

**OFFICE OF THE  
ORANGE COUNTY DISTRICT ATTORNEY**



**2004 Annual  
Gang Cases Report:  
10-Year Analysis**

**INCLUDING THE GANG UNIT  
& THE TRI-AGENCY RESOURCE GANG ENFORCEMENT TEAMS  
(TARGET)**

**TONY RACKAUCKAS  
ORANGE COUNTY DISTRICT ATTORNEY  
July 2005**

## EXECUTIVE SUMMARY

### **The Scope of Gang-Involved Crime Between 1995 and 2004**

- Prior to Tony Rackauckas being sworn in as District Attorney of Orange County in 1999, the County had 19,965 gang members. That number fluctuated between 18,669 and 24,035 between 1995 and 1998. In 2004, 13,259 active gang members exist in Orange County, a decrease of 44% from the all time high of 24,035 in 1996.
- The number of known street gangs has also decreased from 1998 to 2004. From 1995 to 1998, there was a steady rise in gang membership, with 1998 being the peak. In that year, 400 gangs were identified in Orange County. Today 338 gangs are identified, a decrease of 15%.
- Between 1995 and 1998, Orange County experienced an average of 36 victims of gang homicides a year. The peak was in 1993 at 74. Since then victims of gang homicides have decreased to an average of 25 a year.

### **Anti-Gang Prosecution Efforts Over the Last 10 Years**

- Tony Rackauckas refocused the Office's priorities in the Gang and TARGET Units to treat juvenile gang defendants as adult criminals. Prior to 1998, about 50% of gang cases were filed in juvenile court. After that an average of 30% a year of filed cases were filed in juvenile court.
- From 1995 to 1998, 66% of cases filed against gang members were filed as felonies. Since 1999, 77% of gang cases were filed as felonies. The trend seems to be holding true. Since 2002 over 80% of gang cases were filed as felonies and increased for the last 2 years to almost 90% of gang cases being filed as felonies.
- The District Attorney's Office has been increasingly aggressive in filing sentencing enhancements since 1999. Prior to 1999, about 620 gang defendants a year were charged with enhancements through PC 186.22, known as the Street Terrorism Enforcement and Prevention Act, (STEP Act) or 3<sup>rd</sup> Strike laws. After 1999, that number rose to about 800 a year. In 2004, 71% of gang defendants were charged with either active participation in a criminal street gang or committing a crime, at the direction of, in association with, or for the benefit of a criminal street gang.
- The District Attorney's office conducted 82 trials involving gang defendants in 2004 with an impressive 95.8% conviction rate in trials completed. This is the highest overall conviction rate in 10 years.
- Over the last ten years the Gang and TARGET Units have averaged an 89% conviction rate for all cases and a 92% conviction rate for trials.
- In the last 10 years, 8,393 gang defendants have been sentenced. In 2004 alone 769 or 90% of convicted gang members were sentenced to custody time. In addition, 333 were committed to state prison or the California Youth Authority. Of those sent to prison in 2004, 32 were sentenced to life.

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OFFICE OF THE

# DISTRICT ATTORNEY

ORANGE COUNTY, CALIFORNIA

TONY RACKAUCKAS, DISTRICT ATTORNEY

I am pleased to announce that our County has realized gains in the fight against gang crime as a result of the continued collaboration among federal, state, and local law enforcement agencies. We are winning some important battles, but the war against gang violence is far from over.

When gang activity goes up, our quality of life goes down. The people of our community need to be free from the fear of becoming a victim of gang intimidation or violence. For this reason, I have made stopping gang activity a top priority of my administration. We must show our youth in clear terms that participation in gangs is a dead-end street. We will continue to devote resources to our youth programs steering children away from the allure of gangs while holding youthful offenders strictly accountable for gang violence. Our united law enforcement front must make the message clear to those attracted to the gang lifestyle: either stay away from gangs and grow and prosper, or join a gang and grow up in prison.

Gangs of the new millennium are smarter, more organized, and they are branching out into new forms of crime, such as identity theft. It is not surprising that identity theft is the fastest growing form of crime in the nation. I have made a commitment to increasing the number of prosecutors, investigators, and forensic accountants that work in the Economic Crimes Unit so that we can effectively track and prosecute major fraud and identity theft cases.

During the six years that I have been District Attorney this office has teamed up with local police agencies and the probation department in several of our cities. This team is known as the Target Unit and focuses on concentrating efforts on "hard core" gang members for prosecution.

In 2004, Orange County faced a rising problem with a white supremacist gang. The gang was heavily involved in identity theft, methamphetamine sales, and was known to be collecting information on prosecutors, police officers, and judges in the County. The Target and Gang Units went after this gang and during 2004 prosecuted 62 of the 95 documented members and their associates, including nine members on homicide charges. The team effort put forth by Orange County law enforcement has severely limited this gang's ability to commit crimes.

