat of the issues. But first, a couple of comments just in reiteration to both what was stated earlier by Councilman Pratt, as well as the esteemed District Attorney, Mr. Miller, who I consider to be one of the finest legal

scholars on this particular problem.

I would underscore any of the recommendations that I heard from those gentlemen. I am very proud that our office has played some role in supporting the kind of activities which they addressed. I think it would be very appropriate to also look seriously at the dropout issue as it relates to education. Because my office has been involved in the last six years very intimately with gang drug problems throughout the state, and I'll build a history on that in a moment, we have found a very direct correlation between education and the social environment in which young people grow up. As a young policeman, and earlier in my career, a juvenile officer, I generally found with the youngsters that there was at some point, an educational dysfunction that contributed to their sociological/criminal patterns. The final product, of course, was human victimization on the street. I think we need to look at that fact very carefully. This will be the foundation of some of my recommendations.

I think Ed's comments about money laundering issues also needs to be very carefully followed through. I had the pleasure recently of being in Washington for a roundtable with the Department of Treasury and the Department of Justice and an association that I'm involved with, the National Criminal Justice Association, where we were focusing on the federal money laundering issues, and looking at how they could be more effective and provide more effective support for California's program (which is one of the patterns other states look at in this state). So, we have the foundation. All we need to do is totally implement the mechanisms for success. The ultimate goal must be a clear message to those involved in criminal conduct, gang conduct, and dope dealing, that the price of doing their illegal business must be as high as the profits. When we go after them for arrest because they are being predators on society, they will pay due price, both by reason of having their assets seized and forfeited and then returned to deal with the issues that they have created, but also because they will be held criminally accountable for their conduct before the bench and before society.

Historically, the Office of Criminal Justice Planning first became involved in California's anti-gang programs with legislation that was authorized in 1981. In 1982, we began implementing the program. San Diego was one of the first prosecuting offices that was funded. During that year, our office funded with \$730,000 of federal Law Enforcement Assistant Act (LEAA) money, six community-based programs to deal with the two ends of the spectrum of the gang problem. In 1983, with the support of the Administration and the Legislature and with my advent as the Director of the Office, we were able to then put state money into the program with \$750,000 of State General Fund and a matching \$250,000 of Juvenile Justice federal dollars. We were able then to continue that program. It was started as a pilot in 1982. Two years later, I went back to the Legislature as well as to the Administration, and we clearly identified

community-based programs left us at two ends of the spectrum, but not dealing with the issue holistically. At that time, we got expansion of money that allowed us to begin funding law enforcement and probation programs so that we could begin to holistically deal with this issue. Two years later, the Governor asked the California Council and Criminal Justice to look at the gang issues. The gang report emanated from that. You have before you some wonderful recommendations from the report. It was one of the first, and I think most thoroughly in-depth studies of the gang problems. The State had some wonderful recommendations; some of which have been followed up, some of which still need your attention.

At the same time, as soon as the report was issued, Governor Deukmejian immediately authorized an expansion of \$2 million into our budget to continue to support the program. We then were to have members of the Legislature get the appropriate authorization to complete and round-out the program that I had envisioned earlier -- that is, to provide the ability to support law enforcement, probation, prosecution, community-based, and school programs in a complete cooperative effort to deal with the issue.

During the last eight months, I've spent a great deal of time traveling around the state, visiting communities. I've ridden through South Central Los Angeles with Los Angeles police officers and looked at the depth of the problem that is occurring in that region. In speaking to the officers, I said it appears to me that this is a problem that needs a frontal assault from all sides. And then I thought of the incongruity of that statement. But, the reality is, that's what it takes to effect the gang problem. We must, as a society, as a Legislature, as State Agencies, as community programs, as community prosecutors, as citizens, and as parents, become of single purpose in dealing with the issue. We must be sure we have necessary legislative accountability, and at the same time, thorough and effective support at the local level. And, we must work with parents to empower them to understand the motivations and occurrences that impact the lives of their children, as well as work with the educational community making them accountable for the educational needs of young people. They need enticement and encouragement to stay in school. We talked about self-esteem. Gangs provide self-esteem recognition and acceptance immediately, and therefore, they encourage the very things that cause communities in California to be held absolutely, totally hostage by these predators who are purveying drugs in our streets, and are disallowing people the freedom to use their streets. I think Mr. Miller spoke very eloquently about this.

CHAIRMAN DEDDEH: In your experience, Mr. Howenstein -- please correct me if I am wrong -- I sense that there are two types of gangs or gang leaders: Those who are professional, vicious, smart -- they know what they want and they know how to go about

it; and those who are really innocent bystanders, impressed by the other guys who are driving fancy cars and have rolls of hundred dollar bills. Do we have a study of how many kids come from broken homes with a father who is an alcoholic or couldn't care less, so the kid, age 10, 12, 11, 13, whatever, is left on his or her own and there is no place to go? These youngsters come into a crowded classroom and crowded school; the programs we have -- even though we spend 55% of our total budget on education -- we still have great, serious problems. I'm an educator myself. I'm not trying to find an excuse for those young kids; I'm not, but I am saying that we ought to consider this element in judging these people before we assume all of them are criminals. There must be a step somewhere that caused them to be where they are.

MR. HOWENSTEIN: I will beg the question by offering a statement that I made many years ago while still being a police officer working with kids: I never found a kid who was in trouble who wasn't from a broken home. But now comes a definition of a broken home: It could have been a two parent home; it could have been a home with parents who were alcoholic; it could have been a home where parents were drug addicts; it could have been a home where parents were just dysfunctional; it could have been a single parent home with paternal leadership or with maternal leadership. Those are the kinds of points I don't think that anybody can draw a conclusion from. But a broken home by reason of the dysfunction does occur. I think our California justice system, our juvenile justice system, does allow us the opportunities to deal with the youngsters before they get into the heavy throes of deep criminal behavior in an appropriate fashion so that they are not painted with the broad brush. But I do believe that the amount of violence that we have on the street -- and we see it everyday with the numbers of killings, and those have been reiterated, so I won't comment on them again -- but we know that violence is there. The solution, I believe, Senator, is in us as a community, accepting our responsibility to deal with the issue.

I've had a wonderful experience within the last two years, developing and working with a parent group in East Los Angeles who were involved in empowering parents to deal with their youngsters and with the gang hooliganism on the streets. About eight months ago, while visiting with these parents, we went over to South Central Los Angeles and met with representative parents of that community who were looking for the same kind of organization, structure, and support. We were very privileged at that point to be able to facilitate that kind of development because that is what is going to make the difference. The community has for so long felt disenfranchised, or felt that the system is not responsive to them. They left because they did not have a say or access, and that the system was not there to really respond to their needs. We are so pleased we are being able to play a role in those things now. No, we don't have enough money to deal with and serve every community in the state, and the needs are tremendous; I

just couldn't reiterate that without underscoring the tremendous need. But, when I see these developments occurring, I have absolute complete faith that communities throughout our state -- the ghettos, the barrios, and every other part of our state -- can come together as a totality of a system -- and your leadership today will facilitate that -- then we can facilitate and support the kinds of things that Mr. Pratt was talking about. I also know the Governor is deeply concerned and committed to dealing with these issues. With all this in mind, I believe we will be even more successful.

ASSEMBLYWOMAN KILLEA: In this year's legislation, there were a number of disconnected efforts to do that sort of thing -- a pilot project here, something else there. Does your office attempt to bring some kind of cohesiveness to that...

MR. HOWENSTEIN: Yes...

ASSEMBLYWOMAN KILLEA: ...because you know I've voted for all of these things. But, every one is a little separate project, and I don't know, not being on the committee that deals with it, if there is a cohesiveness.

MR. HOWENSTEIN: This is one of the things that we require, Mr. Killea, that anyone who receives money from us within a community, must be a member of a community-based task force, law enforcement, probation, community-based -- all of them working together. They must all have working agreements to support one another, so that they are in that collaborative effort. If they don't do that, they don't get money from us. That is one of the things that we started out to test, and by implementation, we found that it worked. This was validated by recent studies in Chicago, commissioned by the federal government, National Institute of Justice, to study gangs; and they have just come out with a finding: Unless all of those who are participating in a program have working agreements, memorandums -- not only memorandums of understanding, but memorandums of cooperation -- unless they are community-based programs working with law enforcement, probation, and prosecutors, then the system becomes dysfunctional and is not successful.

There have been issues about forcing those kind of things to occur, but we believe in this because we have seen its efficacy, and we know that together, we are a solution. As long as we are operating independently, as long as we fail to cooperate with one another and communicate to one another, then we are only perpetuating the kinds of dysfunction that allow the gangs and the dope dealing to continue to germinate, grow, and spread their cancer throughout both our state as well as our nation. And believe me, there is no more serious threat to the very fabric of our society or the very fabric of our state, than the deadly combination of gangs and dope dealing gangs as they wreak the violence on the street, and as they create the kinds of profits that they are doing today. A message needs to go out along those lines that

those who are selling the drugs are not the only ones who are contributing to the \$109 billion annually in profit of illicit drugs that go from this country to the drug cartels of the world, who then disrupt and destroy other governments and international borders. The recreational users, people who are called innocent purchasers, are really the ones contributing significantly to the blood on the street, the killing that occurs in territorial battles or in trying to earn outlandish dollars.

We have a number of recommendations, Senator, and I think I have run over my time. My written text contains information about the history of the office, as well as recommendations that were in the first Gang Task Force report; some of which were completed, some of which were not. The reconvening of the Gang Task Force by the California Council of Criminal Justice was a recent event. They held five hearings in the state, one of which was here in San Diego. They will have a report that will be presented in January with findings, I am sure, similar to what you will come up with.

I am very pleased to pledge the continuing and ongoing support of our office in the effective implementation of these programs. The way they have begun to evolve, and the way they have begun to coalesce around the issues, has given me the kind of belief and the kind of hope that is the hope of California. As I indicated, I have driven through the ravage, war-torn communities; I've talked with the parents; I've talked with gang members; I've sat in a garage with 35 hard-core gangsters, I've listened to their issues, found the kinds of things that they are talking about; and believe me, it scares me. It scares me that those attitudes would go unchecked and unresponded to. But we, as a system, share a full responsibility, and there is no segment of the system that does not escape either a level of accountability or a level of responsibility in addressing these issues. If you have any questions, I'll be happy to answer them; and any other assistance that our office can provide, we'd be happy to do so.

Thank you, Ed. Good morning, Mr. Peace, nice to see you here this morning. Again, my compliments, both from me personally, from my office, as well as from the Governor, for your continuing search for answers to this very serious problem. Thank you very much for the time.

CHAIRMAN DEDDEH: The Honorable Steve Peace just joined us; Assemblyman from the 80th District. Steve, you have arrived at a very opportune time. This is a time for a five-minute break. (Laughter) Our next witness could not be with us; he sent a representative. I was hoping to have the newly appointed Chief of Police of San Diego for whom we have high regard and a great deal of respect, but he has sent his right-hand-man to do the honors.

Before you start, let me say to the audience that I saw one or two hands go up to make a comment. After the official program and the witnesses are through, there will be a period where anybody in the audience that wishes to address the Committee will be

invited to do so. I just want everybody to know that I will allow questions later.

Let me now introduce Mr. Bill Howell.

MR. BILL HOWELL: Thank you. My name is Bill Howell; I'm the Lieutenant in charge of the Gang Unit in the San Diego Police Department. The first three witnesses you had here today have really done an excellent job of outlining exactly what the problem and our needs are. I thought I would first of all, congratulate you. I may as well start this out on an upbeat note.

Over the last year, the Legislature has really passed some good bills and some good laws that, over the next year or so, are going to give us the chance to do some of the things we've been needing for a long time. I just wanted to express our gratitude to those of you who have worked so hard on those laws. Mr. Miller, Mr. Pratt, and Mr. Howenstein have covered most of the major issues. I thought I would give you a perspective from one of those who is in the trenches. There's a few things that need to be straightened out.

First of all, to echo what the others have told you, 18 months to two years ago, we were invaded by some gangs from Los Angeles who started dealing rock cocaine and that is when our problem really started. With the state laws that we had, we were unable to address the problems, so we had to go to the United States Attorney and use federal law. We would rather go to our own District Attorney and be able to use state law, but the reason we went to the U.S. Attorney is because they have an investigative grand jury that is available. They also have a good witness protection program, so we can get people out of town and protected afterwards. The assets seizure laws, which have recently been changed in this last session, were much, much better at that time. We are waiting to see if the state laws will actually stand up to being as good as the federal laws. With sentencing on the federal side, if we were to take one of these cartel leaders in court, the federal judge will "body-slam" them; we are talking 20 or 40 years. Now, take the same leader and you go on the state side, you are talking two or three years on probation. So, that is something that could really be looked at -- mandatory sentencing -- with no option for probation or parole or anything like that.

