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SOUTH CAROLINA GANG SURVEY, 2005

By

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Introduction

Almost 80 years of empirical research has documented the existence of gangs in the largest cities of the United States (e.g. Thrasher, 1927; Miller, 1958; Yablonsky, 1962; Moore, 1978; Virgil, 1988; Decker and VanWinkle, 1996). The problems of gangs, however, can no longer be viewed as a big city problem. Miller's (2001) analysis on the expansion of gangs in the United States revealed that in the 1970s only 270 cities reported gang problems but by 1998, this figure had climbed to 2,547 cities. Similarly, in the 1970s, there were 101 counties in the United States reporting the existence of a gang problem; by 1998, this number had risen to 1,152 counties. Thus, the problems associated with gangs have become the concern of medium-sized cities and suburban counties, as well as small towns and even rural areas (Howell & Egley, 2005).

What has been particularly problematic with this growth and spread in gangs are the patterns of crime and violence associated with their existence. Research has consistently revealed that gang members are disproportionately responsible for criminal activity in their communities, particularly with respect to acts of violence (e.g. Klein & Maxson, 1989; Thornberry and Burch, 1997; Decker, 1996; Tita & Abrahamse, 2004; Harrell, 2005). Furthermore, this pattern of violence does not appear to be associated solely with gangs in large cities. Recent analysis of violent crime victims responding to the National Crime Victimization Survey suggests that gangs account for as similar a proportion of violent crime in suburban communities as they do in urban communities (Harrell, 2005). Victims in urban communities perceived their offenders to be gang members in 8.6 percent of incidents, and victims in suburban communities reported this perception in 7.3 percent of cases. In addition, victims in both urban and suburban communities could not rule out the possibility that the suspect was a gang member in approximately 40 percent of violent victimizations.

This spread of gang activity and violence is problematic for all members of a given community who are confronted with it, particularly law enforcement agencies that carry a mandate for addressing such issues. One of the most common strategies law enforcement agencies have employed for addressing these problems has been the creation of specialized gang units within their departments. Specialized gang units were originally established in a handful of large agencies in the 1970s, and this approach has since spread to hundreds of agencies across the United States (Katz, Maguire, & Roneck, 2002). These units typically are composed of one or more officers who engage in activities such as gang intelligence gathering, investigations, suppression, and prevention (Huff & McBride, 1990). The rationale for this approach is to have a centralized repository of gang expertise within an agency that is better able to analyze a community's gang problem and respond effectively to it (Huff and McBride, 1990; Katz & Webb, 2003). The most recent wave of the Law Enforcement Management and Administrative Statistics survey of agencies with 100 or more officers reveals that gang units exist in 48 percent of municipal police departments, 55 percent of county police departments, and 41 percent of sheriff's departments (Reaves and Hickman, 2004).

The activity of these gang units has also been supported by the passage of gang legislation in numerous states, which is intended to provide a deterrent to gang-related crime through sentence enhancements. California's Street Terrorism Enforcement and Prevention (STEP) Act, for example, formally defines what constitutes a gang, specific activities that qualify as gang-related crime, and the nature of penalty enhancements for individuals convicted of a gang-related crime (see sections 186.20-186.28 of the California Penal Code). An additional benefit of this legislation is that it serves to standardize what is defined as a gang, gang activity, and gang crime across law enforcement and criminal justice agencies. Moreover, it serves as a basis for additional enforcement efforts, such as civil gang injunctions (Maxson et al., 2005).

Examining Gang Activity and Law Enforcement Responses in South Carolina

In South Carolina, the public response to gangs has ranged from community meetings and gang summits to the formation of gang units and multi-jurisdictional task forces. In January 2005, legislation was introduced in the South Carolina Senate to address what some perceive as a growing gang problem in the state. Despite this acknowledgement of gangs being present in South Carolina, little is known about the nature of gang activity in the state, and the different responses of law enforcement agencies to this problem.

In an effort to better understand the perceived nature and scope of the gang problem among South Carolina law enforcement agencies, the Department of Criminology and Criminal Justice at the University of South Carolina, in partnership with the South Carolina Criminal Justice Academy, designed and administered a state-wide survey of law enforcement agencies related to gangs. This monograph, produced by USC project staff, reports on the findings from the 2005 South Carolina Gang Survey. A full description of the methods used to conduct the survey can be found in Appendix A, while the survey instrument itself can be found in Appendix B. Appendix C contains a summary and discussion of state-level gang legislation.

The data reflected in this monograph were gathered from 174 local law enforcement agencies in South Carolina that responded to the state-wide survey. Approximately 40% of these agencies were town police departments, and another 40% were city police departments. Most of the remaining agencies were county sheriff's departments. The agencies represented in the survey data also reflect the demography of South Carolina. Most (65%) served small towns or cities, while approximately equal proportions served medium-sized cities and rural areas. Agencies serving large cities or suburban areas comprised the smallest proportion of responses received. This agency breakdown is graphically presented in figures 1 and 2.

The tables and figures shown below report the perceptions of and responses to gangs in South Carolina by the 174 law enforcement agencies that responded to the survey. The survey was not intended to identify, *in fact*, the number of gangs or gang members in the state or to quantify the extent of the gang problem. Although interesting and relevant questions, they also are ones that cannot be answered with precision and certainly not

with the research methods employed in this project. Rather, our purpose was to understand how the law enforcement community in South Carolina perceives gangs and what resources it is devoting to combat gang-related crime.

Figure 1

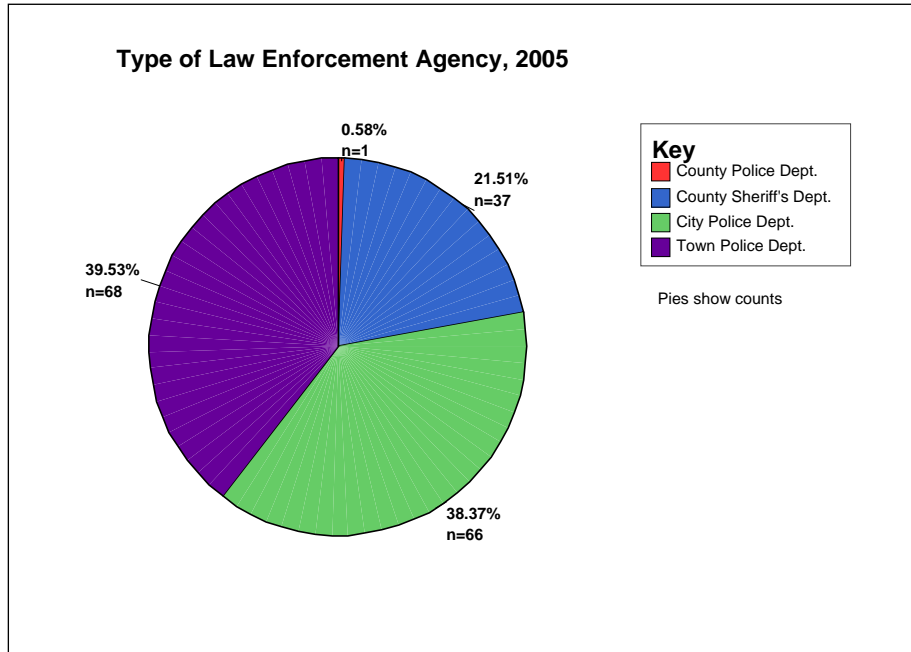
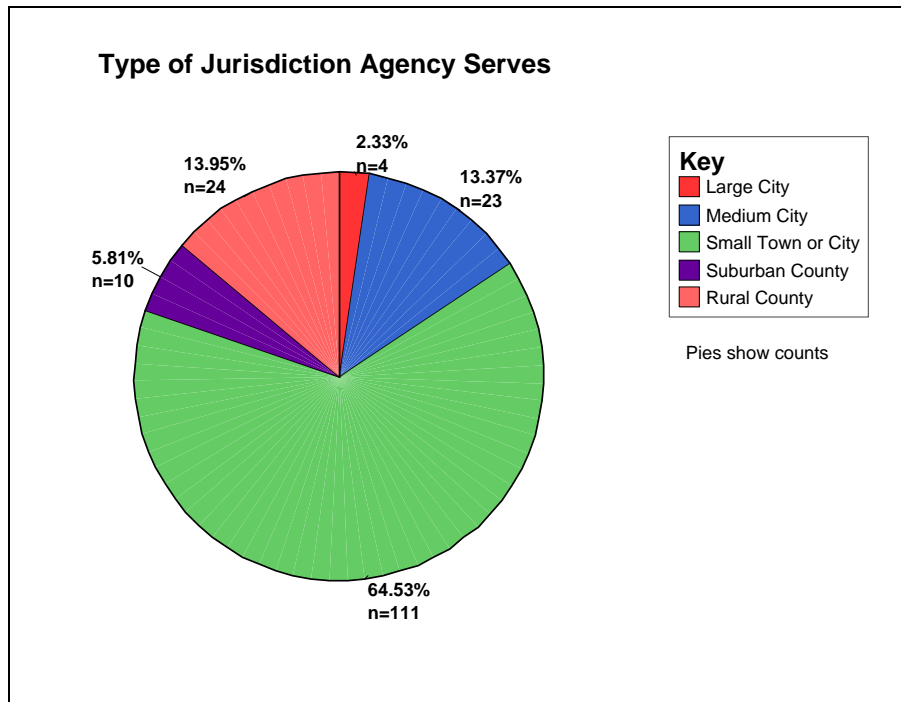


Figure 2



Presence of Gangs

The next three figures below show the number and distribution across the state of agencies indicating the presence of gangs in their jurisdictions. According to Figure 3, 52% of local law enforcement agencies in South Carolina reported the presence of gangs. The distribution of gangs is not uniform throughout the state, however.

Figure 4 shows the distribution of gangs by region. The Midlands and Pee Dee regions of the state have the largest percentages of agencies reporting the presence of gangs in their jurisdictions. By contrast, the Upstate region shows the smallest percentage of agencies (38%) reporting the presence of gangs.

The population size of a community is also a factor associated with the presence of gangs. Figure 5 illustrates the relationship between population size and gang presence. Approximately one third of law enforcement agencies serving communities with fewer than 10,000 residents reported the existence of gangs in their jurisdictions. In contrast, more than 80% of agencies serving populations greater than 20,000 residents reported having gangs in their communities.