As long as I am District Attorney we will continue to be a leading force in the fight against gangs. We will provide the proper training and resources necessary to win this battle and we will continue to work hard to maintain the quality of life that our residents richly deserve.

## OVERVIEW OF THE GANG PROBLEM IN ORANGE COUNTY

This report is the latest in a series of annual reports published by the District Attorney's Office which describes the office's work combating gang crime in Orange County. The statistics displayed and the case histories described in this report indicate, as they have for several years, that progress is being made in the battle against Orange County gang activity. We are aggressively prosecuting the hardcore leaders and disrupting the leadership of these criminal enterprises. For instance, in 2004, 71% of gang defendants were charged with active participation in criminal street gangs or committing crimes for the benefit of their gangs and are eligible for lengthy sentence enhancements. In general, the statistics for 2004 indicate that gang crime filings are increasing and the dedication of the District Attorney's Office is unfaltering.

The District Attorney uses vertical investigation and prosecution to remove the most dangerous gang members from our streets and neighborhoods. There are two units in the Orange County District Attorney's Office that are dedicated to combating gang defendants. The first is the Gang Unit. The Gang Unit specializes in the vertical prosecution of serious and violent felonies committed by documented gang members. Therefore, when a gang member commits a crime, an experienced Deputy District Attorney in the Gang Unit who is familiar with that gang member's background and prior criminal history is assigned to prosecute the case from filing and first court appearance, through jury trial, and finally sentencing.

There is also TARGET (Tri Agency Resource Gang Enforcement Team), a program that utilizes integrated teams of police, probation officers, and prosecutors stationed in a number of police departments throughout the county. The TARGET concept is a highly specialized team approach focusing on the most hardcore, violent, repeat gang offenders who possess leadership positions in criminal street gangs. The goal of TARGET is to incapacitate these hardcore gang members before they can commit further violent acts against society.

The District Attorney's Office strongly believes in a comprehensive strategy to combat gangs and gang activity in our communities. A comprehensive gang strategy includes prevention, intervention, and suppression. The District Attorney's Office has been heavily involved in suppression and prosecution over the years. We also recognize that taking away money from gang members is an effective way of gang suppression. In 2002, the District Attorney's Office obtained a \$292,000 federal grant to Prevent Laundering from Underwriting Gangs (PLUG). The program has directly investigated cases resulting in over \$400,000 in seizure of laundered funds. PLUG is the first grant-funded, gang-related money laundering program in the country.

Over the past four years state funding has allowed the District Attorney's Office to participate in two gang violence intervention programs: Community United for Fullerton Safety (CUFFS) and Community Pride Reclaimed (CPR) in La Habra. The purpose of these programs is to develop comprehensive, coordinated projects by a group representing law enforcement, prosecution, probation, and educational agencies. The goal is to focus their efforts on specific areas in order to reduce the level of gang violence and to divert potentially dangerous gang activity into more positive and constructive behavior.

The Office also participates in several preventative programs focusing on at-risk juveniles: Juvenile Justice Education Together program (JJET), Orange Outreach, and the Summer Youth Educational Program. In 2000, the JJET program was implemented. This program focuses on middle-school students at risk for delinquency. It includes contacts with judges, prosecutors, defense attorneys, police officers and includes visits to Juvenile Hall and Juvenile Court. Another program the District Attorney's Office created and supports is the Orange Outreach, a ten-week crime prevention program for fifth grade students. Deputy District Attorneys volunteer during their lunch hours to teach the program to kids. Lastly, the Summer Youth Educational Program is designed to help high school students gain a better understanding of the criminal justice system. This intensive one-week course provides about 20 students a year with an informative view of the path a criminal case takes from the time the crime is reported to the trial and through sentencing. Students interact with persons in the criminal justice system including District Attorney Tony Rackaukas, a police investigator, a prosecutor and other criminal justice professionals. The class also takes field trips to the Orange County Superior Court, the Orange County Sheriff's training facility, the Coroner's office and the Santa Ana Police Department. At the end of the program, students have their own mock-trial and leave with a better understanding of the criminal justice system and the role of the District Attorney's Office.

Other county-wide prevention and intervention programs in which the District Attorney’s Office participates include the School Mobilization and Response Team (SMART) and the Truancy Reduction Program (TRP). Both programs are administered by the Orange County Probation Department but support District Attorney activities. SMART is an intervention program that responds to crisis situations on school campuses. TRP is a prevention program aimed at keeping kids in school. Deputy District Attorneys visit schools and give presentations on a variety of subjects, from the importance of an education to what it is like to face a judge.

