



DURHAM



1869

CITY OF MEDICINE



Updated Gang Assessment

June 2014

Law Enforcement Data

Law Enforcement Data

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Law Enforcement Data

The data on gang activity in this section is derived from the Durham Police Department RMS (Records Management System), and covers the years 2009 to 2012 or in some cases, 2010 to 2012. The files provided by the DPD Analytical Services Division contain summaries of 4,995 incidents reported as “gang involved”. These include “member-based” incidents where the reporting officer identified a validated gang member as either a victim or a suspect, and/or incidents where the reporting officer believed there was some type of gang component to the incident. It is important to note that each incident does not necessary reflect a crime. Some are informational reports where no crime occurred.

In addition, there is some variance in what brings the incident to law enforcement’s attention. Almost all Part 1 violent crimes (homicide, rape, robbery, aggravated assault) are “report driven”, in other words, officers respond to an external report of crime. Drug and weapons crimes, on the other hand, are usually “officer driven”. Officer driven incidents may vary over time depending on the current focus of law enforcement. For example, there may be a “drug sweep” one month in which many individuals are arrested on drug charges, but a far fewer number of similar charges the next month.

Law enforcement agencies across the country use a standardized method for classifying different types of incidents, known as UCR (Uniform Crime Report). These codes can be further grouped into larger categories, such as “violent”, “property” and “other”. The UCR codes for these categories are as follows:

Table A1 – UCR Codes for Incidents

| UCR Code | Description | Category |
|-------------|--------------------|--|
| 01** | Murder | These are considered Violent crimes |
| 02** | Rape | |
| 03** | Robbery | |
| 04** | Aggravated assault | |
| 05** | Burglary | These are considered Property crimes |
| 06** | Larceny | |
| 07** | Auto theft | |
| 08** - 99** | Other | All other types of incidents, some of which may not involve a crime i.e. “calls for service” |

Gang Motivated Crime or Gang Related Crime?

It is important to understand the difference between *motive-based* crimes and *member-based* crimes. For purposes of this report, the following definitions apply.¹

Motive-Based: These are criminal acts that enhance the status or function of the gang. They might include inter-gang violence, gang retaliation, protection of a defined gang area, intimidation, robbery, recruitment or other criminal activity that affect the gang's reputation or interests.

In classifying the incident as gang motivated, the focus is on the specific situation in which the illegal act occurs, such as a drive-by shooting with a rival gang member as a target. It is very difficult to determine whether crimes such as robbery, prostitution or drug trafficking are gang motivated. Many of these crimes serve only individual member needs and are not related to any gang interest.

Member-Based: These are crimes or delinquent acts where a suspect, offender or victim is a gang member. The crimes or delinquent acts are classified as member-based regardless of gang motivation or circumstances.

For example, the crime of a gang member who steals from an automobile – even though that theft has nothing to do with his gang membership – would be classified as a member-based gang incident.

What are the Criteria for Validating Gang Members?

The Durham Police Department (DPD) and the Durham County Sheriff's Office (DCSO) both use the GangNET criteria for validating gang members. GangNET (discussed in detail later in this report) is a central database used by some North Carolina law enforcement agencies to track gang members.

To be validated in the GangNET system as a gang member, a person must meet at least two of twelve criteria, such as showing gang colors, gang signs, or having gang tattoos. A gang member may also be validated if they admit — or self-report — that they are a member of a gang.

According to the North Carolina Governor's Crime Commission², the following are criteria established to be a validated gang member in the NC GangNET database.

¹ The basic terminology for these definitions is from Kane, C. M., [Prosecutor: Technical Assistance Manual](#), Draft, National Youth Gang Suppression and Intervention Program, School of Social Service Administration, University of Chicago, January, 1992.

² Governor's Crime Commission. (March, 2009). *Gangs in North Carolina: The 2009 Report to the General*

1. Self-Admitted: Subject has admitted to being a gang member.
2. Gang Tattoos/Markings: Subject is known to have gang tattoos or markings.
3. Frequents Gang Areas: Subject has been seen frequenting gang areas.
4. Affiliates with Gang: Subject has been seen by officer affiliating with documented gang members.
5. Gang Hand Signs/Symbols: Subject has been seen by officer displaying gang symbols or hand signs or writes graffiti.
6. Gang Terminology or Language: Subject uses gang language or terminology.
7. Gang Dress: Subject has been seen wearing gang dress.
8. Physical Evidence: Subject is in possession of gang physical evidence or linked via physical evidence.
9. Reliable Source: Subject has been identified as a gang member by a reliable informant/source.
10. Untested Source: Subject has been identified as a gang member by an untested source.
11. Gang Incident: Subject has been involved in a criminal gang incident.
12. Classification Admit: In custody classification interview that occurs before entry into the jail or prison system where the subject admits gang membership in hopes of placement near other members of his gang.

Gang Involved Subjects – Type of Involvement

Gang involved subjects (validated) were involved in 4,469 incidents in the years 2010 to 2012. There are eight different classifications that identify the involvement of the subject. Almost three-fourths of the subjects were identified as “suspects” in reports from that time period. The table below shows the distribution of involvement for gang involved subjects between 2010 and 2012. It is important to note that one gang involved subject may be involved in several incidents, and that one incident may involve several gang involved subjects. Most gang involved subjects (73.7%) are classified as “suspects”.

Table A2 – Gang Involved Subjects – type of involvement (2010 – 2012)

| Type of Involvement | Number of Incidents | Percentage of Incidents |
|---------------------|---------------------|-------------------------|
| Suspect | 3293 | 73.7% |
| Involved Other | 553 | 12.4% |
| Victim | 486 | 10.9% |
| Witness | 66 | 1.5% |
| Reporting Party | 30 | 0.7% |

| | | |
|-----------|----|------|
| Associate | 24 | 0.5% |
| Parent | 11 | 0.2% |
| Owner | 6 | 0.1% |

Incident Reports Where a Validated Gang Member is Either Listed as a Suspect or Victim

Durham police officers fill out reports for incidents that they respond to and these reports are entered into the RMS (Records Management System). There are many fields in each report, one of which is a field asking if there is some type of gang component to the incident. The number of total incident reports (member-based or gang component) dropped 2% between 2009 and 2012.

The table below illustrates the number of incidents in which a validated gang member was listed as either a victim or a suspect for the years 2009 – 2012. Validated gang members are listed as suspects or victims in less than 5% of all incident reports for the years 2009, 2011 and 2012.

Table A3 – Incidents with gang members listed as victim or suspect

| Year | Total RMS Incident Reports | Gang member suspect or victim | Percentage gang member suspect or victim |
|------|----------------------------|-------------------------------|--|
| 2009 | 24,954 | 1,173 | 4.7% |
| 2010 | 24,753 | 1,113 | 4.5% |
| 2011 | 23,968 | 1,116 | 4.7% |
| 2012 | 24,460 | 1,119 | 4.6% |

Incident Reports Where a Responding Officer Believes there is a “Gang Component”

The incident reports referred to above have a field where the responding officer can indicate if he/she believes the incident is related to gang activity. Validated gang members may or may not be listed in the report. Although checking the “gang” field is up to the responding officer’s discretion, all reports containing these checks are reviewed by intelligence officers to either confirm or reject the notation. Durham police officers receive comprehensive training on the identification of gang activity. The table below illustrates the number of incidents where Durham police officers indicated a gang component existed.

Table A4 – Incidents where a gang component was indicated by the reporting officer³

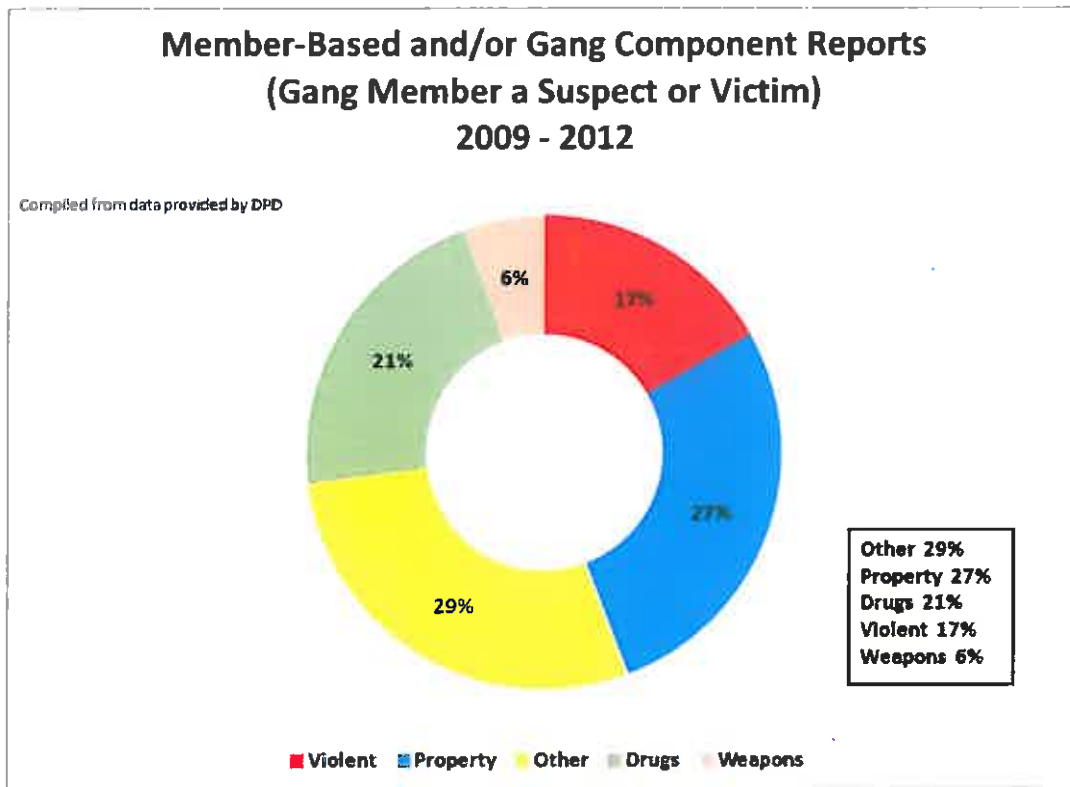
| Year | Total RMS Incident Reports | Incidents with suspected gang activity |
|------|----------------------------|--|
| 2009 | 24,954 | 162 |
| 2010 | 24,753 | 123 |
| 2011 | 23,968 | 322 |
| 2012 | 24,460 | 206 |

Types of Gang Incidents

The four-year period (2009 – 2012) yielded 4,995 incident reports (member-based and/or gang component) that were classified as gang incidents. The majority of these incidents (56%) did not involve a violent crime or a property crime, and in many of these incidents there was no crime committed. The chart below illustrates the types of incident reports taken during the period where validated gang members were either suspects or victims. Violent crime was noted in 17% of the incidents, and property crime was noted in 27% of the incidents.

³ It is important to note that officer training in this field has evolved over the time period shown. Gang activity is very fluid and changes over time. Therefore, adjustments are made in training curriculum to match the current situations.

Chart A1 – Member-Based and/or Gang Component Cases – Gang Member a Suspect or Victim



Gang Related Incident Report Trends from 2009 – 2012 (Gang Member a Suspect or Victim)

A review of incident reports where a validated gang member was either a suspect or a victim during the 4-year period of 2009 – 2012 indicates the following:

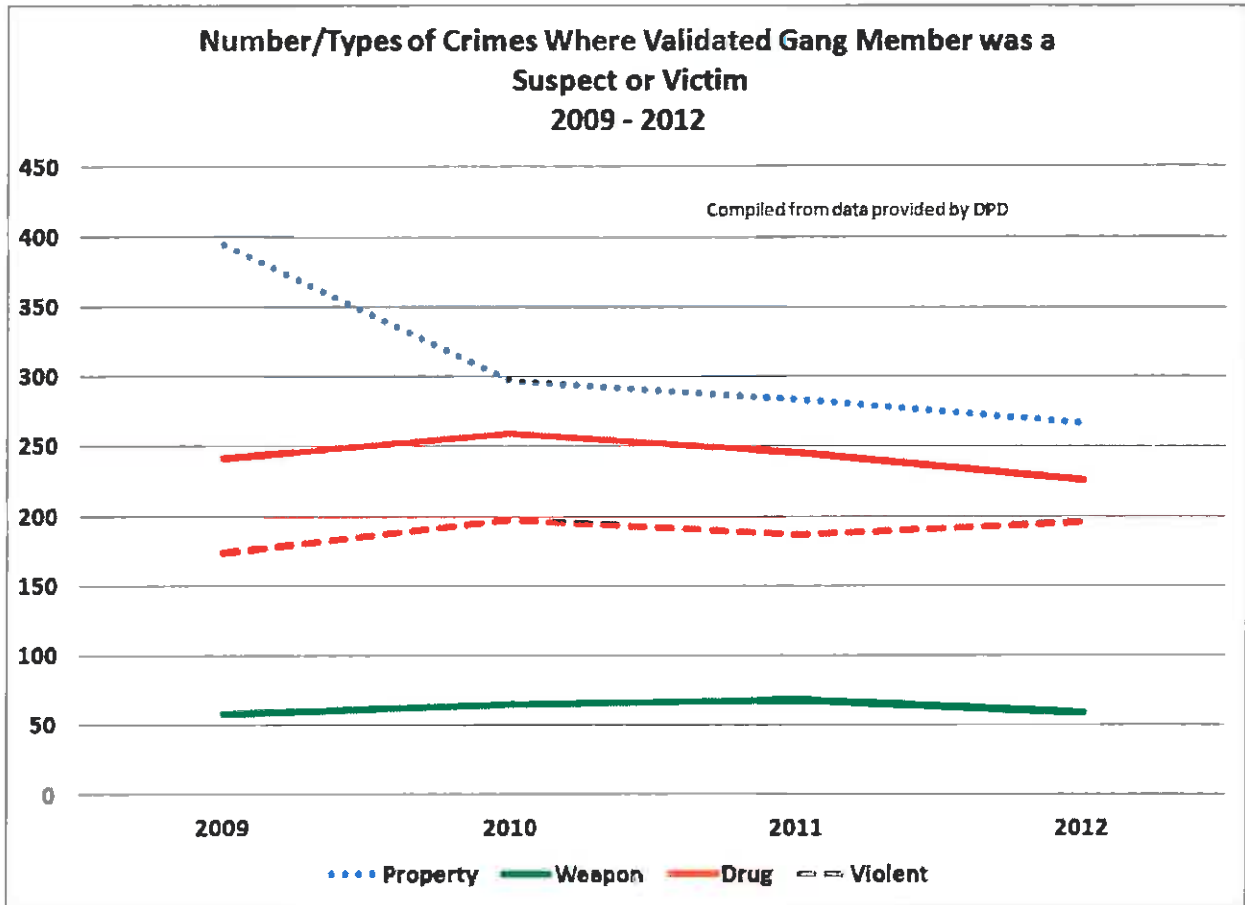
Property Crimes: Property crimes dropped 32% over the 4-year period, from a high of 394 in 2009 to a low of 267 in 2012

Violent Crimes: Violent crimes have gradually increased 11.2% over the 4-year period. In 2009 there were 174 violent crimes compared to 196 in 2012.

Weapons Crimes: Weapons crimes were up slightly in 2010 and 2011 (65 and 68 respectively), but by the end of 2012 the number (59) was almost back to the 2009 number of 58.

Drug Crimes: Drug crimes rose slightly in 2010, but fell 6.7% during the overall 4-year period, from 242 in 2009 to 226 in 2012.

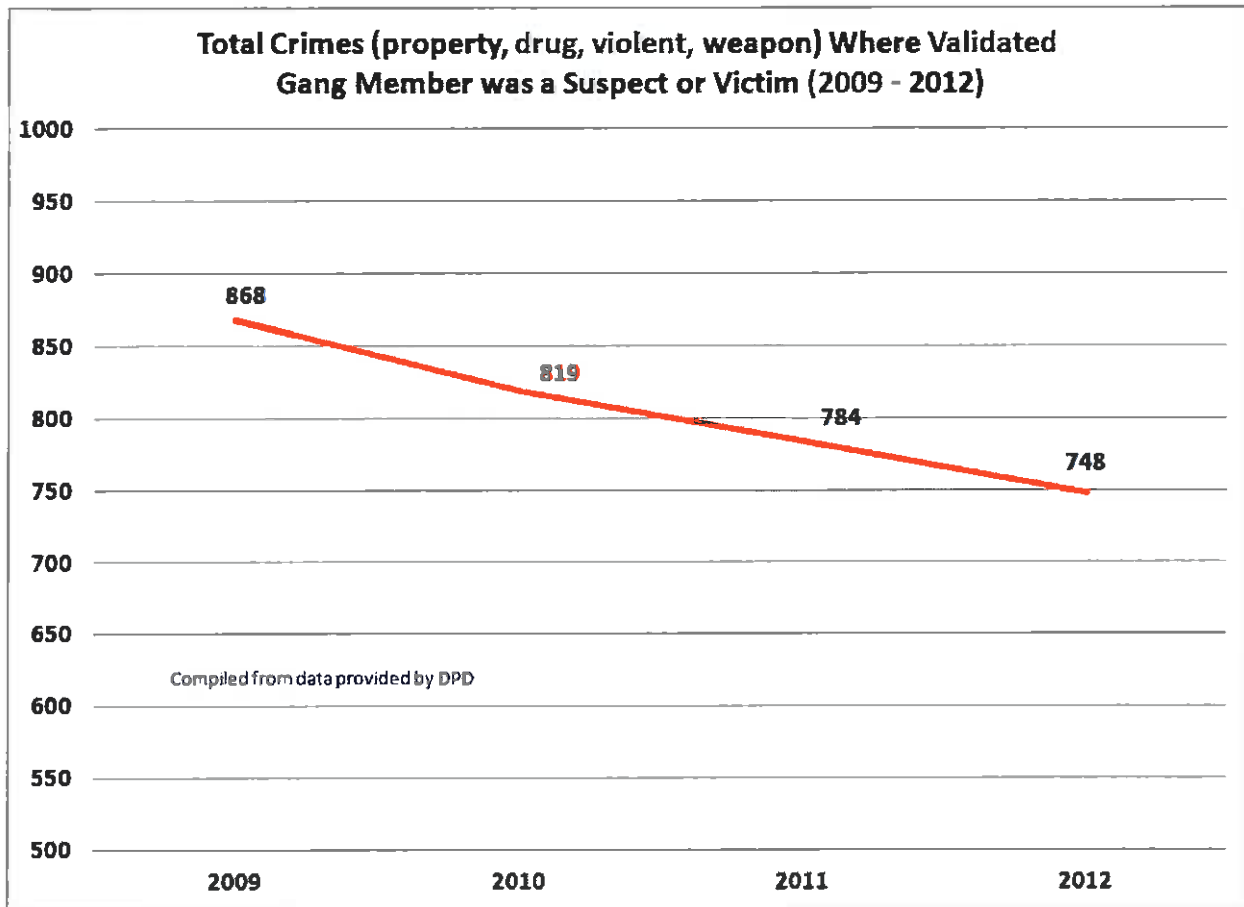
Chart A2 – Numbers and types of crimes



Total Crimes (violent, property, weapons and drugs) from 2009 – 2012 (Gang Member a Suspect or Victim)

When all crimes (violent, property, weapons, drugs - where a validated gang member was either a suspect or a victim) are considered, the 4-year period from 2009 to 2012 saw a drop of 13.8% in crime. The overall crime trend has been downward for each year, beginning with 868 in 2009, and ending with 748 in 2012. Most of this drop can be attributed to the 32% decrease in property crime over the 4-year period.

