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Interim Assessment of Gang Injunctions and Safety Zones in Memphis

*Dr. Angela Madden
Research Associate Professor*

Mapping by Dr. James McCutcheon
Department of Criminology and Criminal Justice





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MESSAGE FROM THE EXECUTIVE DIRECTOR



Under a funding agreement between the University of Memphis Public Safety Institute (PSI) and the Memphis Shelby Crime Commission, the PSI is charged with assessing and evaluating various objectives under the local Operation: Safe Community plan to reduce and prevent crime.

A key objective of the Operation: Safe Community plan is enhanced information gathering and other resources to reduce gang-related violence. One of the key steps being taken by the Memphis Police Department and the District Attorney's Office is use of enhanced information gathering to seek court injunctions requiring specified members of particular gangs to abide by certain conditions in certain geographic areas called "safety zones."

This research interim assessment is designed to look at the effectiveness of safety zone injunctions. This assessment seeks to address three research questions:

- (1) Do injunctions reduce the number of violent offenses in the safety zone areas?
- (2) Do gang injunctions reduce arrests of individuals subject to the injunctions?
- (3) Do police officers working in precincts with safety zones know about the injunctions and prohibited behaviors?

There are clear limitations on this interim assessment. The PSI plans to conduct a more thorough evaluation at a later date.

Many thanks to Dr. Angela Madden, PSI research associate professor, for her in-depth research on this assessment and to Dr. James McCutcheon for his assistance in the mapping on the assessment.

Bill Gibbons, Executive Director
Public Safety Institute

INTRODUCTION

In Sept. 2013, as the result of Multi-Agency Gang Unit (MGU) investigations into reports of criminal gang activity in the Riverside area of South Memphis (part of the Memphis Police Department's Airways precinct), the Shelby County District Attorney's Office (DA) filed the first nuisance petition against the "Riverside Rollin' 90's Neighborhood Crips" (R90). In response to the petition, General Sessions Court Judge Larry Potter issued an injunction against R90 members, creating a 4.6-square-mile "safety zone." This process was followed three more times to obtain five more injunctions: 1) Oct. 2014 against the "Dixie Homes Murda Gang/47 NHC" (DHMG) in the North Main precinct; 2) Dec. 2014 for two injunctions against the "FAM Mob" in two areas of the Old Allen precinct and 3) Jan. 2016 for injunctions against the "Grape Street Crips" (GSC) and "Vice Lords" (VL) in two overlapping areas of the Tillman Precinct.

In each instance, the gang was declared a "public nuisance," and members were required to abide by the following 11 requirements with respect to their behaviors in the safety zones:

1. Do not associate | Members may not appear together in public view or any place accessible to the public (does not include inside a school while attending classes or a place of worship).
2. No intimidation | Members may not confront or provoke any person known to be a witness to any activity of gang members.
3. No guns or dangerous weapons | Members may not possess any gun ammunition or illegal weapons, and must not remain in the presence of them.
4. No graffiti or graffiti tools | Members may not damage or deface private property of others or possess tools for the purpose of "tagging" private property of others.
5. Stay away from drugs | Members may not possess, sell or use any controlled substance or paraphernalia without a prescription.
6. Do not act as a lookout | Members may not act as lookouts to warn of the approach or presence of law enforcement.
7. Stay away from alcohol | Members may not possess any open alcohol container while in public view or in any public place.
8. No trespassing | Members may not be present on or in any private property not open to the public without owner consent.

9. No forcible recruiting | Members may not make threats to strike or assault another person nor damage or destroy personal property or disturb the peace to encourage a person to join the gang.
10. No preventing a member from leaving the gang | Members may not make threats to strike or assault another person nor damage or destroy personal property to prevent a person from leaving the gang.
11. Obey all laws.

The injunctions give law enforcement the authority to arrest any gang member found in violation of these court-ordered conditions. Police may arrest violators and charge them with contempt of court. However, violating gang members subject to injunction must previously have been served notice (i.e., informed that they are subject to the injunction) by Shelby County deputy sheriffs before they can be arrested and charged under the injunction. In addition, an individual can “opt out” of the injunctions by providing a 30-day notice to the DA, providing a written declaration that he or she was not or is no longer a member of the gang and by providing proof of that non-association. To date, one individual originally included in the FAM Mob injunction has successfully opted out.