Figure 3

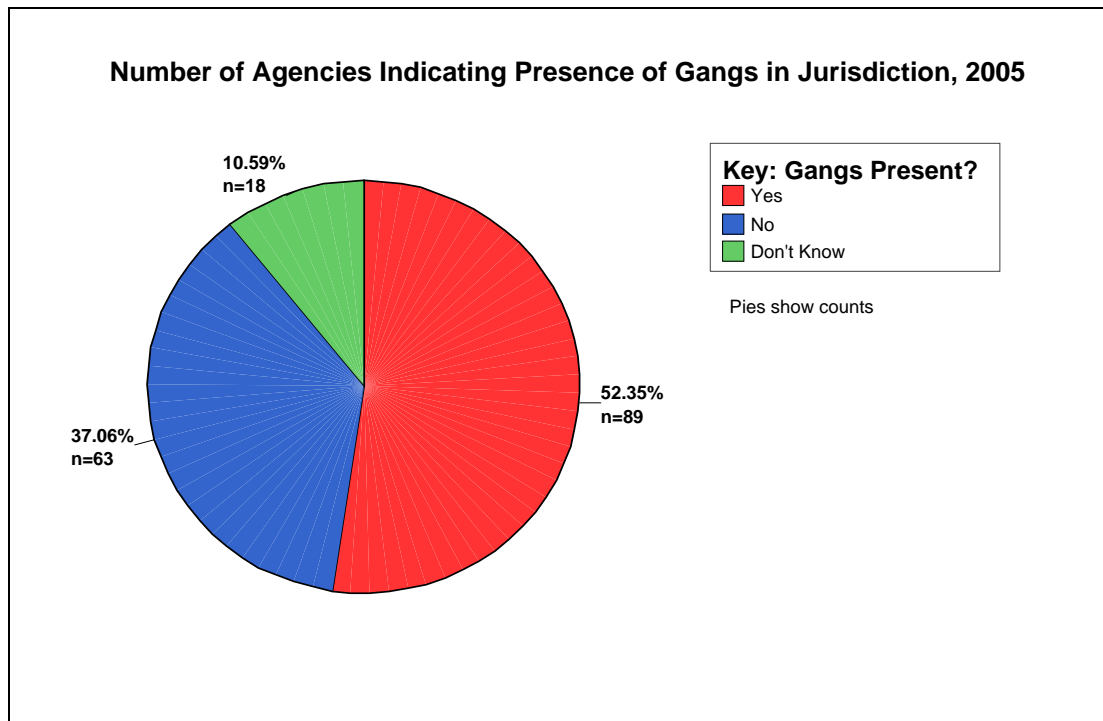


Figure 4

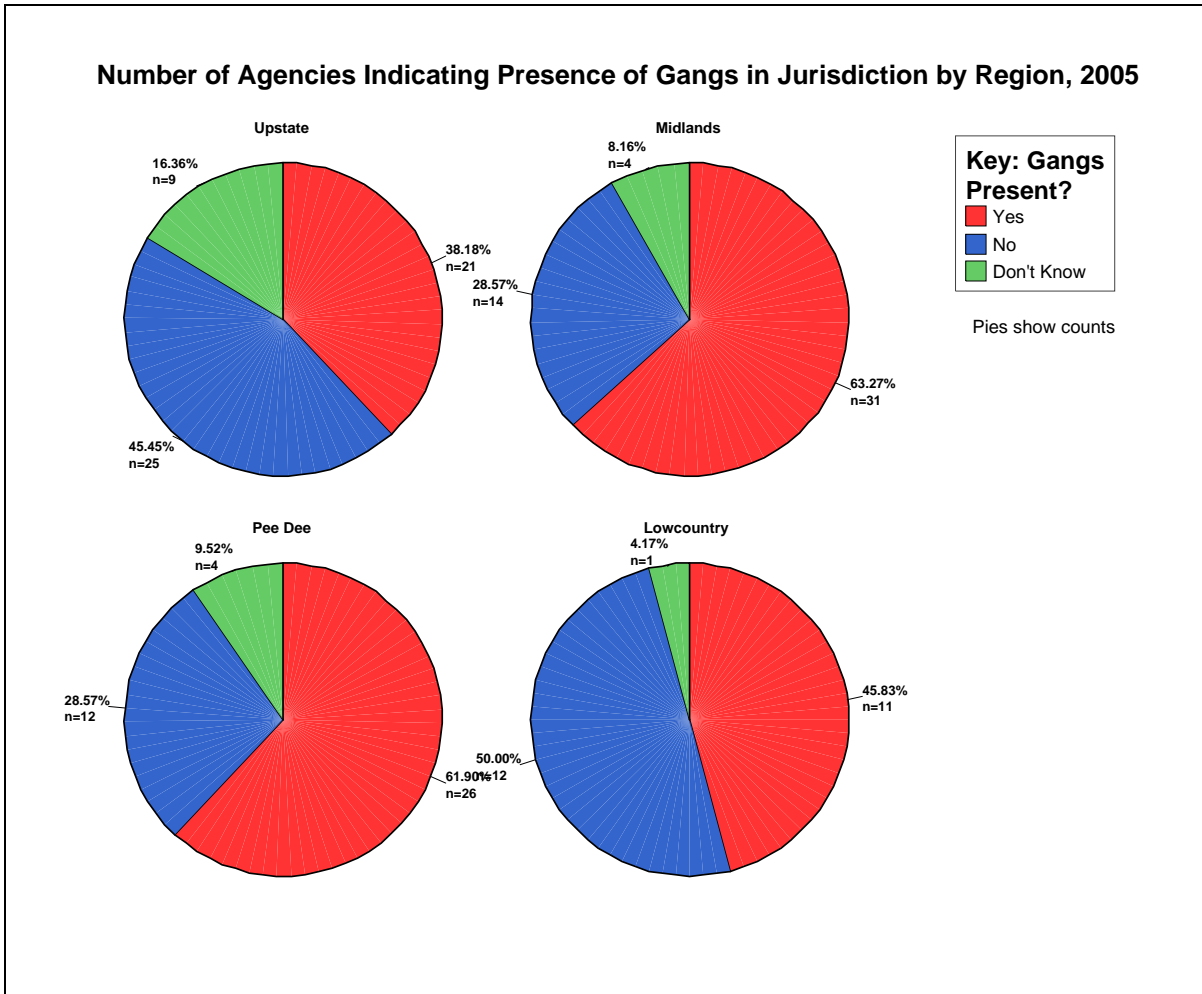
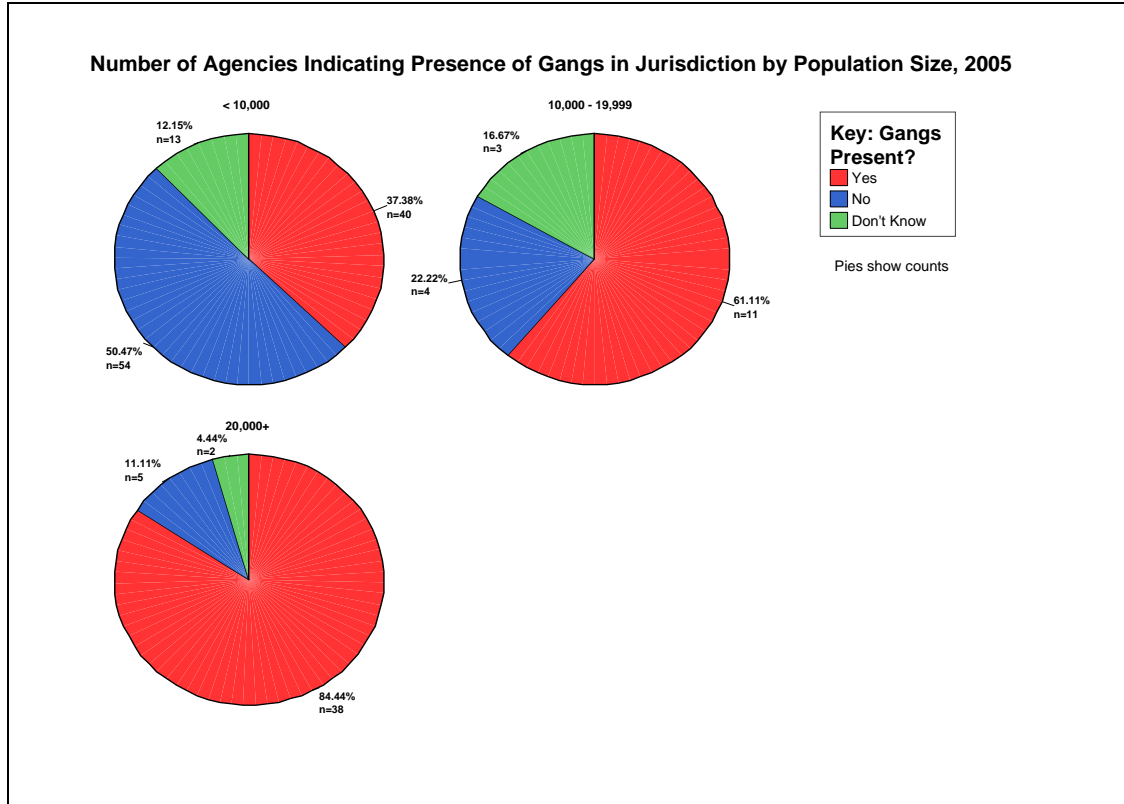


Figure 5



Agencies were also asked when they first noticed the presence of gangs in their jurisdiction. Table 1 illustrates that a gang presence is a recent phenomenon for most agencies. Only 6 agencies (6.7%) reported the existence of gangs in their community before 1990, whereas 45 agencies (50.6%) reported they did not notice the emergence of gang activity in their community until 2001 or later.

Table 1. When Agencies Noticed the Presence of Gangs in Their Jurisdiction

	Number Reporting*	Percent
Before 1990	6	6.7%
1990-1995	16	18.0%
1996-2000	22	24.7%
2001-Present	45	50.6%
Total	89	100.0%

Number of Gangs

Figure 6 illustrates the number of active gangs by the percentage of agencies reporting the ranges identified in the pie charts. For example, the largest slice in the chart (red) shows that 42 percent of agencies reported that no gangs were active in their jurisdictions. Conversely, eleven agencies (7%) reported that between 11 and 40 gangs were active in their communities.

