Gang Member Definitions, Criteria, and Identification: AB 90 Empirical Literature Review Supplement

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Executive Summary

Statement of Purpose

- The purpose of this supplemental document is to support the California Department of Justice in issuing regulations to govern the CalGang Database by considering new and additional relevant empirical research related to common descriptions of gang member behavior, gang membership criteria or indications, and law enforcement officers' ability to accurately identify gang members.

Gang Definition

- Gang definitions are still the subject of debate but reoccurring themes across definitions include leadership structure, organization, rules, rights, as well as criminal and violent activity.

Self-Admission of Gang Membership

- The National Longitudinal Survey of Youth describes gangs as "a group that hangs out together, wears gang colors or clothes, has set clear boundaries of its territory or turf, and protects its members and turf against other rival gangs through fighting or threats" before asking participants if they self-admit to gang membership.
- Other surveys and researchers ask participants to verify gang membership by asking for the gang name and whether the gang engages in delinquent activity.
- Several surveys simply ask whether a youth is a gang member without providing a definition.
- Self-admission of gang membership is the primary criteria used by researchers to identify gang members and has been validated through empirical research.

Gang Membership Indicators

- Few empirical studies have examined or used other gang membership criteria and nearly all of these studies have focused exclusively on youth street gang members.
- Affiliating with gangs or having friends in gangs and wearing gang clothes and colors are the second and third most prevalent indicators used to identify youth gang members, after self-admission.
- Having and protecting gang turf, using gang symbols/signs, having gang tattoos, and being identified as a gang member by a reliable source were all criteria used to identify gang members or were activities reported by self-admitted youth gang members.
- Arrest for a gang-related offense or "delinquency" was sometimes used as an indicator of gang membership, but often used as an outcome measure or a validation measure of gang membership.

Law Enforcement and Gang Member Identification

- Few empirical studies have examined law enforcement officers' ability to accurately identify youth street gang members and virtually none have investigated their ability to accurately identify *adult* street gang members.
- Some research has shown that criminal involvement of police-identified gang members is similar to criminal involvement of non-gang documented youth.
- Other more recent studies have found that police-identified gang members are more criminally active and commit more serious offenses than their non-gang documented counterparts.
- There are some limitations of the research, as much of the research focused on youth and the data from the various studies were collected between the 1980's – 2000's.

Statement of Purpose

The purpose of this supplemental document is to support the California Department of Justice in issuing regulations to govern the CalGang Database. Here, we build on the 2018 report *Gang Membership, Duration, and Desistance: Empirical Literature Review* with brief overviews of new and additional relevant empirical research on gangs and gang membership.

This document will focus on the following portions of AB 90 – the Fair and Accurate Gang Database Act of 2017:

> AB 90 SEC. 7. Sec. 186.36(*l*) The regulations issued by the department shall include, but not be limited to, establishing the following: …
>
> > (2) Criteria for designating a person as a gang member or associate that are unambiguous, not overbroad, and consistent with empirical research on gangs and gang membership.

The remainder of this supplemental report considers the articles that were published following the previous review and other relevant empirical research related to common definitions of gang members provided to research participants and used by researchers to identify gang members, empirical examination of different gang membership criteria or indicators, and empirical research on law enforcement officers' ability to accurately identify gang members.

Gang Definitions

As discussed in the 2018 report *Gang Membership, Duration, and Desistance: Empirical Literature Review,* there have been decades of debate within the research community on what constitutes a "gang", rendering the criteria and behaviors necessary to be objectively considered a "gang member" equally nebulous. Despite this ongoing debate, several common themes emerge across empirical papers in which "gang" is defined. Reoccurring themes include organization, leadership, rules, and engaging in illegal or criminal behavior. For example, Lasley (1992) and Esbensen and Huizinga (1993) explicitly state their prescription to Miller's (1975) definition where:

> "A gang is a group of recently associating individuals with identifiable leadership and internal organization, identifying with or claiming control over territory in the community, and engaging either individually or collectively in violent or other forms of illegal behavior."

Similarly, Katz, Webb, & Shaffer (2000) provide a law-enforcement informed description that highlights gang leadership structure and rules:

> "Today's gangs have evolved into highly rational and organizationally sophisticated entities similar to any other capitalist enterprise, with an established leadership hierarchy and formal rules and goals to guide their actions."

Gang organization has also been explored through questions that probe respondents to indicate if there are initiation rites, established leaders, regular meetings, specific rules, codes, and roles for different members and each age group within their gang (Leverso & Matsueda, 2019).

Self-Admission of Gang Membership

Perhaps equally, if not more illuminating than the definitions researchers cite are the descriptions or questions presented to research participants in an effort to elicit self-admission of gang membership. These methods and descriptions serve as the basis for gang member identification for a majority of the empirical research on street gang membership.

