



## Criminal Street Gangs Invested in Kentucky >>

/Kelly Foreman, Public Information Officer

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# ON THE STREETS



In just two more weeks, Gregory Bolton would have celebrated his first birthday with cake and ice cream smeared from head to toe, with brightly colored balloons and streamers and the friends and family who loved him.

But instead of giggling to the familiar “Happy Birthday” tune, Gregory laid cold and alone in the city morgue – a casualty of gang warfare.

Ossco Bolton, Gregory’s uncle, was starkly familiar with the casualties left from the crossfire of gangs rival to his own. But watching as his 11-month-old nephew was murdered in cold blood for nothing more than being in the wrong place at the wrong time convinced Bolton that enough was enough.

“When your city becomes just overwhelmed with gangs, drive-bys kill so many young children,” Bolton said. “And the reasons these guys in these gangs don’t care about shooting your house up whether it kills a child or not – it’s not that they’re looking to say, ‘Oh, I’m going to kill a child.’ The whole goal of shooting a house up is just to say ‘Look, we’re not playing with ya’ll.’ But in the midst of that, children are being killed.

“My daughter and my nephew were the same age,” Bolton said. “He was killed two weeks before his first birthday. That always holds a lot of weight with me.”

Bolton’s plans for his life did not include peddling drugs in a seedy alleyway to support his activities or carrying a gun with him everywhere he went, just in case. In fact, he never intended to join a gang at all.

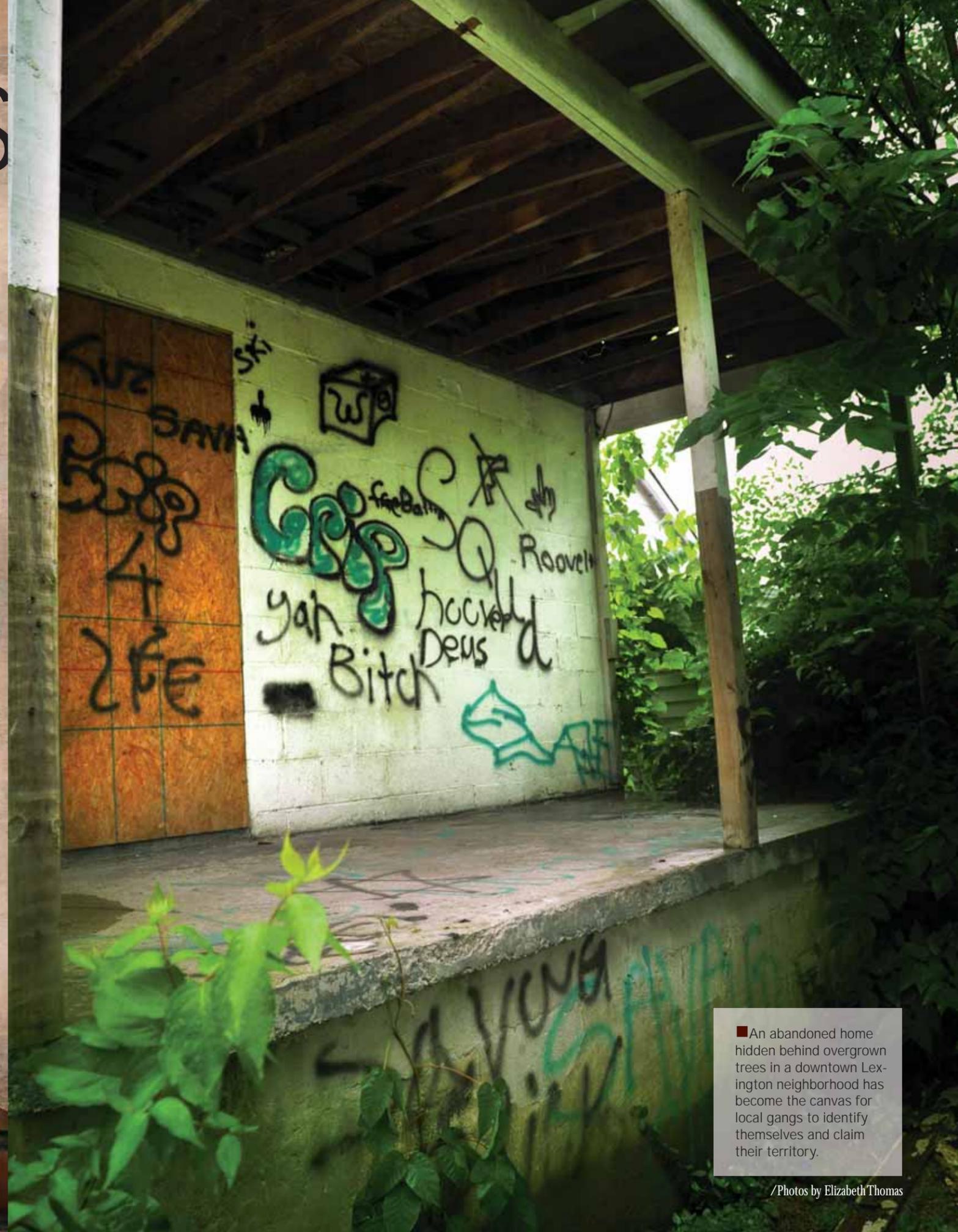
The teen and his friends had aspirations of becoming rich and famous rappers in his hometown of Kansas City. But when Los Angeles gangs began to infiltrate the city with guns, violence and mayhem, Bolton and his friends united together behind weapons and loyalty to protect themselves from the violent intruders.

“We got involved with a Crip sect,” Bolton said. “A lot of the guys that I grew up with started claiming a Crip sect (a smaller, offshoot group of the national Crip gang) so, basically, our city got swept into that and I wound up gang banging, getting into shoot outs and all kinds of crazy stuff. ... Kansas City was not a big city. But [the Los Angeles gangs] came to this mug and tore it apart and they used us to help them.”

From age 15 until he was 21 years old, Bolton estimates he was involved in about 200 gang-related shootings – some where he was the shooter and others where he was the target. He recalled three different occasions when his car was filled with bullet holes from rival gangs and another instance when his grandmother’s home was sprayed with gunfire.