Figure 6

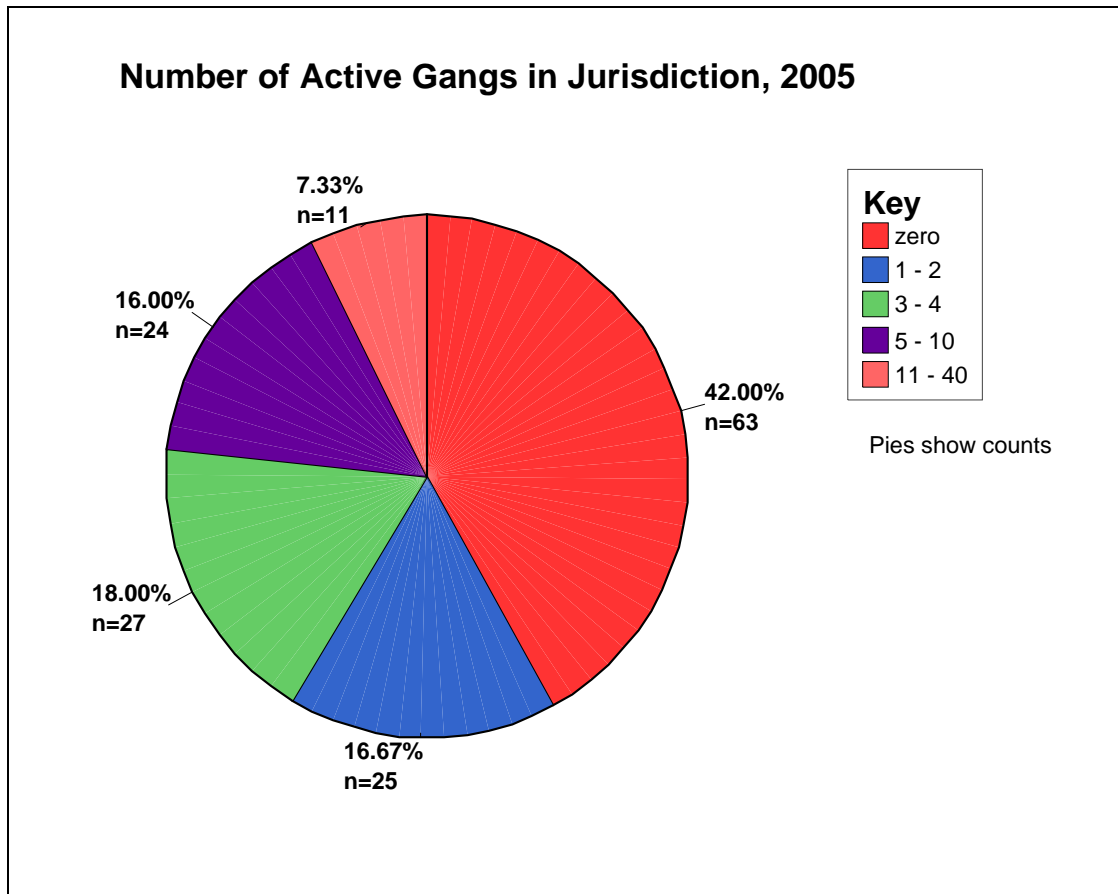
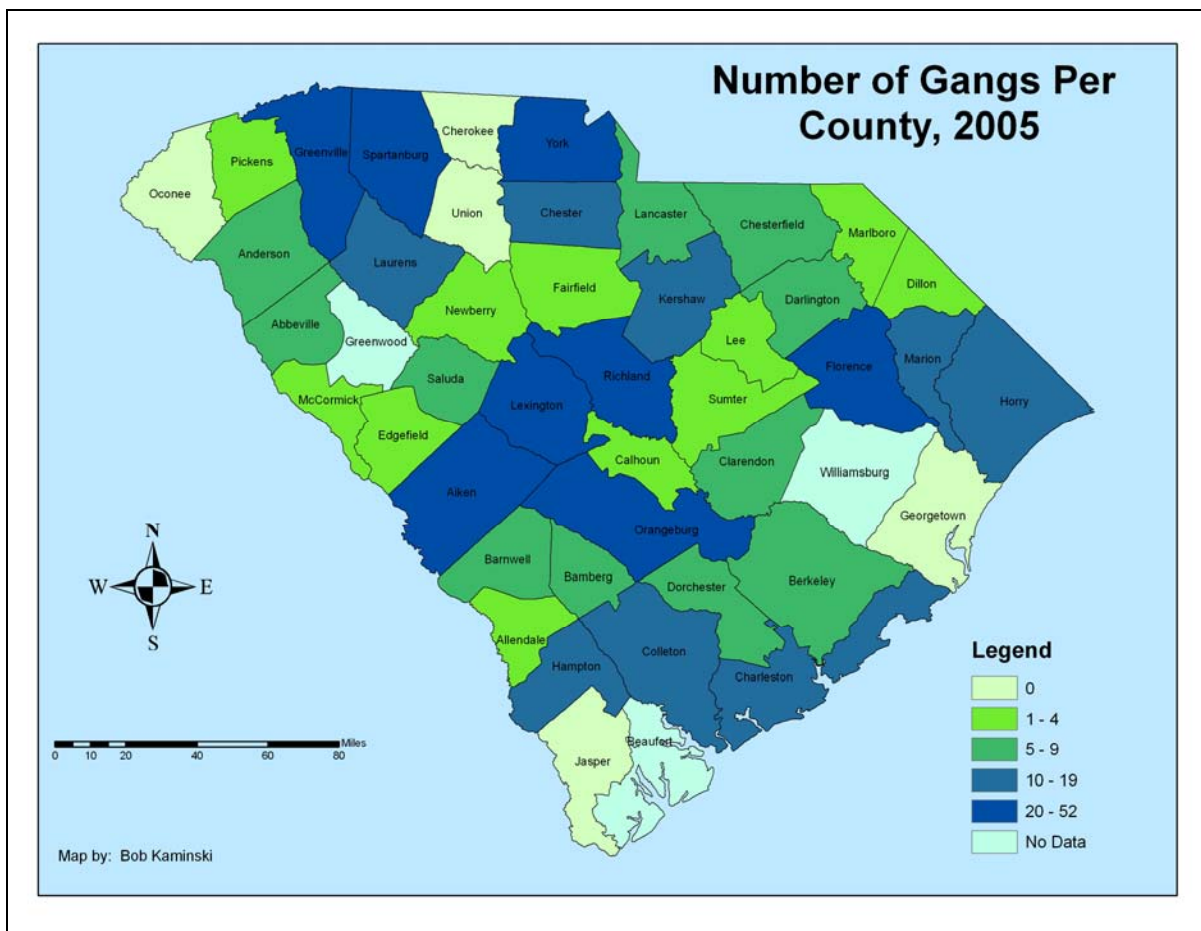


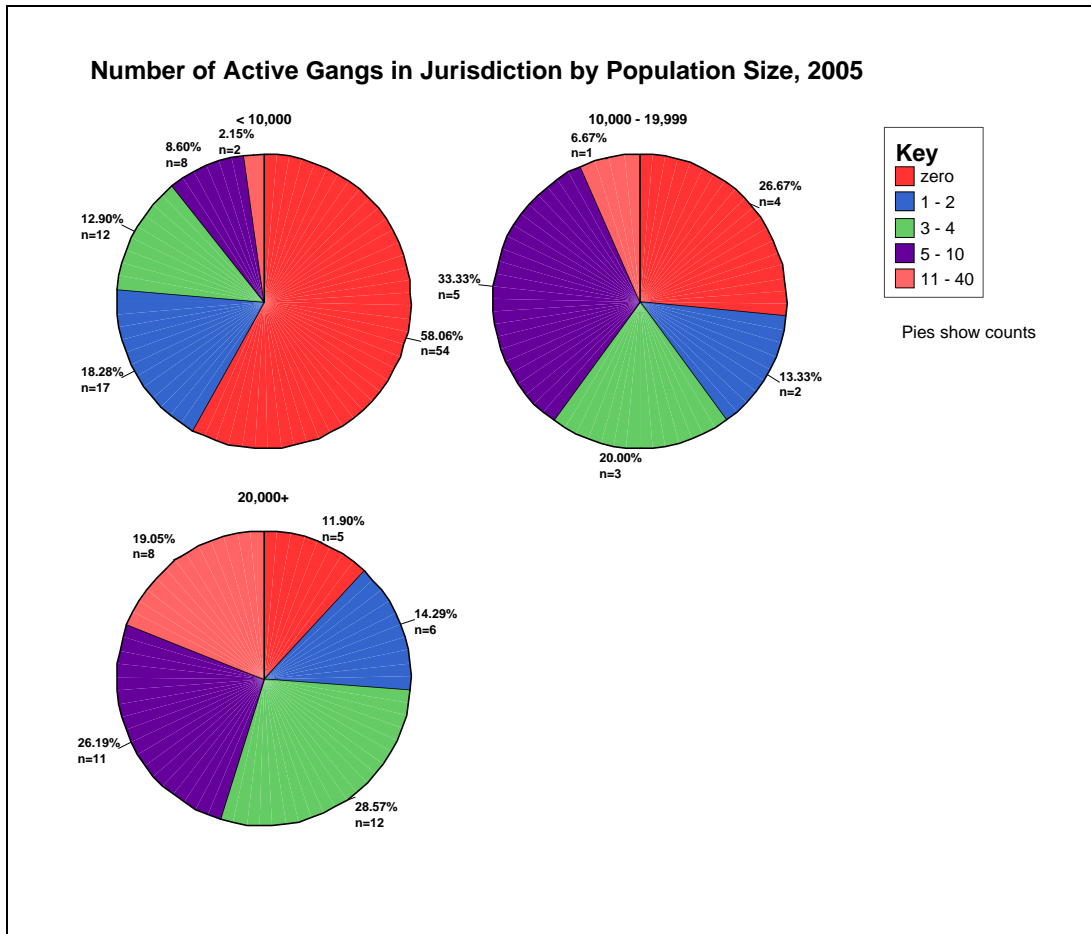
Figure 7 is a map of South Carolina showing the number of gangs reported by county. The darker colors indicate a higher number of reported gangs. In the Midlands region, Richland, Lexington, Aiken, and Orangeburg counties each reported the presence of at least 20 gangs. The Orangeburg Department of Public Safety reported the highest number of active gangs in its jurisdiction at 40, while the Richland County Sheriff's Department was second with 32 active gangs. In the Upstate, Greenville, Spartanburg, and York counties each reported the existence of more than 20 gangs, as did Florence County in the Pee Dee region of the state. In the Lowcountry, Charleston, Colleton, and Hampton counties also reported substantial numbers of gangs.

Figure 7



Finally, Figure 8 depicts the number of active gangs as a function of jurisdiction size. Overall, law enforcement agencies in larger communities reported more active gangs than those in smaller communities. The second chart in the series, however, illustrates the prevalence of gangs even in mid-sized jurisdictions. Forty percent of law enforcement agencies serving communities with between ten and twenty thousand residents reported at least five active gangs in their jurisdictions.

Figure 8



Type of Gangs

Agencies were asked to identify the names of active gangs in their community. One of the interesting patterns in these responses was the number of gang names that reflected the names of large gangs in Chicago and Los Angeles. In these traditional gang cities, names are often associated with specific locations to denote a specific gang within a large gang affiliation. There are hundreds of gangs in Los Angeles that identify themselves as Crips, but each represents a separate entity based in different neighborhoods. For example, the Hoover Crips are a Los Angeles Crip gang that is originally based along Hoover Street.

The sum of agency responses to the number of gangs in their jurisdictions identifies 500 separate gangs in the State of South Carolina. Of these 500 gangs, law enforcement officials identify 157 gangs that included in their name the name of gangs from Los Angeles and Chicago, such as the Bloods, Crips, and Gangster Disciples. Some agencies identified these gangs with the generic gang affiliation (e.g., Crips or Folk Nation). Other agencies identified the gangs with these names embedded in a large name, such as the St. John Bloods. The distribution of gangs that have some name affiliation are presented in table 2. The remainder of the gang names cited by South Carolina officials varied with no clearly identifiable association or name usage found among Los Angeles or Chicago gangs.