Chart A3 – Total crimes 2009 - 2012



To what extent are gang members involved in violent crime?

There are four (4) different categories of violent crimes – murder, rape, robbery and aggravated assault. Data indicates that validated gang members were identified as either suspects or victims in 11.4% of the total number of violent crimes over a 4-year period (2009 – 2012).

Validated gang members were suspects or victims in 26% of all murder cases, 4% of all rape cases, 10% of all robbery cases and 12% of the aggravated assault cases during the 4-year period

Table A5 – Gang Member-Based Violent Crimes 2009 – 2012

| | Total | Gang Victim or Suspect | % Gang Victim or Suspect | | Total | Gang Victim or Suspect | % Gang Victim or Suspect |
|----------------|--------------|------------------------|--------------------------|--|---------------------------|------------------------|--------------------------|
| Murder | | | | | Rape | | |
| 2009 | 21 | 3 | 14.3% | | 67 | 0 | 0.0% |
| 2010 | 23 | 6 | 26.1% | | 67 | 4 | 6.0% |
| 2011 | 27 | 9 | 33.3% | | 66 | 2 | 3.0% |
| 2012 | 21 | 6 | 28.6% | | 73 | 4 | 5.5% |
| TOTAL | 92 | 24 | 26.0% | | 273 | 10 | 3.6% |
| Robbery | | | | | Aggravated Assault | | |
| 2009 | 716 | 81 | 11.3% | | 801 | 89 | 11.1% |
| 2010 | 877 | 78 | 8.9% | | 877 | 110 | 12.5% |
| 2011 | 701 | 59 | 8.4% | | 919 | 117 | 12.7% |
| 2012 | 621 | 70 | 11.3% | | 1005 | 116 | 11.5% |
| TOTAL | 2,915 | 288 | 9.8% | | 3,602 | 432 | 11.9% |

Is homicide data useful for evaluating gang problems?

In the September 2007 Comprehensive Gang Assessment for Durham, the authors (Howell & Weisel) stated *“the use of homicide data for evaluating gang problems is problematic. Jurisdictions such as Durham have relatively few homicides and there are statistically too few in any year to reliably establish trends. Whenever there are few data points, it is difficult to reliably separate emerging trends from normal fluctuations in crime. This statistical problem can cause local jurisdictions to react to what appears to be a dramatic increase”*.⁴

The authors go on to say that the crime of aggravated assault is a more robust measure for evaluating rises or falls in violent crime or gang crime – primarily because there are more of these offenses. Aggravated assault and homicide are closely related, and the use of firearms in aggravated assaults and robberies is of special interest in any evaluation.

⁴ 2007 Comprehensive Gang Assessment (Buddy Howell/Deborah Lamm Weisel) p.41

Aggravated Assaults with firearms and multiple victims

One crime that is inherently gang related is aggravated assault that includes the use a weapon and multiple victims. Most of these incidents involve shooting into occupied vehicles or dwellings. Because each victim (for example, the number of people in a house) counts as a distinct aggravated assault, this type of crime drives up a community's violent crime rate. The following tables provide information on these crimes.

Table A6- Average number of victims (Aggravated Assaults, with firearm, with 2+ victims)

| Year | # of Aggravated Assault incidents (with firearms) with 2+ victims | # of victims | Average # of victims/incident |
|----------------|---|--------------|-------------------------------|
| 2011 | 89 | 272 | 3.06 |
| 2012 | 110 | 293 | 2.66 |
| 2013 | 84 | 255 | 3.04 |
| 3-year average | 94 | 273 | 2.92 |

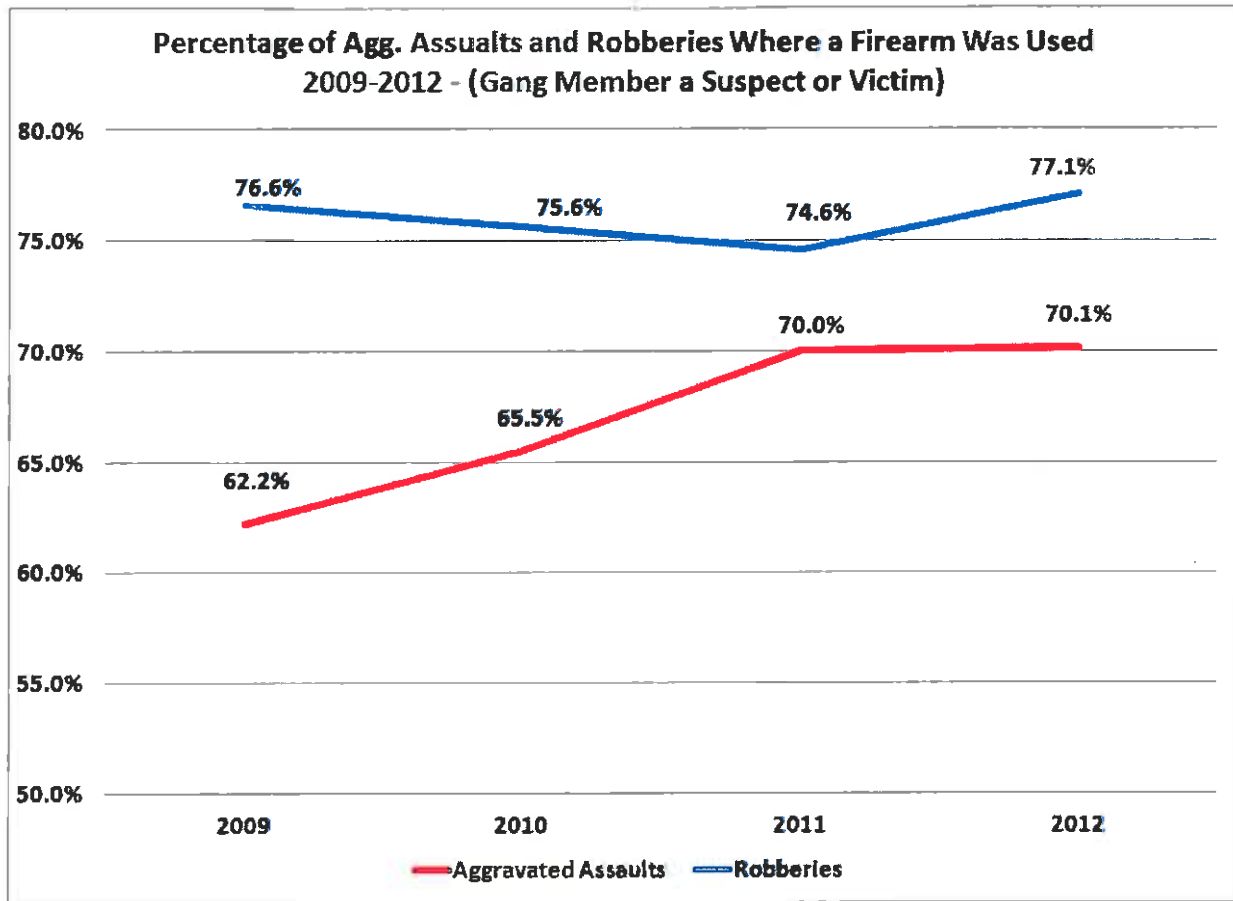
Table A7 – Percent of aggravated assaults involving a firearm and multiple victims

| Year | # of Aggravated Assault incidents | # of Aggravated Assault incidents (with firearms) with 2+ victims | % of Aggravated Assault incidents (with firearms) with 2+ victims |
|----------------|-----------------------------------|---|---|
| 2011 | 696 | 89 | 12.8% |
| 2012 | 755 | 110 | 14.6% |
| 2013 | 677 | 84 | 12.4% |
| 3-year average | 709 | 94 | 13.3% |

How frequently are firearms used in gang related aggravated assaults and robberies?

Data from 2009 to 2012 (when a validated gang member was either a victim or a suspect) indicates that firearms were used in 67% of aggravated assaults and 76% of robberies over the 4-year period. While the percentage of firearms used in robberies remained rather constant over the period, the use of firearms in aggravated assaults increased 7.9% over the 4-year period. This is a matter of concern to law enforcement and to the community.

Chart A4 – Percentage of Aggravated Assaults and Robberies Where a Firearm Was Used⁵



The charts below illustrate the number of robbery and aggravated assault reports from 2009 to 2012, where a validated gang member was listed as either a suspect or a victim.⁶ The charts also indicate the number of these types of crimes where a firearm was used. It is important to note that the **firearm indication does not necessary mean that the weapon was fired**. The charts below separate the data by police district. A discussion of police districts is included later in this section.

⁵ Note: only crimes where a validate gang member was a suspect or victim were counted; compiled from data provided by DPD

⁶ Information compiled from data provided by DPD. Caution should be exercised when comparing District 5 to other districts because it is different from other districts in many ways. Although District 5 population is small, many Durham residents find themselves downtown for work, business, or for entertainment at the many venues.

Chart A5 – Robberies by police district

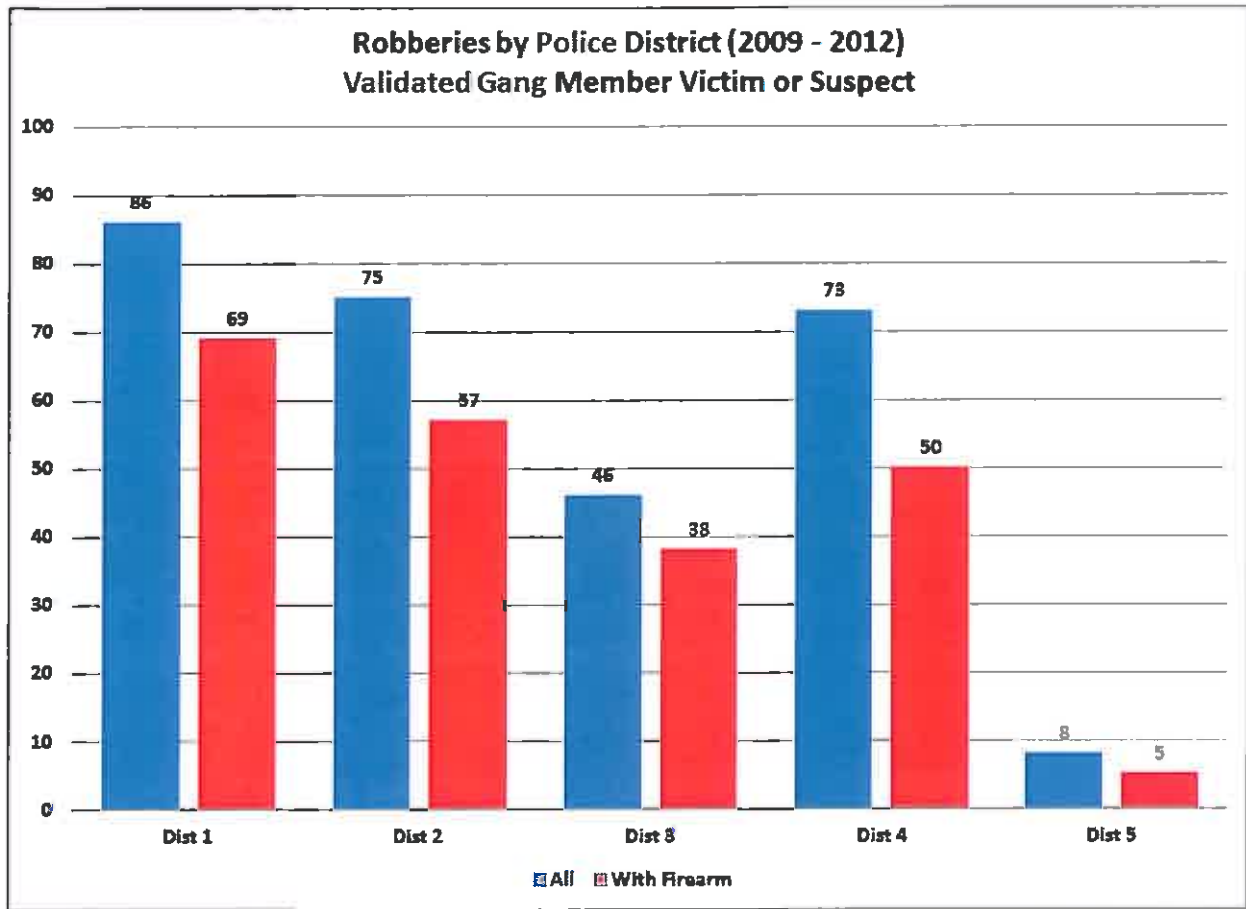
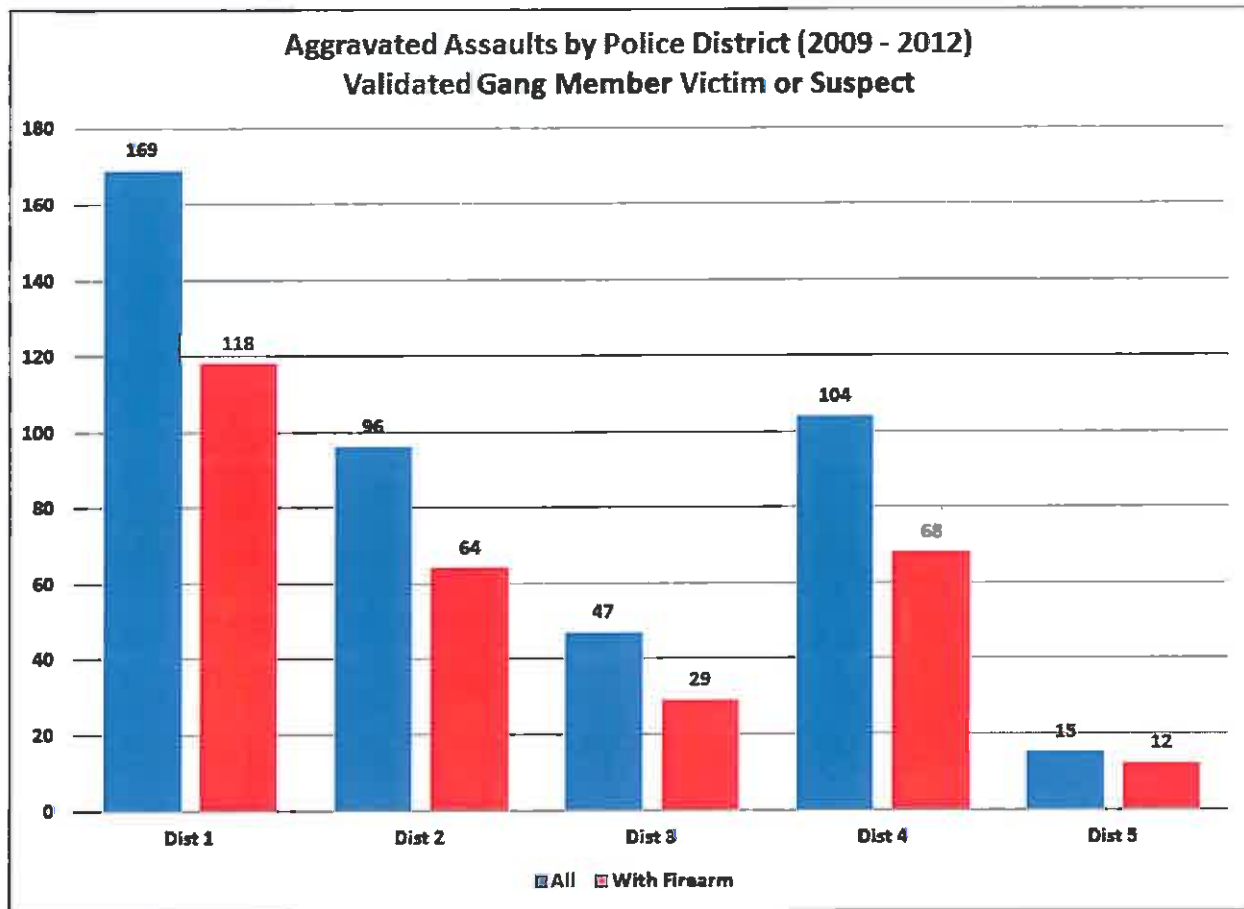


Chart A6 – Aggravated assaults by police district



To what extent are gang members involved in property crime?

There are three (3) different categories of property crimes – burglary, larceny and auto theft. Data indicates that validated gang members were identified as either suspects or victims in 2.8% of the total number of property crimes over a 4-year period (2009 – 2012).

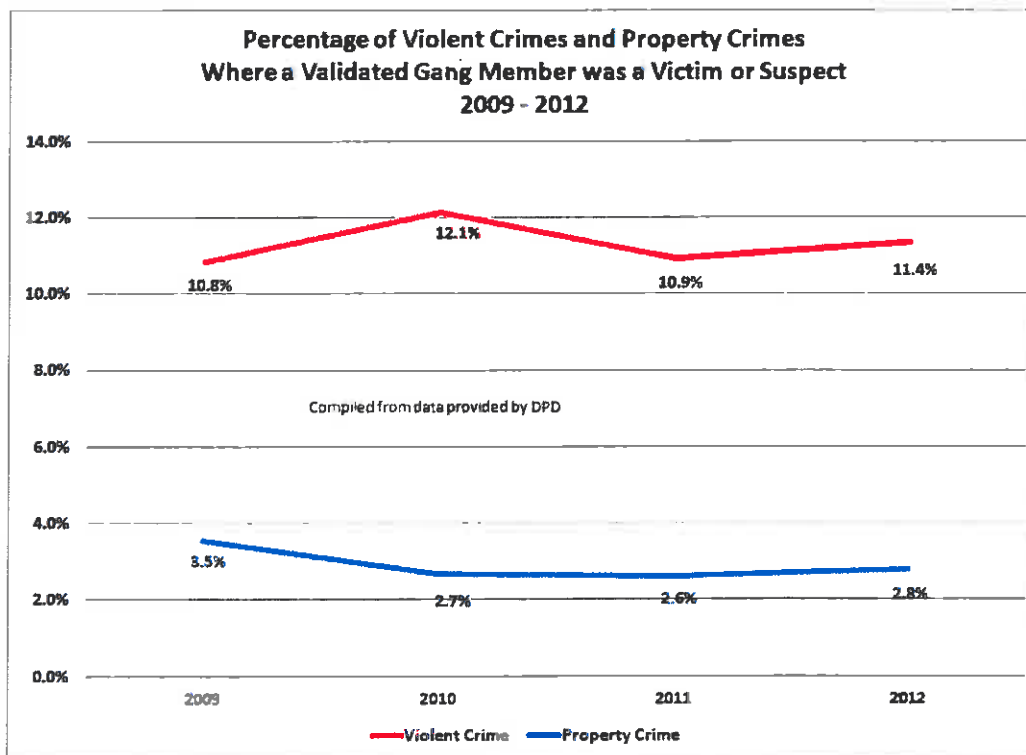
Validated gang members were suspects or victims in 4.0% of all burglary cases, 2% of all larceny cases and 4% of all auto theft cases during the 4-year period.