“I was just trying to survive,” Bolton said in a tone of frustration. “When my daughter was born, I couldn’t go to the park and enjoy her at the park, I couldn’t take her swinging, I couldn’t do the normal daddy stuff that I wanted to do with my daughter. She was with me all the time.

“Here she was, a month old riding with me; and I was 19, I didn’t know what I was doing,” he continued. “But I’m riding around >>



■ An abandoned home hidden behind overgrown trees in a downtown Lexington neighborhood has become the canvas for local gangs to identify themselves and claim their territory.

# GANGS ON THE STREETS OF KY

## GANG-RELATED PROGRAMS

### GANG RESISTANCE EDUCATION AND TRAINING (GREAT)

The GREAT Program is a school-based, law enforcement officer-instructed classroom curriculum. With prevention as its primary objective, the program is intended as an immunization against delinquency, youth violence and gang membership, its Web site states.

Kentucky is home to two GREAT programs, one in Pulaski County and one in Fayette County. Pulaski County Detention Center Sgt. Rob Cox said the jail has been operating the program for more than 10 years, and has seen results in its participants' attitudes and direction.

Cox is one of two sergeants, a lieutenant and one deputy within the jail system who teach the curriculum and receive grant funding to operate classes and activities in both elementary and middle schools, as well as a week-long, free summer day camp.

For more information about how to get a GREAT program started in your area, call Cox at (606) 271-0964, (606) 678-4315, or visit the GREAT Web site at [www.great-online.org](http://www.great-online.org).

### PROJECT SAFE NEIGHBORHOODS

Project Safe Neighborhoods is a nationwide commitment to reduce gun and gang crime in America by networking existing local programs that target gun and gun crime and providing these programs with additional tools necessary to be successful, its Web site states.

The program is built from five basic tenets: partnerships, strategic planning, training, outreach and accountability. It is designed to get the message out that gun and gang crimes are taken seriously, said Assistant U.S. Attorney Robert Duncan, Jr. The program also seeks to put a positive face on law enforcement and provide alternative, positive outlets to crime.

For more information, visit [www.psn.gov](http://www.psn.gov). ■

>> with my daughter and got a gun in my lap. I was like, OK, if somebody pulls up, I gotta kill them because I got my daughter with me I mean it was just crazy."

In May of 1993, Bolton's life was changed after he attended an urban peace and gang summit brought to Kansas City by a group of adults who were former gang leaders.

"I was tired of the drive-bys and the shooting – I was carrying a gun with me all the time," Bolton said. "... They showed me that there was an opportunity outside of the life of illegal-drug selling and gang banging, that we could actually do something to change our community."

After the summit, Bolton took the initiative to begin working to counteract the gang violence and warfare going on within the community's streets and schools.

"I started working real closely with law enforcement here," Bolton said. "The way we work together here is the officer would go out and if they arrested someone, did a kick in at a dope house or something or took down somebody that was known as a heavy-weight gang leader in Kansas City, if that guy had a little brother, they would call me and say, 'Look man, we had to take this guy down. We've got a lot of little guys that look up to him. Would you start working with those guys?' So that's what I started doing at that time."

That connection with law enforcement has grown, and Bolton now helps other communities – like Lexington, Ky. – assess their gang problems and direct them down a path of intervention, prevention and suppression of gang activity.

"What I was noticing in Kentucky when I

first came was like, 'Man, this is like an early Kansas City,'" he said. "You start seeing the graffiti, there were no major shootings or anything yet, but it was there. I think they had had one shooting at that time. Then they let me go into the schools and I noticed it there, especially among your Hispanic males. I was like, 'Whoa, ok, I see it.'

"Part of coming to Kentucky was actually to prevent Kentucky from becoming ... like Kansas City, Missouri," Bolton continued. "I tell people all the time that [Los Angeles's gang infiltration] was a little more than 20 years ago and we still haven't recovered. If you keep allowing your city to go in the direction that it's going and some people are ignoring it because it's not as bad as other cities, eventually you are going to have a problem. So that was my goal, to come up there and meet with law enforcement, assess it, and then talk about strategies."

With the creation of the Community Law Enforcement Action Response Unit and other gang prevention initiatives, Lexington Division of Police and other government and community members have focused their efforts on keeping the city's gangs under control. But Lexington is just one city in a state that has documented and confirmed more than 60 active gangs, spreading from the Big Sandy to the Mississippi.

### Coming to a town near you

The Los Angeles Police Department began in 2001 to investigate gang-related Web sites, which they say had grown to the tens of thousands nationally. One of the sites they noted belonged to the P-town Gang in Kentucky, which blatantly offered a link to submit a re-

sumé to become a part of their gang.

In Bowling Green, it was 1996 that the community began to take notice of gang members. One group in particular, the Asian Boyz Gang, was found to be responsible for a shooting that year of a family inside their home, which left a young girl orphaned and fighting for her life.

Ten years later, a Louisville television station documented the "changing face of Louisville gang activity," in a special report identifying groups ranging from Crip sects to local-area gangs, like the Badd Newz Gang, a group mostly of 15- to 21-year-old boys.

More than 70 miles away, Scott County officials investigated a group of teens calling themselves the Cherry Picking Gang, who were targeting unlocked vehicles. Taunting their victims, the gang members occasionally left notes blaming the vehicle owners for the thefts, telling them the crime was their own fault for leaving their doors unlocked.

For years, identifying criminals in our communities as gang members or addressing that crime as gang related was considered taboo, said Lexington Police Lt. Ken Armstrong.

"You don't want to be the chief of police of a small town that has to admit, for the first time in 50 years, that you have gangs operating in your community," he continued.

But similar stories to those documented above can be found in news reports from Georgetown, Woodford County, Shelbyville, Cynthia, Covington and beyond.

The media brought even greater attention to stirring gang violence with grueling details of a Fayette County trial earlier this year

against several Latin King gang members accused of murdering one of their own – a 19-year-old boy. His gang brothers turned against him when he missed some of their meetings and began dating a girl from a rival gang.

"A lot of even our law enforcement people in Kentucky are naïve to the fact that there are gangs and they are not just in Louisville and Lexington," said Kentucky State Police Capt. Kevin Payne, who is assigned to the Drug Enforcement/Special Investigations Unit. "... For those people who had never really considered the idea, it is a wake-up call to say, 'Hey, here it is folks. And if you are not getting ready, you better, or you are going to have a problem.'"