Table 2. Number of Gangs Incorporating the Use of Larger Traditional Gang Names/Affiliations

	Origin Location	Number of Gangs
Bloods	Los Angeles	53
Crips	Los Angeles	43
Folk Nation	Chicago	29
Latin Kings	Chicago	7
Mara Salvatrucha (MS)	Los Angeles	19
Gangster Disciples	Chicago	6
Total		157

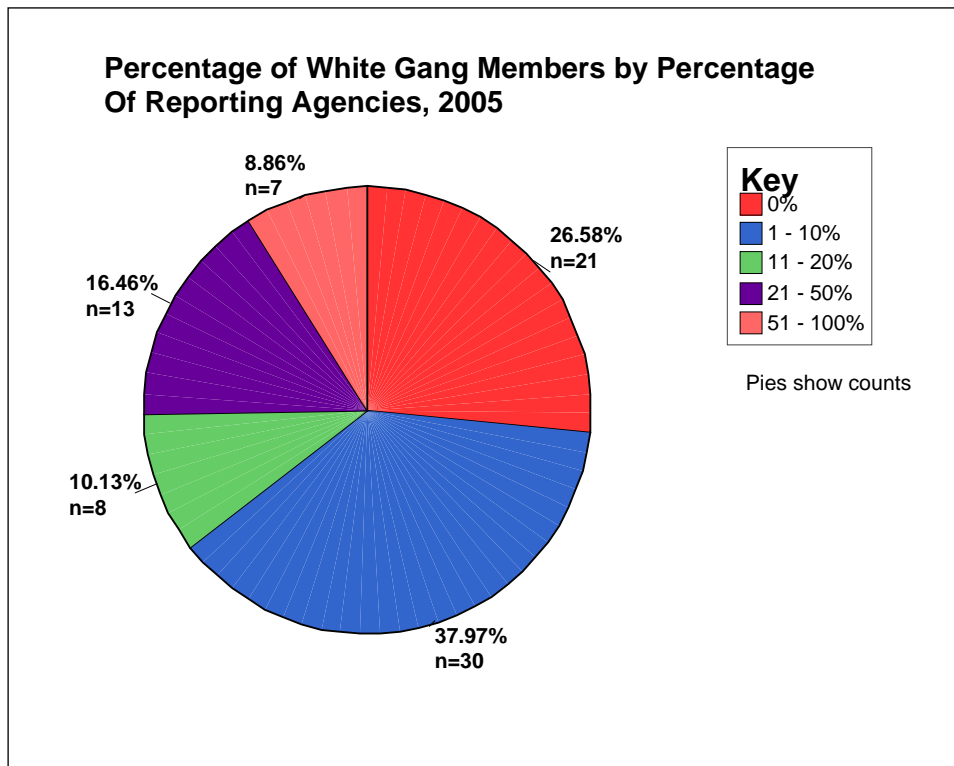
Caution has to be exercised when examining the use of these names by South Carolina gangs. It does not automatically mean that these gangs are an official branch of the larger Chicago and Los Angeles based groups. There have been documented cases where gang members from these cities have migrated to other communities to expand a gang's criminal activity, often in relation to drug sales, and these members still maintain a connection to the original gang city. Researchers and law enforcement officials have also observed a very common pattern where a gang member in one of these traditional cities

moves to another community for family reasons, such as a parent getting a job in this new community. The gang member continues his activity by joining an already existing gang in this new city or may even creating a new gang by recruiting local individuals. The name of this new gang may resemble the name of this member's old gang, but there is little in the way of formal organizational ties to the original gang. Lastly, some gangs will form in a non-traditional gang community and use the name affiliation of a gang in Chicago or Los Angeles, but this name usage is only mimicking. There is no actual tie to the gang in the original city; rather the members of the new gang simply know of it through various media. It is important to note that although the latter two circumstances represent groups that are not an official arm of the original gang, it by no means diminishes their existence as an actual gang. Research has shown that these gangs will also engage in serious criminal activity.

Race, Ethnicity, and Gender of Gang Members

Question 11 from the survey asked agencies to estimate the racial composition of the gang population in their jurisdictions. Agencies were asked to indicate the percentage of all gang members who were White, African- American, Hispanic, or "Other." Figures 9-11 show the reported percentages for Whites, African- Americans, and Hispanics. Asians and persons of "other" races are not shown in the charts because there were too few for a meaningful analysis.

Figure 9



As shown in Figure 9, more than 25 percent of reporting agencies indicated that no gang members in their communities were White, while approximately 38% indicated that Whites comprised less than 10% of the active gang members in their jurisdictions. A few agencies (n=7) reported that Whites made up at least 50% of gang members in their communities.

Figure 10 indicates that two thirds of law enforcement agencies in South Carolina reported that more than half of the active gang members in their communities were African-American. Another 20% of agencies indicated that African-Americans made up between 20 and 50 percent of gang members in their jurisdictions. Finally, as shown in Figure 11, Hispanics made up the majority of gang members in only a few jurisdictions (4%), and most agencies (45%) reported no Hispanic gang members in their communities. Overall then, and according to responding law enforcement agencies, gang membership in South Carolina is dominated by African-Americans, although substantial numbers of Whites and a smaller number of Hispanics also participate in gangs.

Figure 10

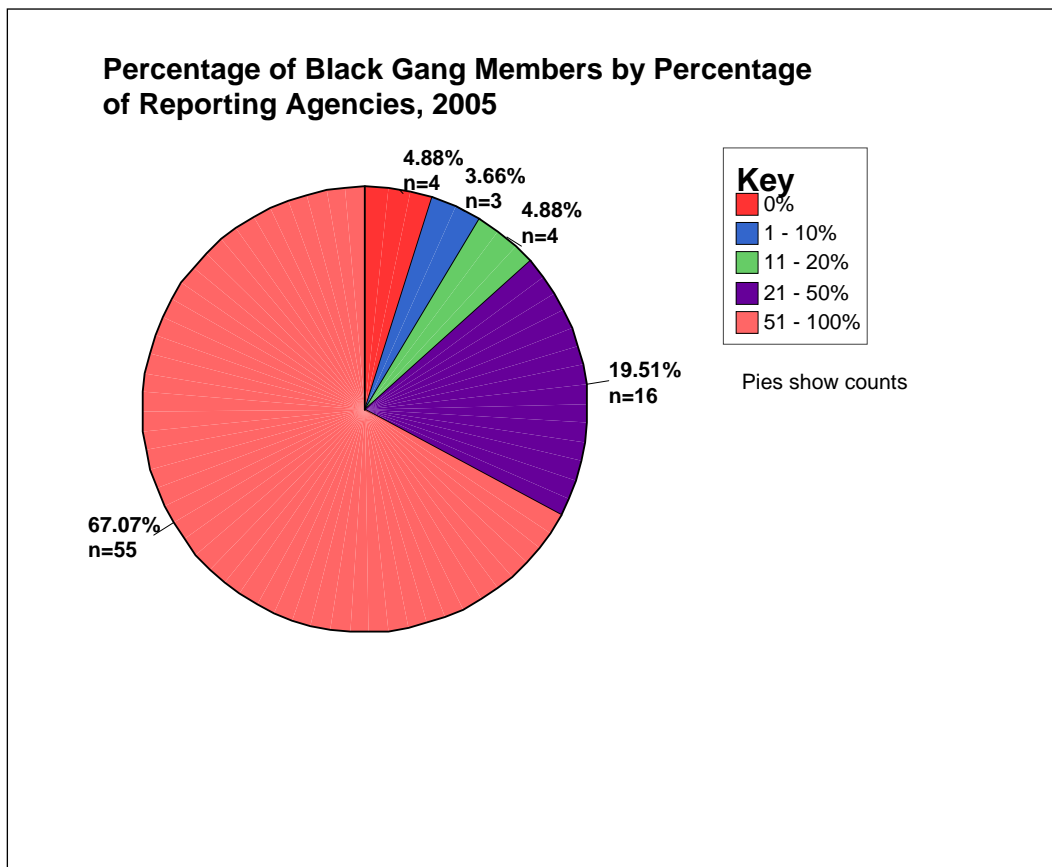
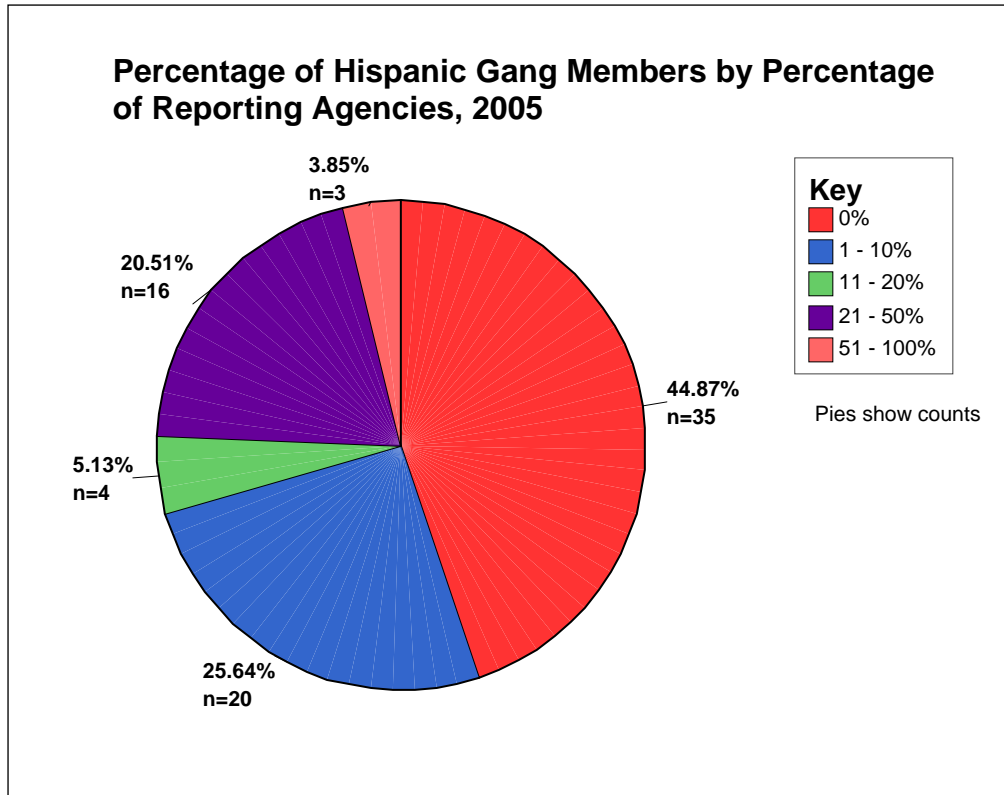


Figure 11



As shown in Table 3, female participation in gangs ranged fairly evenly across the four frequency categories. Approximately 24% of agencies reported no female involvement in gangs in their jurisdictions. Another 24%, however, reported that at least 50 percent of the active gangs in their jurisdictions had female members. While overall, males make up the majority of gang members in South Carolina, most agencies reported at least some female participation in gangs.

Table 3. Percentage of Gangs with Female Members

	Number Reporting*	Percent
Zero	19	24.4%
1 to 5 %	17	21.8%
6 to 50 %	23	29.5%
51 to 100 %	19	24.4%
Total	78	100.0%

*10 agencies who reported the presence of gangs in their jurisdiction did not respond to this question

Age Distribution of Gang Members

Figures 12-14 depict the reported ages of gang members in South Carolina. In Figure 12, 30% of agencies reported that no gangs in their jurisdictions had members under the age of 15, while another 37% indicated that juveniles under 15 comprised 10% or less of all gang members. Figure 13 shows the percentage of gang members reported to be 15-17 years of age. Just over half of the responding agencies characterized gangs in their communities as being comprised of between 21% and 50% of juveniles aged 15-17. Another 22% of agencies reported that juveniles age 15-17 made up more than 50% of the gang membership in their jurisdictions. As with the data in Figure 13 relating to 15-17 year olds, a similar percentage of responding agencies (48%) in Figure 14 believed that 18-21 year olds made up between 21% and 50% percent of all gang members in their communities. However, a much smaller percentage (10%) believed that 18-21 year olds comprised more than half of all gang members. Taken together, these figures indicate that most law enforcement agencies in South Carolina believe that juveniles aged 15-17 comprise the majority of gang members in their communities.