Table A8 – Gang Member-Based Property Crimes 2009 – 2012

| | Total | Gang Victim or Suspect | % Gang Victim or Suspect | | Total | Gang Victim or Suspect | % Gang Victim or Suspect |
|-------------------|---------------|------------------------|--------------------------|--|----------------|------------------------|--------------------------|
| Burglary | | | | | Larceny | | |
| 2009 | 3,645 | 173 | 4.7% | | 7,366 | 193 | 2.6% |
| 2010 | 3,653 | 129 | 3.5% | | 7,000 | 127 | 1.8% |
| 2011 | 3,874 | 168 | 4.3% | | 6,767 | 99 | 1.5% |
| 2012 | 3,284 | 102 | 3.1% | | 6,291 | 141 | 2.2% |
| TOTAL | 14,456 | 572 | 3.9% | | 27,424 | 560 | 2.0% |
| Auto Theft | | | | | | | |
| 2009 | 754 | 28 | 3.7% | | | | |
| 2010 | 718 | 41 | 5.7% | | | | |
| 2011 | 625 | 17 | 2.7% | | | | |
| 2012 | 705 | 24 | 3.4% | | | | |
| TOTAL | 2,802 | 110 | 3.9% | | | | |

The chart below summarizes the percentage of violent crimes and property crimes where a validated gang member was a suspect or victim for the years 2009 to 2012.

Chart A6 – Percentage violent and property crimes



To what extent are gang members involved in weapons crimes?

Most (84%) of the weapons crimes in the years 2009 to 2012 involving validated gang members as suspects were charges related to illegally possessing or concealing a weapon.

Table A9 – Gang Related Weapons Crimes 2009 – 2012 (Validated Gang Member a Suspect)

| Offense | 2009 | 2010 | 2011 | 2012 | Total |
|--|------|------|------|------|-------|
| Weapon Violation/Buying-Receiving | 0 | 0 | 0 | 0 | 0 |
| Weapon Violation/Possessing-Concealing | 45 | 54 | 58 | 52 | 209 |
| Weapon Violation/Using-Discharge | 4 | 3 | 4 | 2 | 13 |
| Weapon Violation/All Other | 9 | 8 | 6 | 5 | 28 |

To what extent are gang members involved in drug crimes?

Most (92%) drug crimes in the years 2009 to 2012 involving validated gang members as suspects were charges related to possessing or selling drugs/narcotics.

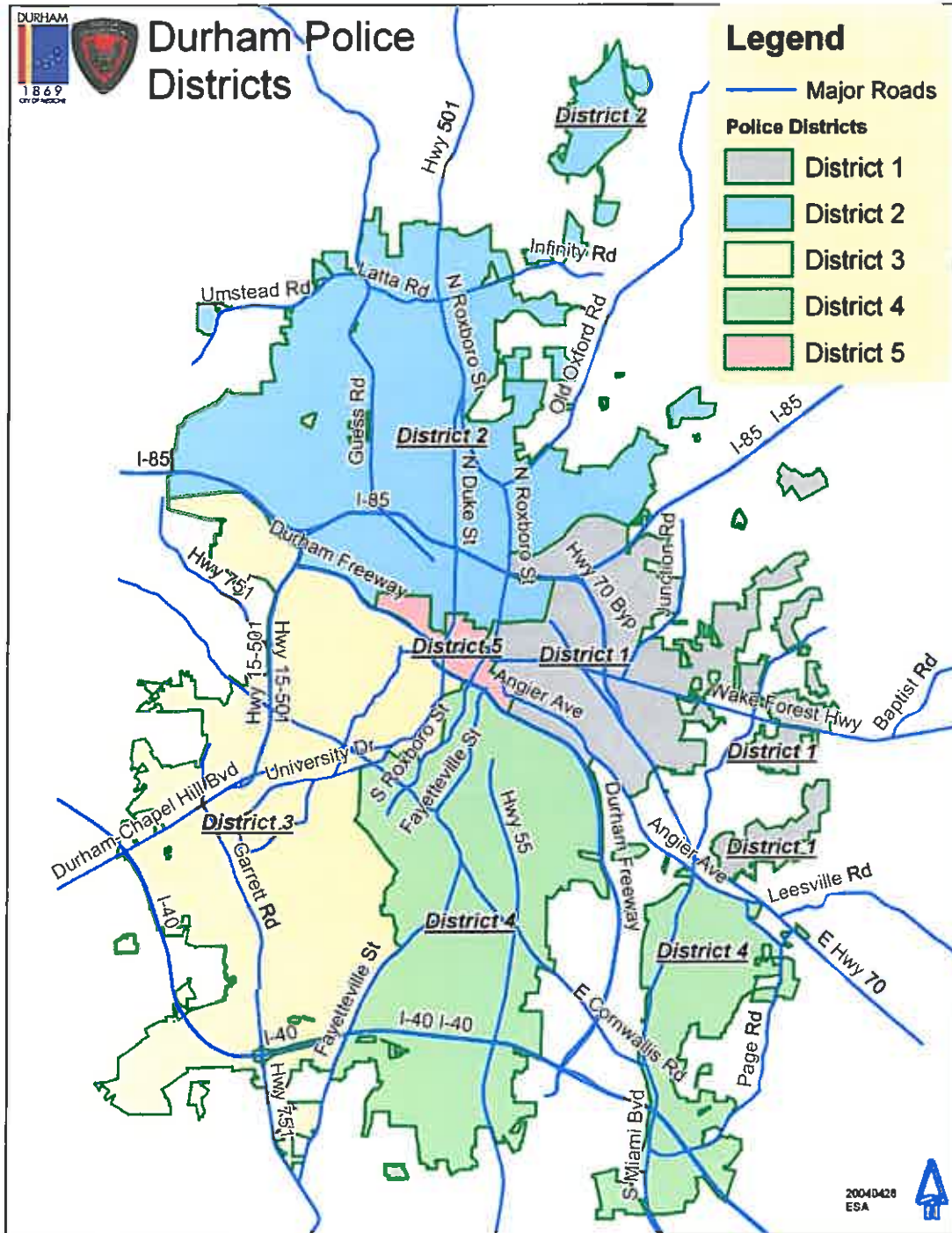
Table A10 – Gang Related Drug Crimes 2009 – 2012 (Validated Gang Member a Suspect)

| Offense | 2009 | 2010 | 2011 | 2012 | Total |
|---|------|------|------|------|-------|
| Drug Narcotic Violation/Possess-Sell | 209 | 245 | 231 | 205 | 890 |
| Drug Narcotic Violation/False Representation of Drugs | 2 | 0 | 0 | 0 | 2 |
| Drug Equipment Paraphernalia/Manufacturing | 0 | 0 | 1 | 0 | 1 |
| Drug Equipment Paraphernalia/Selling | 0 | 1 | 0 | 0 | 1 |
| Drug Equipment Paraphernalia/Possessing-Concealing | 10 | 7 | 5 | 12 | 34 |
| Drug Equipment Paraphernalia/Using | 1 | 1 | 0 | 1 | 3 |
| Drug Narcotic Violation/All Others | 20 | 5 | 8 | 8 | 41 |

Police Districts

The City of Durham is divided into 5 police districts. Districts 1 – 4 encompass most of the city, with District 5 (also referred to as the Central District) being much smaller in size and population. District 5 is comprised mostly of the downtown area. **Caution should be exercised when comparing District 5 to the other districts**, because it is different than other districts in many ways. Although the population living there is small, many Durham residents find themselves downtown for work, business, or for entertainment at the many venues. The transit hub is also located in District 5.

Map A1 – Police Districts of Durham



District 3 has the largest population of all the districts (72,189), and the greatest number of housing units (34,318). Housing units outnumber the buildings in both District 3 and District 4. This is due to large apartment complexes that are in those districts. Housing units greatly outnumber buildings in District 5 (downtown) due to the many apartments lodged within downtown buildings.

Table A11 – District Population, Housing Units and Buildings⁷

| District | Population | Housing Units | Number of Buildings |
|----------|------------|---------------|---------------------|
| 1 | 37,833 | 15,662 | 17,408 |
| 2 | 61,191 | 28,102 | 32,342 |
| 3 | 72,189 | 34,318 | 23,708 |
| 4 | 61,283 | 28,613 | 25,184 |
| 5 | 5,431 | 1,962 | 861 |

Member-Based or Gang Component Crimes per Police District (gang member a suspect or victim)

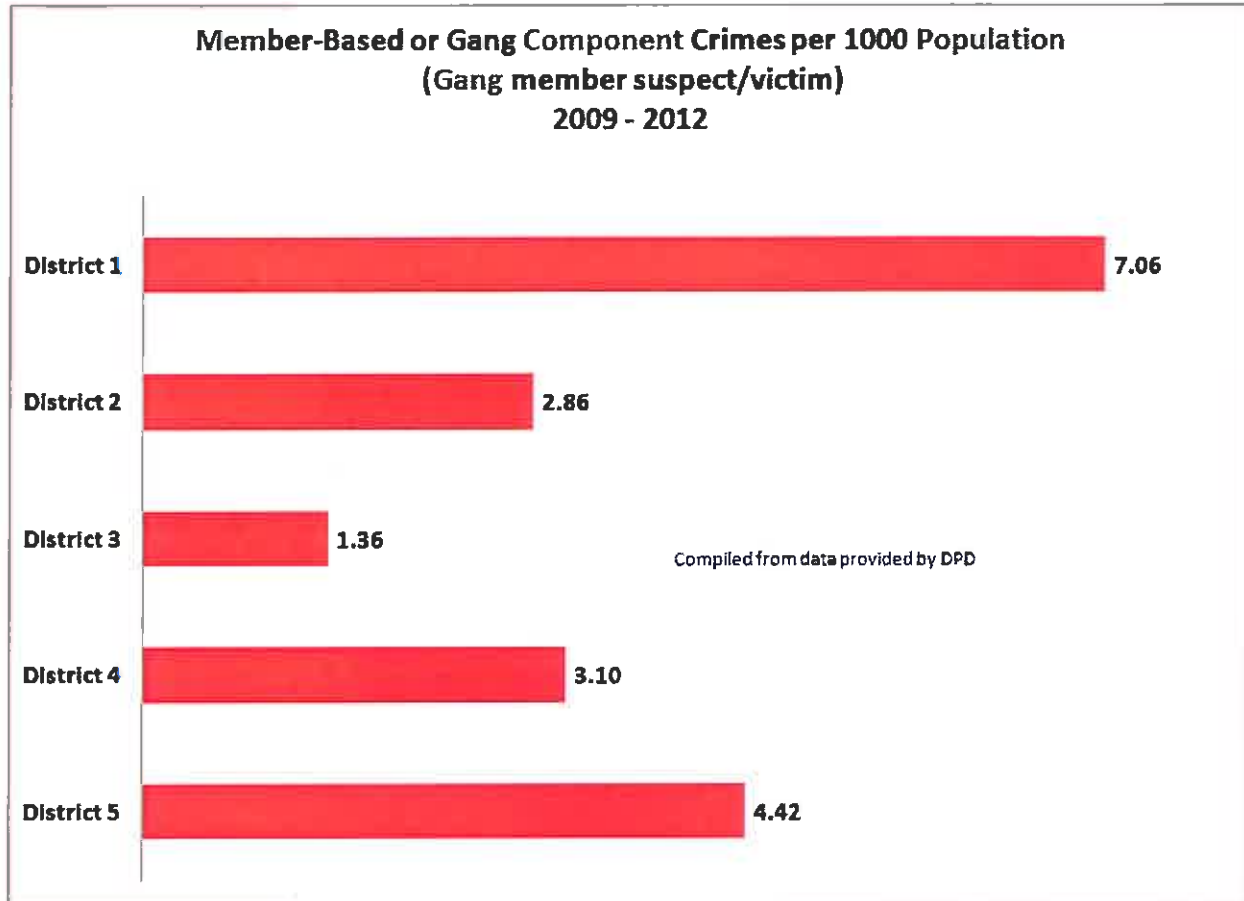
The following charts illustrate the number of member-based or gang component crimes in each police district per 1000 population. Viewing the data in this manner (crimes per 1000 population) addresses the problem of population variances between the districts, but does not account for daytime population shifts or non-permanent residents. Only crimes where a validated gang member is either a suspect or a victim are shown. The crime categories shown are violent, property, drug and weapon crimes.

Once again, **Caution should be exercised when comparing District 5 to the other districts**, because it is different than other districts in many ways. Although the population living there is small, many Durham residents find themselves downtown for work, business, or for entertainment at the many venues. The transit hub is also located downtown.

⁷ Data provided by the City/County Planning Department on September 23, 2013. Data reflects 2012 numbers

Violent crimes per District: The data indicates that District 1 had far more violent crimes per 1000 population during the 4-year period than the other districts. District 3 had the fewest.

Chart A7 – Violent Crimes (per 1000 population) per District



Property crimes per District: The data indicates that District 1 had more property crimes per 1000 population during the 4-year period than the other districts. District 4 had the fewest.

There is some value in looking at the number of housing units when examining property crimes. Property crimes include burglary, larceny and auto theft. The second chart looks at this comparison. Looking at the data in this manner, it appears the downtown district (District 5) has the greatest ratio of property crimes, followed by District 1. One possible explanation is that property crimes include auto theft and larceny⁸. A large number of vehicles are parked downtown on both weekdays and weekends for business or for events at the Durham

⁸ Larceny includes break-ins to vehicles; approximately half of Part 1 crime is larceny

Performing Arts Center (DPAC) or the Durham Bulls baseball games. The transit hub is also located downtown.

Chart A10 – Property Crimes (per 1000 population) per District

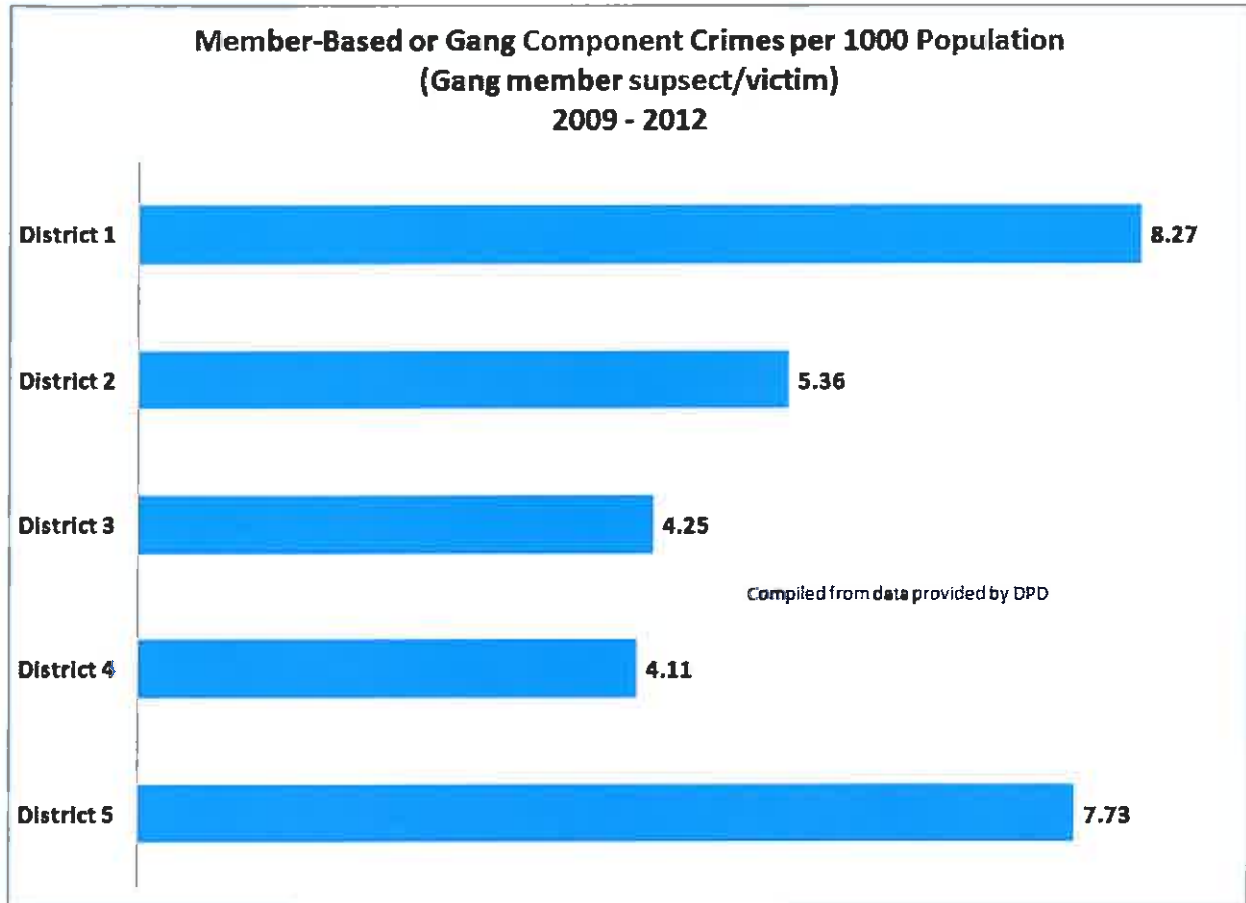
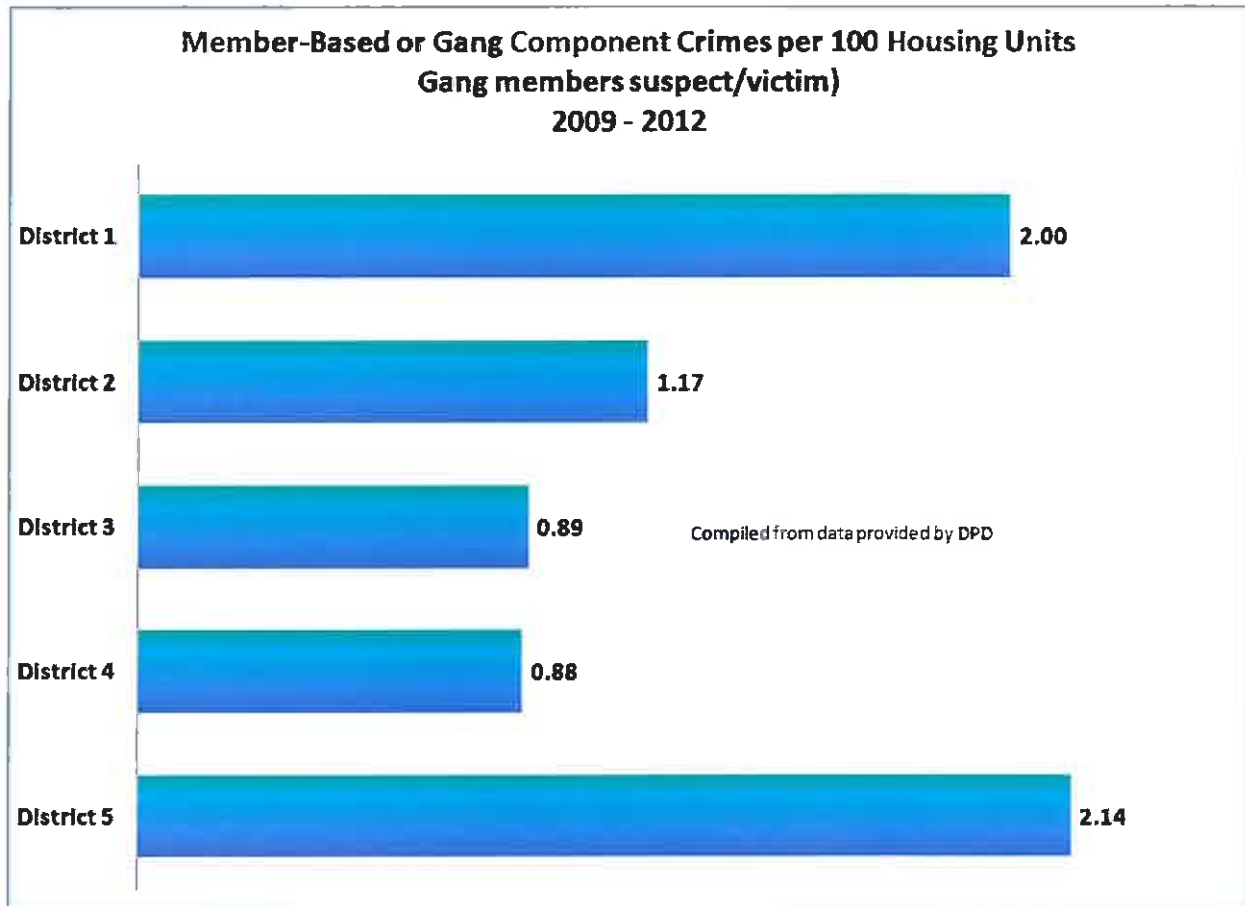
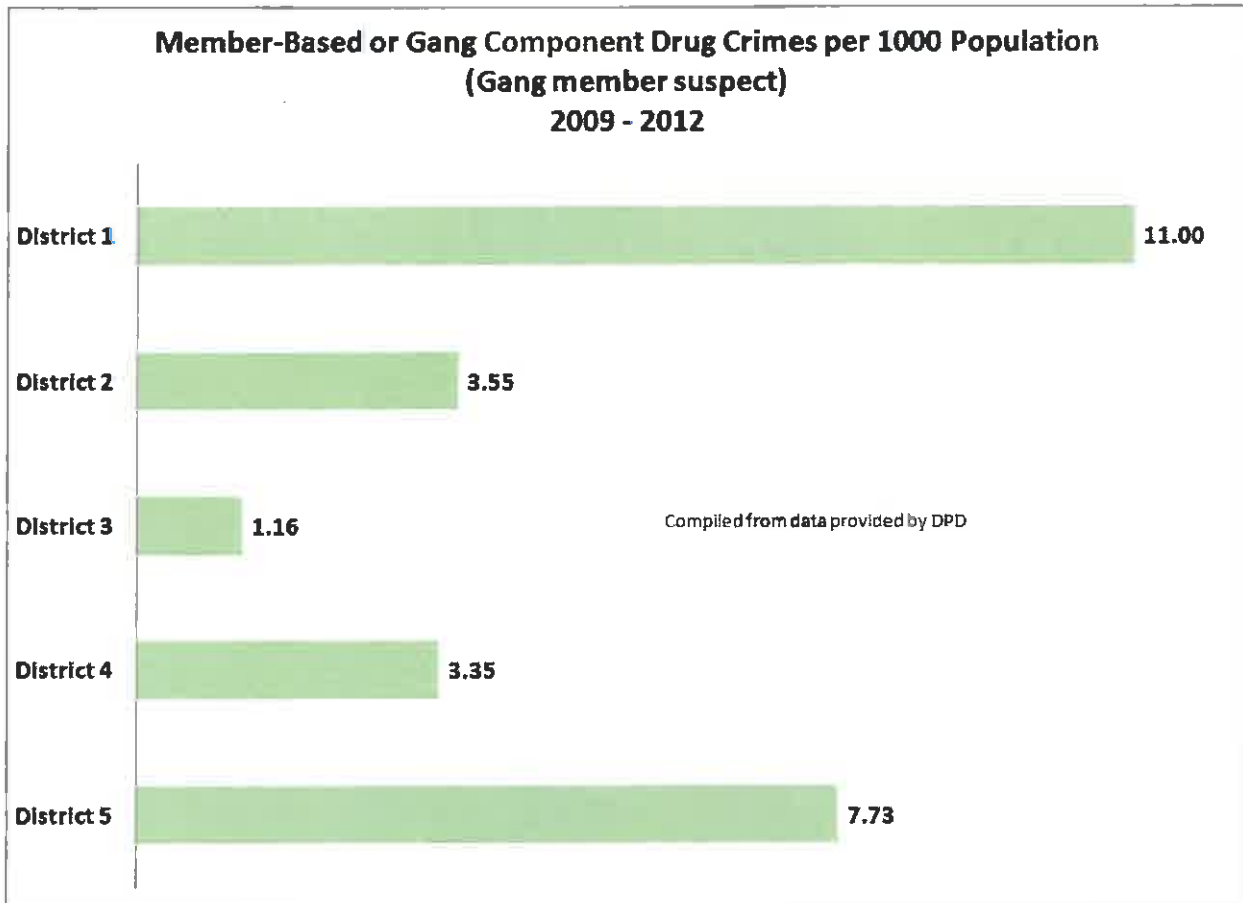