Along those same lines, I noticed that AB 2013, the Moore bill, was passed, which basically defines a gang and makes it illegal to participate in gang activity. But, we have found something locally that's been a very, very good tool, and could really help us if it were included in that bill by either amending or adding or perhaps writing a new one.

Our suppression team out on the street has had a great deal of success in keeping things calm by removing paraphernalia from the gang members. This includes pagers that are used in the narcotics traffic, distinctive clothing that they wear including jackets, hats, things that have the name of the gang on it. If you can keep the kids

from wearing the kind of stuff that's basically a bulls-eye, you can remove a target from the street. So that is something that you might want to look at -- make gang paraphernalia against the law.

CHAIRMAN DEDDEH: Mr. Howell, I heard something that I thought was facetious, but I'll mention it publicly. A mother was telling me that as she shopped for her kid for school, the youngster told his mom, "Mom, I can't wear this particular pair of jeans," "Mom, I can't have that particular jacket; you cannot buy that because the colors belong to a certain and established group of young men and women, and I would be in trouble." It is kind of interesting that this has filtered down to junior high and high school. If the process keeps going, it might filter down to our elementary schools. That is totally unacceptable; it is not acceptable. Go ahead, sir.

MR. HOWELL: One last point, and just echoing what Mr. Miller had to say regarding SB 2237, Maddy, Little RICO; we really need RICO here. It's a real pain for us, as local law enforcement officers are not sworn United States Officers, to work in the federal system -- it's difficult. We have not been trained in it; we have to be cross-deputized; we have to have DEA or FBI agents as part of our teams to get us through the actual logistics of putting the case together. If we could do that in our own state courts, we would be a lot better off. So, that's my pitch; other than that, anything else I'd have to say would be redundant from what you have already heard.

CHAIRMAN DEDDEH: I would like to thank you personally for that. I appreciate your presence here, and please convey to the new Chief that I wanted to publicly extend my personal solicitations and congratulations. But absent that, the best way is for you to tell him that the Committee, especially the three members of this particular committee that are from this jurisdiction, are very happy and proud to see Bob Burgreen as Chief.

MR. HOWELL: Thank you. I'll relay that message to him.

CHAIRMAN DEDDEH: Great. Thank you very much, unless there is some question. No? My next witness is from the State Department of Justice; Gang and Terrorism unit; Mr. Jerry Marynik.

MR. JERRY MARYNIK: Good morning.

CHAIRMAN DEDDEH: Good morning, sir.

MR. MARYNIK: On behalf of the Department of Justice, I, too, would like to thank you for allowing us this opportunity to appear before your Committee this morning. At the onset, I would like to comment that the role that we play in the Department of Justice is a little bit different than any of the community issues that were being echoed here this morning. The angle that I will be coming from regarding those organizations or those gangs... (microphone adjustment) ...who are at the state level and have ventured into what we call organized crime operations; those that are running

up and down the state or across the nation, mainly involved in multi-jurisdictional activities; that will be the angle of our presentation.

The California Department of Justice recognizes the ever increasing problem of criminal gangs throughout California. We have documented the gang's involvement in a wide variety of crimes, ranging from residential robberies, burglaries, narcotic trafficking, and protection rackets to witness intimidation, auto thefts, money laundering, prostitution, and murder. While many of the gangs center their criminal activities in the major metropolitan areas of California, other gangs are expanding their criminal operations throughout the state and across the country.

We continue to receive on a daily basis, at least three out-of-state inquiries for criminal information pertaining to specific gang organizations and/or gang members. Internally, within the state, we have received at least five to ten per day of gang organizations that are doing multi-jurisdictional crimes. We are finding that groups such as certain prison gangs, often recruit from among street gang members, and many of the gang members are or will become career criminals. Some of these gang members are capable of extreme violence. They show no remorse for their crimes. One of the primary reasons for their increased use of violence has been the sophistication of their weapons in the past years; fists and zip guns have been replaced by Mac 10s, Uzis, and AK 47s in many instances. Unfortunately, this has led to new forms of gang violence such as retaliatory assaults and drive-by shootings. Approximately half of those killed in gang-related violence are innocent bystanders or robbery victims. More recently, in some rare cases, targets have been police officers. The supply and demand for narcotics has become a lifeline and primary financing vehicle for many of the gangs. It is not uncommon for a gang member to purchase a large quantity of cocaine and divide it among his criminal associates. They, in turn, get on a train, plane, bus, to other destinations throughout California, and in many cases, across the country, where they sell the narcotics on street corners, out of rock houses, motel rooms, apartments, or rental houses. Selling the narcotics has created enormous profits for these gangs and aside from staying alive and out of prison, the biggest problem is spending the money they earn from their narcotics sales. Law enforcement officials throughout the country are discovering that the gang members are converting cash into expensive jewelry, homes, cars, real estate, and in some cases, businesses. Much of the money is being laundered to disguise its origin. The rapid expansion of these gangs has created a problem far beyond the capability of existing state and local law enforcement resources.

CHAIRMAN DEDDEH: On laundering of money, didn't we pass a bill about two or three years ago where anytime you deposit \$10,000 or withdraw that amount in cash, then the transaction must be reported?

MR. MARYNIK: That is correct. As a matter of fact, the gentleman before us along with the District Attorney, talked about the cash transaction reports and sales which are the reports for in excess of \$10,000. In Sacramento, within our department, we did a project three months ago where we selected many of the leading gang members in California belonging to two specific gangs in the L.A. area. Out of those gang members, we took 524 names and matched them against the cash transaction reports. We were unable to locate money in those named or any social security numbers or other identifying information. What we were able to do was find individuals who were not gang members using social security numbers of gang members in their deposit. We did not make the match on gang members named, we made the match on ancillary information such as the social security number.

Successful investigation and prosecution of these gang members have taken on multi-jurisdictional efforts in many cases. The efforts are no longer the sole responsibility of one local law enforcement agency. The California Department of Justice believes there is a need to strive for legislative solutions such as the following:

The Statewide Gang Information System: Due to the tremendous amount of multi-jurisdictional movements by many of the gang members; there is a need for a state-wide gang information system, which would provide timely and accurate gang-related information to law enforcement agencies throughout the state. Now, the Office of Criminal Justice Planning is currently tasked to conduct a feasibility study to determine if such a system is needed. We believe it is, and we would like to see such a system in place. It would provide police authorities throughout the state with direct line access to data regarding gang membership, their basic identification, i.e., alliances, monikers, date(s) of birth, scars/tattoos, violence potential, their criminal activities, and criminal associates. We believe that to be paramount, particularly among those gang members who have made, for example, the I-5 corridor a narcotics route, there is a need to create State Strike Forces that would target these gangs operating criminal organizations throughout the state and not solely in local jurisdictions.

Strike Forces: Because of gangs' constant operation of criminal activities involving multiple jurisdictions, there is a need to create state strike forces which would target those gangs operating criminal organizations throughout the state. The goals of the strike forces would be to target and eliminate the more significant gangs and the gang leaders through a concentrated effort and prosecution effort. The criteria which would be used by the state strike force to evaluate whether or not a gang is an appropriate target would be: (1) the geographic extent (multi-county or multi-state) of the gang's criminal activities; and (2) the degree of sophistication

which the gangs exhibit such as organizational structure, money laundering activities, and the importation and exportation of narcotics and contraband.

Electronic Surveillance: This Committee asked for the Department of Justice's opinion on the recently enacted wire tap bill's effectiveness to law enforcement. To ensure that the response to this question is in context, it is important to remind the Committee that electronic surveillance is a tool of limited application. Its use is sanctioned only in those instances where all other methods of solving a particular crime or infiltrating a criminal organization have failed, or where traditional methods would clearly not be successful. Obviously, electronic surveillance can and will be a useful law enforcement tool in cases which relate to those narcotic organizations responsible for some of the gang violence currently occurring in our state. However, this new law is limited in scope (as I mentioned), only to those cases involving narcotic trafficking, and is not available to investigate violent offense such as drive-by shooting.

It is our position that these recommendations would enhance some of the enforcement and prosecution efforts being made against these gangs, particularly now that the gang phenomenon has become a stateside problem and is no longer relegated to just a few areas of California.

I'd like to thank you again on behalf of the Department of Justice for inviting us here today. Are there any questions?

CHAIRMAN DEDDEH: Mr. Peace has a question.

ASSEMBLYMAN STEVE PEACE: I want to make sure I heard what I heard at the end. Are you suggesting that it would be helpful if we expanded the wire tap authority beyond the limitations that were put into the legislation which we passed this year?

MR. MARYNIK: Well, it would be helpful; however, our addressing of the electronic surveillance was requested in a letter sent to us from the Committee asking our opinion. There would be little value to using electronic surveillance -- I shouldn't say little value; wrong terminology -- we would not be able to use electronic surveillance on 90% of the gang-related violence in California...

ASSEMBLYMAN PEACE: Under the existing statute? The reason I ask this question is, I find that a little confusing. We ended up passing a broader scope piece of legislation than the Attorney General wanted; in fact, he did everything he could behind the scenes to sabotage our efforts to keep that scope as broad as possible, and given that you are with the State Department of Justice, correct?

MR. MARYNIK: Correct.

ASSEMBLYMAN PEACE: I just wanted to make sure what I was hearing from you was that, if anything, a broader scope of authority would be helpful in this process, is that right?

MR. MARYNIK: That's correct.

ASSEMBLYMAN PEACE: I hope you will communicate that to your boss.

MR. MARYNIK: I will try very diplomatically to do that.

ASSEMBLYMAN PEACE: Thank you.

CHAIRMAN DEDDEH: Thank you very much, Mr. Marynik. As I stated before most of you came in, we've got two official witnesses left on the agenda. Once those two people have been accommodated, then we will invite those who wish to speak to the Committee to do so. Let me now call on the Director of Triple Crown Youth Coalition, Mr. Herman Collins. Mr. Collins?

MR. HERMAN COLLINS: Chairman Deddeh and other Committee members, my name is Herman Collins. I have the opportunity to address you today in my new role which is Acting Director of the Urban League's Youth Programs. It's important today that the Urban League, along with other community agencies, try to stress to you the need for different prevention approaches that are important to us. Mr. Cawthorne, who is President and Executive Director of the Urban League, will try to attend this Committee and we expect him to be here sometime around 11:30. Hopefully, we will go to that time.

The City of San Diego is a bastion of paradise. Blessed with excellent climate, beautiful landscape, clean industries, moderate to low unemployment, and the second highest incidence of youth gang activity in the State of California. Just as the J. David Dominellys, the C. Arnold Smiths, the Clifford Grahams have found San Diego's climate and people ripe for picking -- street youth gangs, organized and as sophisticated as Al Capone's syndicate -- have found San Diego to be ready for their profiteering, violence, and control crime ventures.

In 1982, the police documented less than 300 gang members and three active gangs within San Diego County. Today, even the most conservative estimates put gang participation over 2,500 documented gang members, and at least 25 documented periphery gang members, with 35 active gang structures. Many from police or probation will share with you today the statistics of arrests and adjudication of criminal offenders. The Urban League would like to share with you the cause, effect, and possible solutions to curb the growth of street gangs and the violence they cause.

The cause itself: Probably the most interesting statistics that show some correlation to the causation of street youth gang activity are: (1) high unemployment rates among minority teens; (2) high school dropout rates among minority teens; (3) high school teen pregnancy rates among minority teens. Unemployment among teens is reported to be in the area of 21%, nationally. For minority teens, in accepted unofficial figures, it is about 50%. Minority unemployment for adults in San Diego County alone ranges at 11.4%, while the county overall enjoys a 4.2% unemployment rate.

A recent statistic that stuck out in my mind, provided by Sandbag, indicated that in the County of San Diego, the average jobs within a household was 1.54%. Within Southeast San Diego, which is a heavily populated minority area, the average jobs per household is .34%. The gap that we see is that in most households, people enjoy more than one job. For minorities, it is less than half a job that is making things come together. This is particularly compounded for an individual who may be between those ages of 16 to 21 years old. For, in fact, if adults are not working, it is very difficult for teens to ever have an opportunity. This blight, this disenfranchisement that they see, usually puts them in a situation where they look for other alternatives.