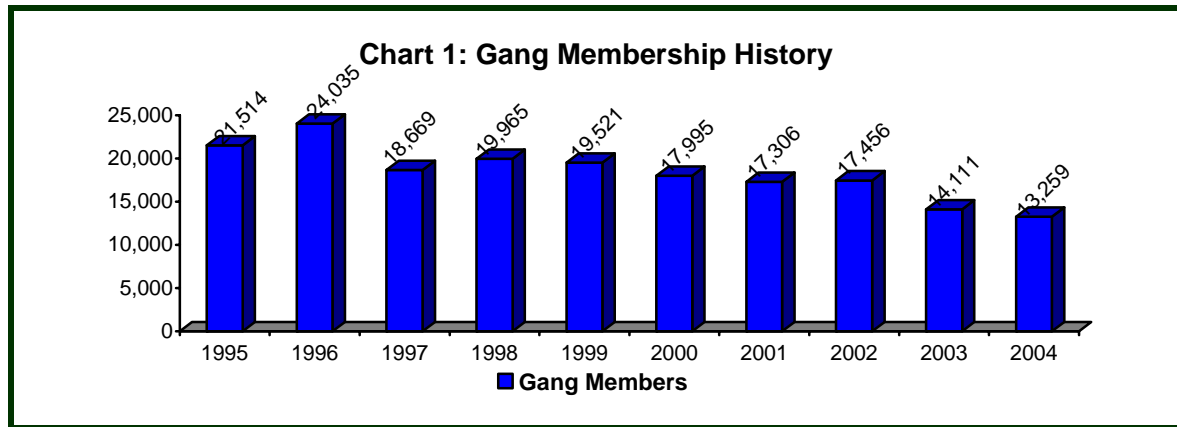
This report is not comparable to past reports released by this office. Direct access to data from our new Case Management System (CMS) has allowed for more detailed analysis and understanding of gang cases handled by the District Attorney’s Office. Definitions and counting procedures have been improved. The past ten years worth of data have been reanalyzed and updated.<sup>1</sup>

Some data were hand verified to provide the best possible statistics for this report. One area that was scrutinized was juvenile cases labeled as Gang Unit cases. Prior to 1998, juvenile cases reviewed by Gang Deputy District Attorneys and filed by Juvenile Deputy District Attorneys were labeled as Gang Unit cases. Cases from 1995, 1996, and 1997 were hand verified and juvenile gang-related cases assigned to Juvenile Deputy District Attorneys were removed. Due to human error, these numbers may still be over counting juvenile gang crime. These errors are less evident in the 1998 and later data. Dismissal codes were also researched and some cases were updated to reflect consistent coding of defendants with multiple cases.

In this report and its tables, “defendants” refer to gang members attached to cases. Gang members involved in multiple cases are counted as multiple defendants. For example, if a gang member is arrested for vandalism and later arrested for assault and his cases are not combined at prosecution, he is counted as a vandalism defendant and as an assault defendant. This complicates sentencing because his sentences could still be combined. This is why 815 defendants can be found guilty and only 769 defendants are sentenced in 2004.

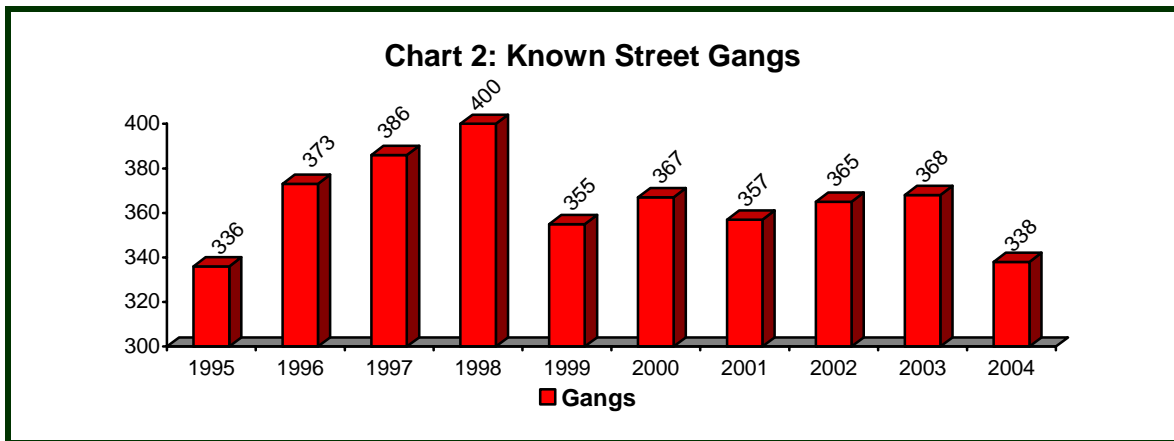
### **A. Key Gang Crime Indicators – the CalGang Database**

During 2004, there were 1,250 new Orange County gang members added to the CalGangs database system. A total of 2,102 gang members who were inactive for the past five years were purged. These additions and removals left 13,259 active gang members in the county (a 6% decrease). The total number of identified gang members in Orange County reached its peak of 24,035 in 1996.