Chart A11 – Property Crimes (per 100 housing units) per District



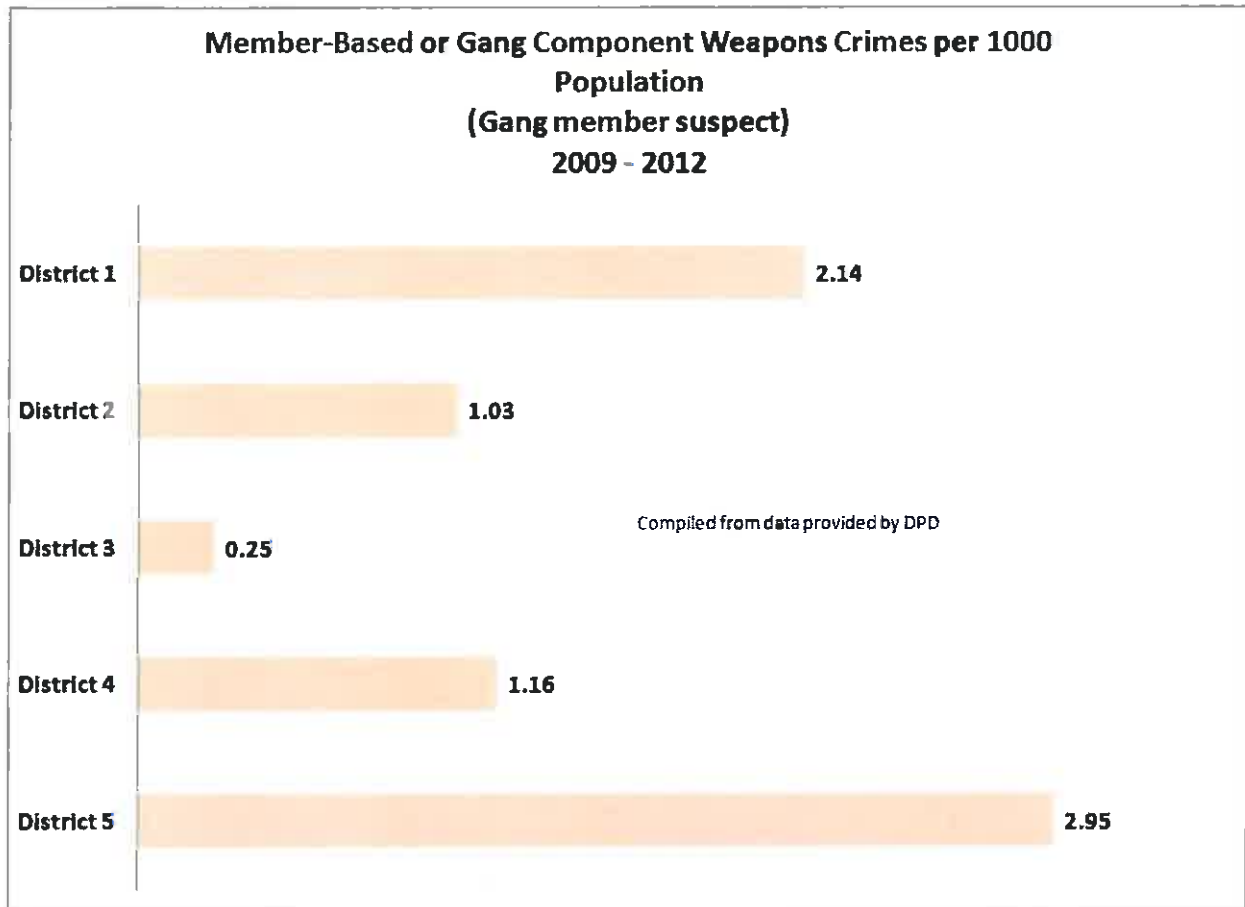
Drug crimes per District: The data indicates that District 1 had more drug crimes per 1000 population than the other districts during the 4-year period. District 3 had the fewest.

Chart A12 – Drug Crimes (per 1000 population) per District



Weapons crimes per District: The data indicates that District 5 had more weapon crimes per 1000 population than the other districts during the 4-year period, followed by District 1. District 3 had the fewest. As previously mentioned, **comparisons between District 5 and the other districts should be viewed with caution.** Although the population living in District 5 is small, many Durham residents find themselves downtown for work, business, or for entertainment at the many venues. The transit hub is also located downtown.

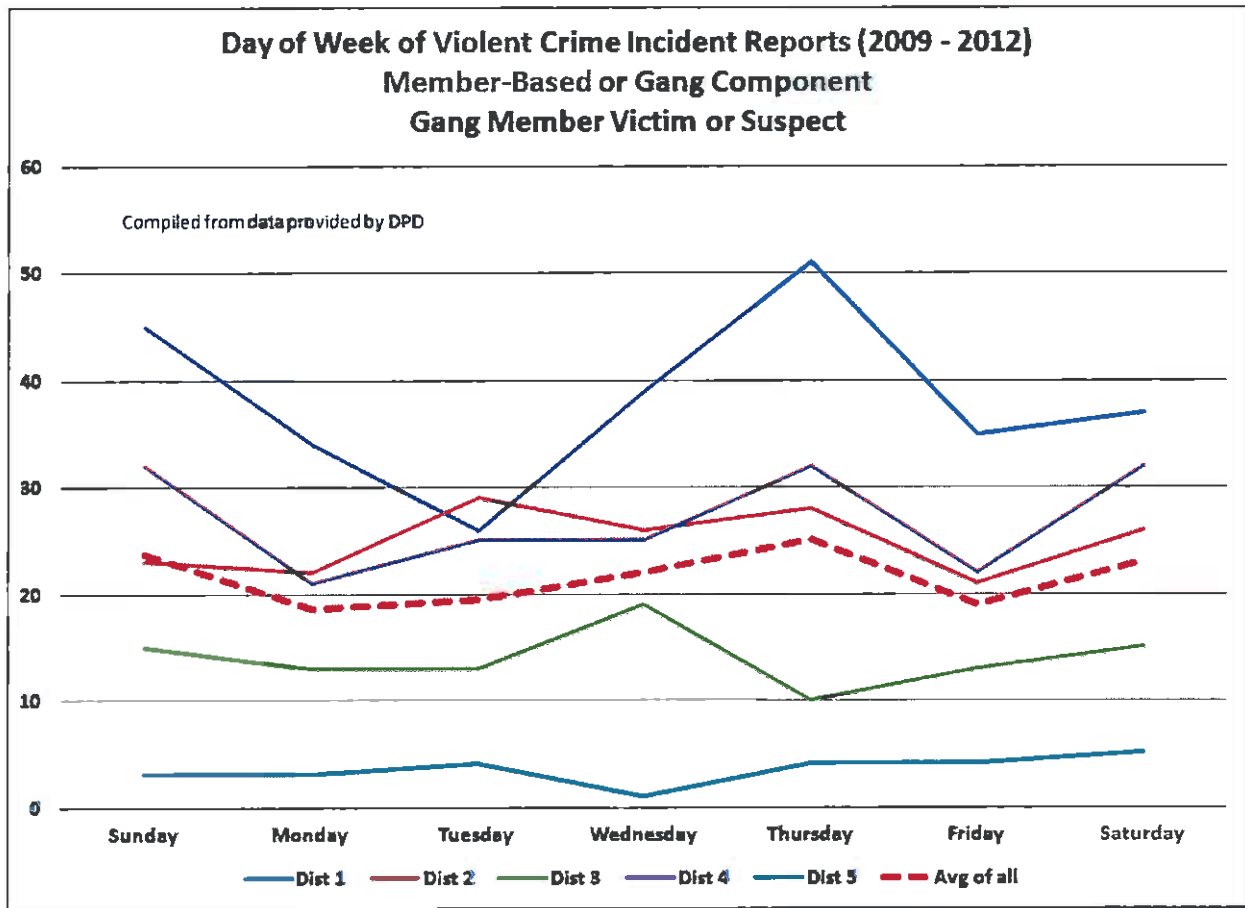
Chart A13 – Weapons Crimes (per 1000 population) per District



Day of Week When Violent Gang Member-Based or Gang Component Reports are taken

The chart below indicates days of the week when gang incident violent crime reports were taken from 2009 to 2012 where a validated gang member was either a suspect or a victim. The greatest number of these types of violent crimes occurred on Thursdays. Property crimes are not always reported on the same day they occur, so that data is not included.

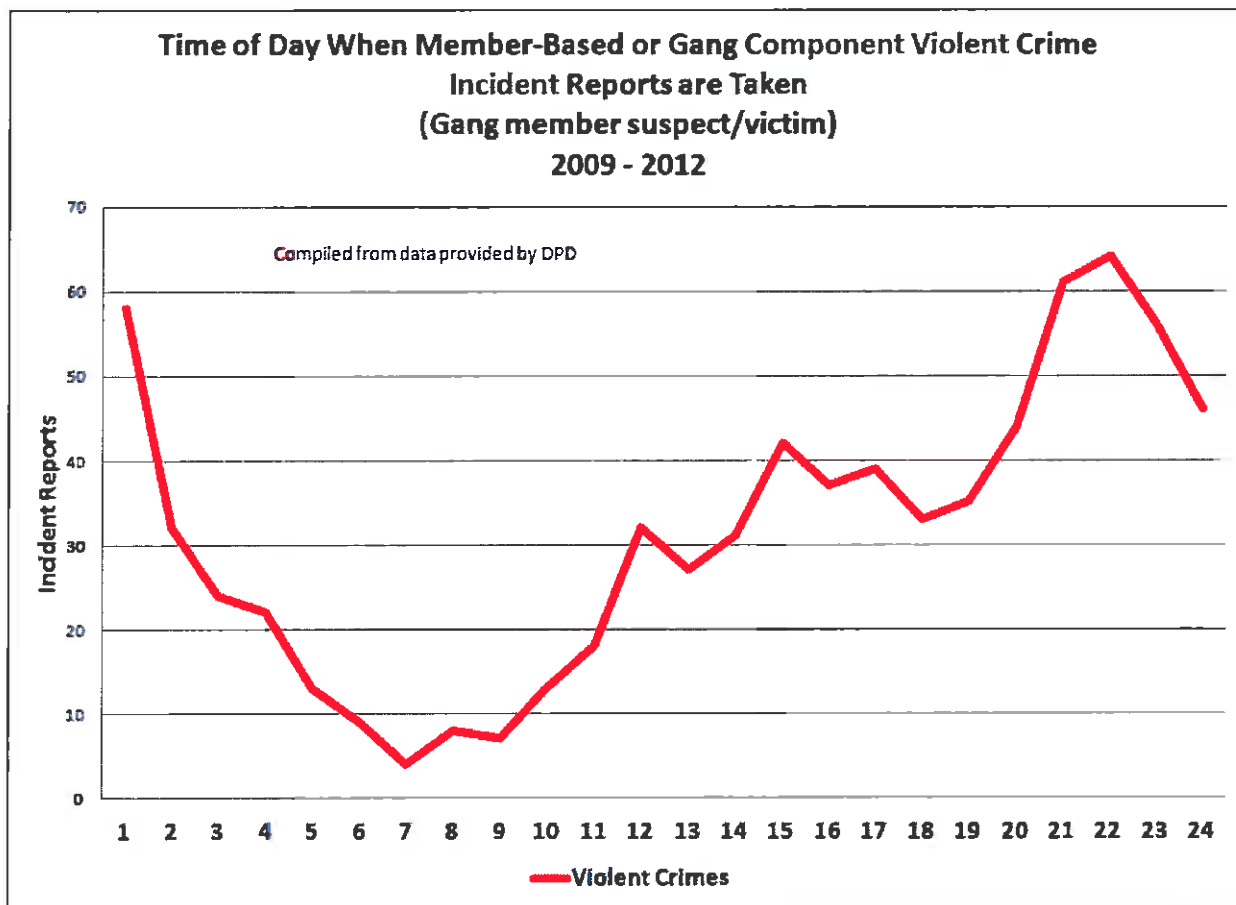
Chart A14 – Day of Week Violent Gang Incident Reports were Taken



Time of Day When Member-Based or Gang Component Crimes are Reported

The chart below indicates the time of day when member-based or gang component violent crime reports are taken (with a validated gang member listed as suspect or victim) between 2009 and 2012. These crimes peaked between the hours of 10 p.m. and 1 a.m., with the fewest occurring between 6 a.m. and 8 a.m. Property crimes are not always reported at the same time they occur, so that data is not included.

Chart A15 – Time of Day of Member-Based or Gang Component Incident Reports were taken



Gang Involved Subjects (all crimes) – Age

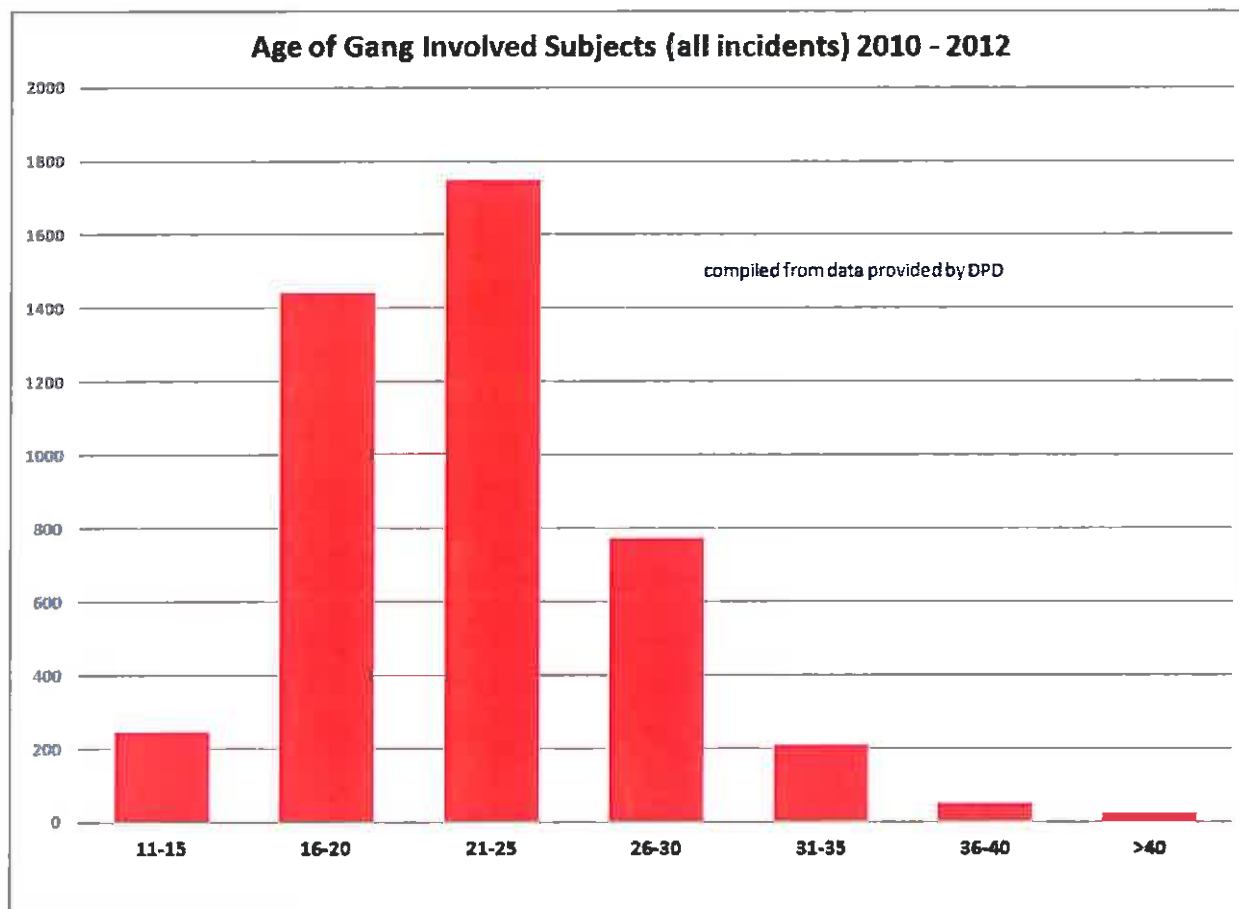
The age of gang involved subjects⁹ for the years 2010 to 2012 begins to increase exponentially at the age of 16¹⁰ and declines swiftly after the age of 25. The youngest age was 11 and the oldest was 71. The most common age was 21. The charts below illustrate age distributions for all types of involvement. Data for the charts does not reflect *distinct* counts, in other words,

⁹ Gang involved subjects are individuals who have been identified by DPD as meeting at least 2 of the 12 criteria specified by GangNET. These criteria are shown earlier in this report.