The only thing that I, as a practitioner, can actually see regarding the upsurge in youth gang activity is, youth members see nothing better on the horizon. We always indicate that the "grass is greener on the other side;" that we need to strive to be the best productive citizen that we possibly can, but what do we offer our people who try to do that? Since the early 1960's, the federal and state governments have tried to improve the employment opportunities for minorities through such programs as the Manpower Development and Training Act, the Comprehensive Employment and Training Act, and now the Jobs Training Partnership Act. Each has contributed to improving the skills of participants. However, little can be reported regarding the effect these programs have had on improving the opportunities for minorities in the private labor force. Probably the most successful attempt in this area was made by CETA which actually offered employment to individuals under its public service employment program. Resembling the efforts of the WPA, this program took on a significant focus during an election year by providing mandated employment for unemployed minorities. This program was very interesting because we took infrastructure projects that needed to be worked on and provided what some would call "make work," but it provided work for individuals.

There is a lot of dignity and pride in working. This is felt by the individuals. I think you will see later as these teens talk about why it is important for them to be involved in drug sales or other illicit activities. The common denominator is money. Surely, most of us would be very little without money. Money is important; it drives this capitalistic society, and our need to find money and have money is what drives our overall determination. An effect of not having money is that an economic subculture is formed. That economic subculture gets involved in street gang activities which controls drug sales within the minority and at-large population. We have a force that rules by intimidation because its subculture has a need to survive and has a need to thrive upon each other. To control their criminal activities, to avoid prosecution, intimidation is very important; the most shocking aspect is, this subculture also starts to have some sibling adoption of this a-normal behavior.

The problems that we see in Los Angeles are almost insurmountable because we see a

second and third generation of youth gang activity. Youth gangs there date back to the early 1960's. Here in San Diego, we can trace youth gangs back to the early 1970's. We are still in our first generation of youth gang activities. But, what we are noticing now on the street, basically, is young kids at the age of three and four can scream "Blood" and "Cuz" can readily identify with red and blue. Senator Deddeh, you indicated that it would be a shame if we saw that in the elementary schools. The youngest drug dealer I saw was nine years old. He operated in the Valencia Park Elementary School, which was an after school program with the Southeast Police Department. This young man today is still on the street. He is a 19-year-old kid still selling drugs; still profiting from the same type of activity. It is very important for youngsters to emulate their role models, and their role models are these gentlemen sitting right here. Because these gentlemen right here carry some stature, importance on the street, regardless of whether or not we believe it is the right stature or not, these guys stand for something. Young people coming up want to be just like them. If you don't like what they are, you can almost imagine what is going to happen to the young people.

What are some of the possible solutions? I think everybody will say, today, we need to spend more money on prevention, at least at a commensurate rate to prosecution and putting these individuals behind bars. There was an article in the San Diego Union that indicated what we spent on prevention of gang activities. While over \$3 million this year will be spent to prosecute, house and put these individuals away, less than 1/2 million dollars will be spent to actually deal with preventive aspects.

We do not need any new programs. Programs are out there right now, trying to provide service. In San Diego, we have the Project Star, which is operated by the Barrio Station here. Project Star is thriving. It has a good reputation. The individuals that have been brought here are involved now in Project Star's counseling program. The gang members who will testify to you later, they want to change. However, Project Star exists on less than \$300,000 a year. It needs some help.

CHAIRMAN DEDDEH: Where does that money come from?

MR. COLLINS: The money comes from -- it's CBG money. Am I correct, Rudy? Community Block Grant money. A new program, Project Help, which will be operated by the Urban League, will be on line very soon. It will provide job training to individuals. It is funded at roughly \$504,000 to provide job skills training for these individuals. We think it will be a very unique step forward because we will get into some remediation programs. We will get into working with individuals who want to learn job skills, and we will hopefully place at least 50% of those individuals that enter the program. Again, those are CBG monies matched with Job Training Partnership monies.

On the horizon, we have the Urban Conservation Corps Program that we are hoping

will be funded for San Diego County. This conservation program will be work-intensive. It will actually provide jobs for individuals who want to escape the realities of gangs in their neighborhoods, but again, that's on the horizon. It could possibly be funded by the Bottle Bill, which I understand is where the city is trying to get that money from, but those programs are needed.

What this all means is, there are plenty of good programs on the books, but, to have an effective program, it must be funded properly and must be funded over a multi-year basis. We cannot eradicate gangs or deal with the problem of gang members on a one-year basis. Year after year, we are left wondering if the funding is going to be there. We have to be able to deal with some long-range activities. These kids did not get into these problems on a one-year basis. They developed from patterns of five, to seven, or eight years of neglect, and when a parent comes to me and says, "I have a 16-year-old Johnnie, can you fix him?" and I have a contract that says that I can only work with Johnnie for six months, because if I take any longer time with him, he won't be able to complete my program before the end of the year. I have to look very jadedly and say, "I know I really can't do the job for Johnnie that I need to. Johnnie needs some long-term help because just as he got into the problem over a long-term basis, it's going to take a long-term basis to remove him from this problem."

Unless we start to move more toward prevention -- there are not enough jails, there are not enough prosecutors, not enough police officers that we can put on the street to deal with youth gang activities. One thing the kids are telling you is they are sick and tired of the status quo. They have banded together in their gangs. One of the most revealing things that I heard when I got on the street as a youth gang counselor -- I asked a kid, "Why did you get involved in a gang?" He looked at me and said, "The police got their gang and we got ours." To combat gang activity with enforcement efforts alone puts us at opposing points. We need to understand that kids are saying something very important to us. They don't believe in the future because the future is not a reality to them. It is very difficult to talk about schooling; to talk about working your way up because hard work is important. They see the other side of the coin -- "If Daddy hasn't got a job, how can I ever possibly hope to get a job?" Gang activity is symptomatic of broader issues in our society. Those issues, again, are unemployment, teen pregnancies, and high school dropout rates. Until we start to develop programs that can address some of those issues and get at the root of the problem, gang activity will continue as it is. Just like a weed, you pick the top off, the weed grows back, and we can continue to pick these individuals up off the street, but until we root out the problem and root that weed out, we will be continually faced with the problems of gangs, their growth, their violence, and their destruction to American lives. Thank you very much.

CHAIRMAN DEDDEH: Mr. Collins, you make a very compelling argument; a very eloquent presentation. You speak of dropouts, and I cannot disagree with you. Are you also aware of the fact that past generations had the same number of dropouts; in fact, even more than the dropouts we have now? We talk about it more today than they did 25, 50, 75 years ago, yet we had the same dropouts. But, did we have the same problems we now have?

MR. COLLINS: At that time, Senator Deddeh, a dropout could go procure a job at San Diego Gas and Electric as a ditch digger. Today, SD G & E has a machine that digs the ditch, lays a line, and covers it up. Those jobs that were menial, that an individual could aspire to have even without that high school education, are no longer available. Nesbitt, in his book "Megatrends," talks about this aspect of a "knowledge rich and a knowledge poor society." Here in San Diego, particularly, we do not have a heck of a lot of blue collar jobs. We have research, medical, naval, recreation-types of industries. Where do you go out and get the type of job that doesn't ask for a lot of thought and thought processes? Even our most rudimentary jobs, such as working in a McDonald's Restaurant can be complex. I say this because I went to a Burger King and I didn't understand exactly what the price was for the items I was being charged. The kid looked at me and said, "Well, that's what the computer says." I said, "But the marquee up there says that the price is a different thing." He said, "But that's what the computer says." I said, "Can you add it up and tell me what the price is?" He said, "No." What I'm trying to prove is that many of those jobs have been taken away. It is a very highly technical society we have now, and while past generations have been able to survive with minimum educational opportunities, today, if you do not have that high school diploma or GED, you basically do not have your green card to enter the labor force.

CHAIRMAN DEDDEH: Before I turn the mike to Mr. Peace, my next question: Do these youngsters recognize that what they do is wrong?

MR. COLLINS: They do. There is no value in being a drug dealer because everyone knows it.

CHAIRMAN DEDDEH: And, do they also know they could go behind bars almost forever?

MR. COLLINS: They realize that the possibility of that is slim to nil. That is a reality. They understand the juvenile justice system; they understand the adult justice system. The reality is, these guys will tell you if you get busted on the street today, or if it's a first offense, they are going to take them to the station. Their social security number, name, and birthdate is going to come up blank, so, they are going to be eligible for a quick release, and they will be out on the street within three hours. They realize the game; they know how to play it.

CHAIRMAN DEDDEH: Thank you. Mr. Peace?

ASSEMBLYMAN PEACE: The point made with respect to the changing role in society of a person with less than a high school diploma is extraordinarily important here. My grandfather had a third grade education, and he was able to eke out a living as a welder, and in turn, provide an opportunity for his parents to become teachers and such. But today, if my grandfather had that third grade education, there wouldn't be the job opportunity there. One of the ways in which we have begun to focus on this problem is through our illiteracy programs. But, can you tell me how we get across the message to teenagers, and for that matter, elementary school kids, that there is not that job out there? In what way are we failing in our school systems, and indeed, if it's through our churches, if it's through the grapevine, if it's the Barrio Station, or whatever it is, do you have any sense as to how we can do a better job of getting that message, that my grandfathers of today, ain't going to work?

MR. COLLINS: Two failures: (1) Many members in this community in angry protest during the 1970's walked out of school for quality education. What they received in return was a busing magnet program that still did not address the issue of quality education within minority neighborhoods. Quality education exists at Point Loma University City, Madison High School; it did not exist at Moore's, at San Diego, at Lincoln, where we were looking for some elements. So, what we did was, we destroyed the neighborhood school concept. It's very difficult for communities to work within schools anymore to make changes, blanket changes in the neighborhood.

The second failure is that the current school system is too adept at moving kids out of the system. While the school system reports a 50% high school dropout rate, it's more like a 50% high school push-out rate. Kids can be put out of the traditional high school for attendance problems, for behavioral problems, and the third one is a tickler, for attitudinal problems. Well, the kid comes to class every day but he doesn't do anything, and so, we're going to get him out of this program. So, we get him out of Moore's High School or San Diego High. The lick is -- and the kids call it the "lick" on the street, and that means it is the best way to go -- the school district assigns him to an independent study program, and what this independent study program says is: If you take your homework home; you come visit a teacher for one hour a week, we'll give you the same credit you would receive if you showed up 6 1/2 hours a day, five days a week. Now, while the school system gets the A.D.A., the kids get cheated. They are being prostituted on the street and that is in the crudest sense.

What I would hope would happen is -- I grew up in a society that basically said, "If you don't do well in this classroom, we've got a classroom over there for you, and that guy over there is not going to treat you as nice as this guy over here, but, you are going to go to school until you finish."

Kids on the street today know if they reach the age of sixteen, and they don't want

to attend high school, they can cross their legs, and there's nothing anybody can do about it -- the parents, probation officers, police department, or anyone. They're smart, intelligent. They've got this system figured out, and we find it's an easy system to allow to exist because it doesn't put any pressure on anybody.

ASSEMBLYMAN PEACE: What I'm hearing you say is that we've got to re-establish the rules and exercise discipline.

MR. COLLINS: Those principles that existed when your grandfather had a third grade education are no longer in force today. We are looking for quick solutions, but the solutions are "back to basics." Let's get kids back in school. Let's make sure they attend school. Let's be hard on crime. Let's be hard on punishment for crime. Let's let our kids know that we are the adults, and we are going to take responsibility for this society, and they are going to be kids until they grow up and learn the responsibility to be adults.

ASSEMBLYMAN PEACE: I'm glad to hear you say that. You know, we have a problem with the issue you raised regarding the independent city programs and such. It even goes way beyond that. Even for the kids that don't end up in the gangs and such, but who believe that taking another literature class or whatever, is not going to help them. They don't identify with the class, so they go out on a work study program. Most seniors in our high schools today only attend school half a day. They are out doing whatever; it may be a job, it may be on the street selling drugs; it may be just hanging out at a shopping mall, but they are not engaged in productive activity because, and you hit the "nail on the head" when you mentioned the magic word, "A.D.A." Because of the A.D.A. we've got our funding concept, school systems oriented to maximizing the capacity to qualify with A.D.A. while at the same time, minimizing the classroom hour requirements. This gives them the maximum amount of dollars left over to teach the kids that are left in the classroom. These are basically the kids they would rather have there, because they are the least amount of problem. I agree with you 100%.

CHAIRMAN DEDDEH: I'm delighted to hear Mr. Collins speak about stricter rules in the schools as well as discipline because this is not the word that I hear around Sacramento. I can still remember hearing from our professors in Education or the products of Columbia University, Dewey and Kilpatrick and others, "Let kids do whatever they want to; learning by doing; learning by whatever, and let them just be free." I have a lot of respect for freedom, but, sometimes too much of it for kids who do not know how to use it, but, can abuse it; we all end up paying for it. I'm just delighted to listen to your eloquence, Mr. Collins, and I hope someday I will have it within my ability to bring you to Sacramento. I want you to testify before some committee, especially the Committee on Education because that is where a lot of work is done. I

personally, as an educator, am not satisfied with what is going on in the classroom. We're producing now -- I don't want to be on my soap, but I'll say it -- a lot of functional illiterates -- an awful lot of them. When you take one out of every five Americans who cannot read or write in the greatest and the richest country in the world, something is wrong. Something is very wrong somewhere.