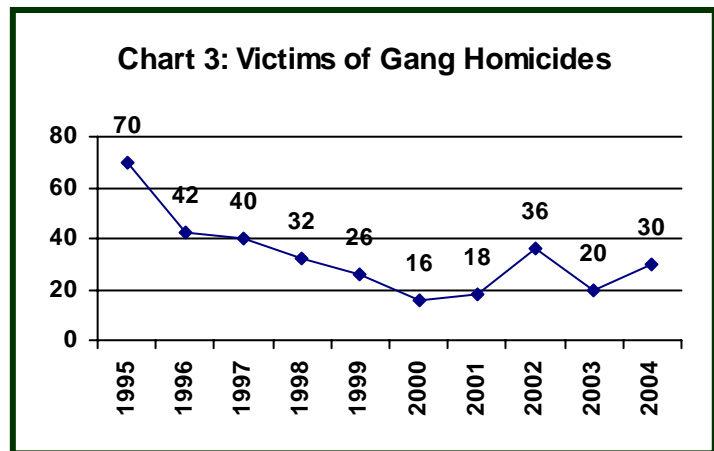


<sup>1</sup> The report no longer includes cases not handled by the anti-gang units. Procedures for including those cases changed and data became unreliable. The old format also included information on TARGET teams from across the county. That data were collected from monthly self-reports collected from the police, prosecution, and probation officers. Collection procedures are being evaluated and redesigned to supply data in a more effective and efficient manner.

Thirty six of the gangs operating in Orange County in 2003 were eliminated from the database for inactivity during 2004 and six new gangs were identified during the year. This means that there were 338 identified gangs operating in Orange County at the end of 2004, compared to a high of 400 at the end of 1998.



The number of gang homicide victims peaked at 74 in 1993 when some of the special anti-gang efforts began in earnest.<sup>2</sup> After dropping steadily since 1993, the number of victims of gang homicides increased slightly in 2001 and doubled between 2001 and 2002. In 2003, the number dropped to 20, a decrease of almost 50%. Last year, the number of victims killed by gang members rose to 30. This was still a significant drop since 1993.



In 2004, a special unit was formed to target a white supremacist gang. This gang had collected credit reports and personal data on police officers, a judicial officer, and their families. During the past 12 months, this special unit has put pressure on this white supremacist gang, prosecuting over 62 of its 95 documented members or associates. The charges ranged from identity theft and drug sales to assaults and homicides. In one of the homicides solved by this team, nine defendants from this gang were arrested and are now in custody facing murder charges.

## **B. Gang Filings 1995-2004 - District Attorney's Office**

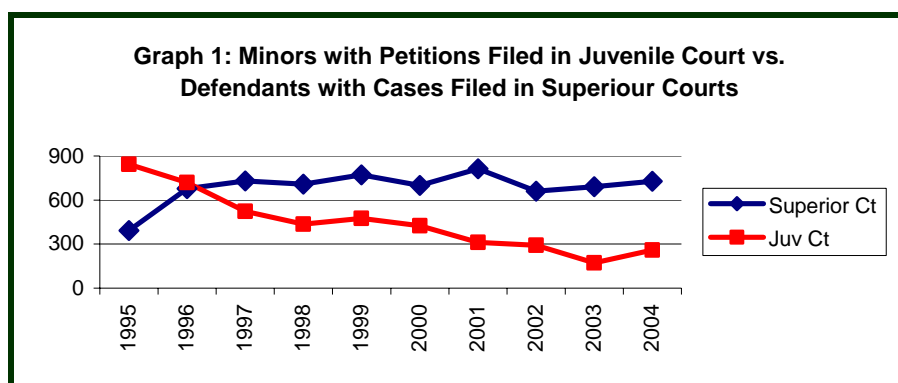
In 2004, Orange County's felony filings for all defendants increased 7.5%. For the first time in five years gang crime filings also increased. Half of all murders, 60% of all attempted murders, and 9% of all weapons cases were filed and tried by the Gang and TARGET Units. The District Attorney believes that suppression of gang activity has a great impact on the reduction of overall violent crimes.

<sup>2</sup> CalGang counts "gang-related" homicides as the number of deceased persons. One incident resulting in two deaths would be counted as two "gang-related" homicides and an incident involving five defendants and only one death would be counted as one "gang-related" homicide.

In 2004, 815 cases involving 1,040 gang defendants were filed by anti-gang units in Orange County (Table 1). A little over 400 of those defendants or 40% of all filed defendants were under the age of 18. Ninety-two (92) of those minors were tried as adults for various violent crimes such as homicide, attempted homicide, assault, and robbery. Although adult gang filings have remained consistent since 1996, cases filed against juveniles have dropped steadily since 1995. (Graph 1).