### Competition for Crime

"What really has driven this [coverage of gang activity] in the media has been the Latin gangs, but to be honest with you, that is just what has gotten the most media attention," Armstrong said. "There are plenty of other groups that exist that are just as bad, just as deadly and involved in just as much criminal activity.

"There have been assaults and homicides and things that could be considered gang related for years before we ever started talking about it," Armstrong continued.

Eric Mercer, a special agent with Alcohol, Tobacco, Firearms and Explosives, agreed.

"Whenever we get on this topic, we seem to always go to the Hispanic gangs," Mercer said. "Because of the influx of Hispanic gangs that came in and because they were so in your face for a while, that really brought the spotlight to it all." >>

## BY THE NUMBERS

**772,500**

An estimated number of people in the U.S. that were members of gangs in 2000, a drop of 8 percent from the number of active members in 1999.

**70**

Percent of increase from 1999 to 2003 of incidents of juvenile gang killing in the United States.

**15**

The age of Raymond Washington when he started what later would become known as the Crips.

**1948**

The year Hell's Angels motorcycle gangs started in San Bernardino, Calif.

**24,500**

Approximately the number of active gangs, according to the National Youth Gang Center, in the United States in 2000, which is a decline of 5 percent from 1999.

**6**

The percent of all reported members who were female in 2000. Also, 39 percent of all youth gangs had female members. Two percent of gangs were identified as predominantly female.

# THE STREETS OF KY



■ Following the arrest of several juvenile and adult gang members in a Lexington apartment complex, Lexington Division of Police Officer Jeff May searches the home for weapons, narcotics and other signs of criminal gang activity.

>> That spotlight was not lost on existing gangs in Kentucky's communities. When Hispanic gangs began to increase, it brought out competition for criminal activity from other gangs, said KSP Sgt. Mark Burden.

"They began tagging areas and trying to designate their areas like they do in bigger cities," Burden said. "... They are claiming their territory to keep the other gangs out. As time went on, we noticed other gangs coming out to say, 'Hey, this is our area.' And that is where it leads to more violence."

From Latin Kings and MS-13 to Bloods and Crips, Kentucky has become home to a variety of gangs. But beyond the more commonly known national groups, officers said there are a multitude of home-grown gangs. Mercer described these gangs as "a group of guys that are calling themselves something, who have a common name, who have a common criminal activity."

"If there is a group of them that are acting in concert with each other, they are making just as much impact on their community (as larger, national gangs) and have been for years," he said. "... But that helps us now to use those tactics that we started to use on these migrant gangs that have moved into our areas – these bigger, national gangs – and use those same tactics on these armed, drug-trafficking gangs that we already had in our community for years."

### Who are they?

Contrary to stereotype, officers say gang members sometimes can be complicated for the untrained investigator to identify. On the movie screen, gang members usually are distinct, rough-looking, dark-skinned characters with obvious color predilections, baggy clothes, oversized jewelry and body art.

And while there is some of that in Kentucky, there are just as many gang members with crew cuts and khakis, officers say.

"Don't just think of it as a lower-class [issue]," Mercer said. "We had guys in [one] group that were in college. We had guys whose families had good jobs, lived in a nice house, they grew up in a nice neighborhood."

"They did it for a completely different reason; they got caught up in the culture of it," Mercer said. "You will find young, white males and females – don't forget females in this whole crew – you will find affluent young people who have watched it on TV."

Like Bolton, Mercer said members from one group he investigated wanted to be rappers and became gang members to emulate that culture.

"But along with that came violence and shooting," said Assistant U.S. Attorney Hydee Hawkins. "There are a number of cases ongoing right now where there is a lot of violence involved. The guns and the drugs and the violence sort of go along with the culture."

And that violence is key, investigators say.

"It is not illegal to be a gang member," Mercer said. "You can be a gang member all day long, you can wear red all day long, you can flash gang signs – you can admit you are in a gang and there is nothing illegal about that. But you have to focus on that criminal activity. That is where we get involved."

That activity ranges by group, by area and by opportunity, investigators said. Some groups may focus specifically on one type of crime, but others will run the full gamut from breaking into cars and other petty theft to extortion, prostitution, drug dealing – and ultimately murder.

"Every community has ants," Bolton said. >>

## REGIONAL GANG MEETING

Every month, between 30 and 60 law enforcement agencies in the central Kentucky region meet to exchange information about gang activity officers have been working. These regional gang meetings have helped to establish a flow of data between agencies and a network of cooperation and intelligence, said Lexington Division of Police Lt. Ken Armstrong.

"Part of the exchange of information is if [an agency] is going to go hot and heavy into, say, Paris, and hit Paris real hard, then obviously they are going to abate some of the problem by putting people in jail, but the other aspect of that is [the gangs] will move somewhere else," Armstrong said. "Well, those meetings are designed to warn somebody that, 'Hey, we're putting the heat on this group and we are seeing this group, so don't be surprised if they show up over in your county or city if you're not doing the same.'"

For details about how to get involved in these meetings as well as the dates and locations, contact Lexington Division of Police Sgt. Brian Maynard at 859-425-2316 or bmaynard@lucg.com. ■

## GANGS ON THE STREETS OF KY

>> "You just have to figure out what type of ants you have. Once you understand the type of ants, you will understand the character of those ants.

"Every gang is not about killing," Bolton continued. Some gangs, they just rob. Some gangs they don't even rob or kill, they just watch each other's back then they'll fight for each other. Then you've got some gangs that their whole goal is that they are going to murder someone. They are not going to allow any peace around them. So that is what you have to understand, what characteristic of gangs do you have in your community?"

Sometimes the crime committed by gang members is part of their survival, Bolton said.

"Even those gangs that just get together to protect themselves eventually wind up selling drugs, they wind up having to carry guns, they wind up having to shoot because the rival gangs have guns and they're selling drugs and they're not working," he said. "So if you're not working, you gotta sell the drugs. And it's hard to work when somebody is trying to kill you. You don't want to be at McDonald's in the drive-thru and a rival gang member pulls up and shoots you in the face."

