

CRIMINAL GANGS IN MARYLAND



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Criminal Gangs in Maryland

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For further information concerning this document contact:

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Department of Legislative Services
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January 9, 2009

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
The Honorable Michael E. Busch, Speaker of the House
Members of the Maryland General Assembly

Ladies and Gentlemen:

This report, *Criminal Gangs in Maryland*, was prepared by the Department of Legislative Services, Office of Policy Analysis, in response to the continuing legislative interest on the issue of gangs in the State and region. The report discusses proposals by the Office of Attorney General and the Maryland State Attorneys' Association for changes in the law, a history and status report of the gang problem in Maryland provided by the Maryland State Police, and the latest statistics from various counties within the State.

This report was written by John J. Joyce and Jennifer Botts under the editorial direction of Douglas R. Nestor.

I trust this information will be of assistance to you.

Sincerely,

Warren G. Deschenaux
Director

WGD/JJJ/lkj

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Criminal Gangs in Maryland

Introduction

This report provides an analysis of the most recent developments on the issue of gangs in Maryland, including a history and status report of the gang problem in Maryland, a discussion of prison gangs, proposals by the Office of the Attorney General and the Maryland State Attorneys' Association for changes in the law, and recent statistics from various counties within the State.

Maryland Gang Activity

History

The Maryland State Police has provided the Department of Legislative Services with a history of the emergence of gangs in Maryland. Using an analytical method that the Maryland State Police describes as “semi-chronological and geographical” and conceding that the information it contains is a “combination of both anecdotal and validated intelligence,” the history warns that the arrival of nationally known gangs has “led to a surge of gang activity throughout the State.” The following history of gangs in Maryland is based on the information provided by the Maryland State Police.

Until the turn of the 21st century, most gangs were concentrated in, but not limited to, Baltimore City or Washington, DC. The gangs were small organizations that generally ruled street corners or neighborhoods. The gangs traditionally concentrated on one form of criminal enterprise (*e.g.*, distribution of a specific drug, auto theft, etc.) and did not compete with one another.

In the late 1990s, members of the Bloods gang started coming south into Baltimore from New York and New Jersey. By 1999, the founder of the Bloods gang had expanded operations into Baltimore, Hagerstown, and Frederick. One of the first things the Bloods did in Baltimore was to unite several gangs along the Edmondson Avenue corridor into one Bloods subset. The Bloods also began an aggressive recruiting drive within Maryland's prison population. Gang members started requesting Hagerstown release addresses, and the Bloods became established in Western Maryland.

From 2000 to 2002, the Bloods grew steadily throughout the Baltimore region. Small sets began sprouting in Baltimore City, Baltimore County, and Harford County. Individual members, recruited in prison, were being released into Maryland communities. For the next several years, the Bloods began to spread across the State, with specific subsets emerging in different counties. Established neighborhood gangs began to “blood over,” or align underneath

the umbrella of the Bloods. This was partially in response to the expanding threat posed by rival gangs, specifically MS-13. The past several years have seen an increase in fighting within the gang (subsets associated with east coast Bloods fighting with west coast Bloods).

As this was occurring in the Baltimore region, the population of immigrants from El Salvador and other Latin American countries increased in Washington, DC. Incidental to this increase was the introduction of MS-13 to the Washington, DC suburbs. When the gang originated, it was comprised entirely of Salvadorians, but eventually it fell under the umbrella of the Mexican Mafia. In the 1990s, MS-13 gang members had spread to the Washington, DC area but were mostly concentrated in northern Virginia. By 2000, law enforcement had identified three to five subsets of the gang in Montgomery County. MS-13 was largely confined to Silver Spring and Wheaton in Montgomery County and the Langley Park area of Prince George's County.

Between 2003 and 2005, MS-13 spread across the State, with approximately 25 cliques active or present in Maryland by 2005. The gang's aggressive tactics and recruiting led to an increase in membership and an increase in the number of rival gangs. MS-13's approach to these rival gangs involved numerous homicides, assaults, and rapes, which led eventually to its targeting by law enforcement.

According to the Maryland State Police, MS-13 has been relatively quiet since 2006. Intelligence suggests that gang members are instructed to refrain from getting gang-related tattoos and wearing gang clothing. They continue to have members and cliques throughout the State but are still concentrated in Langley Park and Silver Spring. The gang is continuing to make money through narcotics, extortion, and prostitution, among other criminal activities.