The 1997 cohort of the National Longitudinal Survey of Youth (NLSY97) used by Pyrooz (2014) and Pyrooz and Sweeten (2014), provided respondents with a definition of a gang and its members prior to eliciting self-admission of membership:

> "By gangs, we mean a group that hangs out together, wears gang colors or clothes, has set clear boundaries of its territory or turf, and protects its members and turf against other rival gangs through fighting or threats." (Pyrooz & Sweeten, 2014, p. 415).

As noted in *Gang Membership, Duration, and Desistance: Empirical Literature Review*, while an explicit definition was given to all respondents for the NLSY97, other studies instead have implemented lines of questioning that focused on the confirmation of gang organization (Battin et al., 1998; Bjerregaard, 2002; Leverso & Matsueda, 2019). For example, the 1988-1992 Denver Youth Survey (Esbensen, & Huizinga, 1993; Leverso & Matsueda, 2019) and the Seattle Social Development Project (Battin, Hill, Abbott, Catalano, & Hawkins, 1998; Hill, Lui, & Hawkins, 2001) first asks the individual if they are a gang member, then for the name of the gang, and finally, whether or not the gang engages in violence against another gang or any other illegal activities. In a similar approach, Bjerregaard (2002) surveyed students by first asking whether or not they were a member of a gang and then inquiring if the gang was "just a bunch of people", or "an organized gang".

In other studies relying on data from the 1988-1992 Rochester Youth Survey (Augustyn, Thornberry, & Khron, 2014; Buchanan & Khron, 2019; Thornberry, Khron, Lizotte, & Chard-Wierschem, 1993), the Pittsburg Youth Study, the California Healthy Kids Survey, (Estrada, Gilreath, Astor & Benbenishty, 2016; Lenzi, Sharkey, Wroblewski, Furlong, Santinello, 2018), and the 1995 Gang Resistance Education and Training Program (Melde, Diem, & Drake, 2012; Melde & Esbensen 2014; Peterson, Taylor, & Esbensen, 2004; Taylor, Freng, Esbensen, & Peterson, 2008), youth participants are considered gang members by simply responding in the affirmative to whether they are a gang member or member of a "posse".

Self-admission has been empirical researchers' primary, and often times only, criteria for identifying an individual as a gang member. Twenty-three (23) empirical articles reviewed had

an explicit statement or question posed to interviewees or survey respondents that prompted self-admission of gang membership. Seventeen (17) of those studies required a confirmation of membership through simple, singular questions, such as "do you belong to a gang?" (Augustyn, Thornberry, & Khron, 2014; Agustyn, McGloin, & Pyrooz, 2019; Buchanan & Krohn, 2019; Decker & Curry, 2000; Decker & Pyrooz, 2011; Decker, Pyrooz, & Moule, 2014; Esbensen & Huizinga, 1993; Estrada et al., 2016; Lane, Armstrong, & Fox, 2019; Lasley, 1992; Lenzi et al., 2019; Melde, Taylor, & Esbensen, 2009; Ortiz, 2019; Peterson, Taylor, & Esbensen, 2004; Pyrooz, Gartner, & Smith, 2017; Taylor et al., 2008; Thornberry et al., 1993). Six (6) studies required additional questions, above and beyond basic self-admission, including questions regarding details about the gang to which the participant claimed membership (Battin et al., 1998; Bjerregaard, 2002; Curry, Decker, & Egely, 2002; Leverso & Matsueda, 2019; Pyrooz, Decker, & Owens, 2019; Pyrooz & Sweeten, 2015).

Other Gang Membership Indicators

We located over one dozen empirical research articles that made reference to other membership indicator criteria, beyond self-admission, related to those criteria utilized in the CalGang Database. The empirical articles that reference other criteria, with one exception, focus on youth gang membership (< 18 years old) or prison gang membership.

Affiliating with gang members was frequently identified through questions of "do you consider your group of friends to be a gang?" (Melde, Taylor, & Esbensen, 2009, p. 575) and "are your close friends in [a] gang?" in the Denver Youth Survey**.** This criteria was noted as a potential indicator of gang involvement in multiple studies, nearly all of which were conducted with pre-adolescent and adolescent participants (Bjerregaard, 2002; Blandfort et al., 2019; Buchanan & Krohn, 2019; Curry, 2000; Curry, Decker, & Egely, 2002; Curry & Spergel, 1992; Decker & Curry, 2000; Decker & Pyrooz, 2011; Decker, Pyrooz, & Moule, 2014; Lasley, 1992; Peterson, Taylor, & Esbensen, 2004; Pyrooz & Sweeten, 2015). In addition to indicating gang membership, having friends in gangs has been shown to be related to an individual's embeddedness within a gang (Decker & Pyrooz, 2011).

Gang colors and dress were noted as potential indicators in multiple studies of middle-school and high school gang members (Curry, 2000; Curry, Decker, & Egely, 2002; Curry & Spergel, 1992; Esbensen & Huizinga, 1993; Katz, 2000; Leverso & Matsueda, 2019; Pyrooz & Sweeten, 2015). This criteria was typically identified through respondents self-reporting that their gang had specific colors or a dress code (Bjerregaard, 2002; Decker & Pyrooz, 2011). Like having friends in a gang, wearing gang colors or dress was found to be related to gang embeddedness (Decker & Pyrooz, 2011).