Many times, gang members will live in one place and commit crimes in outlying areas, Hawkins said. Gang members who are involved in drug trafficking often will live and operate in the anonymity of a county where they can have a 100-acre farm and hide their drugs, Armstrong said.

"They are going to the smaller areas in hopes that they won't be noticed," Payne said.

## Gonna-be's

But not all of Kentucky's gang members are in hiding. Several are in plain sight, especially in our schools, officers say. Our officers and educators just have to know what to look for.

"The youngest identified gang member that was actively associating themselves with the group and engaging in criminal activity that we have identified up to this point is a 9 year old," Lexington's Armstrong said. "That is prime age, to be honest."

One of Bolton's greatest efforts in Kansas City is keeping the community's schools from becoming a "prison prep system."

"One of the ways you can really look at your gangs is through your schools," he said. "You can look at what's happening in your schools to really step up your conversation when it comes to the street level."

In one Kansas City school, Bolton said every fifth grader claimed a gang. Still, Bolton said many school administrators and teachers are in denial about what is going on around them.

"The teachers say, 'He's really a good child, he's just getting picked on and nobody seems to help,'" Bolton said. "You get that young man that snaps off and the next thing you know he's got a criminal record. But nobody looks at that he's getting jumped on, they're picking on him when he leaves school, they're threatening him – he doesn't know who to talk to because he's been taught 'no snitching'."

"Part of what you want to do is be able to look at the number of fights in your schools — all those things start to triple — and then

what caused those fights," he said.

Thorough investigation into what may appear on the surface to be a simple spat between teens could keep those same children from spending their senior years in a juvenile detention center, or worse.

"One of the things officers can do as a police department: they can start their own mentoring process, because they have to be engaged in those schools," Bolton said. "People have to see that uniform for what that uniform was meant for – to protect and serve. These guys should be looked up to as role models and not just as, 'Oh they're taking my family away, we only see them when there's trouble.' So there are ways to do that. That is really what I preach. Any community that has a strong relationship between their young people and police officers won't allow the shootings."

In Lexington, officers have done a lot of leg work to get programs like Gang Resistance Education and Training into the classroom. But it is not always easy.

"Ultimately the biggest problem we have with GREAT is the statement it brings along with it when it is first introduced into a community or school system – that there are gangs in the schools," Armstrong said.

But, Armstrong said it is important to realize the seriousness of juveniles who are engaging themselves in gangs.

"A lot of people want to say, whenever you're talking about gangs – especially in rural areas – 'Oh, it's just a bunch of wanna-be's,'" ATF's Mercer said. "We try to change that and say, 'You know what, they are not wanna-be's, they are gonna-be's.' Whether you or I believe that this small-town group

of guys that are armed drug traffickers are a gang – if they believe it, it doesn't matter what we believe.

"If they believe they are a gang, they can be very serious about it and they can cause a major impact on your community real fast," Mercer continued. "If you take a small community, it doesn't even have to be a huge group of guys."

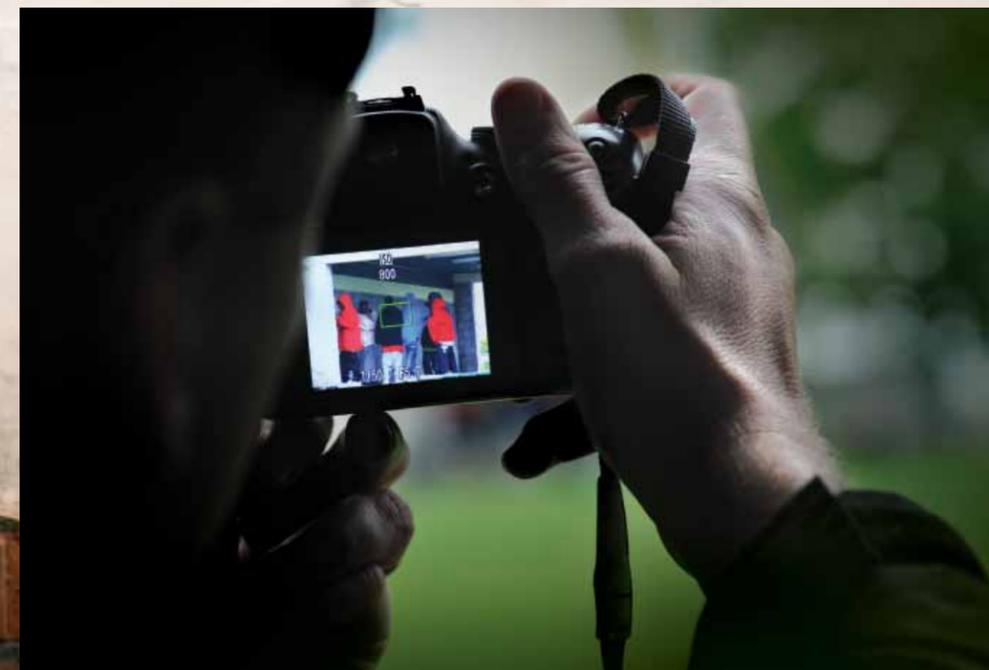
## A three-pronged approach

Educating the educators, the community and other law enforcement is one major part of what Lexington believes should be a three-pronged approach to controlling gangs. In addition to education, Armstrong also believes in prevention and enforcement.