Current Status

The expansion of nationally known gangs in Maryland continues to pose challenges to communities and to law enforcement. Youths start neighborhood gangs to defend themselves from these larger national gangs and larger gangs attempt to absorb these smaller, neighborhood gangs.

In response to the gang problem, the "Kaizen Project" was established by Governor Martin O'Malley. The mission of the project is to "develop statewide strategies for Maryland's criminal justice and non-criminal justice organizations" and to "proactively curb the influence of gangs collectively and holistically." Leaders from 5 entities (the Maryland State Police, the Baltimore City Police Department, the Baltimore County Police Department, the Department of Juvenile Services, and the Department of Public Safety and Correctional Services) determine the direction of the project, but over 50 criminal justice stakeholders are involved in the project.

The Maryland State Police reports the presence of gangs in 22 counties (all but Somerset and Worcester). The most prominent gangs identified by the State Police are the Bloods (present in 20 counties), the Crips (present in 9 counties), and MS-13 (present in 10 counties). In all but 2

counties where the Bloods are reported, there are at least 2 subsets of the gangs, with Baltimore City alone having 18 subsets. The Crips gangs have subsets in 8 of the counties in which they are reported to have members. Subsets of MS-13 are reported in Montgomery and Prince George's County, with 6 and 12 subsets respectively. Other gangs with membership in at least 2 counties are: Vatos Locos (3 counties), Dead Men Incorporated (5 counties), SUR-13 (7 counties), Latin Kings (2 counties), and 18th Street (2 counties).

Prison Gangs

The State's prison gang situation resembles that of the street gang population in many respects. However, the prison system is a more static and controlled environment and consequently standardization and identification of gang members is somewhat more refined. The Department of Public Safety and Correctional Services designates gangs as Security Threat Groups (STG) and defines them as "three or more individuals who possess a common distinctive goal, symbolism, or philosophy; pose a present or potential threat to the safety of staff, inmates, or the public; and possess identifiable skills or resources used to engage in unauthorized or criminal activities either within the prison system or in the community."

Prison gang data are gathered by both gang intelligence and correctional officers in a variety of ways. Initial identification of an inmate as a gang member may occur on intake at the Maryland Reception, Diagnostic, and Classification Center through the use of a validation worksheet point system in which an individual is assessed points based on having or displaying gang paraphernalia, tattoos, signs, colors, or symbols; a previous identification as a gang member or association with known gang members; being named by another individual as being a gang member; or an admission of gang membership from the inmate. An inmate who receives at least 2 to 9 points is considered an "associate" of a gang and an inmate with 10 or more points is considered a "validated" member. An inmate who is validated as a gang member remains on the department's list permanently, regardless of whether the inmate denounces the gang, changes affiliation, or is released.

As of August 2008, through the use of the validation point system, the department has identified 2,937 STG participants, of which 2,423 are validated gang members and 514 are associate inmates. The department advises that it reevaluates members constantly, and the vast majority of individuals currently designated as "associate inmates" are eventually validated as gang members.

According to the department, the identified STG members participate in 260 different gangs that exist within the prison system, including historic prison gangs, neighborhood street gangs, nationally recognized gangs, and drug gangs. According to the department, the most prevalent STGs currently are the Bloods, Crips, Black Guerilla Family, Dead Man Inc., and Murder Inc. The department also reports that gang activity appears to be present in Baltimore City and every county.

Report by the Attorney General and the Maryland State Attorneys' Association

Concern about reports of increased gang activity led to the enactment of the Maryland Gang Prosecution Act of 2007 (Chapter 496) which created separate offenses relating to criminal gangs and authorized the Attorney General to aid in investigations and prosecutions at the request of a State's Attorney for a county. Chapter 496 prohibits a person from (1) participating in a criminal gang knowing that the members of the gang engage in an ongoing pattern of criminal gang activity; or (2) knowingly or willfully directing or participating in the commission of an underlying crime, or act by a juvenile that would be an underlying crime if committed by an adult, committed for the benefit of, at the direction of, or in association with a criminal gang. A violator is guilty of a felony and subject to imprisonment not exceeding 10 years, or 20 years if death to a victim occurs, and/or a fine not exceeding \$100,000.