While anecdotal evidence may suggest that these injunctions are effective in curtailing gang activity and reducing violent crime in Memphis, no systematic investigation into their impact previously had been conducted. This need was recognized by the Memphis Shelby Crime Commission (MSCC) in developing the third iteration of its *“Operation: Safe Community Crime Plan”* (OSC-3). Goal B of the five-year plan is to “strengthen law enforcement’s ability to reduce violent street crime.” Within this goal, Objective B4 aims to reduce gang violence through enhanced intelligence and data-gathering. The process of filing a petition for an injunction is driven by street-level intelligence and data that must be assembled to support the need for an injunction. A finding that injunctions are indeed effective at reducing gang violence would provide evidence that Objective B4 is being attained. In addition, gathering and analyzing data to measure whether injunctions are effective can inform and enhance law enforcement and prosecutorial strategies to address gang violence.

While the University of Memphis Public Safety Institute (PSI) plans to conduct a full pre-/post-implementation evaluation at a later date, this interim report provides some insight into violent crime and gang member behavior since injunctions were implemented. Moreover, this process sets up the templates that will be required for a full evaluation.

LITERATURE REVIEW

What is a Gang?

No universally accepted definition of “gang” exists, so jurisdictions usually develop their own. The image most commonly associated with a gang is that of the “street gang.” This term often is interchanged with “youth gang” and “criminal street gang,” although the latter is characterized by criminal activity of specific interest to local, state and federal gang-related legislation. The term “street gang,” however, may be most instructive because it implies crimes committed by a group with a street presence, which is a key characteristic of youth gangs. Most importantly, the acts committed by these groups often are serious violent crimes that take place on community streets, such as aggravated assaults, drive-by shootings, robberies, car-jackings and homicides. Citizens and policymakers are especially concerned about these offenses because their perpetration increases resident fear and significantly impacts the community’s ability to effectively implement mechanisms of informal social control (National Gang Center, 2019).

Jurisdictions often use the following criteria to classify groups as gangs:

- The group has three or more members, generally aged 12–24.
- Members share an identity, typically linked to a name and often other symbols.
- Members view themselves as a gang and are recognized by others as a gang.
- The group has some permanence and a degree of organization.
- The group is involved in an elevated level of criminal activity.

Currently, federal law (18 U.S.C. § 521) defines a “criminal street gang” as an “ongoing association of five or more persons that has as one of its primary purposes the commission of federal felonies involving controlled substances for which the maximum penalty is not less than five years, federal felony crimes of violence and conspiracies to commit such offenses, whose members have engaged in a continuing series of such offenses within the past five years and such activities affect interstate or foreign commerce.”

This federal definition differs markedly from other definitions because the federal system is more concerned with large-scale criminal enterprises that cross state or national boundaries. At the state and local level, results from the National Youth Gang Survey (NYGS), conducted by the National Gang Center (NGC) from 1996 through 2012, indicate that law enforcement agencies believe a group name, group identity, criminal activity and using symbols and signs to represent the group to others to be the most important characteristics of defining a group as a gang (National Gang Center, 2019).

What is a Gang Member?

The definition of a “gang member” is also inconsistent across jurisdictions, with common definitional points being admission of gang involvement, being identified as a gang member by a reliable witness (often a parent or guardian) and having identifiable symbols associated with the gang such as clothing or tattoos (National Gang Center, 2019). Developing a solid operational definition for the term “gang member” is crucial for communities to identify these individuals, to develop effective strategies to deal with them and for prosecution efforts.

Federal law (18 U.S.C. § 521) considers a gang member to be any person who:

- (1) Participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of [gang] offenses.
- (2) Intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang.
- (3) Has been convicted within the past five years for:
 - (A) A federally defined gang offense.
 - (B) A state offense:
 - (i) Involving a controlled substance (as defined in section 102 of the Controlled Substances Act [21 USC § 802]) for which the maximum penalty is not less than five years’ imprisonment; or
 - (ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another.
 - (C) Any federal or state felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.
 - (D) A conspiracy to commit an offense described in subparagraph (A), (B) or (C).