<b>TABLE 1: Gang Defendant Filings by Offense 1995-2004</b>										
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
<b>Total Defendants Filed</b>	1502	1688	1533	1500	1632	1398	1271	1039	906	1040
<b>Direct Filings</b>	0	0	0	0	0	19	8	40	76	84
<b>707 Hearings</b>	86	96	62	59	51	23	35	13	7	8
<b>Total Defendants Rejected</b>	62	18	41	66	43	42	25	29	36	48
<b>% Rejected</b>	3.7%	1.1%	2.6%	4.2%	2.6%	2.9%	1.9%	2.7%	3.8%	4.4%
<b>Homicide</b>	57 4.6%	62 4.4%	60 4.8%	75 6.6%	75 6.0%	49 4.4%	67 6.0%	72 7.6%	31 3.6%	88 8.9%
<b>Violent Offenses (1)</b>	607 49.1%	698 50.0%	598 47.8%	539 47.1%	534 42.8%	463 41.2%	468 41.6%	420 44.1%	375 43.5%	416 42.8%
<b>Weapons Offenses</b>	215 17.4%	254 18.2%	233 18.6%	156 13.6%	253 20.3%	218 19.4%	260 23.0%	195 19.8%	221 25.1%	183 18.6%
<b>Drug Offenses</b>	81 6.5%	109 7.8%	111 8.9%	76 6.6%	91 7.3%	115 10.2%	119 10.6%	81 8.5%	96 11.1%	84 8.5%
<b>Other Serious Offenses (2)</b>	158 12.8%	147 10.5%	129 10.3%	142 12.4%	151 12.1%	187 16.7%	104 9.3%	78 8.2%	64 7.5%	94 9.5%
<b>Vandalism</b>	42 3.4%	27 1.9%	34 2.7%	50 4.4%	28 2.2%	30 2.7%	34 3.0%	43 4.5%	30 3.5%	53 5.4%
<b>Other Offenses(3)</b>	77 6.2%	100 7.2%	86 6.9%	106 9.3%	115 9.2%	61 5.4%	72 6.4%	64 6.7%	45 5.2%	68 6.9%
<b>TOTAL FILINGS (4)</b>	1237	1397	1251	1144	1247	1123	1124	953	863	986
<b>STEP Act Defendants</b>	402	519	663	682	785	699	677	672	655	734
<b>2<sup>nd</sup> Strike Defendants</b>	18	35	48	64	48	60	91	65	64	73
<b>3<sup>rd</sup> Strike Defendants</b>	3	18	19	19	16	18	43	31	38	36

1. "Violent Offenses" include: Attempted Homicide, Assault, Rape, Sexual Assault, Robbery, Kidnapping, and Shooting into a Dwelling.
2. "Other Serious Offenses" include: Burglary, Grand Theft Auto, Carjacking, Theft, and Receiving Stolen Property.
3. "Other Offense" includes intimidation of witnesses, fraud, alcohol-related offenses, etc.
4. Total filings exclude probation violations, which explains why the total filings does not equal the total number of defendants filed. Juvenile probation violation filings declined substantially. Proposition 21 passed in 2000 has had a significant impact on the number of probation violation filed by this Office. Policy changes within the courts have also affected the number of probation violations filed by the Gang and TARGET Units.





Juveniles who do participate in criminal street gangs are being seen more like adults in the eyes of the criminal justice system. Fewer violent juvenile gang offenders are being handled by the Juvenile Court. They are being brought to the attention of specialized gang units and being treated and tried as adults. This trend is a reflection of the shift that has occurred in how the criminal justice system views juveniles who commit violent offenses. Proposition 21 in 2000 was a catalyst for this change in California. A positive effect of this paradigm shift is that it frees up the Juvenile Court to return to its roots and focus on juveniles who are not a threat to the community and could benefit from rehabilitation.

The Garden Grove TARGET Unit deputy district attorney successfully prosecuted a number of "third strike" defendants involved in a home invasion robbery. The Garden Grove and Westminster TARGET Units worked closely together in apprehending the home invasion suspects who were also wanted on a number of charges in the City of Westminster. This case was an example of two separate TARGET teams working together to incapacitate gang members criminally active in both of their jurisdictions. The case was also unique in that the suspects were from three separate gangs. It was established at trial that the crime was committed for the benefit of each of the gangs.

Another significant change in caseload filings over the last 10 years was the percentage of felonies and misdemeanors. In 1995, 64% of defendants were charged with felonies. Over the last 3 years that percentage has risen to over 80%. In 2003 and 2004, almost 90% of gang defendant filings have been felonies.