¹⁰ The number of gang involved subjects under the age of 16 is most likely underreported for several reasons. Documenting of juveniles in law enforcement records is inhibited by privacy issues and by differences in the way each law enforcement agency records juvenile offenses. Laws and policies vary from jurisdiction to jurisdiction.

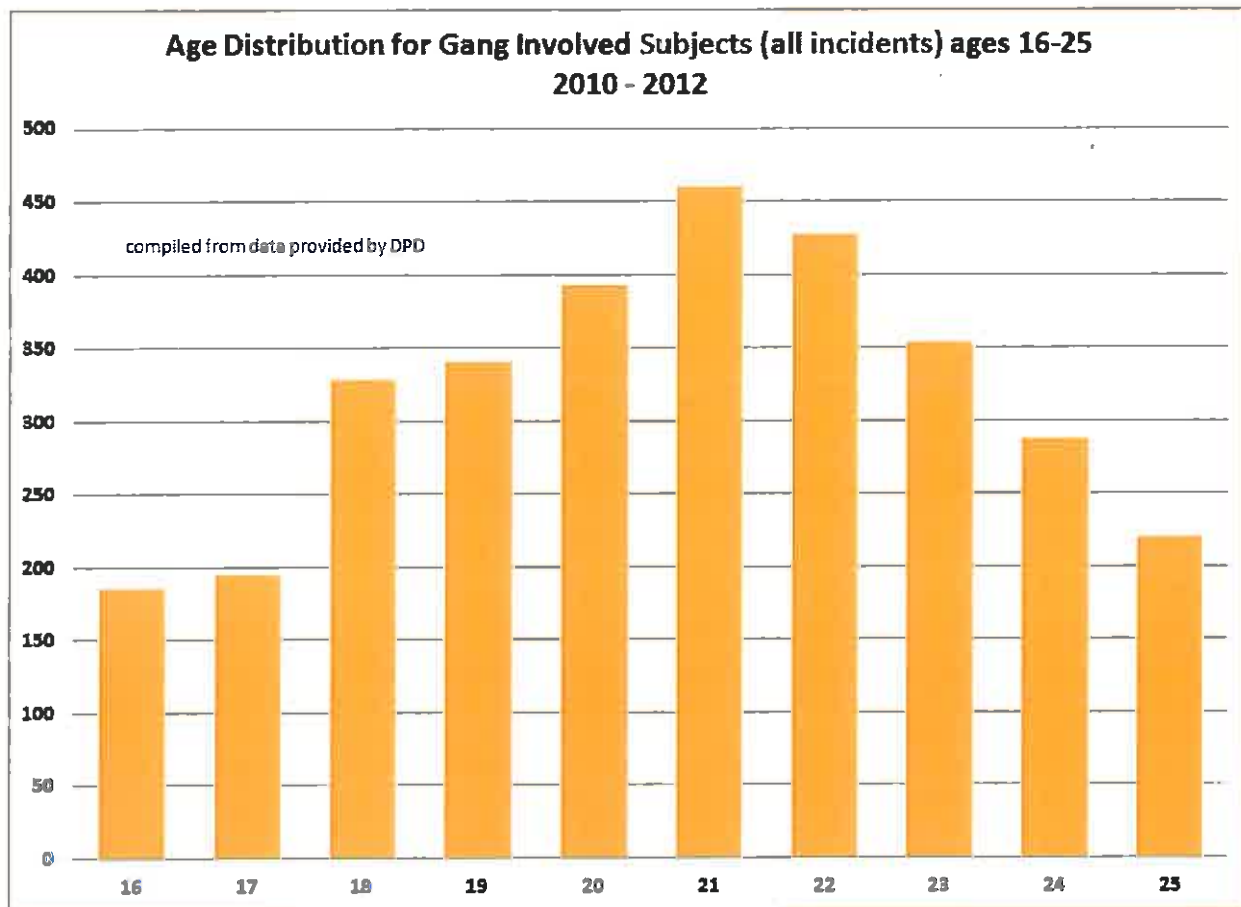
some of those in the count may have been involved in multiple incidents throughout the time period.¹¹

Chart A16 – Age Distribution for Gang Involved Subjects (all ages)



¹¹ This information should not be used in an attempt to “count” gang involved subjects in Durham. Data includes multiple years, and some subjects may be involved in multiple incidents throughout the time period. The charts are intended to give an idea of the overall age distribution of gang involved subjects involved in all types of crime.

Chart A17 – Age Distribution for Gang Involved Subjects (ages 16-25)



Gang Involved Subjects (all incidents) – Race/Ethnicity

The race or ethnicity of gang involved subjects for the years 2010 to 2012 is predominately black. The table below shows the race/ethnicity distribution for gang involved subjects (all types of involvement) between 2010 and 2012.

Table A12 – Race/ethnicity of gang involved subjects

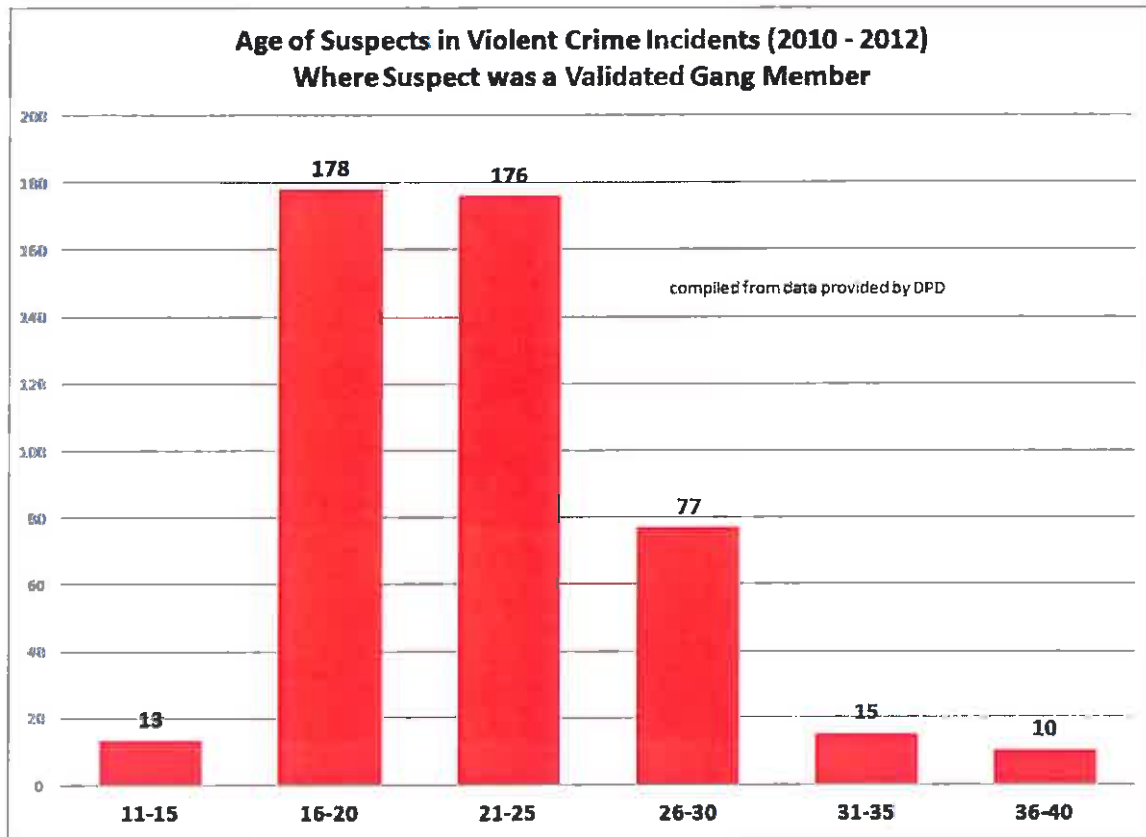
| Race | 2010 | 2011 | 2012 | TOTAL | Percentage |
|------------------------|------|------|------|-------|------------|
| Asian | 0 | 0 | 1 | 1 | 0.06% |
| Black | 550 | 528 | 547 | 1625 | 90.23% |
| Hispanic ¹² | 42 | 45 | 55 | 142 | 7.88% |
| White | 14 | 14 | 5 | 33 | 1.83% |

Demographic Information on Gang Members Who Are Suspects in Violent Crime Incidents

Validated gang members were suspects in 469 violent crimes during the years 2010 to 2012. The most common age of suspects in these crimes was 21 (49 individuals), followed by the age of 18 (48 individuals). The chart below indicates that the most common age range was 16-20, followed closely by 21-25.

¹² According to the US Census, people who identify their origin as Spanish, Hispanic, or Latino may be of any race

Chart A18 – Age Distribution of Violent Crime Suspects



Of the 469 violent crimes between 2010 and 2012 where a validated gang member was a suspect, 447 (95.3%) were black, 19 were Hispanic and 3 were white. Gender data was not included in the data sets.

Gang Involved Subjects – Types of Offenses

Gang involved subject were involved in 101 different types of offenses between 2010 and 2012. Some of these offenses were rather infrequent, as 42 of them occurred 5 or fewer times during the reporting period. The top 20 offenses, along with their number and their percentage of total charges is shown in the following table. It is important to note that not all categories involve a crime. For example, “found property” and “DV Info Report – no crime” are listed in the report obtained from the Durham Police Department.

Table A13 – Top 20 offenses for gang involved subjects from 2010 to 2012

| Offense | Number | % of all charges (n=4,470) |
|---|--------|-------------------------------|
| DRUG/NARCOTIC VIOLATIONS – POSSESS/SELL MARIJUANA | 556 | 12.4% |
| AGGRAVATED ASSAULT ¹³ | 532 | 11.9% |
| BURGLARY – FORCIBLE ENTRY | 409 | 9.1% |
| DRUG/NARCOTIC VIOLATIONS – POSSESS/SELL COCAINE | 311 | 7.0% |
| SIMPLE ASSAULT (PHYSICAL ASSAULT NOT AGGRAVATED) | 265 | 5.9% |
| ROBBERY – INDIVIDUAL | 246 | 5.5% |
| WEAPON VIOLATIONS – POSSESSING/CONCEALING | 244 | 5.5% |
| LARCENY – FROM MOTOR VEHICLE | 119 | 2.7% |
| LARCENY – SHOPLIFTING | 97 | 2.2% |
| LARCENY – FROM BUILDING | 94 | 2.1% |
| MOTOR VEHICLE THEFT – AUTOMOBILE | 91 | 2.0% |
| ALL TRAFFIC (EXCEPT DWI) | 84 | 1.9% |
| FOUND PROPERTY | 81 | 1.8% |
| ALL OTHER CRIMINAL OFFENSES | 69 | 1.5% |
| LARCENY – AUTOMOBILE PARTS OR ACCESSORIES | 68 | 1.5% |
| LARCENY – ALL OTHER | 61 | 1.4% |
| BURGLARY – NON-FORCED ENTRY | 56 | 1.3% |
| ALL OTHER OFFENSES-TRESPASSING | 55 | 1.2% |
| DV INFO REPORT (NO CRIME) | 54 | 1.2% |
| VANDALISM TO PROP (NOT ACCIDENTAL) | 52 | 1.2% |

The Use of GangNET for Identification and Tracking¹⁴

GangNet is a web-based set of databases that systematically provides a standardized method for entering data that validates gang membership and their connections with other validated gang members, associates and non-validated but suspected gang members.

¹³ Caution should be exercised when drawing conclusions from aggravated assault numbers. This offense is much more likely to have multiple individuals involved than some of the other offenses. For example, an April 10, 2010 aggravated assault involved 10 suspects. The involvement breakdown for all aggravated assaults for the time frame is as follows: Suspect(256), Victim(178), Involved Other(62), Witness(30), Associate(4), Reporting Party(1)

¹⁴ Much of the information in this section is taken directly from the whitepaper entitled “Gangs in North Carolina – An Analysis of GangNET Data”, written by Richard Hayes (Senior Research Analyst), Blake LaFond (Criminal Justice Planner) and Shruti Mehta (Criminal Justice Planner) and published by the Governor’s Crime Commission – North Carolina Department of Public Safety (March 2012)

NC GangNET was started in 2003 by the Durham County Sheriff's Office in collaboration with the Durham Police Department and funded through Governor's Crime Commission grants. The software was originally designed by SRA International. This product was adapted as GangNET and used in California as CalGang and also in other states and communities to share intelligence information on gang members between law enforcement jurisdictions.¹⁵

In North Carolina, the databases exist in three nodes, the western node located with the Charlotte Mecklenburg Police Department, and the eastern and central nodes located with the Durham County Sheriff's Office. The nodes have been centralized under management of the North Carolina Governor's Crime Commission.

The Durham Police Department stopped using GangNET in July 2009. With the loss of technical support personnel in the Durham County Sheriff's Department in 2010, data has not been updated and is not current beyond 2011.

To be validated in the GangNET system as a gang member, a person must meet at least two of twelve criteria, such as showing gang colors, gang signs, or having gang tattoos. A gang member may also be validated if they self-report that they are a member of a gang with at least one additional criterion.

Federal guidelines (28 CFR Part 23) mandate that individuals in law enforcement databases like GangNET must be removed if there has been nothing new entered on them for a five year period. In the past, some agencies would not perform this purge, and the data would reflect records that should have been purged due to no recent activity.¹⁶ Agencies also reported that some hand-entered data was lost because they could not keep up with the frequent software updates. The report cited below indicates that for the March 22, 2012 snapshot, all necessary purges have been performed.

According to the report cited below, GangNET has several weaknesses. The primary weakness is that without full participation of all law enforcement and correctional agencies the data is neither complete nor accurate. Additionally, even with agencies that use GangNET there is wide variance in entering data between individual officers.

Another weakness of GangNET data is that even though the N.C. Attorney General's Office has provided an opinion that the inclusion of juveniles aged 15 and younger does not violate state law, some law enforcement agencies have internal or community policies that prohibit entering juvenile data. The end result of this weakness is that the most recent GangNET data available

¹⁵ This paragraph was taken directly from the North Carolina Department of Public Safety website <https://www.ncdps.gov/index2.cfm?a=000003,000011> retrieved on January 14, 2014

¹⁶ Part of this problem can be attributed to the "purge" feature not being available to some agencies

(March 22, 2012) indicates that less than 6% of validated gang members in North Carolina are younger than the age of 18. When considering this small percentage, readers should understand that often law enforcement does not come into contact with gang members until they reach older ages and commit crimes.

Specific to Durham's use of GangNET, the following information was provided by law enforcement personnel in March of 2012.¹⁷

As recently as early 2009 both agencies (Durham Police Department – DPD, and Durham County Sheriff's Office – DCSO) were using GangNET and actively entering information into the database. In 2010 DPD incorporated the IBase system, a database that can be used for all intelligence, not just for gang information. It also has the ability to link data from other databases (including CRMS, its crime reporting system), and can seamlessly perform analysis between those links.

GangNET does not have the analysis ability. There is a desire by both agencies to work on a common data platform, and there have been preliminary talks with Raleigh and Chapel Hill on this topic in the hopes of establishing a Triangle-wide system.

DCSO did have two full-time equivalent positions dedicated to GangNET data entry and analysis, but those FTE's were shifted to other duties in 2010. The program was shifted at that time to an IT person, but not on a full-time basis. As mentioned earlier, DPD stopped using GangNET in July 2009.

To provide perspective on some distinctive aspects of Durham County's demographic and crime data found in the Updated Gang Assessment, six comparison counties were selected based upon overall population size, and racial/ethnic, economic, and educational demographics.

The six comparison counties are Cabarrus, Cumberland, Forsyth, Gaston, Guilford, and New Hanover. Similarities used to justify selection of comparison counties are based on the following criteria:

- Counties with population between 175,000 and 350,000 (Durham County has a population of 267,587).
 - Cabarrus County
 - Forsyth County
 - Gaston County

¹⁷ This information is based on correspondence and/or communication with Deputy Chief Steve Mihaich (Durham Police Department), and Detective Elliot Hoskins (Durham County Sheriff's Department) in March of 2012.

-New Hanover County

- Counties whose population is between 25% and 40% black (Durham County has a black population of 38.0%).
 - Cumberland County
 - Forsyth County
 - Guildford County
- Counties whose population is between 9% and 20% Hispanic (Durham County has a Hispanic population of 13.5%).
 - Cabarrus County
 - Cumberland County
 - Forsyth County
- Counties whose population in poverty rate is between 15% and 21% (Durham County has a population in poverty rate of 18.8%).
 - Cumberland County
 - Forsyth County
 - Gaston County
 - Guilford County
 - New Hanover County
- Counties where between 7% and 10% of the population speak Spanish at home (9.2% of Durham County residents speak Spanish at home).
 - Cabarrus County
 - Cumberland County
 - Forsyth County

The following table compares key descriptive information for each of these counties side by side. Table A14 utilizes census-based demographic information for these comparison counties, the state of North Carolina, and the United States.

Table A14 – Census Information for Durham County and Comparison Counties¹⁸

| | Population | % Black | % Hispanic | % Population in Poverty | % Spanish Spoken at Home |
|---------------|----------------|-------------|-------------|-------------------------|--------------------------|
| USA | x | 12.6 | 16.4 | 15.3 | 11.5 |
| NC | x | 21.5 | 8.4 | 17.5 | 6.3 |
| Durham | 267,587 | 38.0 | 13.5 | 18.8 | 9.2 |
| Cabarrus | 178,011 | 15.3 | 9.4 | 13.0 | 7.1 |
| Cumberland | 319,431 | 36.7 | 33.4 | 18.0 | 7.9 |
| Forsyth | 350,670 | 26.0 | 12.0 | 16.4 | 7.0 |
| Gaston | 206,086 | 15.3 | 5.9 | 20.5 | n/a |
| Guilford | 488,406 | 32.5 | 7.1 | 17.7 | 5.9 |
| N. Hanover | 202,667 | 14.8 | 5.3 | 18.1 | 4.9 |

The table below illustrates the number of validated gang members in Durham County and the comparison counties based on GangNET data. While reviewing this March 22, 2012 snapshot, it is important to keep in mind the weaknesses and limitations of GangNET noted above.