Figure 12

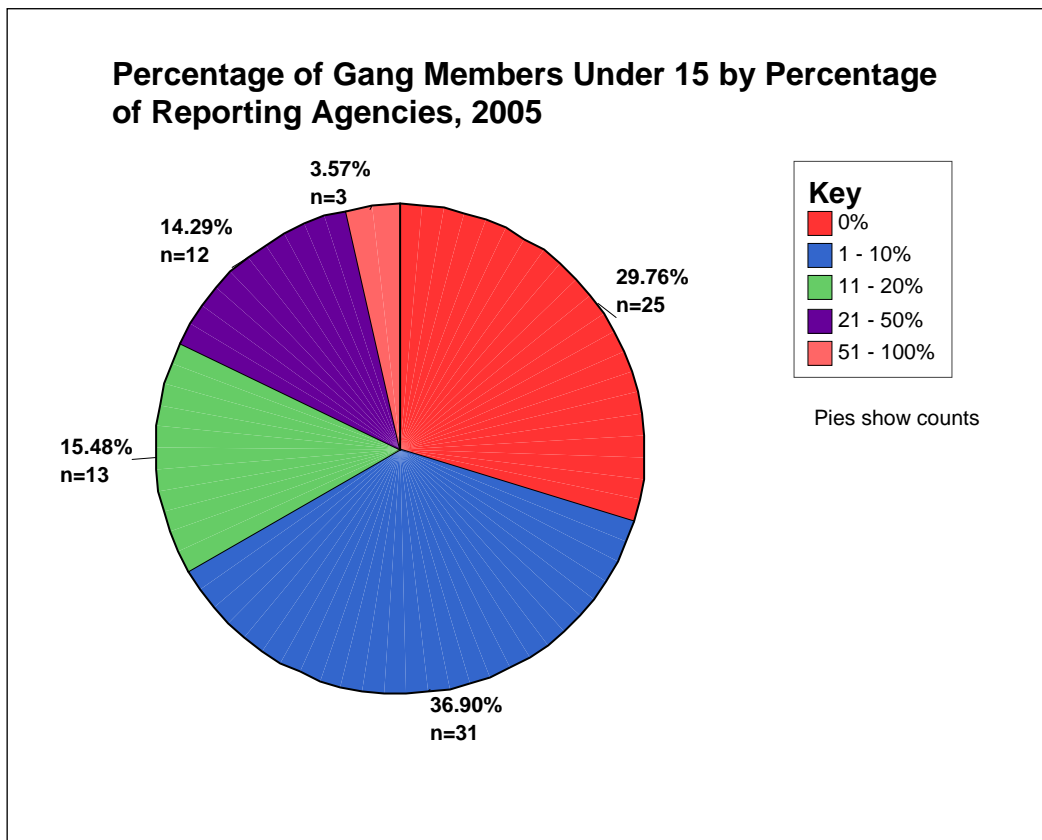


Figure 13

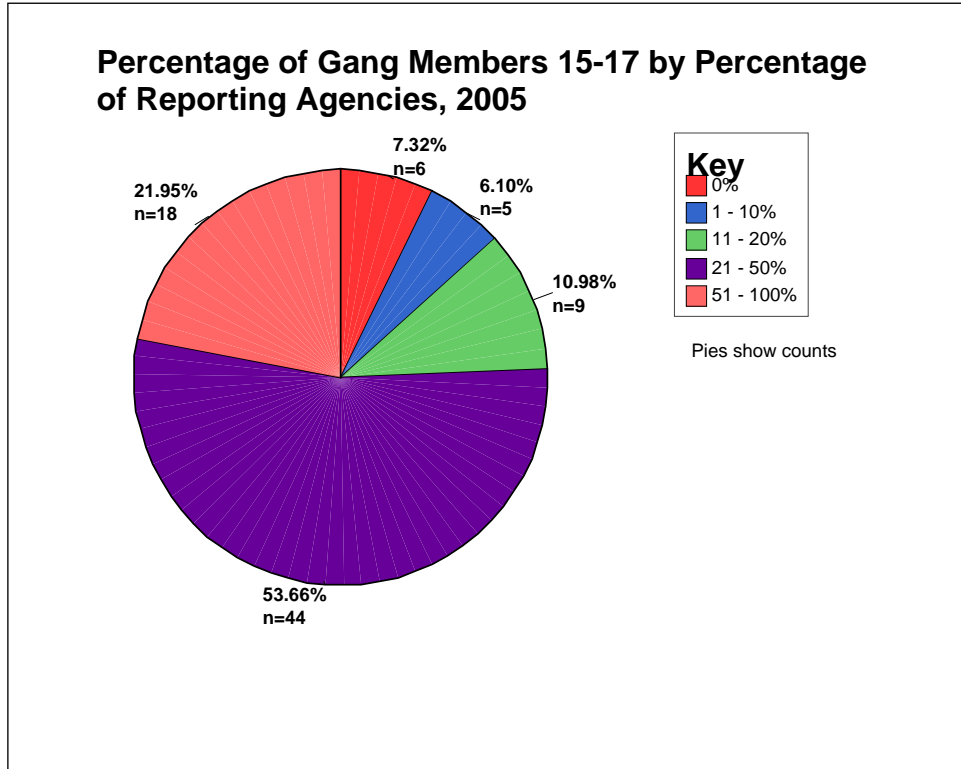
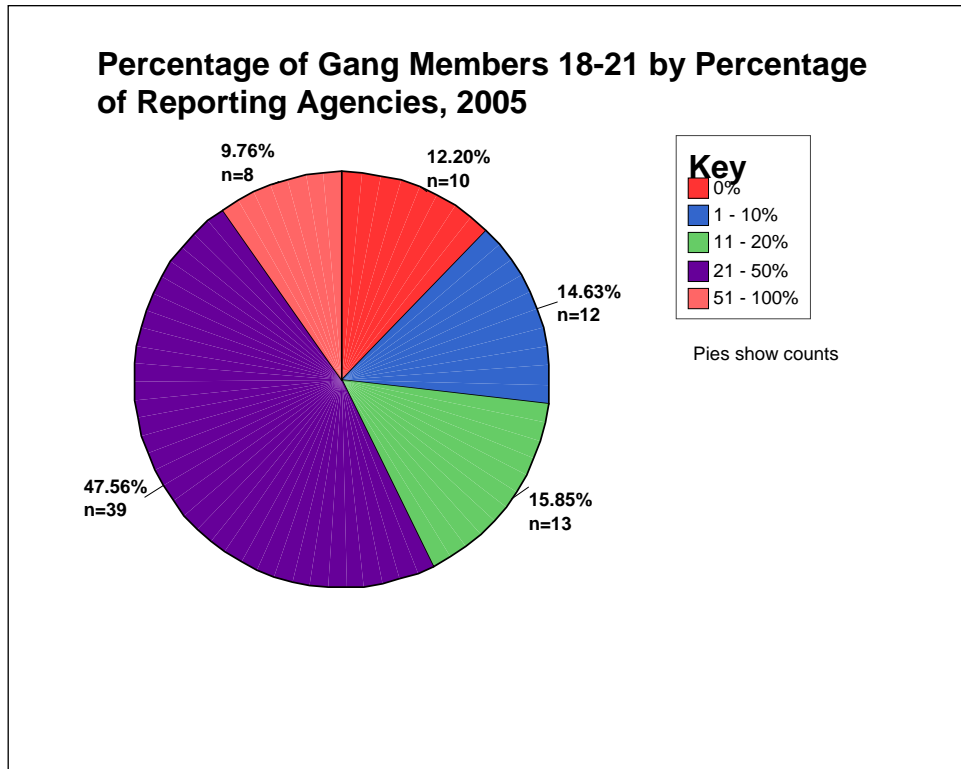


Figure 14

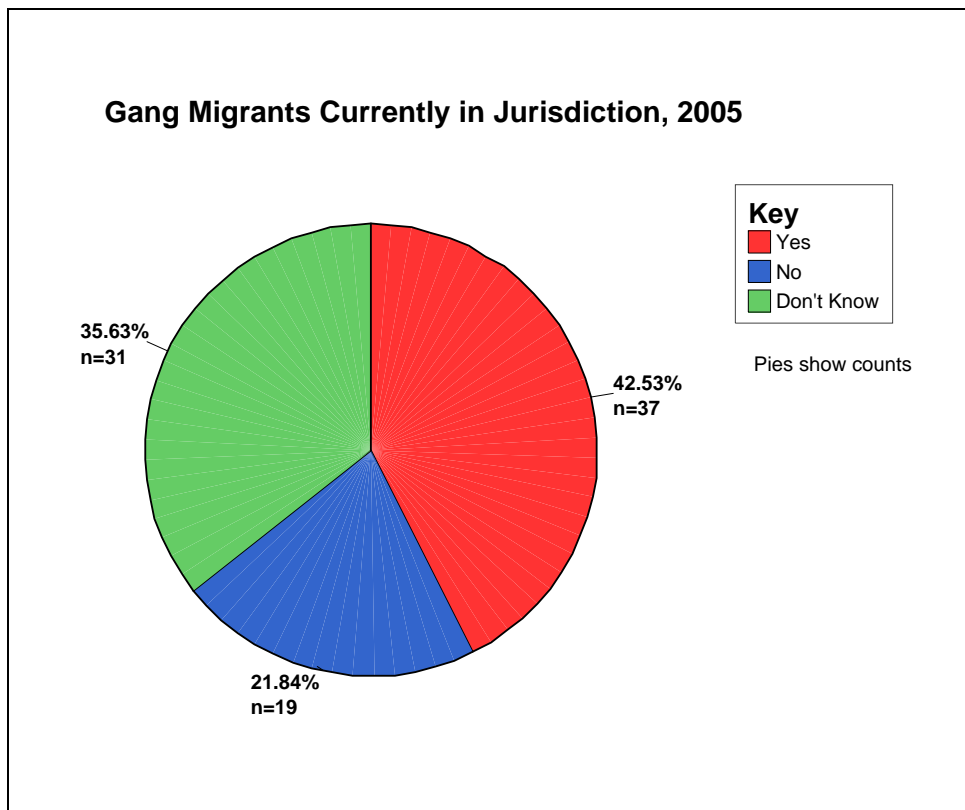


Gang Migrants

Several questions on the survey queried agencies about gang migration. Historically, gangs have been active in the nation's largest cities, with Los Angeles, New York, Chicago, and Philadelphia being identified as major gang cities. Over the last 25 years, however, gangs have migrated out of traditional gang cities and into mid-sized cities, suburban areas, and even small towns and rural communities. Thus, one purpose of the survey was to identify the extent to which law enforcement agencies believe that gang migration may be occurring in South Carolina.