The Act also required the Attorney General and the Maryland State Attorneys' Association to report to the General Assembly on their recommendations for more legislation to assist in the prosecution of gang activity. The report was submitted on January 1, 2008. Calling Chapter 496 an "historic first step" in the State's battle against gang activity, the report went on to criticize the statute as "falling short in a number of respects." The report offers eight proposals for additional legislation to aid in the prosecution of gang activity. The following relates and evaluates these proposals:

(1) Expand Definition of "Gang"

The report contends that defining a criminal gang as an "ongoing association" is "confusing" and "may leave open for argument" that the alleged gang must be "ongoing" "even at the time of arrest or trial." Although the report anticipates a potential problem with proving this element of a gang offense, it cites no court case in Maryland or elsewhere in which a conviction was not obtained because of a failure to prove this element. In fact, the use of "ongoing" or "ongoing association" can be found in the definitional language for gangs in at least 20 other jurisdictions (Arizona, California, Colorado, Delaware, Florida, Idaho, Iowa, Louisiana, Minnesota, Missouri, Montana, New York, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Virginia, Washington, and Wisconsin). In addition, several other states use closely synonymous terminology like "continuously or regularly associating" (Texas), "continuing series" (Arkansas), or "so constructed that ...will continue" (Nevada).

(2) Adding Misdemeanors as Underlying Crimes in Gang Prosecution

Maryland law currently restricts the underlying crime committed for the benefit of, at the direction of, or in association with a criminal gang that is needed to prove a gang violation to crimes of violence and felony violations of certain laws. The report argues (although no evidence is cited) that there are various other crimes that are "well understood" to be closely associated with gang activity, but which are classified as misdemeanors. The report suggests that

the list of underlying crimes be expanded to include the misdemeanor crimes of malicious destruction of property (*e.g.*, graffiti), pandering, second degree assault, receiving earnings of a prostitute, and wagering. Such a change would undoubtedly make the gang law easier to use by prosecutors. It would raise the possibility, however, that one could be convicted of the felony of gang participation by being associated with a gang that can only be shown to have engaged in misdemeanors.

(3) Require Consecutive Sentencing

The report argues that the impact of Chapter 496 is “substantially diminished” because, as currently written, a court may order a sentence for a gang violation to run concurrently with the sentence for the underlying crime. The proposal would require that, where imposed, the gang offense be served consecutively to the sentence for the underlying crime. The report points out that it does “not propose to make a [sentence for a] separate gang specific offense mandatory, as the trial judge retains the right to suspend any portion of either sentence.” Mandating that such sentences run consecutively would place Maryland with eight other jurisdictions that have similarly limited the discretion of the sentencing judge (California, Georgia, Idaho, Indiana, Louisiana, Missouri, Montana, and Nevada).

(4) Gang Activity – Nuisance Abatement by Property Owners

The report proposes that Senate Bill 631 of 2007, which would allow a prosecutor to hold a property owner responsible if the owner allows gang members to meet on or use the property for gang-related criminal activity, be reintroduced and enacted. Fifteen other jurisdictions (Arkansas, California, Colorado, Florida, Georgia, Iowa, Louisiana, Mississippi, Missouri, New Mexico, Ohio, Texas, Virginia, Washington, and Wisconsin) have statutes that enable the civil prosecution of the owner of real property for maintaining a public nuisance if the owner knowingly harbors gang activity on the property. The 2007 bill received support from the Maryland Chiefs of Police Association, the Maryland Sheriffs’ Association, and Maryland Law Enforcement Officers, Inc. as an “additional tool” to combat gangs.

The 2007 bill was opposed, however, by the Greater Baltimore Board of Realtors (GBBR) and the Office of Public Defender. The GBBR argued that the bill would create an “unnecessarily broad exposure to possible termination actions of both commercial and residential leases and ownership rights.” Specifically, the GBBR expressed concern that such legislation could cause the rights of both tenants and property owners to be unfairly terminated in instances where nuisance activity occurs on property “despite reasonable efforts by either the tenant or property owner to abate the nuisance.” The Office of Public Defender argued that the bill was “unconstitutional on its face” in that it violated the First Amendment right of association and was “impermissibly vague” in that it failed to establish standards for the police and public that were sufficient “to guard against the arbitrary deprivation of liberty.”

A similar bill that was introduced in the 2008 session, Senate Bill 635, received support from the Apartment and Office Building Association of Metropolitan Washington and the Maryland Association of Realtors (MAR). MAR stated that the bill provided “an appropriate balance between individual rights and the right of a community to take action against serious criminal activity.”