MR. LABRIE: Mr. Collins, am I correct in understanding that you say that the Urban League has a \$500,000 work training program that's proposed or projected for the near future?

MR. COLLINS: It is projected, though it has been a long-fought battle, more than two years, but that program will come on-line about the middle part of November.

MR. LABRIE: Okay, my question is, does the completion of that program lead directly to jobs?

MR. COLLINS: It does.

MR. LABRIE: So you have jobs lined up for people who complete that program?

MR. COLLINS: Right now, we are sensitizing our employers in San Diego to the fact that it is also their responsibility to make a better society. Part of that responsibility will be to give kids an opportunity to learn. The things that we will try to provide for those individuals that go through our program -- those GED programs fostering a return to school attitude -- to take a quotation from Dr. Leon Sullivan, who runs the opportunity/individualization centers of America: "Integration without preparation brings frustration." Our program will be a preparatory one designed to move individuals towards the private sector. What we want the private sector to realize is this: "Hire one of these individuals; take a chance, and the investment that you make in America will pay off in the end. Because, if not, these kids are not going to be of sound mind, body, or spirit to even buy the products you are trying to sell."

CHAIRMAN DEDDEH: Thank you, Mr. Collins. Our next witness is Rachel Ortiz who has so graciously hosted this hearing. Ms. Ortiz is the Director of the Barrio Station.

MS. RACHEL ORTIZ: Thank you. I want to thank you first of all for holding your public hearing in the community. It means a lot and it's more acceptable to the kids. As you can see, we've got a few kids out of school to be here, and we got permission for that.

I think you all know me, but I will just reiterate. I've been working with youth since 1970, and I've always targeted real hard-core youth, and it's been quite a job; it's been quite a task.

What I would like to ask you today is to consider taking on the challenge of a new crusade, I guess, to maybe take a different approach. From what I understand, and from what I've seen this morning and in the past in public hearings, there is a lot of law

enforcement that gets a good tumble from these committees. There are a lot of prisons being built; there is a lot of money going into special security units, those units that monitor nothing but prison gangs, people, when they get released from prison. Tons of money into that; equipment, surveillance equipment -- listening to their conversations from a van across the park -- videotaping them, you know, all the money goes into this. I'd like to see that impacted in terms of prevention. I find it real hard to talk about... pardon me -- (conversation in the background, but not spoken into the microphone). I know you are receptive people, and I think all we need to do at this point is maybe just express to you what the kids have told us.

As you know, we have 2,000 clients on our program, and we work with the Chicano gangs, the Black gangs, and the upcoming Asian gangs. This is a big project, and I only have seven workers. So, we have different ways of staying in touch with the clients and working these big caseloads. We are very energetic; it's a very aggressive program. There is nothing passive about Project Star, and we are very assertive in the way we deal with the kids. But all of the kids have said that they need jobs. It is very important. The program that the Urban League has, it is a good program, but it's small. It's very small because it's going to be done on a reimbursement basis for each person that goes through the program. Then, also, you have to work with the private sector. I want to appeal to you to look back at the old days when if we needed some things (and it helped a lot with the work that I was doing) we were 100% subsidized. And, I don't want you to see these programs as reward programs for being mobsters or gangsters. You know, I mean, the idea that everyone is going to be a gang banger just to get a job. I don't want you to see it as that. These kids have a real hard time adjusting into -- going out of their own neighborhood -- just getting on a bus to go to work. This is coming from them, and you have to really listen to them, you know. They go on a bus to get to another neighborhood to get a job, and then somebody else comes on the bus and then they have problems. They have the same problems in school. That's why a lot of them aren't going to school anymore. I know you've heard a lot about the problems of all gangs, but, I wanted to call your attention to maybe a solution; that is, the youth jobs program. We could enact something where they would -- maybe the regulations could say that they would stay nine months, and then they go onto a private sector job. By then, they have their resume; they have some work history; they have some work habits; they have overcome any insecurities they have about looking people in the eyes and talking to them without being high, you know. It's real traumatic coming off of being loaded. You know, maybe for a year or a year and a half you're loaded and then all of a sudden, you have to deal with people, sober. It's shocking. I'm not saying to feel sorry for them, I'm saying, help us to do our job. Because we do a lot to get them to the point where they are ready to go to a job, and then we don't have

any jobs for them.

Right now in my office, I have had a lot of meetings with the kids and I want you to know a little bit of our history. In the Star Project, we have what is called the Star Youth Council, and these kids all come together and they are all from different gangs, different ethnicities, different parts of the city, and they get together and they don't fight. They know they are there for something serious. They discuss the things that they want, and it has always been jobs, jobs, jobs. They have testified before the Mayor's Task Force on Gangs; they have testified before the City Council. They have had different meetings with different groups to try and get any money available for jobs. What they have talked about, and what they like is the neighborhood kind of jobs. For example, if something was enacted where the Urban League or some other place could apply for a grant to complement the youth program they have now, to create nothing but jobs in the community, utilize non-profits, utilize the parks and rec centers, utilize senior centers, any kind of a non-profit organization. Put them to work either in the non-profit sector or the public sector, working right at the city; the fire department. As long as it isn't private enterprise, because I don't think government monies should go for feeding the pocket of a private enterprise owner. You know, it's like the government pays for someone to make money off a salt and pepper shaker manufacturing company. But, they could learn a lot, like, for example, when we have jobs -- I create jobs for kids. I raise private money; I write their job descriptions. The supervisor has a very outlined job for them. They get paid like anybody else. They do their time sheet, they have to sign in and they have to sign out. These jobs are created to do a very specific thing, and some of it entails paper work. The kids feel very good about themselves, and they stay on the jobs.

It is very hard. In working all these years with the hard-core, you know, I still have a difficult time talking about it. I go to the prisons and I visit so many of them; they've been going in and out; and I really honestly believe if some of them had jobs, this wouldn't have happened to them. And, the way the state priors, you know, for example, with the new Supreme court ruling of 1988, it did away with the 1982 ruling, so now the 1988 law says if anybody has done a residential burglary, it is automatically five years. So, some of these guys who have done three or four residential burglaries in the past, way before 1982, even now they are pulling them forward and they are doing fifteen or twenty or thirty years. It breaks my heart, and a lot of it is because they didn't have a job, and there wasn't the right kind of help for them. I'm talking about people who could be saved. I go to these security housing units that are built as a result of actions by your committees or other legislative action, and they have their own cell, and they have their own yard. That's the way they live for twenty-five, thirty years, forever. They've got big stiff sentences,

they don't have to worry about having gang fights; somebody stabbing them. They have got their own little yard. There is one in Folsom where they roll up the whole kennel. It's like a circus, where you separate the lions from the tigers and the bears. They roll them up, they connect it to the cell, they open an electric door; the guys go in, they close it, and they roll them out to the yard for their doctor appointment or their visit. It is really heartbreaking. And these are people that I have been working with for so many years. Some of the guys that I see that are like 40, 50 years old that are doing what they call the "big bitch;" they are doing 25 to life. They say, "Talk to those youngsters and tell them it's not worth it; it's not worth it. Look at me, Rachel, you've known me all my life; look at me -- I'm going to die in this place."

I'm sorry, I get emotional, but it's just a real hard thing. We have to save these lives, we have to. So, I beg of you to really consider doing something that will help programs like ours. I've talked to a lot of program directors all up and down the state, and in fact, throughout the country that have counselors like ours: neighborhood youth workers, street workers, and they are stuck. They get the kids through a certain stage of counseling and certain behavior modifications, and they hang around us, and they love to be with us. Today, we're going to buy them pizza and we're going to play pool and we're going to act all silly and listen to some music. They behave real well, you know. Then we keep them sober; we keep them straight, then we hear they have gotten busted again. It's like, "Man, I needed a job; when I needed a job, it wasn't there." It's really hard, and it's not like giving them something on a silver platter.

You're not gonna reward the mess-ups of the neighborhood, or the mess-ups of the Barrio, you know, by giving them a job. It's not a reward program at all. You've got to save the whole community. These kids terrorize. The poor business owner, man. That poor business owner. It's just terrible what they do -- tearing the doors apart. You know, clipping out the bars on the windows, the litter, the graffiti... You know they have been there. They can terrorize the whole neighborhood. But there's a lot of them when we get close to them, they can do well with their lives if they just have something.

Money is as important to them as it is to us. They are under pressure; a lot of them have a large family unit, and a lot of them, when they come into talk to us, it's not only that they want money for clothes and school, even though they do need that. They talk about their mothers' bills and their food and the different things they need at home, and we go out and do a lot of stuff. We'll go out and find a TV for the home. We'll all pitch in and paint their house. There's a lot of stuff that we do that we don't have time to go into, you know. So, I want you to know that we are stuck after a certain point. We have tons of money for education on AIDS and on gangs and on drugs

and on birth control. People call here and our different satellites. We have seven satellite offices in the city-wide program and we've got workshops coming out of our ears. I've got to do three presentations a week. I don't give a shit! I've got AIDS coming out my ears, and I've got gangs coming out my ears, and I don't want to hear it no more, man. I want to hear that somebody calls us and says, "I've got some jobs," or, "Here's a program that you can apply for," or "You can recommend that the Urban League or somebody can apply for some funds for this;" that's what I want to hear.

CHAIRMAN DEDDEH: Well, I don't think there is anybody that would disagree with your presentation, Ms. Ortiz. Again, you speak with a great deal of compassion and eloquence, and I appreciate that. For me, personally, it's a moving presentation. But, we're also representative of 28 million people in the State Legislature. There are 120 of us; we come from different backgrounds, different communities, different philosophies of government, different economic backgrounds, different faiths, different religions, different political parties, different agendas. But, we have one thing to which we have also taken an oath -- a solemn oath; and the solemn oath is to represent all the people. We have to find a balance -- a balance in which these young men and women must have part of the society in which they live. They want to have a part of the pie; that's one commitment. On the other hand, the overwhelming majority of the segment of society that we have to represent, and represent faithfully, also demands of us to be protected, and not to tolerate any deliberate breaking of the law, and to demand that those who break the law knowingly, must pay for it.

It's not a very easy task. I can make a commitment to you that we will do everything we can to find some solutions; socio-economic solutions that will eventually translate, I hope, in the reduction of the numbers of those young men and women who participate in a gang violence. But, at the same time, society also demands of us that it be protected. That is why we build prisons; that's why we pay for them; that's why we have police departments; that's why there are prosecutors, because we do not tolerate and we cannot tolerate somebody who deliberately breaks the law, regardless of the circumstances. But, we will try to do the best we can to heed your presentation which is extremely pertinent, and that of Mr. Collins who made an excellent, excellent presentation and a very eloquent one. I hope that someday you can say what you said, sir, before the committees of the Legislature. I think my colleagues should be listening to somebody who speaks with such tremendous amounts of experience, knowledge, and compassion.

ASSEMBLYWOMAN KILLEA: Does your organization have a permanent, dynamic, good working relationship with the schools, or is that a problem in itself?

MS. ORTIZ: No, it's no problem.

ASSEMBLYWOMAN KILLEA: Uh-huh, because sometimes you are kind of a surrogate

parent, really, certainly in terms of either finding out what their problems are in school and trying to work with them, and so on. Is that something you don't have any problem with here?

MS. ORTIZ: No. They call us a lot, you'd be surprised; yeah, they call us a lot. I guess -- oh, go ahead, please

CHAIRMAN DEDDEH: Mr. Peace, a question?

ASSEMBLYMAN PEACE: I think we all understand that jobs and economic opportunity get at the root of it, but Rachel, how do we compete with the profit margins that you're dealing with in terms of drug dealing? I mean, we all know whatever job we put out there, whatever opportunity we put out there, the motivation is rooted in money. Even the job opportunities that are there, the starting wage just isn't going to buy cars. We're not going to compete with the level of potential profit in drug dealing. To what degree does that become problematical?