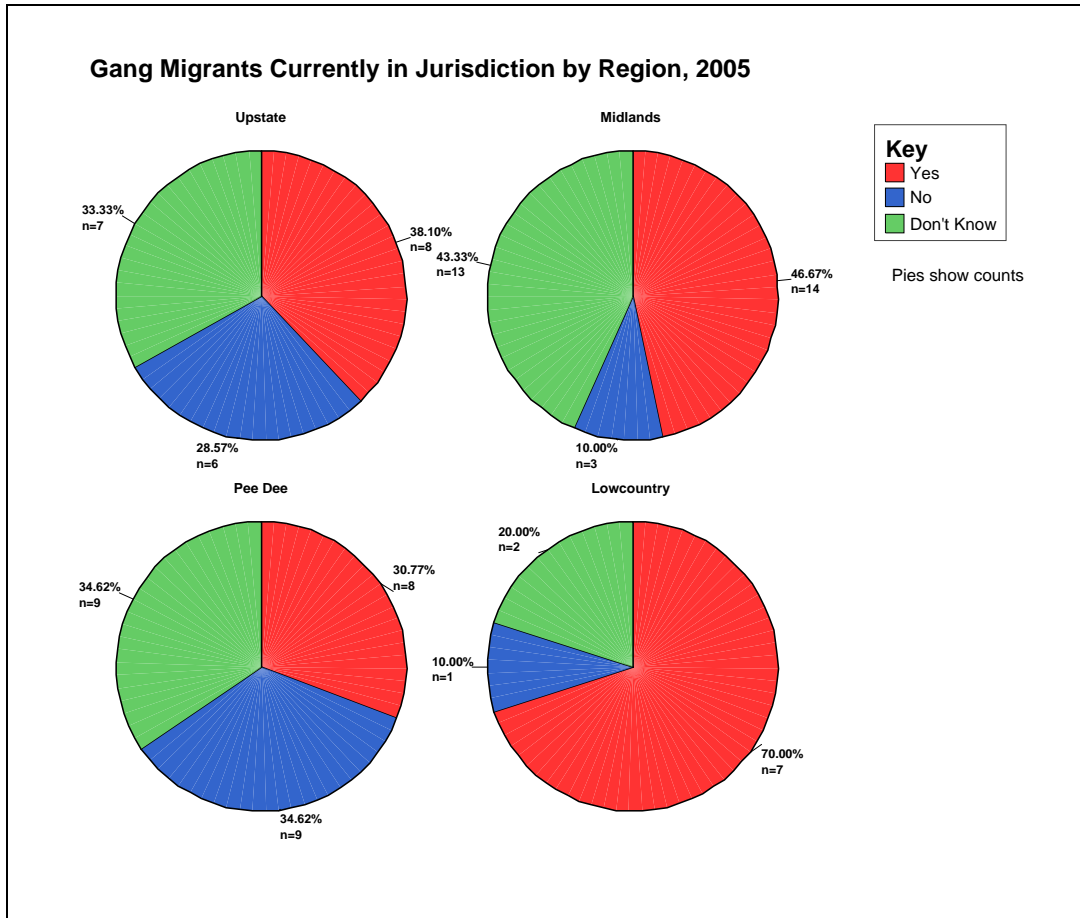
Figure 15 shows the percentage of responding agencies who indicated that gang migrants were currently living in their jurisdictions. Gang migrants were identified on the survey as gang members who had already joined gangs in their former jurisdictions and who were now in South Carolina either permanently or temporarily. According to Figure 15, more than 40% of responding agencies believed that gang migrants were present in their communities.

Figure 15



According to Figure 16, gang migration is not occurring uniformly across South Carolina. Agencies in the Lowcountry, in particular, identified the largest presence of gang migrants in their communities. Specifically, 70% of the responding agencies from the Lowcountry believed that gang migrants were in their jurisdictions. Conversely, in the Pee Dee, only 30% of agencies identified the presence of gang migrants.

Figure 16



Law Enforcement Response to Gangs

The following tables report on how law enforcement agencies in South Carolina have responded to gangs. As noted in the introduction, a common response among law enforcement agencies is to create a specialized unit of one or more officers who are dedicated to addressing gang activity in their jurisdiction, whether through intelligence gathering, investigation of gang crimes, street-level suppression efforts, or prevention activities. Table 4 illustrates that only 9 agencies (5.3%) in the state have adopted the strategy of creating specialized positions or units to handle gang activity.

Table 4. Agency Has Two or More Officers Assigned to Gang Matters

	Number of Agencies*	Percent
No	162	94.7%
Yes	9	5.3%
Total	171	100.0%

* 3 agencies who completed the survey did not answer this question.

Agencies were asked if they had collaborated with or were in contact with any other agency in the previous year in relation to gang investigations. This interaction could include such activity as dedicating an officer to participate in a federal gang task force or an agency member simply providing information on a gang member who passed through their jurisdiction. Table 5 reveals that 86 agencies (49.4%) in South Carolina reported this interaction. Thus, although many agencies have not felt the need to create formalized units to manage gang activity in their communities, a sizable number have dedicated some level of agency resources to anti-gang efforts.

Table 5. Agency Collaborated with or was in Contact with Another Agency for Gang Investigation in 2005?

	Number of Agencies*	Percent
No	86	50.6%
Yes	84	49.4%
Total	170	100.0%

* 4 agencies who completed the survey did not answer this question.

Agencies were also asked whether they had formalized policies and database systems in place to aid in the monitoring of gang activity. Table 6 reveals that only 14 agencies (8.3%) reported having a formalized policy for classifying an individual as a gang member or associate. For definition purposes, a gang member is someone who claims gang membership or there is evidence that indicates actual membership in a gang and a gang associate is someone who is frequently in the presence of gang members from a specific gang but there is no evidence of their actual membership. It is important to note, however, that there were 41 agencies who responded that they did not have a formal policy, but still provided a list of criteria they used to define gang members and

associates. Five of these additional agencies stated that their criteria came from state or federal reporting policies. Thus, the remaining 36 agencies appear to be working from informal definitions that they have created from their own experience and knowledge gained from outside entities.

Table 6. Does Your Agency Have a Formal Policy for Classifying Individuals as a Gang Member or Associate?

	Number of Agencies*	Percent
No	154	91.7%
Yes	14	8.3%
Total	168	100.0%

* 6 agencies who completed the survey did not answer this question.

A number of agencies nationwide have created intelligence databases for monitoring gang members and gang crimes in their jurisdiction. Table 7 reveals that 44 agencies in the state have developed such database systems. This represents an interesting finding since there are a number of agencies that have a database for tracking gang activity, but very few agencies identified a formal policy for determining who should be included in their database.

Table 7. Does your Agency Have a Database that Tracks Gang Members and Gang-Related Criminal Activity?

	Number of Agencies*	Percent
No	125	76.0%
Yes	44	24.0%
Total	169	100.0%

* 5 agencies who completed the survey did not answer this question.

Table 8 reports on the number of agencies that have formal policies for defining a criminal incident as a gang crime. A total of 31 agencies in South Carolina (18.5%) reported having such a policy. Similar to the pattern observed in the responses to the questions on classification of members and associates, there were a number of agencies (n=20) that did not have a formal department policy yet still worked off federal guidelines or informal definitions in identifying gang related crimes.

Table 8. Does Your Agency Have a Formal Policy for Classifying an Incident as a Gang Crime?

	Number of Agencies*	Percent
No	137	81.5%
Yes	31	18.5%
Total	168	100.0%

* 6 agencies who completed the survey did not answer this question.

The final question asked of agencies was whether their policing activity related to gangs had changed over the past two years. Table 9 illustrates that 63 agencies (38.7%) reported an increase in their activity, whereas 92 agencies (56.4%) reported no change and 8 agencies (4.9%) reported a decrease in activity.

Table 9. Has policing activity related to gangs changed over the past two years?

	Number of Agencies*	Percent
Increased	63	38.7%
Remained the same	92	56.4%
Decreased	8	4.9%
Total	163	100.0%

* 11 agencies who completed the survey did not answer this question.

Summary

A nationwide trend over the past twenty years has been the expansion of gang activity from traditional gang cities, such as Los Angeles and Chicago, to medium-size towns, suburban counties, and even rural counties. The observations of South Carolina law enforcement agencies reported in this study are consistent with this nationwide trend. There were 89 agencies in the state who reported the presence of gang activity in their jurisdiction in 2005. This presence exists across South Carolina communities, with even 37% of agencies serving communities of less than 10,000 reporting the presence of gang activity. Moreover, this presence has only recently emerged for most communities, with 50% of agencies reporting the emergence of gang activity in the last five years and only 7% of agencies reporting the presence of gangs before 1990.

According to the surveyed agencies, there is some level of diversity in the race, gender, and age of gang members they have observed in their communities. Although agencies reported the presence of gangs composed of white, black, and Hispanic members, a

disproportionately higher number of black gang members relative to other groups were reported by agencies. Female involvement in gang activity was also reported by 75% of agencies that acknowledged the presence of gangs in their community. Some agencies reported the presence of gang members under the age of 15 in their community, however, the majority of gang members were reportedly between the ages of 15 and 21.

The survey responses also reveal that there is little in the way of formalized organizational efforts to address gang activity across South Carolina law enforcement jurisdictions. Only 5% of agencies in the state have personnel assigned full-time to addressing gang issues. Moreover, only a small percentage of agencies have a formal policy of classifying individuals as gang members (8%) or for classifying crimes as gang related (18.5%). However, 24% of agencies noted that they maintained a database for tracking gang members and activity, which indicates that there are a number of agencies that identify individuals and activity to track based on informal policies. Despite this lack of formal response, almost 50% of agencies stated that they had collaborated with or had been in contact with another agency regarding gang investigations over the past year. Moreover, 39% of agencies stated that their policing activity related to gangs had increased over the past two years.

Discussion

The responses to this survey indicate that there is a presence of gang activity within South Carolina. The extent of this activity, however, varies regionally and across jurisdictions, as does the nature of law enforcement response. There are some limitations as to how much the survey responses reflect actual gang activity within the state, however. Unlike a number of other states, South Carolina has not passed gang legislation that provides, among other things, a uniform definition of a gang and gang members. Thus, there is no guarantee that agencies across the state are viewing the possibility of gang activity within their jurisdiction from the same perspective. Some agencies may be overlooking behavior that would commonly fit within legal definitions of gang activity, and others may be applying the gang label to groups that would generally not fit such a definition. It is important to note that a number of the responding agencies requested assistance in learning to how identify and respond to gangs in their community. These agencies felt that they had gang activity in their jurisdiction, but lacked the experience or training to make such a determination. In conclusion, the survey reveals that law enforcement agencies are acknowledging the presence of gang activity across the state, but there is room to improve the statewide response of agencies through legislation, policy, and training.

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APPENDIX A

METHODOLOGY

The South Carolina Gang Survey was undertaken by the Department of Criminology and Criminal Justice at the University of South Carolina in cooperation with the South Carolina Criminal Justice Academy (SCCJA). The results from the survey reported in this monograph are based on an analysis of 174 surveys completed by South Carolina law enforcement agencies during November – December 2005 and January 2006.

After some initial discussions with SCCJA personnel, USC project staff developed a draft survey instrument, which was derived partially from earlier versions of the National Youth Gang Survey, commissioned yearly by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention. USC project staff modified and improved the National Youth Gang Survey and added questions relevant to South Carolina. Drafts of the instrument were reviewed by Midlands-region law enforcement officials and SCCJA staff, and the final draft (see Appendix B) was pre-tested in Columbia and Richland County before being mailed out by the SCCJA on November 1, 2005.