Table A11 – Number validated gangs and gang members¹⁹

| County | Validated Gangs | Validated Gang Members | Suspected Gang Members |
|--------------------|-----------------|------------------------|------------------------|
| Durham | 41 | 1,277 | 188 |
| Cabarrus | 27 | 138 | 25 |
| Cumberland | 49 | 750 | 296 |
| Forsyth | 58 | 669 | 25 |
| Gaston | 35 | 204 | 57 |
| Guilford | 88 | 463 | 88 |
| New Hanover | 42 | 470 | 61 |
| Wake ²⁰ | 99 | 2,619 | 955 |

¹⁸ All census data retrieved from <http://www.usa.com/>; to access individual county data, type the county name into the website search bar

¹⁹ There are many variables involved in the collection of these numbers for each county, including quality control/oversight limitations, number of individuals with access to the database and training levels of these individuals. Therefore, this should not be interpreted as Durham having a larger gang problem than other counties.

²⁰ Although Wake County is not one of the comparison counties in this report, comparisons are often made between Durham and Raleigh, so it is included in this table. Unlike Durham County, Wake County has several jurisdictions (i.e. Town of Cary), and is much larger in size and population than Durham County.

Recent Developments in GangNet (April 2014)

The GRS Suppression Team (a subcommittee of the GRS Steering Committee) invited Mr. Jon-Paul Guarino to speak to the group about recent GangNet developments at a February 26, 2014 meeting. Mr. Guarino is the NC GangNet administrator, and is based with the North Carolina State Highway Patrol.

Mr. Guarino updated attendees on the current status of NC GangNet. Control of GangNet recently was transferred from the Governor's Crime Commission to the North Carolina State Highway Patrol (NCSHP).

There have been many recent improvements to NC GangNet, and it is now tied in with multiple agencies in North Carolina and other states. MOU's are being finalized at this time to cement these agreements. The software is now web-based for easy mobile access. There is a bridge planned between the software and Community Corrections/Probation to better track the Security Threat Group (STG) population.

NC GangNet can be thought of a "data warehouse" that requires certain levels of approval for access. Link analysis is built in but the software does not create reports – agencies can create their own reports tailored on various parameters.

NCSHP troopers will have access to NC GangNet but with limited entry capabilities. All entries will double-checked for accuracy prior to authentication.

With 253 agencies and 64 out of 100 North Carolina counties reporting, data shows that there are 927 gangs in the state involving 12,565 gang members and 2,224 associates. Since July 2013, 384 new officers have been certified and 13 sites have requested training in 2014.

Attendees discussed the possibility of NC GangNet training being conducted at the same time as other state-mandated report training. View only training is 4 hours and data entry level training requires 12 hours of training.

There is hope that a state-wide standard for validation can be established.

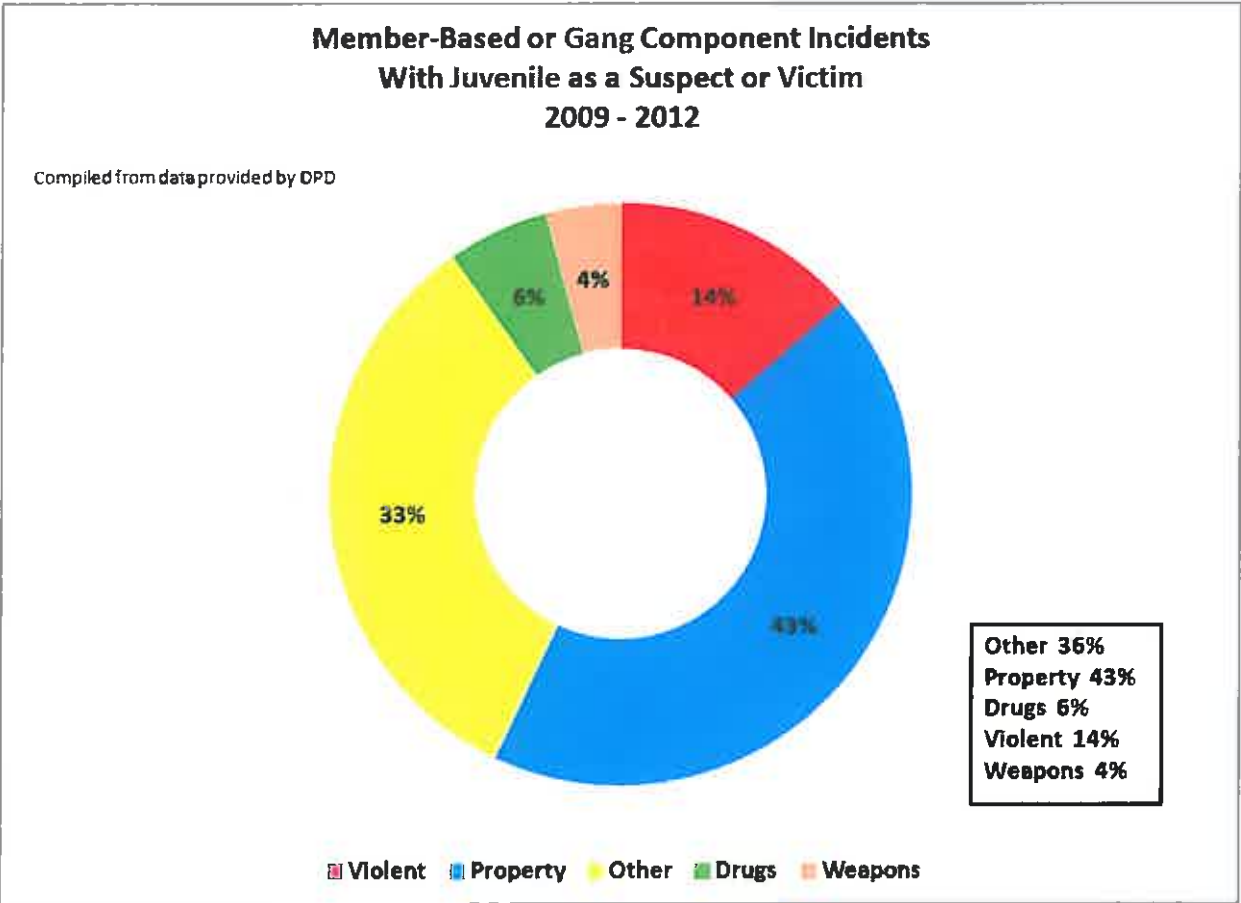
Juvenile Involvement in Gang Incidents

Juveniles (defined in North Carolina as youth aged 6 to 15) were involved in a relatively small number of gang related incidents between 2009 and 2012. Of the 4,995 incidents, 338, 6.8% had some type of juvenile involvement noted by the reporting officer.

Between the years 2009 and 2012, the total number of juveniles referenced in reports was 876. It is important to remember that multiple juveniles can be involved in a single incident, and that a juvenile may have been involved in multiple incidents.

Records indicate that the most prevalent type of gang involved incidents in which juveniles are involved (as a suspect or victim) is property crime (43%). The chart below illustrates the types of incident reports taken during the period when a juvenile was involved as either a victim or suspect.

Chart A12 – Juveniles as suspect or victim



Classification of 16 and 17 Year Olds as Adults – Misdemeanor Charges

North Carolina and New York are the only two states that automatically classify 16 and 17 year olds as adults in the eyes of the court.

There are no indications that this policy has deterred 16 and 17 year olds from engaging in criminal street gang activity in North Carolina.

In Fiscal Years (FY) 2012 and 2013, 268 youth aged 16 and 17 were booked on misdemeanor charges in Durham County.²¹ There was a 9% drop on bookings of this age group between FY 12 and FY 13. On average it appears that three-fourths of those booked are black and 7 of 10 are male. The table below provides race and gender information on the individuals booked.

Table A15: Race²² and Gender of 16 and 17 Year Olds Booked on Misdemeanor Charges (FY's 12 & 13)

| | Total Bookings | Black | White | Unknown Race | Male | Female |
|---------|----------------|-----------|----------|--------------|-----------|----------|
| FY 2012 | 143 | 110 (77%) | 30 (21%) | 3 (2%) | 103 (72%) | 40 (28%) |
| FY 2013 | 125 | 95 (76%) | 27 (22%) | 3 (2%) | 84 (67%) | 41 (33%) |
| TOTAL | 268 | 205 (76%) | 57 (21%) | 6 (2%) | 187 (70%) | 81 (30%) |

In FY's 2012 and 2013, 268 youth, aged 16 and 17, were booked on a total of 438 misdemeanor charges.²³ The charges ranged from minor in nature ("harassing phone call" for example) to more serious crimes such as "assault with serious bodily injury" or "discharge of a firearm in the city". There were approximately 75 distinct charges filed in FY 2013. For the purposes of this report, the charges were coded into eight categories.

Property crimes were the most prevalent of charges, comprising 32% of the total. Assault and affray charges were also common, accounting for 17% of the total.

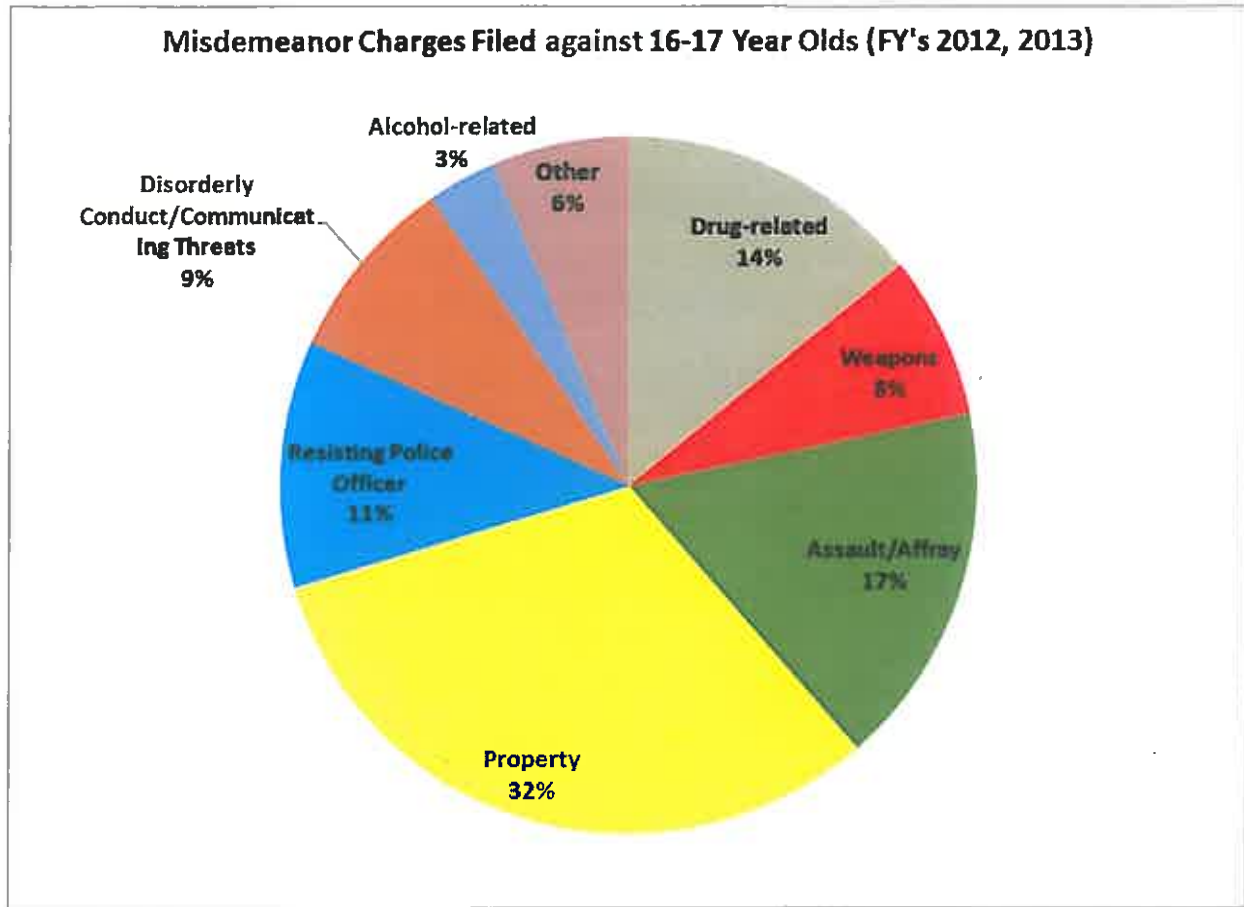
The chart below illustrates the distribution of charge categories for 16 and 17 year olds booked in Durham County during FY's 2012 and 2013.

²¹ Data retrieved from Administrative Office of the Courts (AOC)

²² AOC data only shows "Black", "White", or "Unknown"; there is no classification for other races such as Asian, Latino/Hispanic etc

²³ Some of those booked had multiple charges. There was an average of 1.6 charges per booking.

Chart A13 – Misdemeanor charges for 16-17 year olds



Method of Disposition of Cases for 16-17 Year Olds

The method of distribution for misdemeanor charges²⁴ against this age group for FY 13 indicates that the vast majority (75%) of these cases were dismissed by the court, dismissed after deferred prosecution or voluntarily dismissed. The table below illustrates the method of disposition for the cases.

²⁴ Disposition of charges information was only available for FY 13

Table A16 – Method of Disposition of Misdemeanor Cases for 16-17 year olds (FY 2013)

| <i>Method of Disposition</i> | <i>Percentage of Whole</i> |
|--------------------------------------|----------------------------|
| Dismissed by Court | 1% |
| Dismissal after Deferred Prosecution | 15% |
| Trial by Judge with Guilty Plea | 9% |
| Process Other | 1% |
| Transferred to Superior Court | 2% |
| Voluntary Dismissal | 59% |
| Voluntary Leave (deferred) | 2% |
| Unknown Disposition | 14% |

In summary, it appears that the 16 and 17 year olds booked on misdemeanor charges in Durham County have a good chance (75%) of having charges dismissed, including charges such as “possession of a handgun as a minor”, “discharging a firearm in the city” or “assault and battery”.

Are Charge Dismissals Evenly Distributed among Races and Genders?

A closer examination of dismissal cases²⁵ indicates that the percentage of black offenders and white offenders who had their charges dismissed mirrors the overall race demographics of all 16 and 17 year olds who faced misdemeanor charges in FY2013 – 76% black and 22% white. This may be an indication that neither race is favored when dismissal of charges is considered. Dismissal based on gender (female - 34%, male - 66%) is also very similar to the gender distribution of 16 and 17 year olds who faced misdemeanor charges in FY 2013 (female – 33%, male – 67%), and may indicate the lack of a gender bias when dismissal of charges is considered.

²⁵ These include “dismissal by court”, “dismissal after deferred prosecution” and “voluntary dismissal”

Department of Public Safety/Juvenile Justice Division Data for Durham County

The North Carolina Department of Public Safety Juvenile Justice Division maintains records for each county on delinquency rates, status offense rates, serious (class F-I, A1) rates, violent Class A-E complaint rates and Youth Development Center (YDC) commitment rates for juveniles.

For the purpose of this report, records for the years 2009 through 2012 were examined for the state of North Carolina, Durham County and six comparison counties.²⁶ The six North Carolina counties were selected for comparison based on population, racial demographics, economic demographics and educational demographics. The six counties are: Cabarrus, Cumberland, Forsyth, Gaston, Guilford, and New Hanover. The following table compares key descriptive information for each of these counties side by side. Table XX utilizes census-based demographic information for these comparison counties, the state of North Carolina, and the United States.

Table A17 – Census Information for Durham County and Comparison Counties²⁷

| | Population | % Black | % Hispanic | % Population in Poverty | % Spanish Spoken at Home |
|---------------|----------------|-------------|-------------|-------------------------|--------------------------|
| USA | x | 12.6 | 16.4 | 15.3 | 11.5 |
| NC | x | 21.5 | 8.4 | 17.5 | 6.3 |
| Durham | 267,587 | 38.0 | 13.5 | 18.8 | 9.2 |
| Cabarrus | 178,011 | 15.3 | 9.4 | 13.0 | 7.1 |
| Cumberland | 319,431 | 36.7 | 33.4 | 18.0 | 7.9 |
| Forsyth | 350,670 | 26.0 | 12.0 | 16.4 | 7.0 |
| Gaston | 206,086 | 15.3 | 5.9 | 20.5 | n/a |
| Guilford | 488,406 | 32.5 | 7.1 | 17.7 | 5.9 |
| Union | 201,292 | 11.7 | 10.4 | 7.9 | 7.4 |
| N. Hanover | 202,667 | 14.8 | 5.3 | 18.1 | 4.9 |

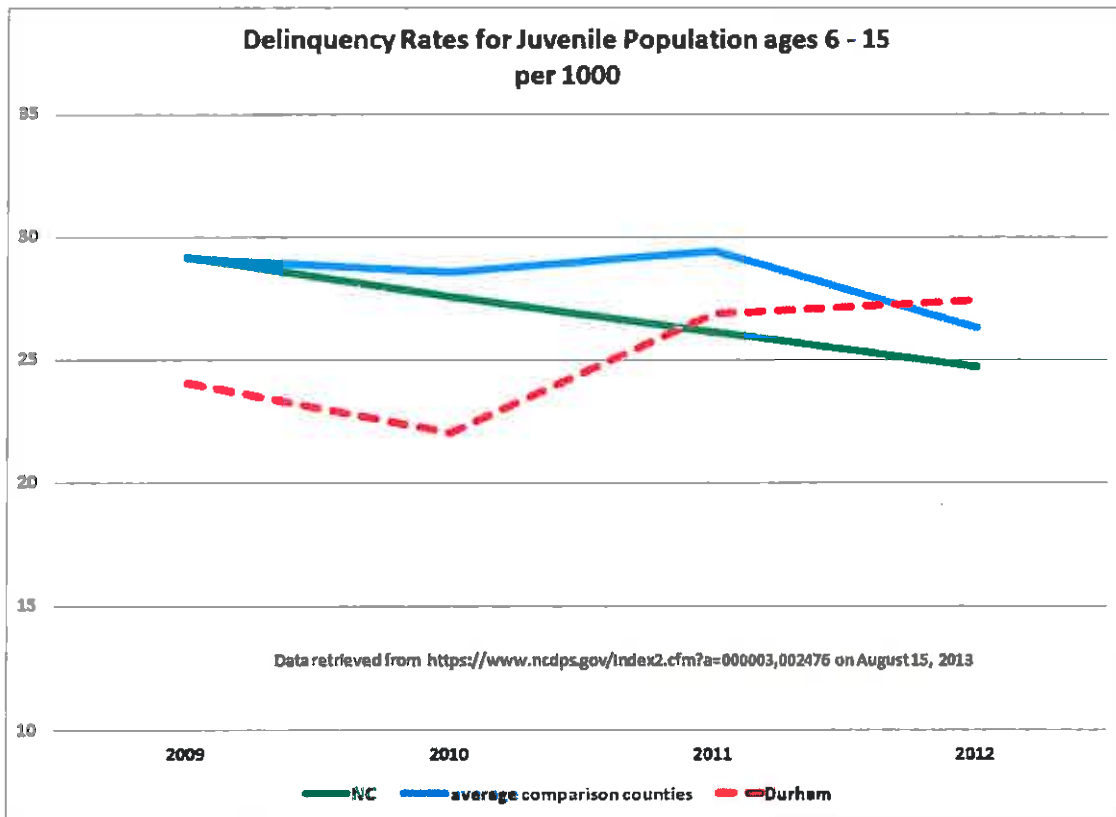
²⁶ Data for the charts in this section was retrieved from the NC Department of Public Safety website <https://www.ncdps.gov/index2.cfm?a=000003,002476,002483,002482,002506,002523>

²⁷ All census data retrieved from <http://www.usa.com/>; to access individual county data, type the county name into the website search bar

Juvenile Delinquency Rate

The juvenile delinquency rate is a calculation of the number of juvenile delinquent offenses divided by the total youth ages 6-15 in the population. The rate is the number of delinquent offenses per 1,000 youth ages 6-15. The chart below indicates that in 2009 and 2010 the delinquency rate for Durham County youth, ages 6 to 15, fell below both the state average and the average of comparison counties. In 2012 the rate for delinquency rates for North Carolina and the comparison counties were on a downward trend, but Durham County's rate trended upward and was slightly above rates for the state and the comparison counties.