MS. ORTIZ: I don't think it does. I see that there is a picture that has been painted that is unreal. Most of the kids who deal drugs don't make that much money. There's a few that are making a lot of bucks, and the rest of them who are dealing drugs are not making that much. They would make more in a job, a lot of them. A lot of them would make a little less, but from what they've told us, and we've talked about this over and over again. We've told them, "We're not going to be spinning our wheels for nothing, trying to get jobs for you when you want to be gangsters; you want to be gang bangers all your life?" They say, "No, I do want a job; I'm tired of the police chasing me; I'm tired of looking over my back all the time; I want to live in peace." And, half of them, it hasn't been just them, it's been the whole family. It's been the whole family tradition that we have to try and break, and I need your help for that.

ASSEMBLYMAN PEACE: So, this constant rhetorical barrage that we are thrown that getting a job is hopeless because you can't compete with the dollars is really not accurate -- not an accurate assessment?

MS. ORTIZ: I don't think that's true, and I'll tell you from almost 19 years of experience working with youth, I didn't just recently get hired or just recently get a program funded, I'm from the Barrio. I've lived here all my life; I still live here, you know. I've been to prison four times; I've been through the whole thing. I know exactly what I'm talking about; there are a lot of lives that can be turned around with a job.

ASSEMBLYMAN PEACE: Thank you.

CHAIRMAN DEDDEH: Thank you, Rachel, and before we hear from the young people sitting here, I have a last witness; an ordained minister, the Reverend George Stevens, and he's also an aide.

MS. ORTIZ: But, you'll have the other speakers speak after him? You'll have the

workers and youngsters speak after him?

CHAIRMAN DEDDEH: Yes.

MS. ORTIZ: Okay.

CHAIRMAN DEDDEH: ...an aide to our Congressman Jim Bates.

REVEREND GEORGE STEVENS: When I was asked to appear before this committee, I chose to speak from the standpoint of the judiciary system itself, rather than the social service aspect. And so, to Senator Deddeh, Chairman of this most distinguished panel, and members, thank you for this opportunity to present my concerns to you this morning.

We have a very serious problem in the Black community with persons who sell and use drugs. Drugs are sold throughout the Black community on the streets and in every house that can be used as a crack house. The police are making arrests with their limited resources, which is one officer per 100,000 residents. To cite a point in case, they are making arrests, however, in my particular neighborhood where I live, a house was shot up from one side of the gang to another side of the gang. This is in a middle-class residential neighborhood where senior citizens live. Not only did they shoot up the house where the gang leaders lived, but they also shot up the house next door where a retired family lives. I say that this is something that can no longer be tolerated, for whatever reason. The real big problem in the case lies with the District Attorney's office. The evidence was taken by the police department; I was on the scene when the evidence was taken, I saw the evidence. Yet, in the police file in that particular case, which is at 5555 - 56th Place, you will see that the District Attorney's office has rejected the case.

The laws are difficult to enforce because of the attitude that exists in the criminal justice agencies. The judges want the District Attorney's office to settle as many cases as possible without going to trial. The District Attorney's office only wants to prosecute those cases that they can win. The police officers make arrests, but their evidence is rejected by their own department heads and by the District Attorney's office. The Sheriff releases several of those who are arrested because the jail is overcrowded.

My conclusion is supported by data that has been reported by the State Attorney General for 1987, which are the latest figures to be released next month for the County of San Diego. This is alarming to me, but, perhaps not alarming to the agencies themselves. It is alarming to me that of the 23,926 adult felony arrests, 2,940 were released by law enforcement agencies who made the arrest. Complaints denied by the District Attorney's office were 3,488. This is where the attitude comes in, "You can't win." Out of 23,926 felony complaints, 6,056 were reduced to misdemeanors. This is where the real problem comes in because this is what is called plea bargaining. Plea bargaining is done by the District Attorney's office, by the defense counsel. Persons

who were brought to trial but not convicted, or found not guilty were 4,913. So, in 1987, the convictions that were made numbered 6,529 persons. Persons who were brought to trial but not convicted were 4,913. To convict only 6,529 persons out of 23,926 is an affront to the police department who made the arrest. It is an insult to the public who pays the District Attorney's salary.

This figure is worse than 1986, when 20,635 felony arrests were made and approximately 6,147 were convicted. I have talked to police officers and they are very upset because their cases are being rejected by the District Attorney's office, and they are not as eager to make arrests in the future because of what's happening at the present time. These figures, again, as I say, are very alarming, and they are worse in 1987 than they were in 1986. It appears today that crime does pay and, therefore, an education and a job paying \$4.00 an hour is not a deterrent to crime. It is hard to tell a young person to stay in school when his 14-year-old friend makes \$100 a day selling crack and is buying a jeep when he gets his drivers' license. Parents have lost control because of peer pressure and neglect in maintaining strict discipline.

I submit the following recommendations for your consideration. Hopefully, they will assist in the war against drugs and other crimes. Because of the problems that we have within this community, I'm asking for some stricter enforcement.

I believe that parents really do not have control of their children. There is no doubt in my mind that they have lost control, and it has nothing to do with poverty; it has nothing to do with a single family parent; it has nothing to do with the income. Because, I have seen the control loss of raising three sons and the third son is now 20 years old. I saw the control being lost by two parents in my home where both of us work, where he has his own bedroom and has his own deck and patio, and has had his own automobile. I saw the loss of control to peers from the time he was a sophomore in school. And, because of that loss of control, we had to do so much to try to keep him from not falling through the cracks. It took my wife, myself, and the teacher to keep this kid on track, and it was hard to do because of the peer pressures that each young person has.

I first noticed a change after coming home with "A's" and "B's" in school, he came home with three "C's", two "B's", and an "A". I questioned him about the "C's". He asked me a question. He said, "What's wrong with a 'C'?" That meant that this was okay within his environment; that a "C" was okay; to be average was okay, and what's wrong with that? Well, that was a difficult question to answer because I was only a "C" student, but I worked a full-time job while being a "C" student. I had to work and support myself since I was 13 years old, but this kid has it all. And, as I looked and I thought about that, it took me three months to answer that question.

During September, after the following June, California Curl had a special on

hairdos -- a back-to-school special for Gheri Curls and California Curls. I understand this special was \$40.00. So I gave him a ride, after he had collected money and sold papers and he had saved some money. He was going to get his hair all done up for return to school. He looked in his pocket and he could not find all of his money. I said, "What's the problem?" He said to me, "I can only find \$30.00; I should have \$40.00." I asked him "What's wrong with \$30.00?" And he said to me, "It's not enough." I said to him, "That's what is wrong with a "C" -- it's not enough. A "C" will not get you into college; a "C" will not get you a job in competition at many times."

And so, I submit these recommendations to you based upon the above statements: I would like to see the courts hold night court and Saturday court because they are complaining about their caseloads being backed up, and it also makes a contribution to plea bargaining because the judges want the cases handled before they come before them. I believe this will reduce the backlog.

Number two, I think that plea bargaining should be eliminated in all drug cases. It should not be at the discretion of the District Attorney and a defense counsel to decide whether or not a person walks or goes to jail; whether a person goes to trial or doesn't go to trial. They are making that decision and they are making recommendations based on that, and this determines whether or not a person walks, or whether or not a person gets a felony reduced to a misdemeanor, or whether or not a fellow gets probation, or whether or not they go to court and get some time. I don't think that any lawyer should have that power. In plea bargaining, lawyers have this power and they have the authority. I think that authority should be given back to judges and back to juries and not the lawyers.

An intern in the District Attorney's office, just out of law school, is competing with the defense attorney who has five to 25 years of trial experience. It is no surprise that only 6,529 cases were won in 1987, because we have lawyers representing the people who do not have the experience. But, the defense attorney representing the criminal has all the experience. And, the unfortunate thing about that is we buy for the criminal the best that money can buy. We pay for that defense for them if they cannot pay for it themselves; we're paying for that.

I submit to you that there is no way that the State of California and the County of San Diego can fight crime based upon the dollars we have, versus the crime dollars that crime has. They have more money than we do; they have more resources, and it is very difficult.

The other thing is (which I doubt will go over very well with any young people) but, there should be a mandatory school attendance for every citizen in the United States until they are 18 years old; until they graduate. Everyone should be required

to go to school; they should be there, not just enrolled.

All families on AFDC have to do to become eligible, is enroll the children in school. I don't think that is fair for the AFDC recipient anymore than it is fair for just any citizen, because enrollment doesn't mean anything. Attendance is the key thing; your attendance is the real important thing. I had to go to school. If I didn't go to school, I went to Juvenile Hall. Someone picked me up. And, you might say, "Who is going to enforce this?" Well, the police picked me up. Maybe the school police could do it. Kids have all the encouragement to drop out of school because one -- and that leads me to the next point -- they get a drivers' license and they get a car and they take off; they are gone. Who has an interest in a class when he has a car sitting outside, and he wants to do work dealing with the car? So, mandatory attendance should be there because parents today are losing that grip; they are losing that hold on the kids. They don't know the kids are not in school. They think they are in school, but they are not in school. No one is picking them up; no one is saying anything when the kid flunks out. Then, the parents find out they weren't there in the first place.

Secondly, there should be a minimum age set before any person under 18 can get a drivers' license. No one should get a license under 18 years old because we cannot deal with the problems that young people cause in cars at the present time. I was driving down Kilton Road the other day; a jeep passed me, and the canyon lays to the other side. He shot a gun down into the canyon, just shot it out the window -- kids. These are young kids we are talking about, under 18. The drive-by shootings are full of cars with kids under 18 years old. Eighteen-year-olds and under are kids who are committing these crimes in most cases because they don't do any time; they go to Juvenile Hall; the parents pick them up. But an adult faces trial; faces court; faces some time. So, it's better for the kids to do the crime because they don't have to do any time. The adults do the time.

I want to thank you most of all, for passing AB 4162. I think that's the most important piece of legislation in dealing and reacting to crime that came out of the Legislature in 1987, because this would allow for the zero tolerance of drugs. It allows for confiscation of personal property; you can take the personal property and you can sell it, and then you can take the sale of that property and fight crime. Because, without the money that drug dealers have, you will not be able to fight crime. Thank you so much.

CHAIRMAN DEDDEH: Thank you, George. (Inaudible conversation) I'm going to invite you to speak (to the audience) in just one second.

ASSEMBLYMAN PEACE: Judge, I've got to take issue with a couple of your points. I think it is important that (and I don't know that you meant to leave this impression)

when you talked about "C's" and "B's", we make some real mistakes when we say that a "C" isn't enough. Because, frankly, for a lot of kids, it's more than enough. The question ought to be effort. One of the reasons why I opposed legislation that the speaker carried a couple of years ago, which unfortunately passed (I think he was very wrong in carrying it) is you can't be on an athletic team; you can't be involved in extracurricular activities unless you get your "C's". For some kids, a "D" is their best effort in a particular subject. The question ought to be effort. If the teachers, if the academic classroom teacher says that this kid is here; he is attending; he's making the effort in classroom, I frankly don't care if they flunk. Although, I don't think teachers ought to be giving "F's" to kids that are making an effort. If they aren't cutting it, but they are making an effort, that's a "D", all right? And, that kid should not be denied the opportunity to participate in a football team, or a basketball team, or a band, or whatever it is they may want to do. They ought to be encouraged to participate. I think one of the reasons why is that sense of community we heard about before, where schools used to be the centerpiece around which we built our communities. Then, those extracurricular activities were just as important as the in-classroom activities.

I played on a football team; I played on a basketball team, and I'm not ashamed of the fact. To be quite frank with you, I think some of the values I learned on a football field are more important to me today than a lot of the things taught in a number of the classrooms I sat through. It doesn't mean that the classroom isn't important, but I hate to think that we're sending messages to kids who may feel that the best that they can do right now is a "C" for whatever reason; that that grade won't be enough. Because, if they are in there making the effort, I think it's more than enough. And, it does concern me when I hear you say that. I don't think that's what your intention was...

REVEREND STEVENS: Steve, that is exactly what I meant, what I said; I don't apologize for it. At the present time, in the Olympics, Black's are running, jumping; and just to be in the race is not enough. To come in third is not enough. They are all pushing for the Gold. I believe it is important for the Black community, and I'm only speaking for the Black. Maybe a "C" is fine for Whites; maybe it's fine for other races; it's not enough for Black's because we're behind. We have the largest high school dropouts next to Hispanics at the present time.

ASSEMBLYMAN PEACE: George, that's great rhetoric...

REVEREND STEVENS: We can't...

ASSEMBLYMAN PEACE: George...

REVEREND STEVENS: Assemblyman, I'm not speaking rhetoric, I'm talking about -- these are facts.

ASSEMBLYMAN PEACE: Excuse me, George, I don't want to fight with you.

REVEREND STEVENS: No, I'm not fighting with you; these are facts.

ASSEMBLYMAN PEACE: I don't care whether our people are black, yellow, green, purple, or white.