The SCCJA mailed the first wave of surveys to all South Carolina law enforcement agencies on its master list. At the same time, USC project staff cross-checked the SCCJA list with one maintained by the U.S. Bureau of Justice Statistics. A number of discrepancies were noted between the two lists, including approximately 36 agencies on the SCCJA list that were no longer functioning as viable law enforcement entities in South Carolina. After accounting for these discrepancies, USC project staff estimate that 281 surveys were sent out to South Carolina law enforcement agencies in the first wave of mailings. These 281 agencies represent the best available estimate of the currently existing state, local, and special district (university, hospital, etc.) law enforcement agencies in South Carolina.

On December 12, 2005, USC conducted a second wave of mailings to agencies that had not responded to the first mailing from the SCCJA. By mid-January 2006, USC project staff followed-up the second set of mailings with telephone calls to the remaining non-responding agencies. At the end of this three-stage process, 206 out of 281 agencies (73%) had responded with a completed or partially completed survey instrument.

After reviewing the data from the responding agencies, USC project staff elected to report the results only from county and municipal law enforcement agencies in South Carolina. With the exception of the Department of Probation, Pardon, & Parole Services, the other two state agencies that responded to the survey (Department of Natural Resources and Commission of Forestry) reported no gang information. Similarly, the special district law enforcement agencies (e.g. college and university police departments, railroad police, etc.) also added little information to the overall dataset. Consequently, for the purposes of analysis and reporting, the original list of 281 agencies that were mailed a survey was reduced to 239 agencies, which together comprise the subset of town, city, and county-level law enforcement agencies on the original survey

mailing list. Of these agencies, 65 (27%) did not respond to the survey and represent missing data for all questions.

Among the surveys returned, however, not all contained answers to each of the 27 questions on the survey instrument. If a question was missing data from more than 35% of responding agencies, the results from the question are not reported in this monograph. Using this criterion, results from the following questions are not reported:

- Question 9 – Number of active gang members in 2005
- Question 14 - % of gang migrants moving to continue gang affiliation
- Question 15 – Year gang migration first occurred
- Question 18 – Participation in multi-jurisdictional gang task force

APPENDIX B

**2005 SOUTH CAROLINA
GANG SURVEY INSTRUMENT**

South Carolina Gang Survey

Instructions for responding to this survey:

1. Please report data for calendar year **2005** (January 1 to December 31).
2. For the purpose of this survey, a gang is defined as “any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name, or common identifying signs or symbols, and whose members individually or collectively engage in or have engaged in a pattern of criminal activity.”
3. Police departments should report only from their city or town, and sheriff departments should report only for their unincorporated service area.

Agency Information

Agency name _____
Agency ORI (Originating Agency Identifier, assigned by the FBI) _____

Jurisdiction served (city, town or county) _____
Street address of agency headquarters _____
City _____ State _____ Zip Code _____
Main telephone number _____
Name of agency head _____ Rank _____

Name of person completing survey _____

Rank or title _____ Unit / section _____

Contact telephone number (extension) _____
Fax number _____ Email _____

Name and phone number of gang unit supervisor (if applicable) _____

Agency demographics

1. Which of the following best describes your jurisdiction?
 large city
 medium sized city
 small town or city
 suburban county
 rural county
 other (please describe) _____
2. Which of the following best describes your agency?
 County Police Department
 County Sheriff's Department

- City Police Department
- Town Police Department
- College or University Police Department
- State Law Enforcement Agency
- Other (please describe) _____

Gang activity in your jurisdiction

3. Are gangs present in your jurisdiction?

- yes
- no (**Please skip to question 16**)
- don't know (**Please skip to question 16**)

4. During what time period did your agency first note the presence of gangs in your jurisdiction?

- before 1990
- 1990-1995
- 1996-2000
- 2001-present

5. Approximately how many gangs are active in your jurisdiction?

6. Please list the names of the gangs that are active in your jurisdiction.

7. Approximately what percentage of gangs in your jurisdiction have female members?

_____ %

8. Approximately what percentage of gangs in your jurisdiction are composed primarily of immigrants or persons from outside the United States?

_____ %

9. Approximately how many gang members were active in your jurisdiction during 2005? An active gang member is defined as someone who was involved in gang activity with other gang members during 2005.

10. Approximately what percentage of gang members are:

- Under the age of 15? _____%
- Between 15 - 17? _____%
- Between 18 - 21? _____%
- Between 22 - 24? _____%
- Over 24 years of age? _____%

11. Of the **total population** of gang members in your jurisdiction, what percentage are:

	Percent
Whites / Caucasians	_____%
African-Americans	_____%
Hispanics	_____%
Asians	_____%
Other ethnicity	_____%

If you answered "other ethnicity", please identify _____

Gang migration to and within your jurisdiction

Definition: "Migration" includes temporary visits for social or criminal purposes as well as longer stays, including permanent moves for any reason. By definition, gang member migrants have already joined gangs in their former jurisdiction prior to their arrival in a new jurisdiction.

12. Are there currently gang member "migrants" living within your jurisdiction?

Yes ____

No ____ (All gang members were residents of our jurisdiction before becoming gang members.) **(Please skip to question 16)**

Don't know ____ **(Please skip to question 16)**

13. Approximately what percentage of gang members in your jurisdiction are gang migrants?

1% - 25% _____

26% - 50% _____

51% - 75% _____

76% - 100% _____

14. Approximately what percentage of gang migrants in your jurisdiction have moved *for the specific purpose* of establishing or continuing their gang affiliation?

_____ %

15. In approximately what year did your agency determine that gang migration was occurring in your jurisdiction?

__ before 1990

- 1990-1995
- 1996-2000
- 2001-present

Departmental response to gang activity

16. Does your agency currently have a unit of two or more officers primarily assigned to gang matters?

- Yes No

17. How many personnel in your agency are assigned to gang-related investigations?

Number of officers assigned exclusively to gang-related matters _____

Number of officers assigned part-time to gang matters _____

18. Does your agency participate as part of a multi-jurisdictional gang task force?

- Yes No

19. During 2005, has your agency collaborated with, contacted, or been contacted by other agencies regarding a gang-related investigation?

- Yes No

20. Does your agency have a formal policy that directs the classification of individuals as gang members and/or associates?

- Yes No

21. What criteria does your agency use to classify an individual as a gang member or associate, whether based in formal policy or informal practices? If none, please state "none."

22. Does your agency track individual gang members, along with their criminal activity, in some type of file or electronic database system?

- Yes No

23. Does your agency have a formal policy for classifying a criminal incident as a gang crime?

- Yes No

24. What criteria does your agency use to classify a criminal incident as a gang crime, whether based in formal policy or informal practices? If none, please state "none."

25. Overall, policing activities related to gangs in your jurisdiction have (check one below) in the last two years.

- increased
 remained the same
 decreased

Gang-related crime

For the purpose of this survey, gang-related crime is defined as either:

Member-Based— A crime in which a gang member(s) is either the perpetrator or the victim, regardless of the motive; **or**

Motive-Based— A crime committed by a gang member(s) in which the underlying reason is to further the interests and activities of the gang.

26. Please indicate the **number** of gang-related crimes that occurred in your jurisdiction in 2005. *If you are unable to classify criminal incidents as gang crimes, please check "unable to classify."*

Number Gang-Related applicable)	Unable to (check if
<input type="checkbox"/> homicide	<input type="checkbox"/>
<input type="checkbox"/> criminal sexual conduct (of any degree)	<input type="checkbox"/>
<input type="checkbox"/> burglary (of any degree)	<input type="checkbox"/>
<input type="checkbox"/> armed robbery	<input type="checkbox"/>
<input type="checkbox"/> drug trafficking	<input type="checkbox"/>
<input type="checkbox"/> auto theft	<input type="checkbox"/>
<input type="checkbox"/> kidnapping	<input type="checkbox"/>
<input type="checkbox"/> carjacking	<input type="checkbox"/>

27. In 2005, gang activity in your jurisdiction:

- increased
 stayed the same
 decreased

This completes the survey. Thank you for your cooperation and participation.

APPENDIX C

GANG LEGISLATION

In an effort to inform the ongoing debate over how best to respond to the threats posed by gangs in South Carolina, the Department of Criminology and Criminal Justice at the University of South Carolina conducted a survey of the state's law enforcement agencies in late 2005 and early 2006 to ascertain their perceptions of the gang problem in South Carolina. A report based on the results from this survey was published in July 2006 and posted to the Department of Criminology and Criminal Justice website (<http://www.cas.sc.edu/crju/news.html>).

According to the report, more than half of South Carolina law enforcement agencies reported the presence of gangs in their jurisdictions. Included among the gangs present in South Carolina are those representing themselves as sects of some of the nation's largest and most violent street gangs – Bloods, Crips, Folk Nation, and Mara Salvatrucha, among others. Despite the perception of the wide-spread presence of gangs in South Carolina, however, only five percent of the state's law enforcement agencies have specialized positions or units devoted to investigating gang-related activities, and only a small minority of agencies have policies that define gangs, gang members, or gang crimes. Furthermore, only 24 percent of agencies have databases for tracking gang activity, despite the fact that no state-wide gang intelligence database exists that local jurisdictions can utilize for investigative purposes. Together, these findings suggest that the South Carolina law enforcement community has been slow to respond to the emerging gang problem and that systems are needed which would facilitate the investigation and prosecution of criminal street gangs.

South Carolina is one of only 15 states that do not have gang legislation on the books. From the perspective of the state's law enforcement agencies, criminal street gangs are growing problem. However, current statutory provisions in South Carolina provide no penalty for gang recruitment and no sentencing enhancements for gang-related crimes. Just as importantly, South Carolina has no uniform definitions for gangs, gang members, or gang-related incidents. This lack of uniformity presents a significant obstacle to collecting and tracking gang intelligence on a statewide or even regional basis. Yet, up-to-date intelligence that allows for the identification of patterns of gang activity and is an essential tool for combating gang-related violent crime (Jackson & McBride, 1985; Bureau of Justice Assistance, 1997; Katz, Webb, & Schaefer, 2000).

With the recent release of the 2005 South Carolina Gang Survey, debate has begun anew over the need for state-wide gang legislation in South Carolina. During the 2005-2006 session of the South Carolina General Assembly, Senate bills 79 and 265, and House bill 3119, were introduced. Collectively known as the "Criminal Gang Prevention Act," these bills would have defined criminal gangs and gang activity in the South Carolina and made illegal the use of threats or violence to induce or solicit participation in a gang. Among other things, the Act also would have prohibited gang members from threatening witnesses and would have created a civil cause of action in favor of public agencies or political subdivisions that suffered damages from gang-related activity. Hopefully, the 2005 South Carolina Gang Survey and this addendum will provide South Carolina lawmakers with a starting point from which to consider further debate over gang legislation in the upcoming session of the General Assembly.

Overview of Gang-Related Legislation in the States

Table 1 below provides a synopsis of gang legislation in the 35 states (plus the District of Columbia) that have in some manner addressed gangs in their official codes. These statutes range widely in their depth and breadth and represent states both with comprehensive statutory frameworks and those that do nothing more than provide definitions of gangs or gang crimes. Currently, South Carolina is in the distinct minority of states that have chosen not to address criminal street gangs at all in their bodies of statutory law.