Frequenting gang areas was not explicitly stated as such, however, several articles reveal that survey respondents indicate "gang members had a particular territory" (Bjerregaard, 2002, p. 44), have regular "meetings" (Decker & Curry, 2000, p. 476), and have "clear boundaries of its territory or turf, and protects its members and turf against other rival gangs through fighting or threats" (Pyrooz & Sweeten, 2015, p 415).

Displaying gang symbols/signs were noted as potential gang membership indicators in multiple studies of middle-school and high-school aged survey participants (Curry, 2000; Curry & Spergel, 1992; Curry, Decker, & Egely, 2002; Esbensen & Huizinga, 1993; Leverso & Matsueda, 2019). In one study, 97% of self-identified delinquent youth reported that their gang had specific symbols or colors (Esbensen & Huizinga, 1993).

Arrested for gang-related offense was noted as a predictor or indicator of gang membership in only a few studies focusing on youth, however arrests, or "delinquent behavior", either observed or self-reported, are common outcome measures across empirical studies of youth gang membership (Battin et al., 1998; Bjerregaard, 2002; Buchanan & Krohn, 2019; Curry, 2000; Curry & Spergel, 1992; Katz & Webb, 2003; Katz, Webb, & Schaefer, 2000; Thornberry et al., 1993). When measured against their non-gang member delinquent peers, gang members were significantly more likely to have been arrested (Buchanan & Krohn, 2019). Moreover, illegal violence and "fighting" are identified in gang definitions (Miller, 1975), as gang membership indicators (Curry, 2000), and are related to gang embeddedness (Decker & Pyrooz, 2011).

Gang tattoos, was noted in studies of adult prison gang populations, as being commonly relied on to identify gang members (Pyrooz, Decker, & Owens, 2019; Ruddell, Decker, & Egley, 2006). Beyond serving as reliable sources to identify gang members, as discussed below, Blandfort and colleagues (2019) relied on social workers and other domain experts in the community to consult in the identification of gang related tattoos.

Reliable sources, including social workers, parole officers, witness testimony, and other official statements have been used to help identify youth gang members for research (Blandfort et al. 2019; Katz, 2000; Lasley, 1992).

Law Enforcement and Gang Member Identification

As mentioned above and in the 2018 report *Gang Membership, Duration, and Desistance: Empirical Literature Review*, the majority of empirical research to date has relied on their participants to judge whether they would consider themselves a gang member and self-report that judgment. In the case of the CalGang Database, trained law enforcement officers are tasked with using available criteria to determine whether or not an individual is a gang member.

Previous research has relied on law enforcement intelligence records to identify gangs for participation in empirical research on gang membership (Lasley, 1992), yet few empirical research studies have examined law enforcement officers' ability to accurately identify gang members. Of those, some research has shown that criminal involvement of police-identified gang members is similar to criminal involvement of non-gang documented youth (Chesney-Lind et al., 1994; McCorkle & Miethe, 1998; but see Katz, Webb, and Schaefer, 2000 for limitations of these studies) while others, described in more detail below, have found that police-identified gang members are more criminally active and commit more serious offenses than their non-gang documented counterparts.

In one such study examining the validity of police-gathered gang intelligence, researchers used data from the Mesa, Arizona Police Department's gang unit records from the Maricopa County Juvenile Probation Department to compare delinquency between documented gang members and non-documented, but criminally-active youth (Katz, Webb, and Schaefer, 2000). Results of their analysis showed that police-identified gang members were significantly more criminally active and significantly more likely to have committed a serious offence compared to their non-gang documented, but criminally active youth counterparts. This contrast lead authors to conclude that "the police department was able to identify and document youth that pose a more serious threat to the community" (pg. 431) and that ultimately "gang lists may be more helpful to the police than first believed" (pg.413).

In another study, a researcher compared youths' self-reported gang membership on surveys to Chicago crime records that designate crimes as "gang-related" and youths associated with those crimes as gang members (Curry, 2000). While 265 youths surveyed reported some level of gang involvement, only 92 were documented by police as gang members. Results indicated that the majority of police-identified gang members self-reported gang membership and/or delinquent behavior. Moreover, Chicago police accredited 3.3 times as many offenses to the 92 police-identified gang members as they did to non-gang identified youths suggesting that, while police-identification and self-admit did not have a 1:1 relationship, police are adept at identifying those who pose a serious threat to their community.

Aside from the few studies that examine the validity of police-identified gang membership, there are other limitations regarding this research. Like much of the empirical gang research, the studies presented here focus on youth gang members (<18 years old) which constitute less than 2% of the records in the CalGang Database. Moreover, the empirical research cited above is over 19 years old, sometimes relying on data from the 1980's. Despite these limitations, the more recent research on the topic is promising, highlighting trained law enforcement officers' ability to rely on self-admission and, often times, other criteria to accurately identify criminally active individuals.

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