Several states and local jurisdictions require an individual to meet certain criteria and/or thresholds to be classified as a gang member. Many states require that multiple criteria be met, such as the identification of the person as a gang member by a reliable source and the outward display of gang symbols, hand signs and/or gang tattoos by the individual in question (Tita & Papachristos, 2009).

What is a Gang Crime?

Definitions of gang crime also vary between jurisdictions. These definitions range from wholly encapsulating statements regarding crimes committed with the knowledge that the crime was being committed as part of a gang or with others known to be in a gang, to more specific lists of violations and offenses considered gang crimes (e.g., acts involving controlled substances or deadly weapons, assault, burglary and arson). Many state definitions specify that the crime must have been committed with the knowledge that the crime may further the individual's standing in a gang or that the activity can be identified as gang activity by a reliable witness (National Gang Center, 2016).

Many jurisdictions encounter difficulty in determining when to classify a criminal act involving a gang member, or potential gang member, as a "gang crime." Jurisdictions use the terms "gang-involved," "gang-related," and/or "gang-motivated" and often erroneously use these terms interchangeably when they should be distinct.

Most distinctions relate to the intent or motive of the offender and in determining which criminal acts are related to his or her status as a gang member. Clearly, crime committed by a gang member that is irrelevant to his or her status as a gang member should not be considered gang crime in the strictest sense. Some jurisdictions, however, call these types of crimes "gang-involved" or "gang-related" simply because they are committed by a gang member.

Acts that are committed with an intent or motive directly related to the offender's gang membership, or potential gang membership, often are termed "gang-motivated." These are the types of offenses about which jurisdictions are most concerned. Gang-motivated crime is directly linked to gang membership and comprises most reported gang crime. These types of crimes include violence between rival gangs or crimes committed on behalf of the gang (Rosenfeld, Bray & Agle, 1999).

Determining intent, motive and whether an act is simply committed by a gang member or is committed by a gang member for gang purposes can be problematic. Domestic assault, for example, may be committed by a gang member and be classified as simply gang-involved or gang-related because the offender is a gang member. When the assault, however, is encouraged by fellow gang members or is used by the offender to attain status in the gang, it becomes gang-motivated. The definitions regarding gangs and gang violence must be considered in relevant policies, which may impact the criminal justice proceedings dealing with gang members.

Gangs, Gang Members and Gang Crimes in Tennessee

Tennessee law (T.C.A. 40-35-121) defines a "criminal gang" as a "formal or informal ongoing organization, association or group consisting of three or more persons that has:

- (A) As one of its primary activities, the commission of ***criminal gang offenses***;
- (B) Two or more members who, individually or collectively, engage in or have engaged in a ***pattern of criminal gang activity***.

The statute outlined a limited number of ***criminal gang offenses*** prior to July 1, 2013. However, beginning on July 1, 2013, the scope was broadened to include the “commission of or attempted commission of, facilitation of, solicitation of, or conspiracy to commit” a list of 27 criminal offenses, from murder, rape and kidnapping, to witness coercion, retaliation and inciting to riot.

Also important to the Tennessee statute is a ***“pattern of criminal gang activity.”*** To constitute a pattern, the individuals in questions must have “prior convictions for the commission of or attempted commission of, facilitation of, solicitation of or conspiracy to commit:

- (i) Two or more criminal gang offenses that are classified as felonies.
- (ii) Three or more criminal gang offenses that are classified as misdemeanors.
- (iii) One or more criminal gang offenses that are classified as felonies and two or more criminal gang offenses that are classified as misdemeanors.
- (iv) The criminal gang offenses are committed on separate occasions.
- (v) The criminal gang offenses are committed within a five-year period.