REVEREND STEVENS: Well, it is important, because if you knew the record -- if you knew the record, you'd know how important it is in San Diego. We are the ones who are on the lower totem pole in San Diego. Are you aware of that?

ASSEMBLYMAN PEACE: George, settle down. George, settle down and listen to me. To tell a person that because they can't get an "A" in Algebra; I've got three boys, too, George.

REVEREND STEVENS: That's not my statement. I said a "C" is not good enough; I didn't say you had to have an "A".

ASSEMBLYMAN PEACE: George, I've got three boys...

REVEREND STEVENS: I do too, and a "C" is not good enough for them.

ASSEMBLYMAN PEACE: Each of them have a capacity to do well in one particular subject, not as well in others. If I go and tell my middle son, Bret, who's very artistic but is nowhere near as good in school in terms of some of the subject matter as his younger brother, Chad, he's not as important as Chad because his younger brother gets better grades in Math, I don't think that's doing anything for his sense of self-worth.

REVEREND STEVENS: You're taking it out of context. I did not say that.

ASSEMBLYMAN PEACE: And, I said that may not have been what your intentions were.

REVEREND STEVENS: A "C" will not get a Black child into college, Assemblyman.
(Repeated sentence.)

ASSEMBLYMAN PEACE: Not everybody has to go to college, George.

REVEREND STEVENS: Assemblyman, a "C" will not get a Black child into college. They have a difficult time getting in with an "A".

ASSEMBLYMAN PEACE: It doesn't do any good to send messages to people...

REVEREND STEVENS: Because of racism, they have a difficult time getting in with an "A" -- a "C" will not get a Black child into college. I want them to get a degree. I want them to prepare themselves in high school for that degree, because, no, I don't want them on the streets dealing drugs. They cannot go at the present time, because the teachers don't push them; they don't get the grades; they can't go to college. Most of them get disgusted and drop out. No, it's not good enough. Busing is the worst thing that ever happened in the City of San Diego. The Black kids who go to White schools all have lower grades than the Black kids who go to Black schools. No, a "C" is not good enough for Black kids.

CHAIRMAN DEDDEH: Thank you, Reverend Stevens. And now we come to young people. I

have a list; if I mispronounce a name, forgive me. It's Maria, Paul, Willie, Cholo, Donnie, Eduardo, and Monty, all right? And, I'm going to allow each one of you three to five minutes. If it's not enough, you tell me. I want you to tell us what you have in your mind -- on your mind, please do.

MARIA: My name is Maria Mierez, and I'm a staff member of Project Star, and I'm here to speak about how I feel about some of the things that have been said today. They are very important and need to be really thought about.

I worked in the program when I first came on as the job developer with the gang members. We had workshops, we had orientation, and we went through all the different things of getting ready to get a job. And, one of the main problems that I found is their being able to find a job. It's very hard to get a job when you have never worked before. For any youth -- I don't care what income level or where you come from; and these youth even have a higher handicap because a lot of people identify them by the way they dress, where they come from -- the area. People build up a prejudice without even getting to know them first.

One other issue is that I hear people saying, "They won't give up making that \$500 a day selling dope. They won't give that up for a \$4.25 an hour job." A lot of them won't, but there's a lot that will. I deal with a lot of young people, and they would be willing to give it up for the fact that they know when they're dealing drugs -- they're looking behind their back 24 hours a day; not just by the police, but by people who they are competing with on the street. They know they are putting themselves in danger; putting their family in danger, because nowadays, it's not just them; now it could be anybody in their family. And, a lot of the people that I work with are willing to try. I mean, they might say, "Well, \$4.25 is a little bit of money, but it will get them started." They are realistic; they know that they can't go out and start on a \$10.00 an hour job, even though they'd like to, but it's not realistic.

And, one thing that I found out -- I work with one agent, a private sector company -- they picked up a lot of my kids. The person I dealt with was aware of where the kids were coming from and who they were, but no one else in the business knew. As soon as the rest of the people found out who they were and where they were coming from, they started developing an attitude. The biggest problem wasn't that the kids weren't working out on the job, it was that the employees were having a real problem with it. The youth are very difficult to place in the private sector because it's felt the kids are a threat to them. You know, "If I hire a gang member, he might rip me off; he might just be scoping me out, you know, to come back" -- that type of attitude. So, it's very hard for them to get employed on their own, and it's very hard to deal with.

You were saying that you had a commitment to the majority, but the thing is, I think the majority needs to take some responsibility and give the minority an

opportunity. Because, like Herman stated, it took the kids a long time to get where they are today, so it is going to take a long time to change their ways. If they don't get an opportunity, it will never happen.

One of the things that Rachel also mentioned, if the kids could get jobs that were a nine-month training thing where they could be taught the basics, you know, like how to go to work every day; get up on time; deal with a supervisor; not take everything to heart when somebody says something about not doing the job right. So, it's a lot of things that need to be done, and they cannot just be thrown out on a job saying, "Here, take this job and do the best you can." Because it's not being realistic. They need a chance to be trained and a chance to get prepared for the outside world because to them, it is the outside, you know. People look at them as something separate from regular society -- they look at the society the same way.

CHAIRMAN DEDDEH: Maria, do you think you should tell or inform an employer that this particular person has had a prior or had an arrest, or, should you keep that secret from the employer?

MARIA: Well, at least someone in the company should be aware in case anything is to happen. Now, at the same time, you don't want that person being circled out by everyone else. You know, "This used to be a gang member, heh, so look out for him 24 hours a day." You don't want that, either. You need people there that are going to be sensitive to their needs.

CHAIRMAN DEDDEH: Seven or eight years ago, I introduced a bill that states when somebody is arrested and the charges are dropped, okay, they are dropped...

MARIA: All right.

CHAIRMAN DEDDEH: ...never prosecuted; never went to court, but when that person applies for a job, they are asked a question: "Have you been arrested?" The fact that someone has been arrested is held against them. And, I just wanted to say that if somebody had been arrested and the charges dropped, that particular thing should never ever appear on their record. Therefore, they may be relieved from saying, "Yes, I have been arrested," by law. That bill never got a motion, and I don't think it's going to get a motion. I don't think it's going to pass. I'm trying to explain what society on the other hand says. I hear you, loud and clear, but I also hear the other part of the community in which we live say, "No, I want to know if somebody has been arrested." Why were they arrested, even though the charges may have been dropped? There must be a reason -- where there is smoke, there is fire. You've all heard that.

MARIA: Right.

CHAIRMAN DEDDEH: So, these are problems, I don't know how to cope with them; I honestly don't, and that's why we want to hear from you. We want you to help us. We're not here trying to identify somebody as a criminal; saying somebody is bad.

We're trying to find out and say, hey, "We have a problem, a serious problem." These are our kids. How can we help them? How can we help them and at the same time, how can we help and protect the society to which they sometimes are a threat? And, I'm saying this, I hope, loud and clear: Society will not tolerate somebody who deliberately breaks its laws and its rules. I mean, this is an established thing from time immemorial, you see?

MARIA: Right.

CHAIRMAN DEDDEH: I have no question, Maria, thank you very much.

MARIA: Thank you.

CHAIRMAN DEDDEH: Next is Paul. He has been waiting to testify since this morning. All right, Paul.

PAUL: My name is Paul Lopez. I'm a counselor for the Project Star, Barrio Station. Thank you, committee.

First of all, I want to thank Rachel for giving me the opportunity to speak and to be part of this program because this is a great program. I also want to thank the Urban League for coming and working with the people, you know, with the gangs. I just want to say that coming from this area -- from the Barrio -- I was raised just this side of the Los Angeles area and came from gang roots. I know the problems. I know what happens when nobody gives you a chance. There were certain people that gave me opportunities to come back to school; to work and be something -- somebody, you know. This is what these kids are looking for. I know what they are doing right now; I know where they are at right now. They need these opportunities -- a chance for a job, or school, or training because they are being rejected.

I'm working right now within the Logan area and the Sherman area to the east side of San Diego, and these kids are just being bumped from one school to another school. They do not even know what school they belong to; they don't have any identity as far as who they are or what they are doing at that particular school. So, these kids want a job, you know, they want some training. I think they need this opportunity to be working and have someone work with them to understand them.

From the time that I have grown up, the gangs are getting more serious. We are getting more affected; the whole world is getting affected by these gangs. It keeps growing further and further from all parts through the nation.

I just wanted to say that part of my work as a counselor is hearing these kids call me, telling me they need jobs, and we're in a position where we cannot do very much. We can talk to them like Rachel was saying; Rachel does a lot of creating jobs for them, and she has put a lot of time and effort to helping these kids because she has a great heart for them. She knows -- you know, it's very hard to work with them and then tell them when they ask for jobs, "Rachel doesn't have the means," you know, like

Herman and the people from the Urban League talked about. They are trying to help these kids -- from the Black community, from the Chicano community, and other communities. It is very hard to produce something where we don't have the final product. So, this is all I can say.

CHAIRMAN DEDDEH: Thank you, Paul.

PAUL: Okay.

CHAIRMAN DEDDEH: Thank you very much, sir.

PAUL: All right.

CHAIRMAN DEDDEH: Willie?

WILLIE: My name is Willie Tate and I also work for Project Star. I have been sitting up here and I've been listening. I've been hearing people talk about gang members and I've been hearing people talk about them as not being a part of this society.

And, through working with gang members, there is a realization that these kids -- some of these kids -- when we talk about gangs, I notice that it is synonymous with violence and selling drugs. But if you work with gang members, you'd know that not every gang member sells drugs and not every gang member commits violence. There are a lot of these kids that are victims, because they live in neighborhoods where they have to become part of a gang. It is unreal for us to sit up here and say that if these kids break the law, they are supposed to be punished for it, when really, basically from the time they are two to three years old, all they know is what they see. They don't even know what the law is. Half of them don't have the type of education where if you took them into a courtroom and set them up, and let them listen to somebody talk, they wouldn't even know what they were talking about. So, I mean, these kids are victims themselves.

I have them come into my office sometimes, and they say, "I'm tired of the streets; I want a job; I'm tired of hanging out." This person doesn't even have to be selling drugs; he doesn't have to be doing any drive-by shooting; he's doing what he's doing -- in a four to six block area, all he knows is to hang out; that's what he does; that's what he saw his father do; that's what he saw his brother do; he doesn't know anything else. Also, you say, "Go to school and get an education." All right, "Become somebody." Everybody who is brought into this world is not equipped with the mentality to get a college education.

CHAIRMAN DEDDEH: You don't have to -- nobody is saying you have to absolutely finish college -- nobody.

WILLIE: Okay, even a high school education -- we go to high school. High schools in the State of California are geared towards academics. When I was growing up, they had Wood Shop, Metal Shop in the schools...

CHAIRMAN DEDDEH: They still do -- Vocational Education -- they still do.

WILLIE: Yeah, Vocational Education, but now these days, everything is based on academics, and some of these kids really aren't geared for that type of thing. But, the main thing of it is -- now I'm not looking to the present, you know. We're going to have jails; we're going to have policemen; but right now I'm looking towards the future.

If I have a seventeen-year-old come in and say, "Look, can you get me a job?" If I have a job to give him, that means that if he goes to work, his little brother is not going to emulate him on the street as a gang member. I got a kid a job, a sixteen-year-old a job, and his little brother, seven or eight years old, came into my office and asked me, "You got my brother a job, can you get me one?" So, those are some of the things that we can look at. If we get some of these kids off the street, their brothers and sisters coming up are not going to emulate them, they are going to be looking for a job; they are going to be wanting to work. The idea of saying every gang member is out there selling drugs -- that's unreal.

CHAIRMAN DEDDEH: Willie, if we were to ask you, if the people of California were to hire you for one month to be the Chief Legislator, the Governor; all was in your hands for thirty days; you could do whatever you wanted to solve this problem that we are facing, what would you do?

WILLIE: To solve this problem?

CHAIRMAN DEDDEH: Yes.

WILLIE: It wasn't created in thirty days, you're not going to solve it in thirty days, but I would start taking steps to solve it.

CHAIRMAN DEDDEH: Such as...

WILLIE: Such as -- the drug dealers, you know. Tell them you've got a choice. You can go out there and do the drugs and have the possibility of someone sticking a 45 in your face and blowing your brains out.

CHAIRMAN DEDDEH: Mr. Peace asked a question and it probably went unanswered properly. How would you convince someone to come and take a job at a minimum wage?

WILLIE: You could ask anyone -- anyone that was out there dealing drugs, it's hard work.

CHAIRMAN DEDDEH: I grant you that not all of them are dealing drugs.