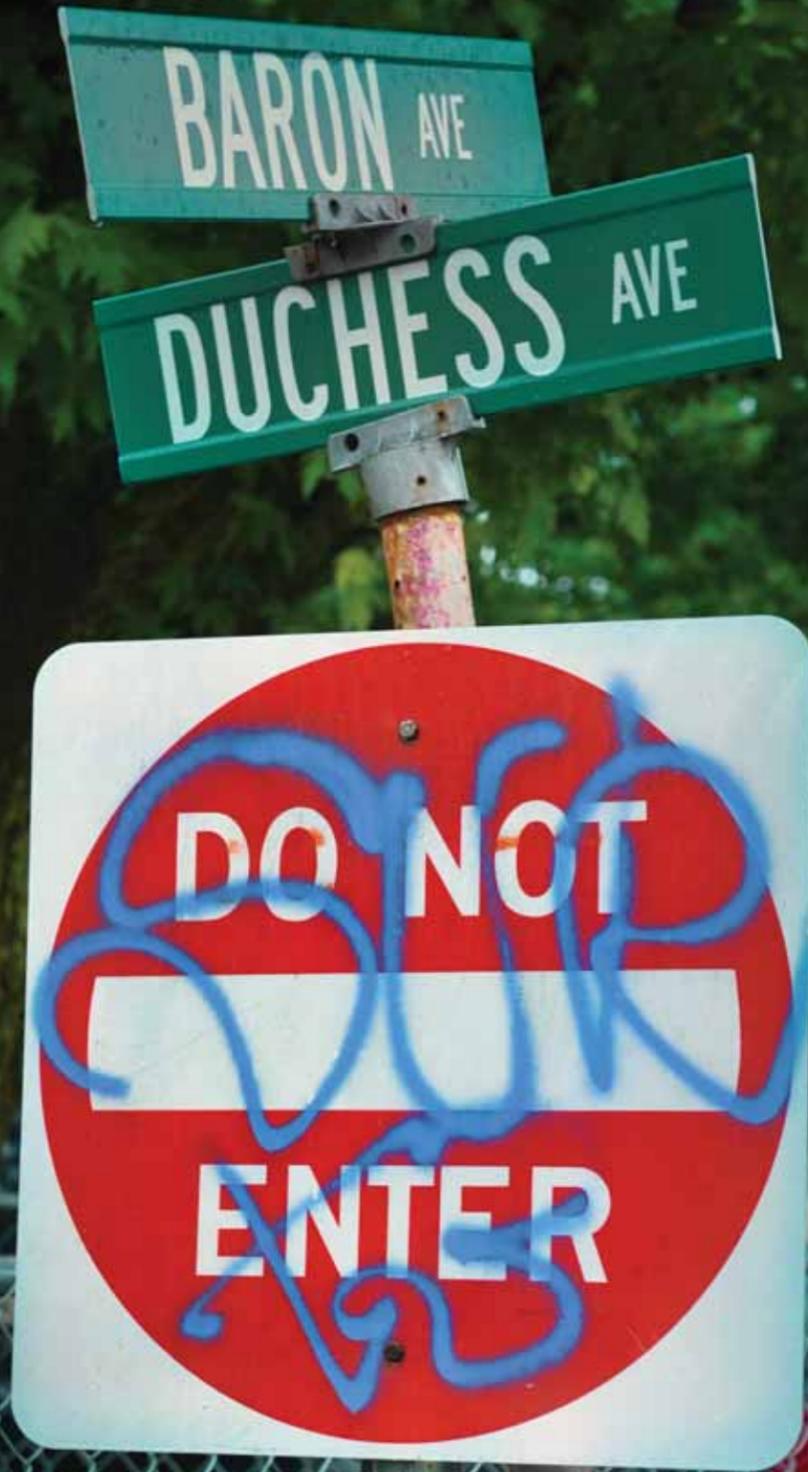
"Each of them has different aspects to it," Armstrong said of the prongs. "If you just stick with one – if all you do is enforcement – you are just banging your head against the wall."

While the terminology he used is slightly different, Bolton agreed that law enforcement needs to focus on suppression of gang activity with as much emphasis on prevention and intervention. >>

▼ While driving through a neighborhood known for criminal gang activity, Lexington Division of Police Officer Bob Terry catches on camera a group of loitering teens huddled together and hiding their activities behind their jacket hoods.



# THE STREETS OF KY



■ Street signs entering a Lexington trailer park alert rival gangs that the territory already is claimed by a local Hispanic gang. The park was littered with tagging not only on signs, but also on vehicles and empty mobile homes.

>> “I think you need to know what is really happening and you need to know how serious it can become,” he said. “But also you want to be honest enough to let them know that it hasn’t gotten as deep as other cities and these are the tools we need to prevent it.”

“For the most part, I hate to say it like this, but a lot of times things have to get worse before they get better,” Bolton added.

One of the first things law enforcement should do is educate themselves about the graffiti or symbolism gang members employ to send each other messages often encrypted with details of impending crime, KSP’s Payne said.

“Graffiti is one of the first signs you will start noticing right away,” he said. “When you start seeing graffiti, that ought to be a red flag. Not all graffiti is gang graffiti – some of it is just street art.”

Payne admitted that he did not understand what all the symbols meant until other law enforcement showed him, but he said understanding it is key.

“When you start seeing crowns, when you start seeing arrows up and pitchforks down and different things like that, that means something,” Payne said. “Until you get a little educated, you may look over that and not even know what it is.”

“That is so critical for an officer,” AUSA Hawkins said. “That is safety – life or death. There could be something getting ready to go down right then or that Friday at the end of the school week and if you don’t know how to read that right, it could be dangerous.”

Recognizing that graffiti is not limited to Interstate overpasses and stop signs also is important. Often gang members will display their symbolism in a variety of ways, in-

## HIGHLIGHTS OF GANG-RELATED LEGISLATION SPRING 2008

**46 states** and the District of Columbia have enacted some form of legislation relating to gangs. As of spring 2008, the legislature of a 47th state, Wyoming, was considering adopting gang-related statutes.

**36 states** and D.C. have legislation that define “gang.”

21 states have legislation on gangs and schools.

Only **10 percent** of the states have enacted laws that address gangs within correctional facilities.

<http://www.iir.com/nygc/gang-legis/highlights-gang-related-legislation.htm>

cluding tattoos, clothing and other personal items, Payne said.

Upon seeing the signs that gangs are becoming an issue in any community, law enforcement and government leaders should next make an effort to learn from other cities’ experiences when establishing a plan to correct the problem, Bolton said.

“You can get something that is viable if you look at all the other cities and what mistakes they’ve made in the past, look at their strengths and then look at how you can build on their strengths and strengthen their weaknesses,” he said. “Then Kentucky can build something so strong because you don’t have the issues yet like your major cities.”

But most important for law enforcement, Bolton said, is engaging the community in whatever the department decides to do to address the situation.