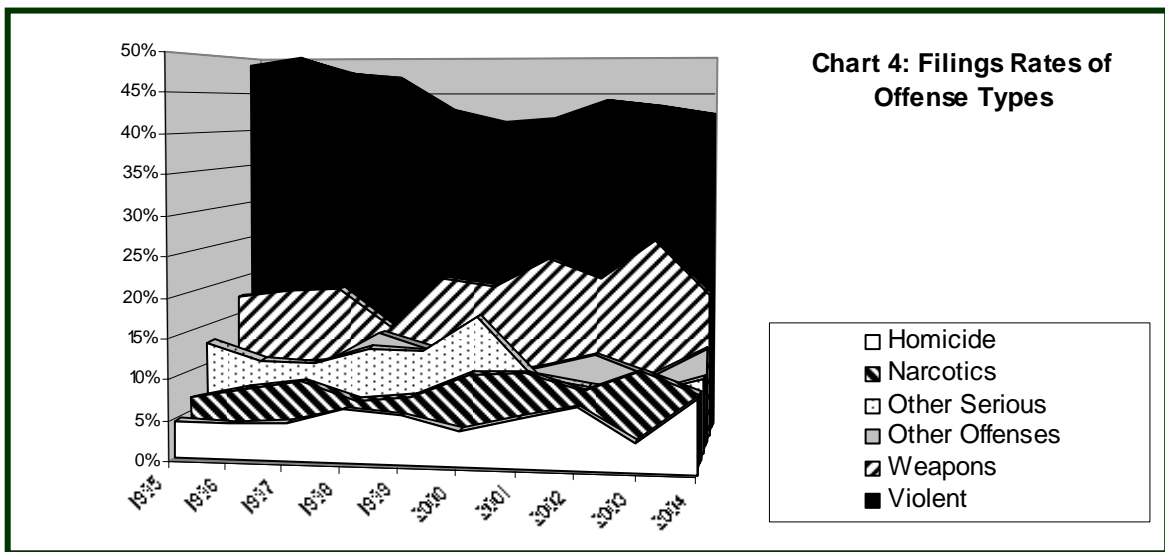
	<b>TABLE 2: Misdemeanor vs. Felony Filings 1995-2004</b>									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Misdemeanor	36%	30%	32%	37%	35%	34%	24%	18%	11%	11%
Felony	64%	70%	68%	63%	65%	66%	76%	82%	89%	89%

Table 1 (page 8) identifies the number of gang defendants that have been charged with Penal Code 186.22 (STEP Act) violations. This code section makes it illegal to actively participate in a criminal street gang. A criminal street gang is defined as "a group of three or more persons who have a common identifying sign, or symbol, or name, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity." If the defendant has been charged with a crime committed in association with, at the direction of, or for the benefit of a criminal street gang, sentence enhancements may apply. These enhancements could add two years to the sentence for minor crimes or 25 years to life for homicides involving firearms. In 2004, 71% of gang defendants were charged with participation in a criminal street gang or were eligible for sentence enhancements due to the fact that their crimes were committed to benefit their gang. The extensive use of the STEP Act demonstrates that these units aggressively prosecute gang members and seek the stiffest penalties possible.

In 2004, the South Target Team successfully prosecuted a South Orange County gang member for his role in a drive-by shooting. The defendant was convicted of two counts of attempted murder, shooting into an occupied dwelling, active criminal street gang participation and of committing the crime for the benefit of his gang. These crimes likely would have gone unsolved had it not been for the quick response of the Sheriff's South Orange County TARGET Team and the Gang Enforcement Team and their intimate knowledge of the gang rivalries in South Orange County. The teams' expertise allowed for the nearly immediate identification of the suspect and his quick arrest.

Another example of how aggressively these units prosecuted defendants involved in gangs was the inclusion of 2<sup>nd</sup> and 3<sup>rd</sup> strike enhancements. In 1994, California became the second state to mandate life terms for defendants who were convicted of a third felony after committing two prior specific serious or violent offenses. Over the last 10 years, the Gang and TARGET teams have charged almost 800 defendants with 2<sup>nd</sup> or 3<sup>rd</sup> strike enhancements. (Table 1).

Chart 4 shows the proportion of all filings for homicide, narcotics, weapons, violent offenses, other serious (burglary, grand theft auto, carjacking, theft, and receiving stolen property), and other offenses (including vandalism). The chart allows us to compare filings across years and determine if gang members are being charged with more or fewer of certain types of crime. In 1995, violent offenses were about 50% of the offenses filed. That proportion slowly declined to around 41% in the early 2000s and has risen over the last few years to rest at 43%. Weapon offense filings have averaged 20% of the total filings over the last ten years. In 1998 they fell to 14% of the offenses filed and in 2003 they peaked at 25% of all filings. Filings for other offenses have remained between 9% and 12% of all filings, increasing to 14% in 1998, and falling to 8% in 2000. Filings of other serious offenses average between 10% and 12% prior to 2000 when it peaked at 17%. Since that time other serious offenses have remained between 8% and 10%. Narcotics filings have ranged from 7% in 1995 to 11% in 2003. This last year narcotic offenses made up 9% of the filings. Homicide filings rose to 9% of all filings in 2004. This number fluctuates from year to year. In 2003, only 4% of filings were homicides committed by gang defendants.