WILLIE: We have this conception that dealing drugs is easy. We feel that it is minimum risk in dealing drugs and you are getting paid a whole lot of money. The average cat that is on the street dealing drugs -- I doubt if he is making \$200 a day, but if he does make that much money, there is a chance that he might stick his head in a car and get a 45 put in it; there is a chance he might get busted by the police and start to break instead of stop and get blown away. There is always a chance that he is

going to get beat up; there is always a chance that when he does have some drugs, that he might get the idea that he is going to sell some bunk stuff to somebody, and they are going to come back and get him.

CHAIRMAN DEDDEH: And I gather from your answer, Willie, and that's why I led you to say that, that a person dealing drugs knows all these things. Is that what you're telling us?

WILLIE: Yes, he knows that...

CHAIRMAN DEDDEH: Then he knows the difference between right and wrong.

WILLIE: Everybody knows the difference between right and wrong. But, that's not the point. We all know the difference between right and wrong. The fact is survival, you know. The fact is survival. You mean to tell me that when my family is hungry and I know it's wrong to steal a loaf of bread; I'm going to let my children starve because I don't want to take the bread, because I don't have any money? And, that's what you are dealing with in our community. We are economically deprived, and so, these kids -- the majority of them, if they are out doing something, it's basically for one reason; it's to help support the family. The people that are really making the money out of drugs don't even live in this community. If we really want to get down to it, they are extorting our youths, that's what they are doing. If you want to stop the drugs from coming into the United States, go to Columbia and blow it away, but I don't want to get political. The fact is, these kids needs jobs.

CHAIRMAN DEDDEH: This is a political season -- get political. This is your chance.

WILLIE: We don't grow them here, you know.

CHAIRMAN DEDDEH: You're right.

WILLIE: I've never seen a gangster get in a plane or a boat and go across the border and get the drugs to sell, you know. The kids are being extorted; they're extorting our youth in our community, and we have to do something about it. The thing is, what can be done right now to turn it around? One of the most important things I see that can be done is -- not only because I see it, but because they tell me, "If I had a job, I wouldn't be hanging out." That's the main thing -- our kids don't have anywhere to go or anything to do; that's why they hang out. Not that they are selling drugs -- they are hanging out, and if you are hanging out and you are in an area like where I work, sooner or later you are going to get in trouble through association. It's not that you are doing anything wrong, it's that the police know that gang members hang out there, and this is your neighborhood, so naturally, you are going to hang out there; you have friends -- you might not necessarily be doing anything, but through association, you are going to get hassled and you are going to get busted, and then you are going to get hard because you figure, "I didn't do anything wrong that time, but

next time they bust me, it's going to be for something." And, that's the reality of it. If we gave these kids jobs and got them off the street, gave them some self-esteem, and let them put a little money in their pocket, then they wouldn't have any reason for hanging out.

Point in case: Everyone that I got a job this summer wasn't hanging out on the street, they were working. And, when you are not on the street hanging out, you are not going to get in trouble. It's the idle time.

CHAIRMAN DEDDEH: Thank you. Thank you, Willie. Thank you very much. Cholo -- Mr. Cholo?

CHOLO: My name is Ricky Munoz, and I've been in this area for over nine years. All I hear is that gang members are bad. Gang members are not that bad at all. Some of us are good. We like to be in a place where everybody knows us, so that's why we hang around. Yeah, the drugs are around and everything, but everybody needs money and there ain't been many jobs available. Yeah, there's McDonald's, Burger King, stuff like that, but that's slave work; that's why I don't take those kind of jobs. I'd like to see more jobs available to gang members.

Most people talk to them -- I don't feel anybody should do time for a hundred dollars unless you see less talk and more jobs. That's my opinion.

CHAIRMAN DEDDEH: Thank you, Cholo, thank you. Donnie... there's Donnie who wanted to speak several times, now he has a chance.

DONNIE: I apologize...

CHAIRMAN DEDDEH: No, don't. You don't have to. I just want you to know that contrary to a lot of people's thinking your government -- it's open government -- We want to hear from everybody, and if we did not care at all, we wouldn't be here. I want you to have the same opportunity as other people have to take that podium. We are giving you a chance to tell us what's in your heart. Tell us.

DONNIE: Okay, so much is needed. My mother always told me, "If you are going to live in my house, you'll go to school, you'll learn; you ain't going to back-talk the teacher." Cool, but what do I do once I get out of school? You know? I did my daily deed to keep from getting thrown out of the house, but now I'm walking around the neighborhood and I don't have anything to do. You know, I already did my school work; there is no girls around. Look, I possibly would be; do you know what I'm saying? Okay, I'm wandering around the neighborhood, what's going on in the neighborhood? Okay, I see these guys running -- oh, I don't want to be on TV though, too.

CHAIRMAN DEDDEH: You don't want to be on TV?

DONNIE: I don't want to be on TV with the syndol. Right now, things are going metropolitan and everybody is going through those changes. I don't want to have anything to do with that.

Okay, so, I figure, I like to walk around, so eventually, where I live at, I figure I know Duke. Me and him, we went to school together. They wearing green, it ain't no thing, I'll wear green and run with them. Eventually, I get to running with them, you know, I got something to do. It ain't nothing, but just storming around the neighborhood like here, we cool. And from there, money things start to go on, and right now, what can I say? Gangs is getting us jobs. And, it's not like, "Fill out this application." It's, "You don't mess up my money, I'm going to give you this -- you go over there. If you get robbed, you tell me, 'I got robbed.'" Other than that, you are going to make this money, just like that. Okay, now you got a real job application. You go fill out an application -- boom. They say, "Naw, I'm not sure, you're kind of young; you're kind of this; you're kind of that." It ain't like that on the street. They say, "You sit right here and I'm going to come back in three hours and I'm going to pick up some money." Man, you're making money.

And right now, so much of gangs is the gang violence. It has really cut off gangs, so when we used to want to say, "Hey, let's go over there and riot on them Reds, we ain't got nothing else to do -- we got some guns, lets go over there and shoot some of them up." We ain't time for that no more. You say, "Hey, I'm going to go over here and make this thousand dollars so I can go get this proper El Camino," you know what I'm saying? You say, "I'm going to go get my money right. I ain't got time to be going over there and chasing these guys in blue, okay." But what's really keeping it going on is the older guys that done got burned out. They smoking it, and they say, "Yeah, I'm smoked out." They smokin' and smokin' it. Their self-esteem then went down. But then what about this young dude over here? He saw this dude when he was at his peak. When he was riding around looking nice; girls chasing him. Everybody thought he was one of the baddest guys in the neighborhood. He don't know why he all looking like he looking, and so what he doing, he's running around here puffing up smoke. (imitates him smoking with inhaling noises) "Yeah, we gonna go do this." And so, what he do is, eventually he end up getting somebody not his generation, but some younger generation, start following him. So then he wanna go out, "Let's go out and go hoorah," and, "Let's go out and go shooting up for this and that." That's stupid to go out and shoot up somebody when you know you're gonna get 25 years or life for a murder beef on somebody you didn't even know from Adam and Eve. You know what I'm saying? 'Cause they was on the corner? But, you know, so pretty much what it is, it's those people that smoke, and riding around shooting people -- they're not the dope dealers! Them the smoke users.

CHAIRMAN DEDDEH: Donnie, do you mind if I ask you a question? Where did you...

DONNIE: It go like this. Okay, you do something to me. Boom. Why would I want to go over there and shoot you, when I know I'm gonna get 25 years to life when I can

go over here and tell this man over here in his head, who's smoking or whatever, "Yo! Man, I'm going to give you four of these poppa rocks. If you go over there with a mask on and you start shooting these dudes. Okay? From there, I'm at home with my girlfriend, lying up and watching TV; my boy over here making my money, and he's gonna shoot you. (Laughter) When he shoot you, I'm at home with my alibi. You know what I'm saying? They all think, "This is a gang member; this is a gang member." Gang members is sitting back, okay? These is just cats that are the old gang members that done got smoked out and done messed up. And so then, like sending them back and forth to jail. They need to go to a rehabilitation facility. Because me, myself, you know I'm a good manipulator. I go to the county jail, I get put up on a pimping tip -- you see what I'm saying? And I'm in there -- what's that? What they got you for? Possession of sales and destroying the evidence, okay. I get in there and I run up to this next guy, and I say, "How you doing -- whoo, whoo, whoo, whoo..." And he say, "Yeah, man, don't you know that they shoot heroin like this? This is the best kind of high..." And he wasn't talking to me, he was talking to somebody else, and I'm thinking to myself, "Why would I want my son right here in this buster telling him how to shoot heroin and this is the best way to get high?" And my son, he wouldn't know no better. The next thing I know, he's shooting heroin and I'm saying, "Oh, God, what have I done to my son that make him want to shoot heroin?" But then, again, it be in that jail cell. Like right now, I'd go to jail but I get into one of those little scuffles from a different part of town, they move me; my first time in county jail, I'm up in the penitentiary's violators' tank. They show me how to make knives out of soap and paper. I'm saying, "Ooooh, what part of game is this?" A riot jumps off. I'm in juvenile hall and I'm thinking, "Okay, I'm hep; I'm halfway bad. I can deal, okay. I'm a grown man now. I get in the county jail; everybody running around here with knives; everybody got..."

CHAIRMAN DEDDEH: You won't let me ask you a question, Donnie. Can I ask you a question?

DONNIE: I'll give you a chance...

CHAIRMAN DEDDEH: Hush, I want to ask you a question.

DONNIE: There's just so much important...

CHAIRMAN DEDDEH: No, no, I'm going to ask -- I'm going to ask you a question.

DONNIE: Okay, go ahead.

CHAIRMAN DEDDEH: Did you go to school?

DONNIE: Did I go to school, yes. I graduated with a high school diploma.

CHAIRMAN DEDDEH: Which high school? Did you get "A's"?

DONNIE: I went to Madison. No, I got "B's" and "C's". I graduated from Madison High School; I went to Knox Elementary; from Knox Elementary, I got bussed off to

Stanley Junior High School; from Stanley Junior High School, I went to Madison.

CHAIRMAN DEDDEH: Are you working now?

DONNIE: No, I'm not working.

CHAIRMAN DEDDEH: You're not working.

DONNIE: No, I'm not. The reason why I'm not -- don't get me wrong -- now, you give me a \$7.00/\$8.00 job, I'm gonna work 'cause that's the way I been raised; my Daddy always told me, "That old -- that old crooked stuff you doing, you gonna go to jail; you're gonna be caught." I know that's wrong, you know what I'm saying?

CHAIRMAN DEDDEH: Have you tried to get a job?

DONNIE: Yes, I had a job, but then you know what they did? They picked me up for -- what's that... suspicion of 211 robbery and grand theft auto. I go to court, I'm in jail four and a half months. You know what they tell me? You innocent, you can go. I say, "No; I want to sue." You know what they tell me, they tell me this, "Stupidity of the law is no excuse. Get up out of our courtroom and go." Okay, so that's on my record, heh. Okay, the record reads down the facts: Okay, he done went to high school; he done got good grades; he did this and he did that; umh, he done robbed somebody -- umh, guilty or not, he done robbed somebody or at least know something about some robbery. I'm sure. You know what I'm saying? Then I think of it like this: Heh, right now it's \$3.35; I can't even keep my hair up all month, and that's real. Now, if I can't keep my hair up, how am I going to feed myself, you know what I'm saying? I done seen a lot of people look good in a casket, you know, all starved to death, but I'm not one of those guys that want to do that.

CHAIRMAN DEDDEH: Donnie, I have two more witnesses -- three more witnesses; don't take their time.

DONNIE: Oh, I'm gone.

CHAIRMAN DEDDEH: All right, you're gone, you're gone. Thank you very much, Donnie. (Applause) Eduardo?

EDUARDO: Hello, my name is Eduardo Cabero. I've been living in this area about eight years now, and let me tell you, I've seen shit that will turn you black. I mean, I seen people getting killed right in front of my face; what do I do? Run; that's about it. all these drugs and all that, and if it's true, it's not worth it. I mean, I prefer to work than to be out in the streets. Why? 'Cause you might get shot or something? It is true, you know, we need some help, too...

CHAIRMAN DEDDEH: Are you going to school, Eduardo?

EDUARDO: Oh, I go to school right now.

CHAIRMAN DEDDEH: Where do you go to school?

EDUARDO: I go to Bandini Learning Center.

CHAIRMAN DEDDEH: What grade?

EDUARDO: I'm in the tenth.

CHAIRMAN DEDDEH: Tenth grade?

EDUARDO: Tenth grade. That's all I got to say, you know, we need opportunities, too, to get out of the street.

CHAIRMAN DEDDEH: Eduardo, how are you doing in school?

EDUARDO: Well, I'm trying to do my best right now, and you know, trying to keep out of the street, and I'm doing well right now.