“You’ve got to give some type of power to the community as well to support these young people, to really strengthen them and then see how you can pull some out,” he said. “You’re not talking about an overnight solution. Because the gangs will come in there and you won’t see them until they explode.” J

**ILLINOIS**

http://www.iir.com/nygc/gang-legis/illinois.htm

**Curfew**  
 ■ Curfew Time for Minors, declaration and definitions

**Gang Activity and Forfeiture**  
 ■ Street Gang Criminal Drug Conspiracy

**Gang Databases**  
 ■ Statewide Organized Criminal Gang Database  
 ■ Definitions  
 ■ Duties of the Department  
 ■ Duties of Local Law Enforcement Agencies  
 ■ Interstate Compact on Gang Information

**Gang Participation**  
 ■ Unlawful Contact With Street Gang Members

**Gang Prevention**  
 ■ Bullying Prevention Education; Gang Resistance Education And Training

**Gang Prosecution**  
 ■ Aggravated Identity Theft  
 ■ Use Immunity  
 ■ Authorization for the Interception of Private Communication

**Gang Recruitment, Threats, Intimidation**  
 ■ Compelling Organization Membership of Persons  
 ■ Aggravated Intimidation  
 ■ Criminal Street Gang Recruitment on School Grounds or Public Property Adjacent to School Grounds

**Gang-Related Definitions**  
 ■ Definitions

**Gangs and Correctional Facilities**  
 ■ Organization of the Department of Corrections and the Department of Juvenile Justice

**Gangs and Schools**  
 ■ Criminal Street Gang Recruitment on School Grounds or Public Property Adjacent to School Grounds

**Gangs and Weapons**  
 ■ Aggravated Unlawful Use of a Weapon

**Graffiti**

■ Graffiti ban

**Miscellaneous Gang Legislation**

■ Division of Operations (formerly Criminal Investigation)  
 ■ Assisting Victims and Witnesses of Gang Crime  
 ■ Pilot Program: Internet Gang Crime Units.  
 ■ Gang-Related Project Approval  
 ■ ACT 147. ILLINOIS STREETGANG TERRORISM, Legislative Findings; Creation of Civil Cause of Action; Commencement of Action; Venue; Service of Process; Injunctive Relief, Damages, Costs and Fees

■ Confidentiality of Law Enforcement Records  
 ■ Confidentiality and Accessibility of Juvenile Court Records  
 ■ Unlawful Contact With Street Gang Members  
 ■ Authorization for the Interception of Private Communication

■ Gang Crime Witness Protection Act  
 ■ Definitions  
 ■ Pilot program to assist victims and witnesses who are actively aiding in the prosecution of perpetrators of gang crime

■ Rules for the Gang Crime Witness Protection Program  
 ■ Gang Crime Witness Protection Fund  
 ■ Sec. 10. Definitions  
 ■ Sec. 15. Creation of Civil Cause of Action  
 ■ Sec. 20. Commencement of Action  
 ■ Sec. 25. Venue  
 ■ Sec. 30. Service of Process  
 ■ Sec. 35. Injunctive Relief, Damages, Costs, and Fees  
 ■ Sec. 40. Contraband  
 ■ Sec. 45. Abatement as Public Nuisance  
 ■ Sec. 33-4. Peace Officer or Correctional Officer; Gang-Related Activity Prohibited.

**Public Nuisance/Premises Used by Gangs**  
 ■ Maintaining Public Nuisance

**INDIANA**

http://www.iir.com/nygc/gang-legis/indiana.htm

**Carjacking**  
 ■ Individuals Subject to Adult Criminal Jurisdiction  
 ■ Carjacking—Penalty  
 ■ Death sentence, aggravating circumstances

**Curfew**  
 ■ Curfew for Children 15, 16, or 17 Years of Age  
 ■ Curfew for Children Less Than 15 Years of Age

**Enhanced Penalties—Sentencing**  
 ■ Graffiti  
 ■ Death Sentences  
 ■ Sentencing Enhancement for Person Committing Felony Offense While a Member of, at the Direction of, or in Affiliation With a Criminal Gang—Expert Testimony Permitted

**Expert Testimony**  
 ■ Sentencing Enhancement for Person Committing Felony Offense While a Member of, at the Direction of, or in Affiliation With a Criminal Gang—Expert Testimony Permitted

**Gang Participation**  
 ■ Juvenile Court Jurisdiction  
 ■ Criminal Gang Activity

**Gang Recruitment, Threats, Intimidation**  
 ■ Criminal Gang Intimidation  
 ■ Criminal Gang Recruitment

**Gang-Related Definitions**  
 ■ "Anti-Gang Counseling" Defined  
 ■ Aggrieved Person  
 ■ "Criminal Gang" Definition one  
 ■ "Criminal Gang" Definition two

**Gangs and Schools**  
 ■ Establishment of Anti-Gang Counseling Pilot Program  
 ■ Establishment of Anti-Gang Counseling Pilot Program

**Graffiti**

■ Graffiti—Effect on Operator's License or Learner's Permit  
 ■ Removal or Painting Over of Graffiti – Rescission of Order Regarding License or Permit  
 ■ Graffiti definition  
 ■ Criminal Mischief – Institutional Criminal Mischief

**Juvenile Gang Members**  
 ■ Individuals Subject to Adult Criminal Jurisdiction  
 ■ Limitation on Parent's Liability  
 ■ Child Involved in Criminal Gang  
 ■ Delinquent Child

**Miscellaneous Gang Legislation**  
 ■ Gang Crime Witness Protection Program Established  
 ■ Gang Crime Witness Protection Fund Established  
 ■ Restitution to Victim

**Public Nuisance/Premises Used by Gangs**  
 ■ "Psychologically Affected Property" Defined

**KENTUCKY**

http://www.iir.com/nygc/gang-legis/kentucky.htm

**Criminal Gang Activity or Recruitment—Actions not Constituting Defenses**  
 ■ Criminal Gang Recruitment  
 ■ Preliminary Hearing – Proof Required to Try Child as Youthful Offender in Circuit Court

**Juvenile Gang Members**  
 ■ Preliminary Hearing – Proof Required to Try Child as Youthful Offender in Circuit Court

**KENTUCKY GANG STATUTES**

During the 2009 legislative session, House Bill 188 was introduced and detailed a number of new initiatives relating to tightening laws regarding criminal gangs. Some of the initiatives included creating a criminal gang database, providing definitions for criminal gang statutes, creating new offenses for criminal gang recruitment and gang-related proceed forfeitures.