By way of comparison to the proposed South Carolina legislation, and as a means for comparing state gang laws to one another, Table 1 contains check mark entries for some of the more common statutory provisions found in the gang legislation of the 35 states that have passed gang-related statutes. Rather than present the nuances of each states' laws, we provide citations to the principal statutes in each state and indicate whether a state's gang legislation (1) provides a definition of a gang, a gang crime, or gang activity, (2) creates a separate offense for gang recruitment, (3) penalizes the participation in a criminal street gang or enterprise, or (4) contains sentencing enhancements for gang-related offenses. Following Table 1, the remainder of this addendum discusses the statutory provisions of three states that have passed comprehensive gang legislation and which could serve as possible models for similar legislation in South Carolina.

TABLE 1 STATES AND GANG LEGISLATION

State	Principal Statutes	Definition of gang, gang crime, or gang activity	Offense for Gang Recruitment	Offense for Participation in Criminal Street Gang or Enterprise	Sentencing Enhancement for Gang-Related Crimes	Selected Miscellaneous State Provisions
Alabama	Ala. Code §§ 12-25-32 13A-6-26	✓	✓		✓	
Alaska	Alaska Stat. §§ 11.61.160, 11.81.900, 12.45.037, 12.55.137, 12.55.155	✓	✓		✓	Permits expert testimony on gang structures and activities; permits forfeiture of property associated with gang crimes
Arizona	Ariz. Rev. Stat. §§ 13-105, 13-604, 13-703, 13-2308	✓		✓	✓	
Arkansas	Ark. Code Ann. §§ 5-74-101 et. seq.	✓	✓	✓	✓	Punishes acts of violence undertaken in concert with others
California	Cal. Penal Code §§ 182.5, 186.22, 186.26 12021.5	✓	✓	✓	✓	Comprehensive statutory provisions addressing gangs
Colorado	Colo. Rev. Stat. §§ 18-23-101 et. seq.	✓	✓			Colo. Bureau of Inv. maintains state-wide gang database
Connecticut	Conn. Gen. Stat. §§ 29-7n,	✓				Mandates uniform reporting of gang-related crimes by law enforcement agencies
Delaware	Del. Code An. tit. 11, § 616, 617,	✓	✓	✓		
Florida	Fla. Stat. Ann. §§ 874.01 et. seq., 895.02	✓	✓		✓	Fla. Dept. of Law Enforcement maintains state-wide gang database

Georgia	Ga. Code Ann. § 16-15-1 et. seq.	✓	✓	✓	✓	Allows for civil forfeiture and gang nuisance abatement
Idaho	Idaho Code § 18-8501 et. seq.	✓	✓		✓	
Illinois	720 Ill. Comp. Stat. Ann. 5/12-6.4, 740 Ill. Comp. Stat. Ann. 147/1 et. seq.	✓	✓		✓	Allows for a civil cause of action against gangs on behalf of any public authority
Indiana	Ind. Code §§ 35-45-9-1 et. seq., 35-50-2-15	✓		✓	✓	Permits expert testimony on gangs relevant to sentencing enhancement
Iowa	Iowa Code § 723A et. seq.	✓	✓	✓		Provides for civil abatement proceedings against gang properties
Kansas	Kan. Crim. Code Ann. § 21-4704, Kan. Crim. Proc. Code § 22-3901	✓			✓	
Kentucky	Ky. Rev. Stat. Ann. § § 506.140, 506.150, 640.010	✓	✓			Permits consideration of gang involvement in potential transfer of juvenile to circuit court
Louisiana	La. Rev. Stat. Ann. §§ 15:1401 et. seq.	✓	✓	✓	✓	Requires notification of local sheriff when gang member is released from prison
Maryland	Md. Code Ann. §§ 9-801 et. seq., 7-703	✓	✓			Requires arresting agency to notify school when a student is arrested for a gang offense
Massachusetts	Mass. Gen. Laws Ann. Ch. 265, § 44	✓				
Minnesota	Minn. Stat. § 609.229	✓		✓	✓	
Mississippi	Miss. Code Ann. §§ 97-44-1 et. seq.	✓		✓	✓	
Missouri	Mo. Ann. Stat. §§ 578.421 et. seq.	✓		✓	✓	
Montana	Mont. Code Ann. §§ 45-8-402 et. seq.	✓	✓		✓	

Nevada	Nev. Rev. Stat. § 193.168	✓			✓	Permits expert testimony on gangs relevant to sentencing enhancement
New Jersey	N.J. Stat. Ann. §§ 2C:33-28, 2C:44-3, 52:17B-5.3	✓	✓		✓	Requires law enforcement agencies to track and report gang-related crimes
North Carolina	N.C. Gen. Stat. § 15A-1340.16	✓			✓	
North Dakota	N.D. Cent. Code §§ 12.1-06.2-01 et. seq.	✓	✓	✓		
Ohio	Ohio Rev. Code Ann. §§ 2923.41 et. seq., 2929.14	✓		✓	✓	
Oklahoma	Okla. Stat. tit. 21, § 856	✓	✓			
South Dakota	S.D. Codified Laws §§ 22-10A-1 et. seq.	✓			✓	
Tennessee	Tenn. Code Ann. § 40-35-121	✓			✓	
Texas	Tex. Penal §§ 71.01 et. seq. , Civ. Prac. & Rem. §§ 126.061 et. seq.	✓	✓	✓	✓	
Utah	Utah Code Ann. § 78-57-102 et. seq.	✓				
Virginia	Va. Code Ann. §§ 18.2-46.1 et. seq.	✓	✓	✓	✓	Includes penalty enhancements for gang crimes committed on school grounds
Washington	Wash. Rev. Code §§ 9A.46.120, 28A.600.455	✓				
Wisconsin	Wis. Stat. Ann. §§ 823.113, 895.444, 939.22, 941.38, 973.017	✓	✓		✓	

Selected State Legislation

Virginia

In response to rising gang violence, particularly in the northern portion of the state, Virginia passed gang legislation in 2004. Section 18.2-46.1 of the Code of Virginia defines a criminal street gang as “any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which as one of its primary objectives or activities the commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to a commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.” This section goes on to define predicate act as an act of violence or one of a host of specified crimes primarily involving violence, firearms, or drugs.

The Virginia legislation also makes it unlawful to participate as a member of a street gang while undertaking a predicate criminal act committed in association with the gang (Va. Code. Ann. §18.2-46.2) and makes a violation of this provision a separate offense from the underlying predicate act. In addition, the Virginia legislation creates an offense for recruiting or soliciting another to join a criminal street gang and makes such offense a felony if the gang recruiter is an adult and the recruitee is a juvenile (Va. Code Ann. §18.2-46.3(A)). Another subsection to this same provision makes it a felony to use or threaten force against a person or a member a person’s household in order to encourage joining or remaining as a member of a gang (Va. Code Ann. §18.2-46.3(B)). Virginia also provides enhanced penalties for violating one of the previously mentioned provisions when that violation occurs on or within 1,000 feet of school property, including school buses. Finally, and in addition to the criminal provisions discussed

above, the Virginia legislation allows for the civil forfeiture of any gang-related property, whether real or personal.

Louisiana

The State of Louisiana passed comprehensive gang legislation in 1990. Known as the Louisiana Street Terrorism Enforcement and Prevention Act, this legislation seeks to eradicate the criminal activity associated with street gangs by “focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together are the chief source of terror created by street gangs” (La. Rev. Stat. §1402(B)). Section 1404 of the Act defines a criminal street gang as “any ongoing organization, association, or group of three or more persons, whether formal or informal, which has as one its primary activities the commission of one or more” criminal acts enumerated in §1404(B), which include acts of violence, controlled substance violations, theft, and firearms-related offenses.

The Act makes it unlawful for any person to participate or assist in the commission of a pattern of gang activity (two or more separate acts enumerated in §1404(B) committed within three years of each other) and provides that the penalty for engaging in a pattern of gang activity must run consecutively with any sentence for an underlying offense (La. Rev. Stat. §1403(A)). The Act also provides for additional penalties for felonies or misdemeanors committed in association with a criminal street gang and mandates that such penalties be served *in addition* to those imposed for the crimes themselves (La. Rev. Stat. §1403(B-C)). Like Virginia, Louisiana punishes the recruitment or solicitation of any person to become a member of a criminal street gang (La. Rev. Stat. §1403.1). The punishment for this offense is imprisonment for up to two years and/or a fine of \$5,000.

Civil provisions of the act include a section that declares as nuisances buildings used by criminal street gangs and which allows for injunctions, damages, and abatement of such properties (La. Rev. Stat. §1405). Similar to the proposed South Carolina legislation, §1405.1 creates a civil cause of action against criminal street gangs and their members in favor of political subdivisions that suffer harm as the result of gang activities. Under this section, political subdivisions can seek injunctions and damages against gangs.

Florida

The State of Florida passed its Criminal Street Gang Prevention Act in 1996. Like Virginia and Louisiana, the act defines “criminal street gang” and creates an offense for soliciting or recruiting criminal street gang membership. In Florida, a criminal street gang means “a formal or informal ongoing organization, association, or group that has as one of its primary activities the commission of criminal or delinquent acts, and that consists of three or more persons who have a common name or common identifying signs, colors, or symbols and have two or more members who, individually or collectively, engage in or have engaged in a pattern of criminal street gang activity” (Fla. Stat. cha. 874.03(1)). The act goes on to define a pattern of criminal street gang activity as the commission, attempted commission, solicitation, or conspiracy to commit two felonies or three misdemeanors (or a combination of the two) on separate occasions within a three year period.

Unlike the Virginia and Louisiana statutes, however, the Florida gang legislation also provides definitions for a “criminal street gang member,” a “criminal street gang associate,” and a “gang-related incident.” For example, a person is defined by the statute as a criminal street gang member if the person meets at least two of eight specified criteria, which include admissions of gang membership, identification as a member of a gang by a parent or guardian,

identification by a reliable informant, association with known gang members while adopting a known street gang's style of dress, hand signs, or tattoos, and being stopped in the company of known gang members on at least four occasions, among others (Fla. Stat. ch. 874.03(2)). Gang associates are those that meet only one of the listed criteria, while a gang-related incident is one where the participants are gang members or associates acting to further a criminal purpose of the gang or where the incident is identified as gang-related by an informant.

In order to facilitate the investigation of gang-related incidents and the exchange of information among law enforcement agencies, chapter 874.09 allows the Florida Department of Law Enforcement (FDLE) to develop and manage a statewide criminal street gang database. Having clear, uniform definitions for gang members, gang associates, and gang-related incidents is important when developing and maintaining a gang intelligence database. The Florida legislation provides these definitions and thus helps to insure the validity and reliability of the information contained in the database managed by the FDLE.

As in Virginia and Louisiana, it is illegal in Florida to solicit or recruit a person to join a criminal street gang (Fla. Stat. ch. 874.-5). A violation of this statute is punished as a third degree felony, which carries with it a five year prison term and serves as both a deterrent and as a potential bargaining tool in gang-related investigations and prosecutions. The Florida Street Terrorism Enforcement and Prevention Act also allows for the civil forfeiture of gang-related profits, proceeds, and instrumentalities (ch. 874.08) and provides for a one degree sentencing enhancement for gang-related offenses (ch. 874.04).

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