### **C. Gang Dispositions 1995-2004 - District Attorney's Office**

In 2004, the District Attorney of Orange County completed 829 gang cases involving 996 gang defendants. A majority of those defendants (70.4 %) pled guilty to the charges filed against them during the preliminary stages of the process. One in seven defendants went to trial and 96% were found guilty by a judge or jury.

Dismissed cases ranged between 7% and 10% between 1995 and 2004. In 2001 dismissed cases reached an all time high of 13%. Some cases were dismissed because the defendant was found guilty or pled guilty to another more serious case. (For example, a defendant was charged with an auto burglary and later was charged with attempted murder. When he was convicted of the attempted murder and sentenced to prison, the auto burglary case was dismissed.) Over the past few years, units have neglected to consistently dismiss cases in this manner. In 2004, cases were reviewed and dismissal reason codes were updated for those cases that fit the above scenario. Past years' cases were not reviewed due to time and manpower constraints. It is possible that some of the cases reported as dismissals for 1995 through 2003 fall into this "dismissal found guilty or pled guilty on another case" category. Since 1995, cases dismissed where defendant was found guilty or pled on another case ranged from 0% to 4%.

**TABLE 3:  
Gang Defendant Dispositions  
1995-2004**

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
<b>Total Defendants Completed</b>	<b>1376</b>	<b>1364</b>	<b>1291</b>	<b>1203</b>	<b>1201</b>	<b>1086</b>	<b>1275</b>	<b>996</b>	<b>784</b>	<b>996</b>
<i>% Dismissed</i>	<i>7.9%</i>	<i>9.2%</i>	<i>7.7%</i>	<i>7.1%</i>	<i>10.3%</i>	<i>10.9%</i>	<i>13.0%</i>	<i>8.5%</i>	<i>10.7%</i>	<i>7.1%</i>
<i>% Dismissed – Guilty on Other Case <sup>(1)</sup></i>	<i>0.4%</i>	<i>0.1%</i>	<i>2.9%</i>	<i>2.7%</i>	<i>1.4%</i>	<i>3.6%</i>	<i>2.3%</i>	<i>2.9%</i>	<i>1.4%</i>	<i>2.5% <sup>(2)</sup></i>
<i>% Consolidated/Refiled<sup>(3)</sup></i>	<i>12.2%</i>	<i>14.4%</i>	<i>10.5%</i>	<i>10.1%</i>	<i>10.2%</i>	<i>8.2%</i>	<i>8.9%</i>	<i>7.1%</i>	<i>5.0%</i>	<i>8.2%</i>
<i>% Pled Guilty</i>	<i>58.2%</i>	<i>63.4%</i>	<i>65.1%</i>	<i>66.1%</i>	<i>66.2%</i>	<i>64.4%</i>	<i>66.2%</i>	<i>68.2%</i>	<i>71.7%</i>	<i>70.4%</i>
<i>% Other Dispositions <sup>(4)</sup></i>	<i>11.5%</i>	<i>6.7%</i>	<i>4.3%</i>	<i>3.1%</i>	<i>3.2%</i>	<i>5.5%</i>	<i>3.8%</i>	<i>6.4%</i>	<i>2.8%</i>	<i>4.6%</i>
<i>% Trial <sup>(5)</sup></i>	<i>9.8%</i>	<i>6.1%</i>	<i>9.5%</i>	<i>10.9%</i>	<i>8.6%</i>	<i>7.5%</i>	<i>5.8%</i>	<i>6.8%</i>	<i>8.4%</i>	<i>7.1%</i>
<i>% Guilty</i>	<i>94.8%</i>	<i>92.8%</i>	<i>91.0%</i>	<i>87.8%</i>	<i>90.3%</i>	<i>82.9%</i>	<i>94.6%</i>	<i>89.7%</i>	<i>95.5%</i>	<i>95.8%</i>
<b>Overall Conviction Rate <sup>(6)</sup></b>	<b>90.4%</b>	<b>88.7%</b>	<b>90.2%</b>	<b>90.3%</b>	<b>87.4%</b>	<b>86.2 %</b>	<b>85.0%</b>	<b>89.8%</b>	<b>88.1%</b>	<b>91.7%</b>

1. Cases where defendant was found guilty or pled guilty to other charges. See text for a more detailed description.
2. 2004 data has been reviewed and dismissal reason codes for cases fitting requirements were updated. See text for a more detailed description.
3. Consolidated and refiled includes juvenile cases transferred to adult court.
4. Other Dispositions are dispositions that were not able to be categorized into any of the reported dispositions and not enough information was present in the Case Management System to manually clean the cases. These could include cases with missing dispositions. These also include those defendants whose dispositions are located on other cases.
5. Does NOT include trials that ended in pleas.
6. The overall conviction rate is the number of pleas and trials with guilty verdicts compared to all resolved defendants (convicted plus “not guilty” trials and “pure” dismissals). The conviction rate does not include dismissals – found guilty on other case or consolidate/refiled.