The bill passed in the House but died in a Senate judiciary committee. Justice and Public Safety Cabinet Secretary J. Michael Brown said Kentucky's statutes regarding some of our most dangerous criminals need a serious second look.

"Kentucky has not yet seen the problems some of our surrounding states have dealt with regarding criminal gang activity," he said. "But we cannot ignore that gangs are in our communities and must be addressed. It is imperative that we build laws that strengthen the resources of our law enforcement, give peace to victims of criminal gang activity and provide stricter penalties for those who choose to envelop their communities in fear.

"We need to engage and empower our citizens, our schools and our law enforcement in dealing with gangs," Brown continued. "It is time for Kentucky to get ahead of the problem to prevent our communities from becoming a safe haven for those who wish to perpetrate their crimes on our children and families."

**MISSOURI**

http://www.iir.com/nygc/gang-legis/missouri.htm

**Drive-By Shooting**  
 ■ Unlawful Use of Weapons – Exceptions – Penalties

**Enhanced Penalties—Sentencing**  
 ■ Felony or Misdemeanors Committed to Promote or Assist Criminal Conduct by Gang Members, Punishment in Addition to Regular Sentences  
 ■ Evidence to Be Considered in Assessing Punishment in First Degree Murder Cases for Which Death Penalty Authorized

**Gang Participation**  
 ■ Definition and penalty

**Gang Prevention**  
 ■ Department to Identify and Adopt Violence Prevention Program, District to Administer – State Board to Adopt Violence Prevention Program – Duties – Administered How – Funding

**Gang-related Clothing, Dress Codes, School Uniforms**  
 ■ School uniforms determined by school district

**Gang-Related Definitions**  
 ■ Definitions

**Gangs and Schools**  
 ■ Department to Identify and Adopt Violence Prevention Program, District to

Administer – Board to Adopt Violence Prevention Programs – Duties – Administered How – Funding

**Gangs and Weapons**  
 ■ Weapon Defined – Weapons Owned or in Possession of Gang Members May Be Confiscated – Weapon Deemed a Nuisance and Destroyed by Court Order, When  
 ■ Weapon Not to Be Declared a Nuisance Unless Notice Given to Lawful Owner, Procedure – Burden of Proof on State That Return of Weapon Would Endanger Lives

**Juvenile Gang Members**  
 ■ Participating Knowingly in Criminal Street Gang Activities, Penalty – Persons Between Ages of Fourteen and Seventeen Participating to be Transferred to Courts of General Jurisdiction

**Miscellaneous Gang Legislation**  
 ■ Death penalty in first-degree murder cases – jury instructions to include that the crime was committed as part of a pattern of criminal street gang activity.  
 ■ Labor Union Activities and Other Employee Activities, Exempt – Local Governments May Adopt Laws Consistent With and Alternative To  
 ■ Establishment and Enhancement of Local Crime Prevention Programs – Proactive Partnership Prevention Approach – Amount of Funding – Audit – Rules

**Public Nuisance/Premises Used by Gangs**  
 ■ Buildings, Rooms and Structures Used for Criminal Street Gangs' Activities Deemed Public Nuisances – Owner Knowing of Gang Use, Court May Order No Occupancy up to One Year.

**OHIO**

http://www.iir.com/nygc/gang-legis/ohio.htm

**Drive-By Shooting**  
 ■ Specification That Offender Discharged Firearm From Motor Vehicle

**Enhanced Penalties – Sentencing**  
 ■ Basic Prison Terms  
 ■ Specification That Offender Participated in Criminal Gang  
 ■ Gang Activity and Forfeiture  
 ■ Fines

**Gang Participation**  
 ■ Participating in Criminal Gang

**Gang-Related Definitions**  
 ■ Definitions

**Public Nuisance/Premises Used by Gangs**  
 ■ Criminal Gang Premises Constitute Nuisance  
 ■ Nuisance

**TENNESSEE**

http://www.iir.com/nygc/gang-legis/tennessee.htm

**Carjacking**  
 ■ Definitions and penalty

**Enhanced Penalties – Sentencing**  
 ■ Criminal Gang Offenses – Enhanced Punishment – Procedure

**Gang Prevention**  
 ■ Safe Schools – Advisory Guidelines.  
 ■ Tennessee Section 49-6-1027 – Annual evaluation of threat to and influence on school children by gangs in the community

**Gang-Related Clothing, Dress Codes, School Uniforms**  
 ■ Wearing Clothing Denoting Gang Membership or Affiliation

**Gang-Related Definitions**  
 ■ Criminal Gang Offenses – Enhanced Punishment – Procedure  
 ■ Wearing Clothing Denoting Gang Membership or Affiliation

**Gangs and Schools**  
 ■ Wearing Clothing Denoting Gang Membership or Affiliation

**Graffiti**  
 ■ Graffiti Removal – Funds and Manpower  
 ■ Mailbox Tampering – Damage or Defacement of Government Property

**Juvenile Gang Members**  
 ■ Transfer From Juvenile Court

**VIRGINIA**

http://www.iir.com/nygc/gang-legis/virginia.htm

**Carjacking**  
 ■ Use or Display of Firearm in Committing Felony  
 ■ Carjacking; Penalty

**Drive-By Shooting**  
 ■ Shooting From Vehicles So as to Endanger Persons; Penalty

**Enhanced Penalties – Sentencing**  
 ■ Enhanced Punishment for Gang Activity Taking Place in a School Zone; Penalties

**Gang Activity and Forfeiture**  
 ■ Forfeiture

**Gang Databases**  
 ■ Criminal Street Gang Reporting  
 ■ Powers and Duties of Director  
 ■ Additional Duties of the Director

**Gang Participation**  
 ■ Prohibited Criminal Street Gang Participation; Penalty

**Gang Prosecution**  
 ■ Third or Subsequent Conviction of Criminal Street Gang Crimes

**Gang Recruitment, Threats, Intimidation**  
 ■ Recruitment of Persons for Criminal Street Gang; Penalty  
 ■ Hazing of Youth Gang Members Unlawful; Criminal Liability

