

LES MARDIS DU MCC

19 octobre 1999

LA JUSTICE CONTRE LES BANDES VIOLENTES

Conférence prononcée par Michael Genelin*

Procureur-adjoint du comté de Los Angeles de 1985 à 1998

Gangs, Crime and Violence in Los Angeles

A. A short history of gangs in America

- a. London, New York, Philadelphia and Los Angeles. The proliferation of gangs in the United States...and the rest of the world.
- b. Los Angeles.....Immigration and the Mexican gangs. Black gangs. Hispanic mega-gangs/African-American mega/gangs. Asian and pacific rim gangs.
- c. How the gangs migrated to the rest of the country.
- d. The "Modern" street gang member and the staking out of turf. Protecting the hood. Cultural vs. Instrumental gangs. Generational gangs. The "Tipping point" and how ailments become epidemics.
- e. The family, area disorganization and continued disintegration because of the gang presence. How people respond in a gang neighborhood. The interruption of community life. Affect on the children. Graffiti as an instrument of area disruption. William Wilson and the "one pane of glass". The affect of arms proliferation.
- f. Middle class flight and a permanent underclass. How a neighborhood once rich in resources can become a permanent blight.

B. The District Attorney's Approach

- a. Assess the problem – Gang reporting, evaluation and tracking. Determine what the threat is. Computerize. Make local statistics mandatory and accurate. Geo-map to allocate resources and focus.
- b. Set a policy. Don't depend on personnel to do the "right thing." Focus on the repeat offender. Filing considerations. Making gang membership an aggravating factor in plea and trial processes. Focus on sentencing.
- c. Establish a vertical prosecution group (horizontal vs. vertical advocacy). Put your lawyers in school. Specially train your prosecutors. Generate legal/trial guides. Set up a network and compare results. Share information.
- d. Have we got all the tools? Do we need additional legislation? The STEP Act. Drive-by shootings.
- e. The addition of long-term criminals into the equation: the Mexican Mafia/OG's and how to treat them.
- f. Interactive Programs: Inter-Agency co-operation and Information sharing (IAGTF) Updating the assessment and sharing the programs that work.

C. Outreach to the Community

- a. ACT (SARBs, Gang Members and Truancy. Tracking the gang member in school and early intervention. Gang Members are under-achievers. Individual assessments and the role of the school. The District Attorney, the truant and the family: enforcing behavior and forcing school attendance.
- b. Intensive probation: Low case loads and curfews. Pick-up and violation.
- c. Community Prosecution: The SAGE Program and Gang Injunctions. Using public nuisance laws. Identification of gangs and citizen cooperation. Sealing affidavits. Court orders and their effect. Contempt enforcement.
- d. The complete law enforcement approach. Micro-gang Assessment. Targeting the core of the Hard-Core: Police-Probation co-operation. Hot spots to enjoin. The thirteen percent solution. Community advisory groups. Prosecuting the victimless crime and its affect on the community.
- e. Follow-up with the figures. Don't conceal the facts.

** : Michael Genelin, Docteur en Droit, a dirigé durant 13 ans la division chargée des poursuites contre les bandes criminelles violentes : Crips, Bloods, 18th Street... Avec ses 50 collaborateurs, il a traité plus de 350 crimes par an sur le comté de Los Angeles, surtout des affaires de meurtres.*

Mais le Dr. Genelin a d'abord été le concepteur et l'initiateur d'une efficace doctrine judiciaire de lutte contre les street gangs :

- *Le STEP Act (Street Terrorism Enforcement and Protection), loi permettant de combattre les gangs sur tout le territoire de la Californie; a servi de modèle à nombre d'autres Etats.*
- *Le programme CLEAR (Community Law Enforcement and Recovery), qui organise une étroite collaboration entre la Police et la Justice.*
- *Le programme SAGE (Strategy Against Gang Environments) qui prévoit des "injonctions civiles" permettant au juge d'imposer à des membres de bandes juridiquement définies, des interdictions dont la transgression constitue une infraction pénale.*