CHAIRMAN DEDDEH: Do you think you are going to finish high school?

EDUARDO: Yeah, I think I will.

CHAIRMAN DEDDEH: All right.

EDUARDO: That's all I got to say. Thanks.

CHAIRMAN DEDDEH: Thank you. (Applause) Monty?

MONTY: How you doing, my name's Monty Brown, and last year, I got shot in front of my mother's house for no reason -- drive-by shooting. And, all I have to say is that, if I would have had a job during summer, which they should have gave me, I wouldn't have got shot. Out of all these...

CHAIRMAN DEDDEH: You mean you were accidentally shot, Monty?

MONTY: Yeah, I still have the bullet in my head.

CHAIRMAN DEDDEH: Yeah, and just accidentally, people passing by -- driving by, shot at you?

MONTY: Well, I just came out the house and like I was going to turn to go into my other friend's house and I got shot in the side of the head and it's still in there. So...

CHAIRMAN DEDDEH: How old are you, Monty?

MONTY: I'm 17; I'll be 18 in November.

CHAIRMAN DEDDEH: Are you going to school now?

MONTY: Um, second semester, I'm starting because they have a program that I'm waiting for at ECC. So, I'm trying to get a job and everything and get everything situated...

CHAIRMAN DEDDEH: What kind of job would you be looking for?

MONTY: Well, my supervisor, Charles Howard, from Project Start, he had gave me a job and I was doing maintenance for St. Stevens Church, and they didn't have any more money for the project, so the job stopped. So, right now, I'm looking for a job. I have been a gang banger -- I have been in a gang, and...

CHAIRMAN DEDDEH: Why did you?

MONTY: Well, because all my stuff that I done had -- I done got jumped by L.A. Crips and everything and I was with my cousins and stuff -- my relatives and they from the set and I just been with them, and so now, you know, I been with east side Piru.

And, you know, it ain't the lick. You know, it's just so easy to get in some -- you know, to get in trouble or anything, you know, so easy. You get out on the corner, you haven't even done anything; you just come off the corner and everything. The police hem you up and they swear up and down that, you know, you done did something -- you got dope on you and everything. It hasn't even happened like that -- just like the task force rolled up on me and a couple of my friends, kicking us, you know, pulled big ole' guns at us and stuff, for no reason. We didn't even do nothing. We just came out of my friend's back yard playing dominoes. So, you know, right now what I'm stressing is for a job.

ASSEMBLYMAN PEACE: You say you were in gangs because of your family?

MONTY: Because I got jumped because of some other gang, and...

CHAIRMAN DEDDEH: From Los Angeles?

MONTY: Yes, but I live in San Diego; they came down here and they had jumped my cousin. So, me and my cousin came back and we had a fight with them, and they came back and they jumped me. Then, hell broke loose and a couple of L.A. Crips got shot.

CHAIRMAN DEDDEH: Okay, thank you very much. I think I saw Vernon Sukumu...

ASSEMBLYMAN PEACE: Are you going to waive your...

CHAIRMAN DEDDEH: Okay, Vernon, I just wanted to let the record know that you were invited. (Inaudible conversation) All right, sir. I've got one more gentleman who wants to speak. Steve -- yes -- he doesn't need any help.

STEVE: I'm a bodyguard.

CHAIRMAN DEDDEH: Okay.

STEVE: My name is Steve and this is Juice, and I'm officially a West Coast Crip, 1920 gang, but I never been arrested before. Why? Because I don't do no crime. Okay, what I'm trying to say is, "Life is full of chances -- why not take that chance with us, you know?" There is some good and there is some bad -- there is some bad who wants jobs, but they stand on the corner because they don't have nowhere to go, you know. Their mother don't want them in the house all day, so, what can they do? They go stand on the corner with their friends. And, most of these people that stand out there are young cats, under 16, you know? And, they the ones that needs jobs. I'm getting kind of nervous now -- when I sat down, I knew what to say.

ASSEMBLYMAN PEACE: Don't get nervous.

STEVE: Okay. Well, really, I don't need a job, I could get a job, but I'm out here speaking for everybody else -- these people need jobs. If they don't get jobs, they are going to do crime and I'm telling you, gangs are getting bigger and bigger. If they don't get no jobs, it's going to get bigger and bigger.

There's been times when the police stopped us, made us lay down and take off our shoes and shirts; go all up in our ass and stuff trying to find dope, when some of us

don't sell dope. So, boom, we get records and stuff, and, really, most of these people they claim like I said time and time again, don't really sell dope. But...

CHAIRMAN DEDDEH: Do you have runners?

STEVE: Excuse me?

CHAIRMAN DEDDEH: Do you have runners for dope?

STEVE: No.

CHAIRMAN DEDDEH: Do you have young kids that sell it?

STEVE: Yes, but...

(Background conversation)

STEVE: No, I don't sell dope, okay?

(Background conversation)

STEVE: I don't have -- there's no runners offing that -- okay, I'll be serious, now. No. But, I wish you guys could really help, because if not...

CHAIRMAN DEDDEH: I appreciate what you are saying. I think if I were to summarize this whole morning's hearing as to what you people are saying is: you want jobs. That's really it -- jobs, jobs, and more jobs.

STEVE: Not really jobs but you know, but things for people to do. You know, they don't have nothing to do. They are out of school like, you know, kind of have activities or something.

JUICE: I go to school everyday; I go to San Diego High School; I'm in the tenth grade. I go to school everyday, get good grades and everything and then after that... So when I kick things, you know, I kick with my home boys. You know, we just kick it -- no, don't sell no dope or nothing, just kick it. You know, we get threatened by the police all the time. You know, I never did no drugs or nothing. I'm clean -- everything -- never did no drugs in my life, you know. Then, they still take us down to the juvenile hall for "under the influence," or try to say we shot somebody. Say somebody with a blue rag out they pocket did such and such. You know, they always sweating Crips -- I ain't never seen them bust no slob nigger or nothing like that; they always on our side messing with us. You know, we don't never -- we don't do no -- we just kick, we just kicking in the 30's and the 20's. We don't mess with nobody. But, for the past week, they been shooting at us and I ain't seen nobody arrested -- nobody; I ain't seen nobody arrested. They been shooting at us. About four or five of my home girls done got shot. One of them is in intensive care right now -- ain't nothing happening. You know, there ain't no respect for a Crip nowadays. We can't get no respect.

We go to school -- I go to school -- most of us stay out of trouble and everything. You know, I've been arrested and all that, and I'm on probation, you know. I stay out of trouble. And, I still get sweated.

ASSEMBLYMAN PEACE: Why are they shooting at you?

JUICE: Oh, 'cause we Crips.

STEVE: 'Cause of dope; they don't want nobody to make no money but them; that's what they say.

ASSEMBLYMAN PEACE: They are trying to protect their territory?

JUICE: No, they coming in our territory...

ASSEMBLYMAN PEACE: They want to move into your territory to sell dope.

JUICE: Yes, they can't take over the west side...

ASSEMBLYMAN PEACE: So, the shooting is a by-product of the sales of dope?

JUICE: Yes, and every gang member don't sell no dope.

ASSEMBLYMAN PEACE: But members in the gang sell dope.

STEVE: No. It don't even necessarily be a gang member selling dope. It could be anybody -- somebody stretching for some money; but, like I say, you got to stop the problem before it starts, you know.

CHAIRMAN DEDDEH: Thank you, thank you both. I think Vernon decided to say something. (Inaudible conversation) all right, Vernon.

MR. VERNON SUKUMU: Basically, I just wanted to -- it just occurred to me to ask this question. I know what's happening to the people that claim this gang. I spent -- and I should tell this to everybody; Rachel knows it, George Stevens knows it -- when I came up, I spent 23 months in jail, so it's not foreign to me -- going to jail, I changed my life style and I became a productive citizen and the whole bit. But part of what we tried to do in the 60's was open the doors for Black and Brown kids to have an opportunity that everyone else has in society.

Young man, you can walk out of this door because the red guys are shooting at you and you have this hanky in your pocket and they'll bring you home to your mama... laid out! If you're not selling dope, you don't own any territories. The police shows you that everyday when he comes and arrest you, makes you lay down like a dog, puts a gun up to your head -- what are we claiming here? I mean, it boggles my mind, and I've been in jail, to actually look up at another young brother; another young Black person who came from poverty, and say, "I'm claiming this." You not claiming nothing but losing your life, brother. I even understand...

Let me tell you something -- I read about the Mafia and I saw them come to America, and they made a lot of money in crime and they sent their kids to schools. I mean, I'm against that but I even understand that. I mean, I even understood it in a sense and they had no place to go. (Inaudible due to tape noise)

What are you claiming? Every time the cop comes, you've lost all of it. They lock you up like a dog and your mama's crying and your life ain't worth nothing, and the people in the community are afraid of you. Old ladies are afraid of you; people hate

you and they call law enforcement all the time saying, "You got to do something with them niggers." And it pains me to see you in the predicament that you're in. Even after I understand it; I understand how you grew up to be like that. Is there not another chance or another opportunity; another way to go? Because, I understand what poverty does to people, and I understand that. Is there not another way to go? Not for the rest of the guys, just for yourself, 'cause your mother is going to die of a broken heart -- she's going to have a hard life; your mother's going to have the same thing too. And, it just actually pains me after all the work that we did in the 60's to open the door. (Inaudible conversation)

CHAIRMAN DEDDEH: Irwin -- (gavel knocking) Mr. Sukumu listened to all of you when you spoke, and he has the floor now and nobody but nobody is going to interrupt.

MR. SUKUMU: I'm only venting my pain of what's happening to the young people of the community that I struggled so hard to give them a place in society. I was part of the group of people that opened the doors for Black folks to work at SC G & E and Bank of America, and to get a chance to go to college, and to get the first Black principal at Lincoln High School.

I know that part of what is happening today has a lot to do with total benign neglect. I'm going to make one statement. When I was in East Africa, there were some people that are called the "Maconda Tribe," and they carve. Everybody who belonged to their tribe -- all the males carved. They call the Maconda carvers some of the world's most famous carvers, and carving to them is intrinsic; they do it like other people breathe. What has happened to us is crime and violence has always been such a part of our community, and you need to understand it. It's nothing new, the gangs are just an extension of it.

When I grew up, the crimes and violence against us were perpetuated by the White majority, the Klu-Klux-Klan, and by the police department. So, we are accustomed to it, that's why sometimes you may not understand why it is tolerated. Even after I say that, there has never been in the history of Black America, a group of people who are so willing to put their life on the line for so little. Not the drug selling. I'm not saying that. I have problems with it, but the kids will tell you all the time, "Someone is going to use the drug anyhow, so why shouldn't I make the money?"

The problem with it is putting your life on the line for a red rag or a blue rag; it absolutely boggles my mind.

CHAIRMAN DEDDEH: Thank you, Vernon. (Applause) Very well said. (Referring to someone's comment in the audience) You've got to be absolutely the last one. (Inaudible conversation) Absolutely, the last one. All right? Okay.

MARLA COOPER: Hi, how are you? I'm Marla Cooper and I'm the Program Coordinator for Neighborhood House Youth Service Center. I'm the one that brought -- those are

some of my clients in the blue.

We hear about the negative all the time. It's on the media all the time, so let's talk about human beings. I mean, you keep saying gang members, gang members, gang members. But, aren't they human beings? Don't they cry and hurt and get cut and love people just like you do? One of the best behavior modification tools that I know -- one that social service providers can already offer with the present funding level is this: Respect everyone as human beings, unconditionally. I'm in total disagreement with what one person just said about people being scared and how they are frightened. I work in the heart of all the social problems. In the beginning when you walk in, you find out that they are human beings, that they do know how to behave and socialize and things of that nature. Basically, and what I have seen from working with them is, they don't just go out and start bothering people during the daytime now from 8:00 to 5:00 unless someone is bothering them first. Now, I'm talking about human beings, I'm not talking about gang members, red, blue, whatever; I'm talking about human lives. The only way and a very important way to change behavior is through employment. They have to have a job. They need work and what I call, "coming in out of the rain." Here is something tangible that you can go and do. When they get ready to come in out of the rain, that's when we need to say, "Okay. Well, here is something that you can go and do." If all we can do is sit and converse with them, that does nothing. So, that's what I wanted to say -- they need jobs and they are human beings. Let's stop calling them gang members, gang members, gang members.

CHAIRMAN DEDDEH: Thank you very much. Thank you very much to all of you for being here, whether you were in the law enforcement or persons affected by this; I appreciate your testimony. The proceedings of this hearing will come to an end.

1. Introduction

2. Methodology

3. Results and Discussion