**Gang-Related Clothing, Dress Codes, School Uniforms**  
 ■ Uniforms in Public Schools; Board of Education Guidelines

**Gang-Related Definitions**  
 ■ Definitions

**Gangs and Correctional Facilities**  
 ■ Powers and Duties of Director

**Gangs and Schools**  
 ■ Enhanced Punishment for Gang Activity Taking Place in a School Zone; Penalties

**Graffiti**  
 ■ Willful and Malicious Damage to or Defacement of Public or Private Facilities; Penalty

**Juvenile Gang Members**  
 ■ Admissibility of Statement; Investigation and Report; Bail  
 ■ Additional Duties of the Director

**Public Nuisance/Premises Used by Gangs**  
 ■ Houses and Contents Are Nuisances Subject to Abatement  
 ■ How Nuisance Enjoined  
 ■ When Case to Be Tried; Dismissal; Substitution of Complainant; Costs ■



# GANG LIFE

## DOES NOT END AFTER CONVICTION

/Kelly Foreman, Public Information Officer

**T**he price of cigarettes at the corner gas station: about \$4.50.

The price of cigarettes at one of Kentucky's federal prisons: \$500.

Illegal substances, money and power are at the heart of gang activity on the streets. So it should come as no surprise that in prison, gang members wishing to continue their criminal activity thrive on the same vices.

Kentucky is home to two high-security federal penitentiaries, two medium-security federal correction institutions, one federal medical center, 13 state-operated adult institutions and three private prisons. This does not include the multitude of local and regional jails operated by our counties or federal satellite prison camps.

While some may argue that Kentucky's gang problems are minimal compared to metropolitan cities, inside the walls of our correctional facilities gang members serving sentences from across the country attempt to continue perpetrating crimes.

"I think it is a reality that gangs are present in all the prisons," said Rob Duncan Jr., assistant U.S. attorney for the Eastern District of Kentucky. "Just because you're in prison doesn't mean that you necessarily give up that gang affiliation once you go in. There is carry over from the street inside the prison, but I think that our institutions do a good job of policing that internally, and when appropriate, referring us cases for prosecution."

Duncan and Assistant U.S. Attorney Pat Malone are part of a special prison litiga-

tion unit that uses existing laws to prosecute inmates committing crimes – particularly gang-related assaults, corruption, contraband and more.

Both Duncan and Malone have worked several cases stemming from activity inside the Big Sandy Federal Penitentiary in Inez, Ky. The high-security facility was opened in 2003 about the same time as a Washington, D.C. prison was closing, Malone said. Several of the Capitol's most violent gang members found their new home in Kentucky.

"That particular institution housed a great many violent criminals — people who had committed . . . assaults, rapes, armed robberies and homicides," Malone said. "So when that institution shut down and Big Sandy was starting up, Big Sandy got the lion's share of those inmates. Which meant not only was it a high-security institution, but they got a tremendous number of violent people."

Beaumont, Texas also served as home for gang members from a variety of gangs including the Arian Brotherhood and several Hispanic gangs, Malone said. When it was downgraded to a mid-level security facility, a

lot of the prison's high-security inmates were shipped to McCreary County's federal penitentiary.

But Beaumont and Washington, D.C. are not the only cities from which inmates come to Kentucky. In the federal system, Malone said inmates can be brought here from anywhere in the country.

With the migration of inmates into Kentucky's federal prisons, so come the families of those being lodged inside. In many cases, Duncan said those family members will take up residence in the same town or a nearby city and help the inmates continue their criminal activity from the outside.

"Once the inmates are released, they may be released back to their home district or they may be released here," Duncan said. "You have family members who will come and follow some of the inmates; which can be particularly troubling if the inmates are gang members and are trying to further their gang activities. You will have people who may be associated with them moving in to help them further their goals, or to establish a new base once they are released from custody."

In Kentucky's Department of Corrections, that is where Jeff Hulker steps in. Hulker, a retired Frankfort police officer, now serves as the DOC security threat group coordinator, where he helps to monitor security-threat groups, which often include gang members.

"A lot of times it is obvious they are still communicating with others on the outside," Hulker said.



■ From behind the bars of his prison cell in the Kentucky State Reformatory's Segregation unit, a Latin Kings gang member displays just a portion of his body art identifying his alliance.

/Photo by Jim Robertson

Throughout their prison stay, Hulker said a lot of information is gathered about inmates identified as security threats. Upon an inmate's parole, Hulker uses that information to inform law enforcement within the community the inmate is supposed to be released to about what they might experience in dealing with that individual, including details about what gang with which he or she might be associated, he said.

"It is just kind of a heads up that this person is coming to your community, so that has kind of been favorable to law enforcement," Hulker said. "By law enforcement knowing that they are coming back to their community, I think it is important they know who these folks are, and it could be a potential source of information for them if there are crimes that start occurring that could lead them to a suspect that they didn't know was back on the street."

**Gang life in prison is unique**  
Alliances and allegiances inside an institution often are very different from what they may

have been on the outside, both Hulker and Duncan said.

"It is unique," Hulker said. "When these folks end up in a new institution, where they might be rivals on the street, they might not be rivals in the prisons. They're just trying to survive, I guess."

"Prison gangs will have different alliances than they may or may not have on the street," Duncan said. "A number of inmates will band together to form affiliated groups for various purposes – for continuing criminal activity, a perceived need for protection or whatever it may be. The Bloods and the Crips on the street are typically perceived as rival gangs, but inside any given institution they could be united for some common purpose."

One of the most common links investigators see among inmate gangs is narcotics. Not only does the contraband lead to the undermining of the prison authority, but it also leads to safety concerns and the threat of correctional officer compromise through bribes and blackmail, Duncan said.

"It hurts the entire system when an officer is compromised," Duncan said. "But I would say by and large, the officers who staff the prisons are good, hard-working people."

Special police investigators are stationed inside each of the federal institutions to monitor criminal activity, Malone said. It is hard to identify the number of gang-related cases the Eastern District of the U.S. Attorney's Office works annually, Malone said, because they are not cataloged as "gang" cases, per se.

But the crime committed by inmates typically is the same as by citizens anywhere – 90 percent of the problems are caused by only about 10 percent of the people, he said.

"I think realizing that there is a gang presence . . . is a step in the right direction – to recognize that there are gang members in our district, that they are committing crimes and they are becoming active," Duncan said. "That, I think, is the focus of everybody, to see what we can do to address the issue early rather than later." J