(5) Juveniles – Prosecution as Adults

The report suggests that a juvenile who is 16 years or older and accused of gang participation be subject to the jurisdiction of an adult court, subject to a “reverse waiver” to juvenile court. At least four states have statutes that specifically allow minors to be tried in adult criminal court for gang activity (Indiana, Kentucky, Missouri, Tennessee). Senate Bill 634 of 2008, which sought this change, was opposed by the Office of Public Defender on the grounds that excluding children from juvenile court injures, rather than protects, public safety. Studies indicate a higher rate of recidivism for youths that are sent to prison, according to the Public Defender. Law enforcement agencies generally supported the bill, noting that younger gang members are often recruited specifically because their age.

(6) Forfeiture of Property and Proceeds

The report argues that Maryland law should provide for the forfeiture of property and proceeds associated with violations of the gang law. Current Maryland law allows forfeiture in limited circumstances, primarily to violations of the drug and gambling laws. Ten states have statutes that allow a court to order the forfeiture to the state of property used in or obtained through an offense that was committed for the benefit of or at the direction of a criminal gang (Alaska, Florida, Illinois, Louisiana, Mississippi, Nevada, New Mexico, Ohio, Virginia, and Wisconsin). A gang forfeiture bill, Senate Bill 633, was introduced in the 2008 session. The bill received support from the Maryland Municipal League, MAR, and the Maryland Chiefs of Police Association, which argued that the bill would help take the “profit” out of gang crime. The Maryland Judicial Conference opposed the bill as drafted, noting that parts of the bill were ambiguous and might be “administratively unworkable.” The Office of the Public Defender argued that the bill was so broadly written that even people without a direct link to gang crime might lose property under its provisions.

(7) Identifiers for Gang Membership

Another area that apparently raises concerns for the Attorney General and the State’s Attorneys is the admissibility of various identifiers for gang membership. The current statute requires a showing that members of an alleged gang have “in common an identifying sign, symbol, name, leader, or purpose.” Although no specific examples are cited in the report of problems introducing these elements in prosecutions of gang members, the General Assembly is urged to expand the list of identifiers, to include “means of recognition,” a “de facto claim of territory,” an “initiation ritual,” and a “concentration or specialty.” Senate Bill 639 of 2008 similarly sought to expand gang identifiers, but was objected to by the American Civil Liberties

Union and the Office of the Public Defender because it also included a person's "creed of belief," "age or ethnicity," "mode, style, or color of dress." There were, however, no specific objections to the additional identifiers requested in the report.

(8) Permanent Gang Task Force

Pointing out that the gang issue "is a constantly evolving problem requiring continuous adaption and rethinking as the years pass," the report suggests that a permanent gang task force be established to study, monitor, and make recommendations to the General Assembly. The Attorney General and the Maryland State Attorneys' Association currently are able to make recommendations and proposals each year for new laws to curtail gangs. It would be an unusual step for the General Assembly to establish a permanent task force to advise it on a particular area of legislation. A search of the Maryland Code found no current examples of such an entity.

It is expected that most, if not all, of these proposals will be considered by the General Assembly in the next session.

Gang Statistics

Maryland Gang Statistics

A recent presentation by the Kaizen project reported that there are over 200 identified gangs, 10 to 15 major gangs, and several thousand gang members throughout Maryland. The following is intended to provide a “snapshot” of gang activity, specifically the number of gang members and active gangs within certain counties. This data was gathered from local police departments between July 2008 and September 2008. Almost every jurisdiction cautioned against placing too much emphasis on the overall numbers due to the fact that each jurisdiction may use a slightly different method of classifying someone as a gang member. Although similar criteria is used in each jurisdiction (*e.g.*, self-admission, gang tattoos, etc.), some jurisdictions require that an individual meet at least three or more indicators, while other jurisdictions only require two.

Anne Arundel County

Anne Arundel County has identified approximately 9 gangs (not including subsets within the gangs) and 255 gang members who reside in the county. An individual may be classified as a gang member if reasonable suspicion is established and supported through source documentation to establish one of the following verifiers:

- while in custody, a Department of Corrections (DOC) background screening supports the individual’s gang affiliation;
- the individual admits membership with a gang;
- a reliable informant identifies the individual as a gang member; or
- the individual is arrested with other documented gang member(s) for a gang-related crime.