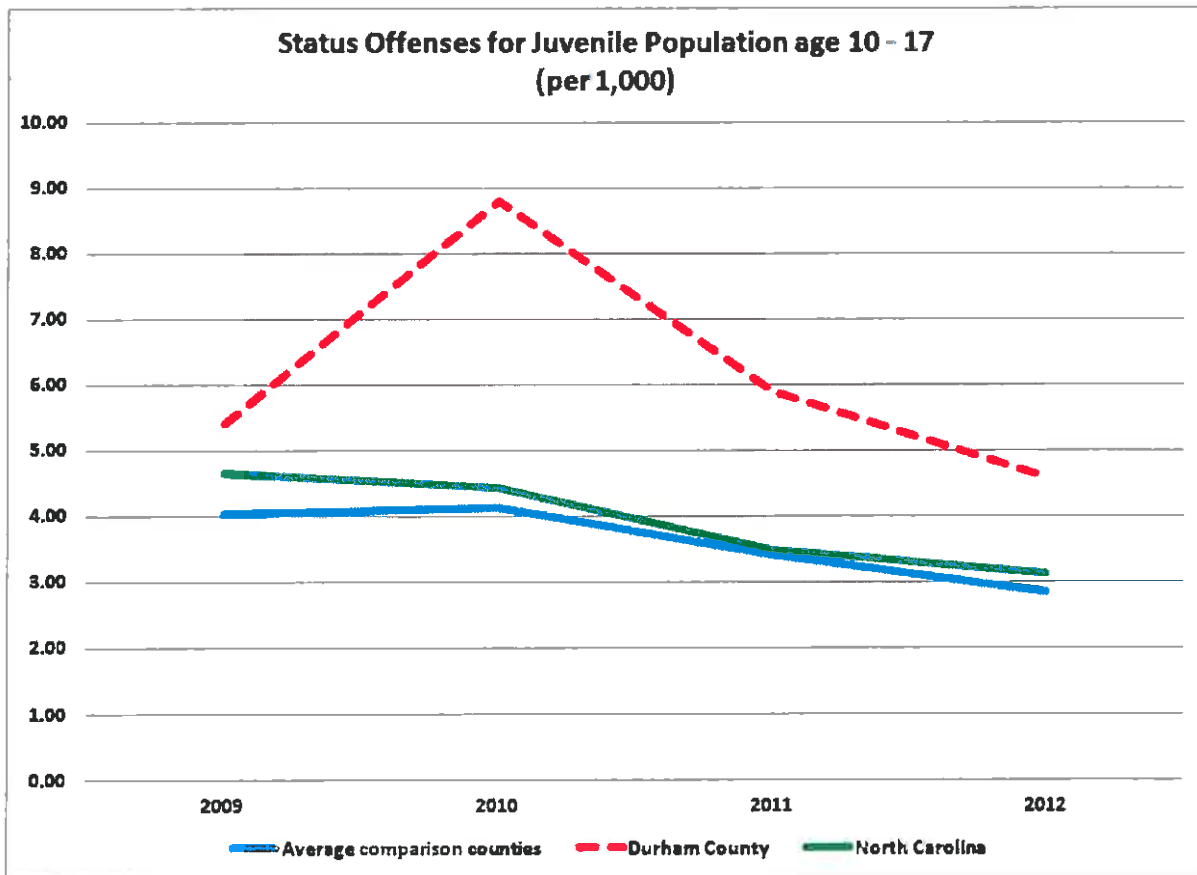
Chart A13 – Delinquency rates for juveniles



Status Offenses

Status offenses are offenses that are not crimes if committed by adults, for example truancy or running away from home. Juvenile population between the ages of 6 and 17 are eligible for status offenses. The chart below indicates that status offense rate per 1000 for Durham County youth has been higher than the state average and the average of comparison counties for the past four years. Although there was a spike in 2010 for Durham County, there has been a trend downward for the past two years that corresponds with statewide and comparison county trends.

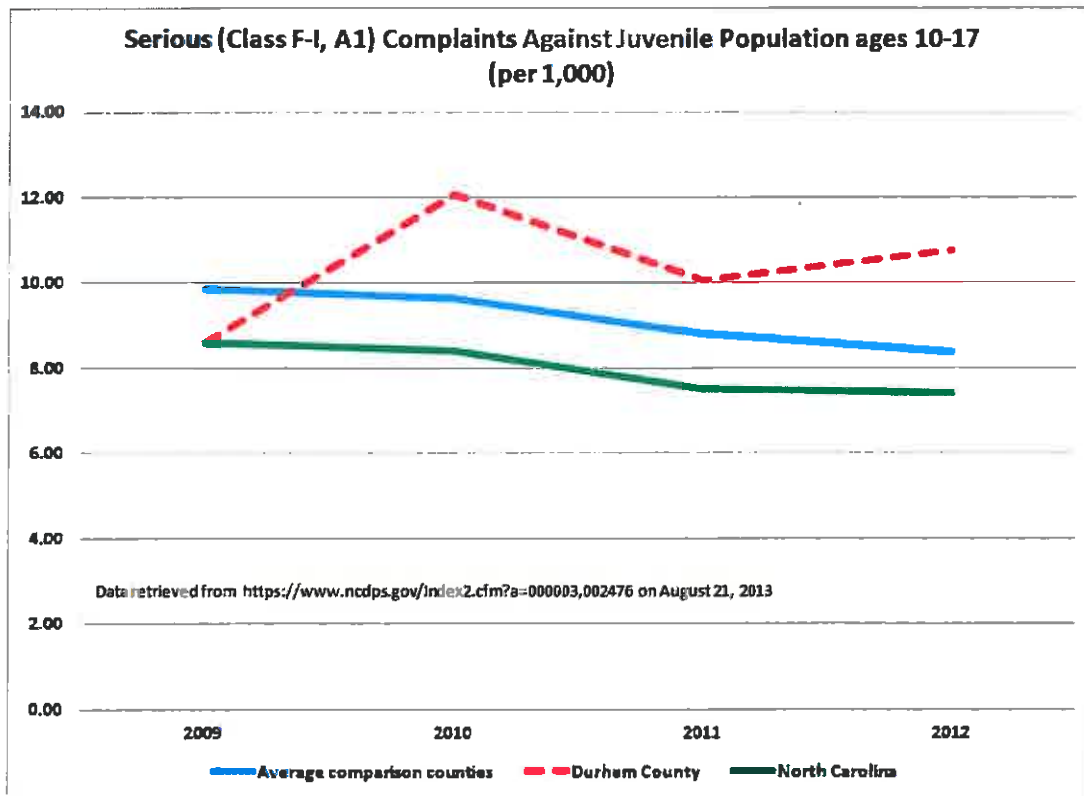
Chart A14 – Status offenses for juveniles



Serious Property/Weapon Offenses

Serious (Class F-I, A1) include serious property or weapon offenses as well as A1 misdemeanors and assaults. Complaints against Durham County youth in this category were at the state average in 2009, then rose above both the state average and the average of comparison counties since then. Statewide and comparison county offenses of this nature decreased between 2011 and 2012, however Durham County's rate increased slightly.

Chart A15 – Class F-1, A-1 complaints against juveniles

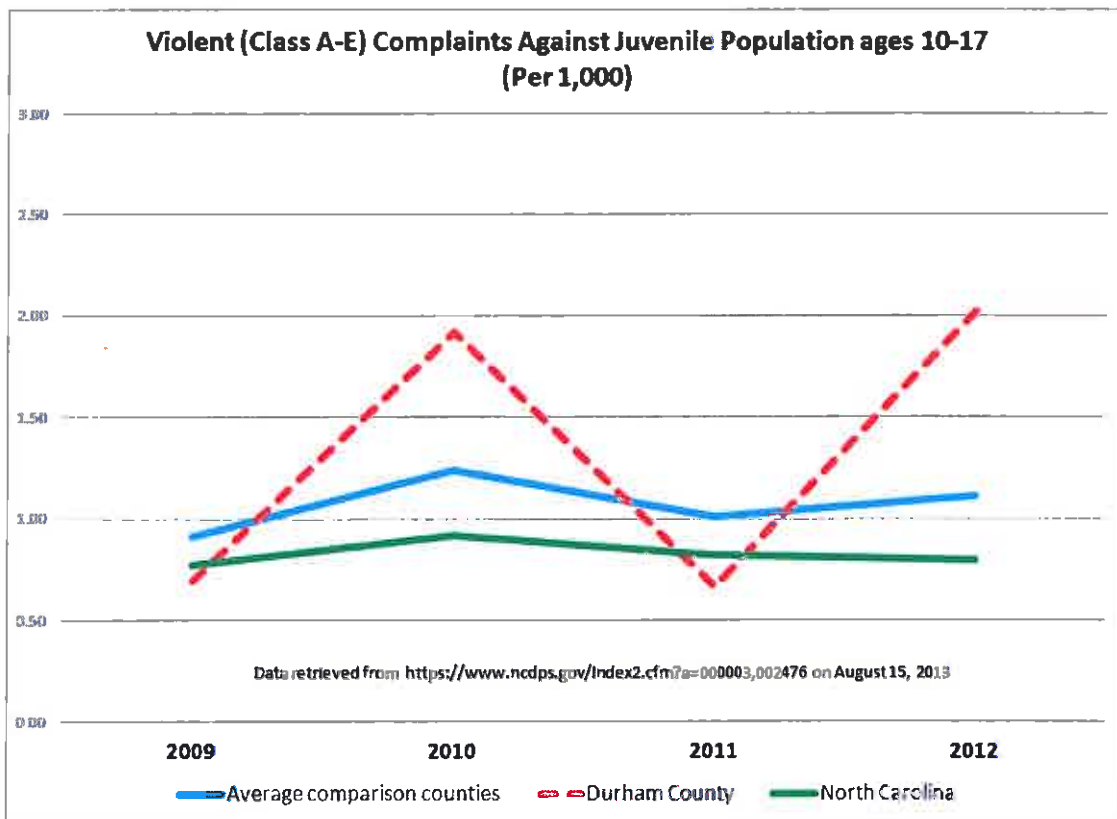


Violent Class A-E Crimes

The North Carolina Department of Public Safety defines violent, class A-E crimes as “person and violent offenses, i.e. robbery, kidnapping, attempted murder etc”. Data in the chart below shows a puzzling pattern of Durham County youth ages 10 – 17 having fewer of these complaints per 1000 than the North Carolina rate and the rate for comparison counties in both 2009 and 2011. However, in 2010 and 2012 Durham County had spikes that put their rate per 1000 significantly higher than the state average and the average of comparison counties.

It should be noted that violent, Class A-E crimes are not as common as other offenses, and that a small increase or decrease in these crimes over the period of one year may result in the spikes (both downward and upward) seen in the chart below. The number of counties in a specific count may tend to “smooth out” the trend line. Regardless of these circumstances, the data shows that violent, Class A-E crimes committed by Durham youth ages 10-17 fluctuates significantly over the 4-year period, sometimes below and sometimes above rates for the comparison counties or statewide rates.

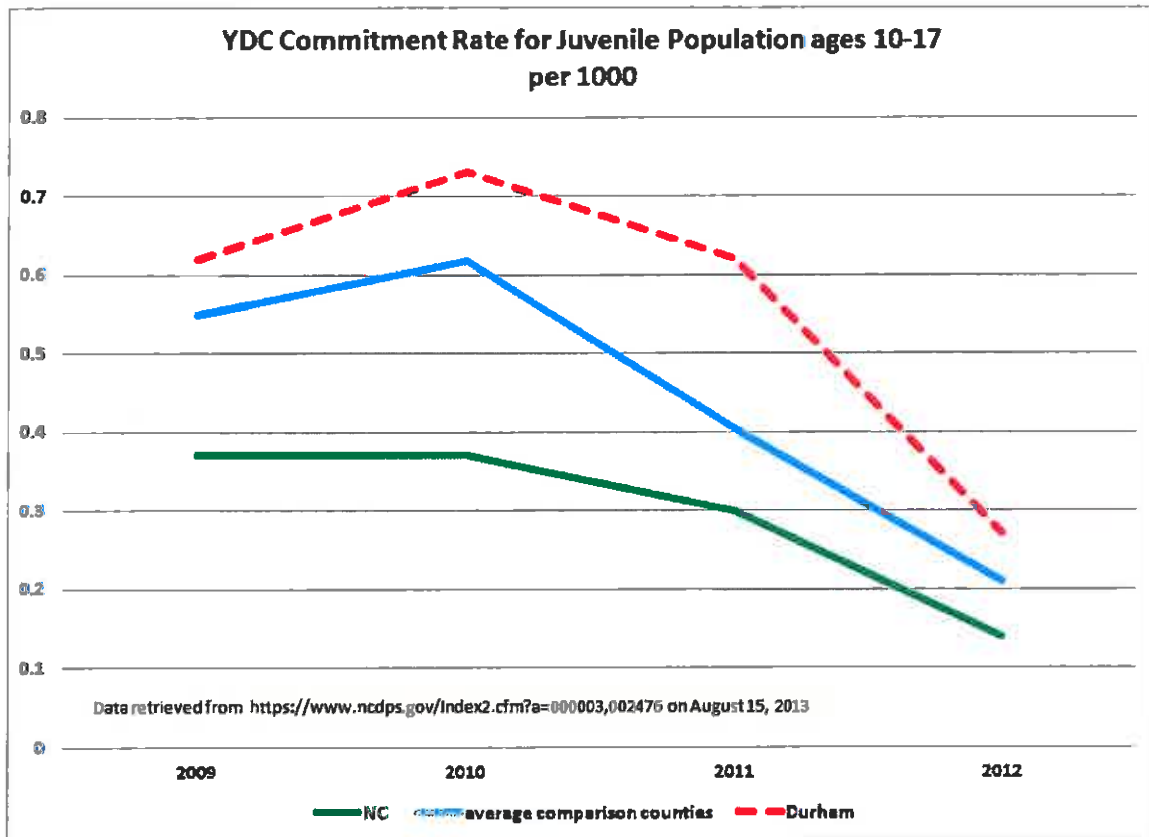
Chart A16 – Class A-E complaints against juveniles



YDC Commitment Rates

Youth Development Center (YDC) commitment rates are defined by the North Carolina Department of Public Safety as “commitment to the DJJ for a period of at least six months” with YDC’s being defined as “secure custody facilities with a therapeutic program focus”. The chart below indicates that between the years of 2009 and 2012 Durham County’s YDC commitment rates were slightly higher than rates for North Carolina and for the comparison counties, but have been trending sharply downward since 2010.²⁸

Chart A17 – YDC commitment rates for juveniles



²⁸ Data shown for juveniles who were admitted to detention with secure custody orders from different counties; they are counted in all counties where secure custody orders originated.

Summary – Juvenile Justice Data

Based on data from the North Carolina Department of Public Safety Juvenile Justice Division, it appears that status offense rates and YDC commitment rates for Durham County youth are trending downward along with rates for comparison counties and statewide rates.

Rates for delinquency, serious offenses and violent offenses however, have trended upwards during recent reporting periods, while rates for comparison counties and statewide rates have gone down.

Teen Gun Crimes

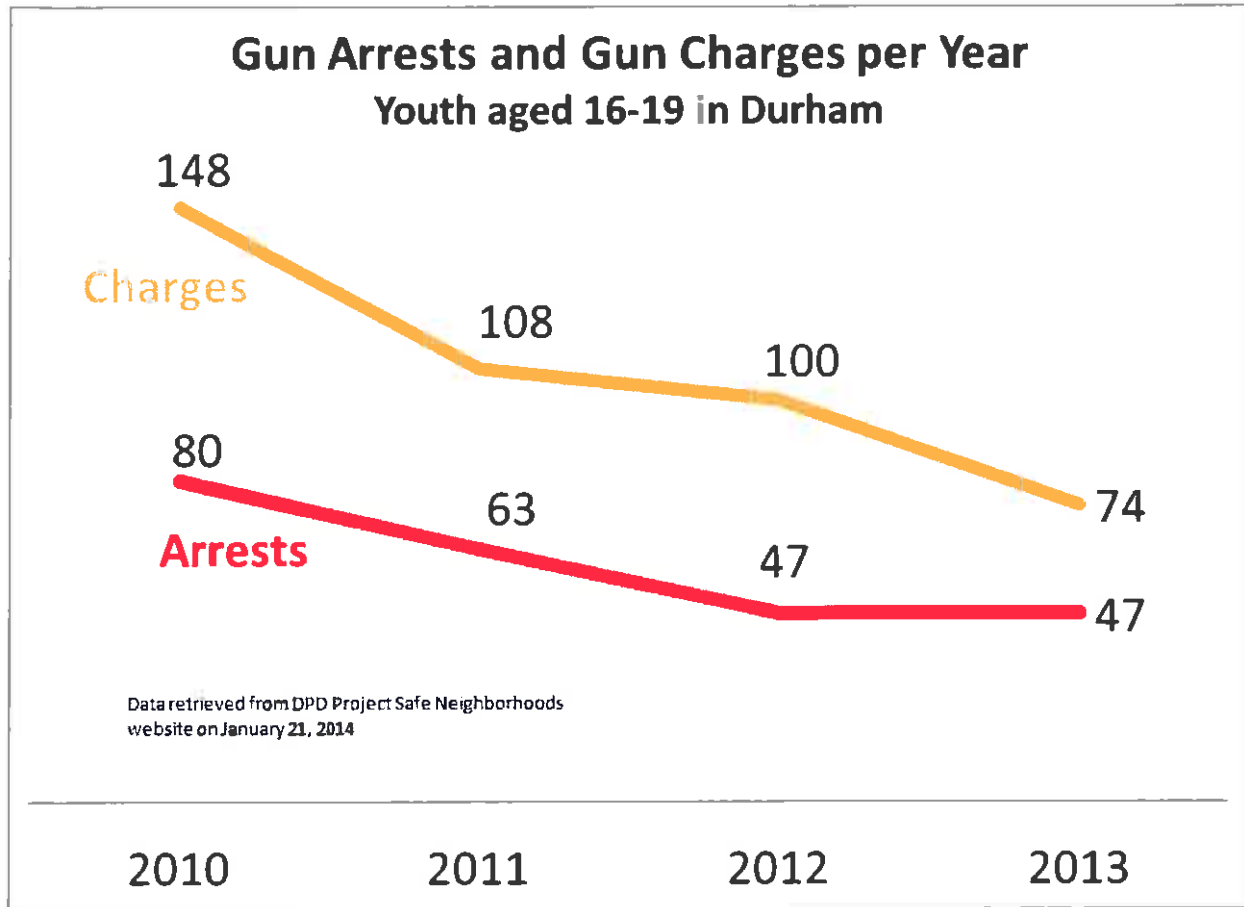
Gun crimes involving teenagers can be one indicator of youth violence in general. The Durham Police Department's Project Safe Neighborhoods (PSN) collects data on gun crimes and posts it on the Police Department's website.²⁹ The information can be sorted by name, date of arrest, age and type of gun crime. Although there are individuals under the age of 16 (juveniles) who are charged with gun crimes, these are not included in the PSN reports.