Gang trials are very complex, difficult, and often lengthy. Witnesses are reluctant to testify for fear of retaliation. Gang members often try to shift responsibility, shade the truth by denying any knowledge of the incident, or refuse to cooperate. The Gang and TARGET Units conducted 82 court and jury trials involving gang defendants during 2004, with a 95.8% conviction rate in completed trials. Almost half of the trials completed by Gang and TARGET Units in 2004 were homicide or attempted homicide trials and 77% of the completed trials were for violent offenses.

The District Attorney’s Office has aggressively pursued even the most difficult cases. This dedication resulted in a 92% conviction rate for all gang defendants in 2004: the highest overall conviction rate in 10 years. The Office has always maintained an impressive conviction rate in gang cases. Over the last ten years the Gang and TARGET Units have averaged an 89% conviction rate for all cases and a 92% conviction rate for trials.

#### **D. Gang Sentences 1995-2004 - District Attorney’s Office**

In 2004, 769 adult and juvenile gang defendants were sentenced. Ninety percent (90%) of convicted gang defendants in 2004 were sentenced to custody and will spend time behind bars. This includes 32 sentenced to life in prison. Sentencing is often recommended by the prosecution, researched by probation, and determined by the courts. For the last ten years, the courts have been sentencing about 40% of convicted gang members to state facilities (state prison or the California Youth Authority). In 2003, the courts sentenced an all time high of 46% of convicted gang members to state facilities.

Conversely, the courts have been using local facilities less and less often for confining convicted gang members. However, it is still the most common sentence. In 2004, 46% of gang members were sentenced to local facilities.

<b>TABLE 4: Gang <u>Defendants</u> by Sentence Category 1995 – 2004</b>										
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
<b>Total Sentenced</b>	933	945	951	912	890	774	914	680	625	769
<b>% State Facilities</b>	34.6%	42.1%	39.6%	45.1%	38.3%	36.2%	38.2%	43.4%	46.2%	43.3%
<b>% Local Facilities</b>	55.3%	51.1%	55.6%	50.2%	55.1%	57.1%	54.3%	49.9%	47.2%	46.3%
<b>% Probation ONLY</b>	8.1%	4.3%	4.0%	3.6%	4.6%	4.5%	5.6%	5.3%	4.0%	6.4%
<b>% Other <sup>(1)</sup></b>	1.9%	2.4%	0.7%	1.1%	2.0%	1.9%	2.0%	1.5%	2.6%	4.0%

1. Other could include restitution, community service, and other diversion type programs.

Five gang members accosted four young teenagers in a deserted area of Orange County. This was a horrendous case in which the defendants brutally beat the two boys and then kidnapped and sexually assaulted the two girls. The girls were left naked and with no one to help them. Two of the defendants pled guilty and the other three were tried for multiple counts of rape and associated sex crimes, kidnap, robbery, car theft and gang allegations. All three were convicted and the two most culpable were sentenced to 91 years to life in state prison.

## **E. Conclusion**

It is important to remember that gang crime is a direct threat to public safety in Orange County. As recently as 2002, Orange County experienced an increased number of gang related homicides. This report illustrates the trends of the last ten years and the effort of the District Attorney's Office regarding the gang problem.

The District Attorney of Orange County participates in a comprehensive gang strategy beyond suppression and believes in the concept of prevention and intervention. The Office has secured federal and state funding that supports those components of the County's gang strategy. Community outreach is also a priority of the Orange County District Attorney's Office. The programs are designed to reach out to minority communities to increase their levels of knowledge about the criminal justice system and provide information about resources and other assistance programs available to victims of crime. Currently, the outreach programs have been effective in the Hispanic, Vietnamese, and Korean communities.

This commitment to a comprehensive gang strategy is also evident in the Deputy District Attorneys who work in the Gang and TARGET Units. The District Attorney personnel involved in the Gang and TARGET Units conduct and attend extensive law enforcement training both in and outside of Orange County. Deputy District Attorneys also continue to manage to volunteer for Orange Outreach, a crime prevention program taught to 5<sup>th</sup> grade students throughout the county, speak at elementary and high schools on the dangers of gang participation, and participate in the Big Brother Program.

As this report shows, the District Attorney of Orange County has made great efforts to curtail gang crime over the last 10 years and substantial progress has been made. As long as gangs continue to commit acts of violence, the law enforcement community will continue to devote as many resources as possible to further the reduction of gang crime.