Alternatively, an individual may be classified as a gang member if reasonable suspicion is established to support two of the following verifiers:

- identified as a gang member by an unproven informant;
- observed associating with documented gang members;
- observed displaying gang symbols, attire, or hand signs;

- observed with gang tattoos; or
- observed attending gang meetings.

Baltimore City

Baltimore City has identified 45 different criminal street gangs with approximately 1,800 members. Approximately 200 of the members are juveniles. In order for an individual to be identified as a gang member, at least two of the following criteria must be met:

- admits to being a gang member in a non-custodial situation;
- has been identified as a gang member by a reliable informant or source;
- has been identified as a gang member by an untested informant or source with corroboration;
- is wearing gang attire;
- has been seen displaying gang hand signs or symbols;
- has gang tattoos;
- frequents gang areas;
- openly associates with documented gang members; or
- has been arrested (alone or with known gang members) for a crime consistent with usual gang activity.

The most prevalent gangs are the Bloods, with over 900 members, and the Crips, with over 300 members. The Baltimore City Police Department reports that the total number of criminal street gangs has decreased as local gangs have organized to join “sets” of larger gangs, such as the Bloods and the Crips.

Baltimore County

Baltimore County reports 558 authenticated gang members and between 35 to 40 active criminal street gangs. The gangs are composed of approximately 60 percent juvenile and 40 percent adult members. The following criteria are used to “authenticate” a gang member:

- admission of gang membership;
- knowledge of gang history/terminology;
- implication by family members;
- implication by known gang members, a rival gang member, or a reliable source;
- associates with known gang members;
- arrested with known gang members;
- tattoos indicating gang membership;
- colors or style of dress indicating gang membership;
- hand signs, symbols, or graffiti indicating gang membership;
- attendance at gang meetings; or
- identified by other jurisdictions.

Harford County

Harford County has 247 identified gang members. The Bloods (121 members) and the Crips (69 members) are the most prevalent gangs in Harford County. Harford County utilizes a twelve point identifier method from the National Alliance of Gang Investigators Association to identify gang members. An individual documented in three or more of the following points is a documented gang member.

- self-admission;
- tattoos;

- style of dress;
- possession of gang graffiti;
- use of hand signs or gang symbols;
- reliable informant;
- observed with known gang members;
- arrests with known gang members;
- statements from family members;
- other law enforcement identifying gang membership;
- attendance at gang functions; or
- identified by other gang members.

Howard County

Howard County reports a conservative estimate of 300 gang members who live, work, or pass through the county on a daily basis. The county estimates the presence of 26 active gangs within the county. The Bloods and the Crips are among the more well-known gangs in the county. Members of the Bloods, including various subsets, comprise the largest group. There are also members of the traditional Hispanic gangs (*e.g.*, MS-13 and SUR-13), in addition to local gangs.

The county uses a two-tier approach to validating gang members. An individual can be validated as a gang member if one of the following criteria is met:

- the DOC made a determination while the individual was in custody that he or she was a gang member;
- self-admission (requires some degree of corroboration);
- intelligence from a reliable source (*i.e.*, another jurisdiction); or

- the individual is arrested with other gang members for a gang-related crime.

Alternatively, an individual can also be validated as a gang member by meeting two of the following second tier criteria:

- identification by an unproven source;
- observed associating with documented gang members;
- presence of gang tattoos; or
- use of gang symbols, signs, clothing, etc.

The county further indicates that in addition to the validated gang members, there are even more gang “associates.” The county estimates at least three associates for every validated gang member. An individual would be classified as a gang associate if he or she doesn’t meet the above criteria, but there are investigative indications that they are involved with gang-related activity. For example, if an individual meets only one of the second tier criteria, more than likely that person would be classified as an associate.

Montgomery County

Montgomery County reports 35 active gangs and 1,057 active gang members. Members of MS-13, the Bloods, and the Crips and their subsets are the most prominent gangs in the county.

An individual will generally be classified as a gang member if the following criteria are met:

- self-admission at the time of arrest or incarceration; or
- any two of the following:
 - identification as a gang member by a reliable informant;
 - identification as a gang member by an informant whose information has been corroborated;
 - the individual frequents a gang’s area, associates with known members, and/or affects gang dress, tattoos, or hand signals;
 - the individual has been arrested multiple times with known members for offenses consistent with gang activity; or
 - self admission (other than at the time of arrest or incarceration).

The county performs semi-annual assessments of its gang statistics. In order to continue to remain classified as a gang member, there must have been activity or some continuation of the above criteria within the past year.