For purposes of this report, arrests of teens ages 16 through 19 were examined.

The number of 16-19 year olds arrested in Durham on gun crime charges, as well as the number of gun charges (there may be several charges associated with one arrest) has declined in the past 4 years ending in 2013.

²⁹ It is important to note that the data collected and posted by Project Safe Neighborhoods shows arrests only, not convictions. In some cases, one or more of the charges may have been dropped over the course of time, or additional charges may have been added as investigation continued.

Chart A18 – Gun arrests and gun charges per year – Age 16-19



Repeat Offenders

There were 237 arrests of teens on gun charges during the 4-year period of 2010 to 2013. These arrests involved 207 *distinct* individuals. Twenty one (21) individuals were arrested more than once during the time period, all while they were between the ages of 16 and 19.³⁰ The table below provides information on the distinct individuals.

³⁰ In April 2013 a list of 20 repeat offenders was given to Alliance Behavioral Healthcare for analysis. Alliance cross-referenced Alpha and Provider Connect databases and found that 14 of the individuals had either been assessed for mental health issues or had been diagnosed/treated for mental health issues

Table A18 - Number of times teen arrested on gun charges (2010 – 2013)

| | |
|---------------------------------|---|
| Arrested 1 time on gun charges | 186 |
| Arrested 2 times on gun charges | 17 |
| Arrested 3 times on gun charges | 1 |
| Arrested 4 times on gun charges | 2 |
| Arrested 5 times on gun charges | 1 – this individual was killed by gunfire in 2013 |

Age and Gender

The number of gun arrests for teens in Durham increased with age during the time period. The number of arrests for the 16 to 19 age group from 2010 to 2013 is as follows:³¹

Age 16 (36 arrests) Age 17 (51 arrests) Age 18 (68 arrests) Age 19 (81 arrests)

Teens arrested for gun crimes during the time period were overwhelmingly male. Of the 237 arrests, only 8 were females. No females were arrested as teens more than once during the time period.

Drugs and Gun Arrests

Drug offenses were noted in 36% of the gun arrests for teens aged 16 to 19 between 2010 and 2013. The connection between these two types of crime is unclear from the data (did a drug arrest result in finding weapons, or visa-versa?) but it appears from the data that drugs play a part in over a third of weapons arrests for this cohort.

Stolen Firearms

The charge “possession of a stolen firearm” is noted in 77 of the 237 arrests of teens between the ages of 16 and 19 arrested on gun charges for the 4-year period ending in December 2013. Based on these numbers, it appears that stolen firearms are involved in almost a third (32.5%) of these arrests. Questions that come to mind are where the firearms are stolen from and how teens acquire stolen firearms.

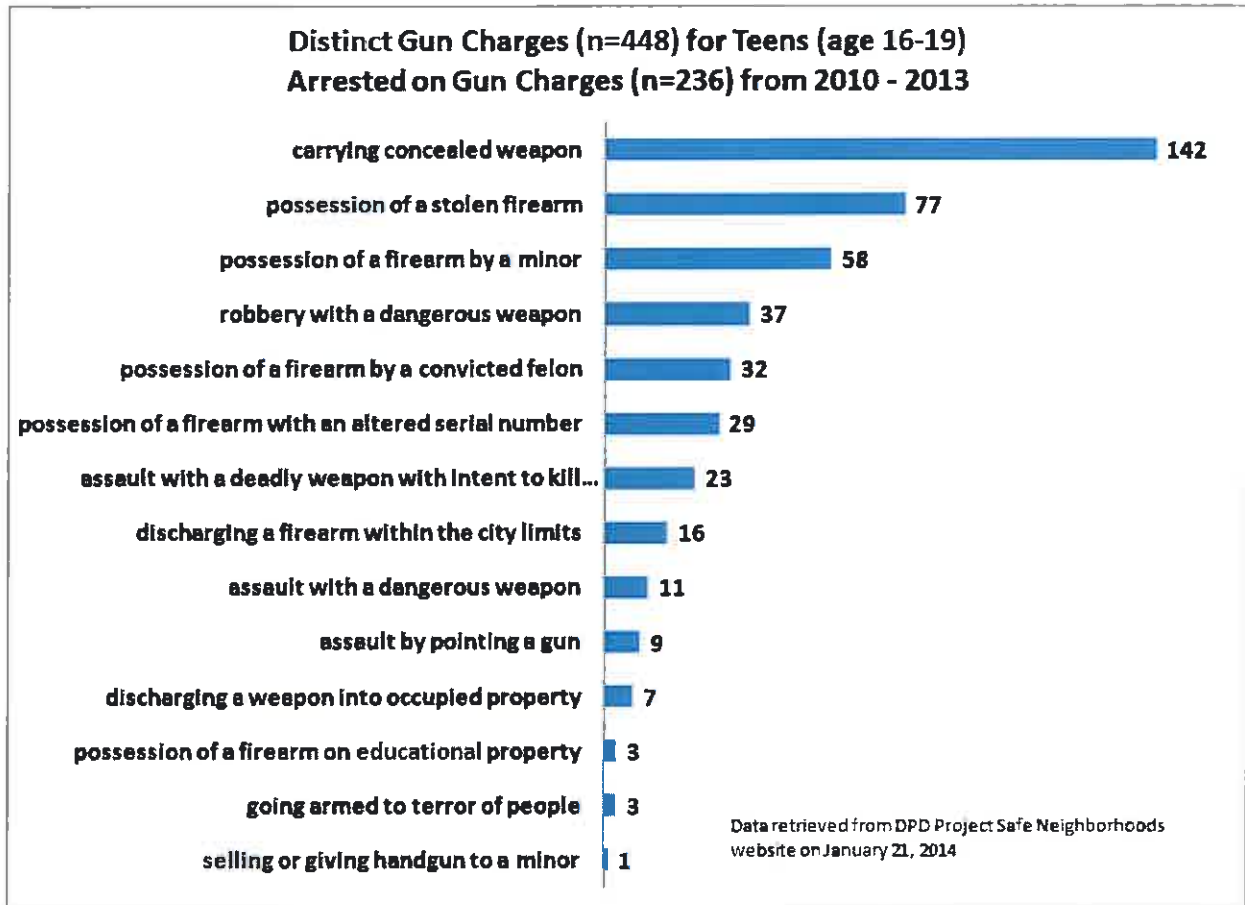
Most Common Gun Charges

The most common charge for teens ages 16 to 19 arrested on gun charges between 2010 and 2013 is “carrying a concealed weapon” (31.7%), followed by “possession of a stolen firearm” (17.2%) and “possession of a firearm by a minor” (12.9%).³²

³¹ These numbers reflect all arrests; some individuals were arrested multiple times

³² These are percentages of all distinct gun charges for the time period. One individual may be charged with several gun charges in one arrest.

Chart A19 - Frequency of Gun Charge Types - Ages 16-19



Gang Members Returning to Durham from Correctional Facilities

Intake procedures in North Carolina’s Department of Public Safety’s Division of Adult Corrections (DAC) include asking offenders about gang membership, potential enemies, codefendants, and family members who are incarcerated. Based on responses, offenders may be included in a Security Threat Group (STG). There are 23 Security Threat Groups – the DAC designation for gangs – within the state prison system.³³

Approximately 700 offenders return to Durham each year from correctional facilities.³⁴ In the past 2 years (2011, 2012) 1,382 inmates were released back to Durham County, of which 159

³³ “Gangs in North Carolina: An Analysis of GangNET Data” (Governor’s Crime Commission – North Carolina Department of Public Safety (March 2012)

³⁴ Information retrieved from <http://webapps6.doc.state.nc.us/opi/offenderreleasesearch.do?method=list> on July 16, 2013

carried the STG designation. Examination of the release data shows that approximately 60% of STG releases were due to “expiration of sentence”, and the remaining 40% were released for “parole/return to parole”. The chart below indicates that gang members released back to Durham County in 2011 and 2012 were predominately members of the United Blood Nations or the Crips.

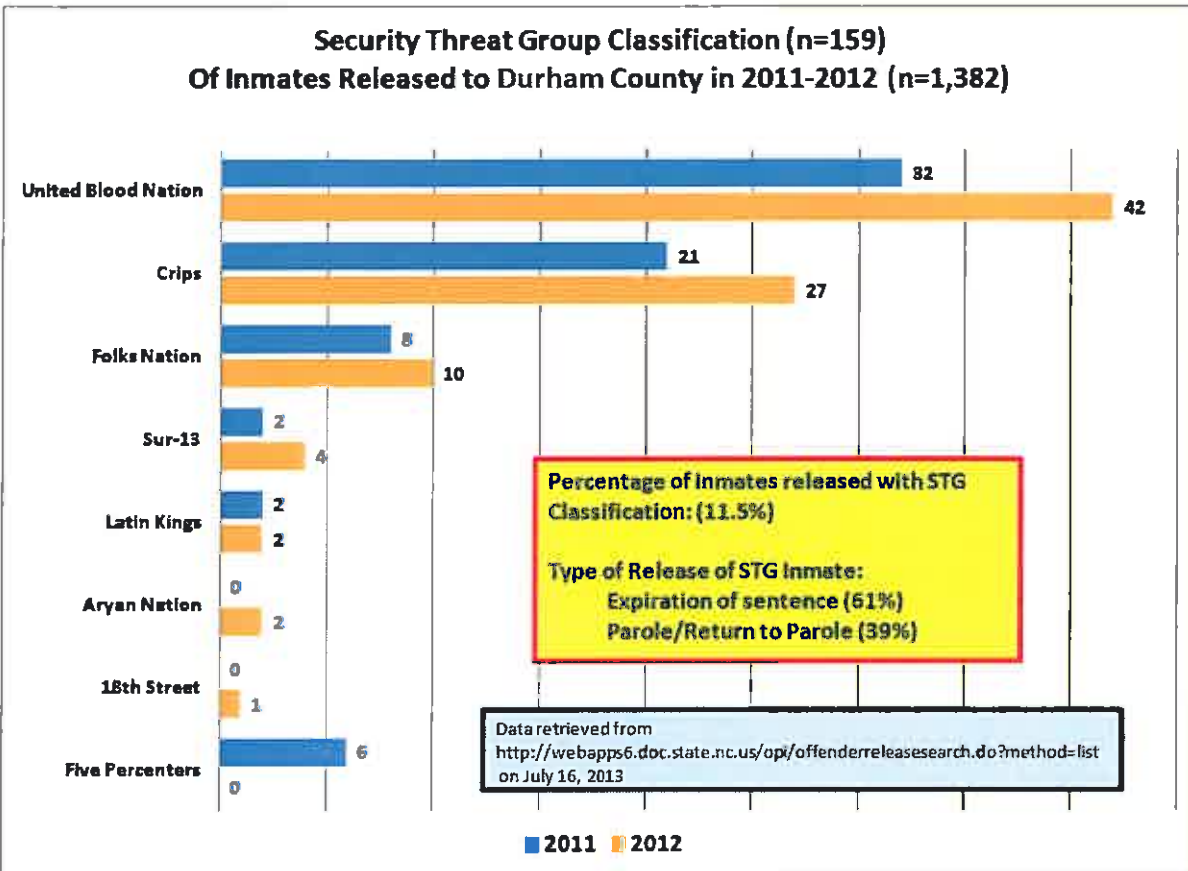
The Justice Reinvestment Act (JRA) of 2011 made major changes to the law of sentencing and corrections in North Carolina, and has implications for STG monitoring. The goal of the JRA is to reduce state spending on corrections and to reinvest the savings in community programs that decrease crime and strengthen neighborhoods. Analysis of conditions in North Carolina prior to the JRA revealed several key findings including:

- Probation revocations accounted for more than half of new prison admissions.
- Many inmates were leaving the prison system with no community supervision following their period of incarceration.
- Community supervision resources were not allocated in an evidence-based way.

The JRA will strengthen probation supervision by allowing probation officers to use delegated authority to impose house arrest with electronic monitoring, or require an offender to be confined in jail for up to 6 days per month for non-compliant behavior.

The JRA will also enhance post-release supervision by requiring that all felony offenders will receive at least 9 months of post-release supervision. B1-E (serious/violent felonies) would get 12 months of post-release supervision, which is increased from the 9 months required prior to the JRA.

Chart A20 – Security Threat Group classifications



Suggestions for further study include determining the level of criminal activity engaged in by inmates returning to Durham County with an STG designation, and whether ties to prison gangs carry over into the community upon release.

There is only “rudimentary knowledge of prison gangs as social groups operating inside prisons and of the interplay between prison gangs and street gangs”.³⁵ The most commonly perceived difference between prison gangs and street gangs is that prison gangs are generally race-based, while street gangs are usually neighborhood based.

³⁵ Fleisher, M. S. and Decker, S. 2001. “An Overview of the Challenge of Prison Gangs,” *Corrections Management Quarterly*, 5(1), 1–9.

“Focused Deterrence” Response to Violent Offenders

The Durham Police Department and the Durham County Sheriff’s Office have several strategies for dealing with repeat violent offenders. One increasingly popular approach that shows much promise is “focused deterrence”. Developed by the criminologist David M. Kennedy, focused deterrence begins with the recognition that a rather small group of young men are responsible for most of the violent crime in at-risk neighborhoods.



Focused deterrence consists of a “call-in” of the small number of young offenders who have the greatest numbers of arrests for firearms charges, felonies and violent crimes. The offenders, who are typically on probation (and required by their probation officers to attend) go through a check-in procedure that involves a weapons search, signing an Information Form and being photographed.

At that time they are seated in front of a somewhat diverse panel, comprised of individuals from various agencies including local law enforcement, law enforcement from neighboring communities, the U.S. Attorney’s office, the District Attorney’s office, the A.T.F, the F.B.I., the U.S. Marshall and Federal Probation. The message is consistent – “the community is demanding an end to the violence”, “you are at a point where you have one last chance to turn your lives around”, “if you continue down the same path, you will be prosecuted to the fullest extent, most likely in Federal Court”, and, “if you decide to make a change at this point, we will fully support you with providers who can offer drug treatment, job training and mentoring”.

The most recent “Young Violent Offender Call-In” was held in June 2013. The following table provides information on that event:

Table A19 – June 2013 Violent Offender Call-In

| | |
|--|---|
| Number of offenders vetted for call-in | 15 |
| Age range of offenders | 17 - 22 |
| Gang affiliation of offenders | Gang member (6) suspected (5) unknown (4) |
| Collective number of firearms charges | 84 |
| Collective number of violent crime charges | 120 |
| Collective number of felony charges | 170 |

Prosecution of Gang Members

The Bureau of Justice Assistance reports that *“The law enforcement community dreads the prospect of confronting gang crime. They know that with gangs come drugs, guns, retaliatory killings and recriminations. The investigation and prosecution of these crimes presents a host of difficult problems, including recanting witnesses, intimidated bystanders and unsympathetic victims”*.³⁶

A review of 2012/2013 arrest records in Durham indicates that several individuals have been arrested on gang-related charges, including *“pattern of gang activity”*, and *“soliciting for gang activity”*. These charges appear to always be “add-on charges” in conjunction with other crimes such as *“discharging a firearm within the City limits”*, *“contributing to the delinquency of a minor”* or robbery/larceny charges. Follow-up on these arrest records indicates that the gang-related charges are consistently used only as a tool by prosecutors to attain favorable pleas to the surrounding charges.

In Durham, as elsewhere, gang-related charges are difficult to prosecute. There are interconnected relationships and complex dynamics between rival gangs and a trademark characteristic of a gang case is the difficult witness. *“Some witnesses are uncooperative and openly hostile – those community members who fear for their lives and, therefore, actively duck service of process, ignore subpoenas and either refuse to testify or lie on the witness stand. Other witnesses may be cooperative, but extremely unsympathetic because they have been granted leniency or immunity in exchange for testimony. On top of all these concerns, the prosecutor is faced with the very real concern of simply keeping these witnesses alive”*³⁷ Finally, successful prosecution often requires expert testimony to help the jury understand that aggravating factor of a gang crime.

Durham has had an Assistant District Attorney designated as Gang Prosecutor since 2010. The position is funded by the North Carolina Administrative Office of the Courts (AOC). The City of Durham reimburses the AOC for these costs. The Gang Prosecutor is assigned to District Court on a daily basis, and prosecutes firearm crimes and any crimes resulting from a felon in possession of a firearm. Currently there is no mechanism in place to forward all gang cases to the Gang Prosecutor, so any of the current prosecutors may be called on to handle a gang-related case. The District Attorney’s office has noted that the “gang aspect” of a case may not be known at the time it is assigned, and may only surface as the trial progresses.

³⁶ *“Prosecuting Gang Crimes – What Local Prosecutors Need to Know”* Bureau of Justice Assistance/National District Attorney’s Association: Alexandria, Virginia (March 2011)

³⁷ *ibid*

The US Attorney's Office for the Middle District of North Carolina provides Durham with Assistant US Attorney to assist and collaborate with any Federal gun or gang crime prosecutions.

North Carolina House Bill 673, Street Gang Nuisance Abatement went into effect on October 1, 2012. It repeals the current street gang nuisance statute, G.S. § 14-50.24, and replaces it with a new Article 13B of Chapter 14 of the General Statutes called the "North Carolina Street Gang Nuisance Abatement Act." G.S. § 14-50.32 declares any real property erected, established, maintained, owned, leased or used by a street gang for street gang activity as defined by G.S. § 14-50.16(c) a public nuisance. G.S. § 14-50.16(c) defines street gang activity to include committing criminal offenses under Chapter 90 or Chapter 14. A nuisance abatement action may be filed under Chapter 19 of the General Statutes with all the remedies in that law including that the real property may be forfeited. However, an owner who does not have actual knowledge that the real property is being used for criminal street gang activity or the owner is being coerced into allowing the property to be used for criminal street gang activity can be found by the court to be an innocent owner and forfeiture of the property denied.

Also, a street gang, as defined in G.S. § 14-50.16(b), that regularly engages in criminal street gang activities, as defined in G.S. § 14-50.16(c), constitutes a public nuisance. For the purposes of this section, the term "regularly" means at least five times in a period of not more than 12 months. Any person who regularly associates with others to engage in criminal street gang activity may be made a defendant in a nuisance lawsuit, brought pursuant to Chapter 19 of the General Statutes, to abate any public nuisance resulting from criminal street gang activity. If the court finds that a public nuisance exists, the court may enter an order enjoining the defendant in the lawsuit from engaging in criminal street gang activities and impose other reasonable requirements to prevent the defendant or a gang from engaging in future criminal street gang activities. Any such order expires one year after entry.

Very few jurisdictions in North Carolina have successfully implemented the sentence enhancement for gang activity, and it has not been attempted in Durham. Local law enforcement agencies and the District Attorney's office agree that Durham should "test the waters" with the new provision. A test case, such as a gang retaliatory shooting, if fully documented with evidence by law enforcement, could provide the District Attorney's office with the opportunity to enhance the sentence of the offender, based on the proof of gang involvement in the crime. A successful prosecution would send a message to both the community and to gang members that Durham is committed to reducing gang crime.