Tennessee is one of several states that has established criteria for defining a “criminal gang member.” For an individual to be considered a gang member in Tennessee, he or she must meet at least two of the following criteria:

- Admits to criminal gang involvement.
- Is identified as a criminal gang member by a parent or guardian.
- Is identified as a criminal gang member by a documented reliable informant.
- Resides in or frequents a particular criminal gang’s area; adopts its style of dress, use of hand signs or tattoos; and associates with known gang members.
- Is identified as a criminal gang member by an informant of previously untested reliability, and such identification is corroborated by independent information.
- Has been arrested more than once in the company of identified criminal gang members for offenses that are consistent with usual criminal gang activity.
- Is identified as a criminal gang member by physical evidence such as photographs or other documentation.

Programs and Policies to Address Gang Violence

The National Institute of Justice (NIJ) lists 24 programs and one practice that have been developed to address gang violence (crimesolutions.gov). Of the 24 programs, six have been rated as “effective,” 13 as “promising” and five as having “no effects.” Of the six effective programs, two were focused deterrence programs (Los Angeles and New Orleans), two were problem-oriented, community-policing programs (Operation Ceasefire in Boston, Operation Peacekeeper in Stockton, Calif.), one was a detention-based intervention program (Project BUILD in Chicago) and one was a Los Angeles program based on “crime-prevention through environmental design” (CPTED) principles that installed physical street barriers in some residential areas with high levels of gang violence.

The practice identified by NIJ as focused deterrence rated as “promising.”
Focused deterrence strategies:

Target specific criminal behavior committed by a small number of chronic offenders who are vulnerable to sanctions and punishment. Offenders are directly confronted and informed that continued criminal behavior will not be tolerated. Targeted offenders are also told how the criminal justice system, such as the police and prosecutors, will respond to continued criminal behavior; mainly that all potential sanctions or levers will be applied. The deterrence-based message is reinforced through crackdowns on offenders, or groups of offenders, such as gang members, who continue to commit crimes despite the warning. In addition to deterring violent behavior, the strategies also reward compliance and nonviolent behavior among targeted offenders by providing positive incentives, such as access to social services and job opportunities.

Although two of the effective programs used focused deterrence and these strategies are deemed “promising,” two of the five programs with “no effects” also were based on principles of focused deterrence (Group Violence Reduction Strategy in Chicago and No Violence Alliance in Kansas City, Mo.).

In addition to programs and practices, jurisdictions plagued by gang violence also have legal tools at their disposal. Civil gang injunctions (CGI), for example, are a type of restraining order issued by courts to prohibit gang members in specific areas from participating in specific activities. They are based on the legal theory that gang activities create a public nuisance that prevents other community members from having public order and peace. Usually, injunctions are obtained against the gang as a unit. However, police and prosecutors later identify specific gang members who are subject to the injunction.

The Los Angeles city attorney and the Los Angeles Police Department (LAPD) obtained the first CGI against gangs on July 22, 1982, specifically to address gang graffiti (Simpson, 2013). Since then, cities in California have been the primary users of this tool. Throughout the 1980s and into the mid-2010s, hundreds of CGIs covering tens of thousands of individuals were obtained in several California cities based primarily on anecdotal evidence of their effectiveness.

A few studies have attempted to measure the impact of CGI on gang activities. One study evaluated 25 gang injunctions from four California counties matched with similar communities with similar gang problems but no injunctions. Researchers evaluated calls for service during the year before the injunction and the year after the injunction. Calls for service in the injunction areas significantly decreased over the baseline and compared to the matched communities. The authors concluded that gang injunctions, implemented correctly, can reduce gang crime (O'Deane & Morreale, 2011).

A more recent and comprehensive study from Los Angeles examined the impact of 46 injunctions enacted from 1993 through 2013 (Ridgeway, Grogger, Moyer & MacDonald, 2018). The researchers compared reported crime in affected geographic areas before and after the injunctions and contrasted those data with data from areas not covered by injunctions. This allowed them to examine the average short- and long-term impact. They concluded that injunctions seemed to reduce crime by about five percent in the short-term and by as much as 18 percent in the long-term. The reduction in assaults was much larger, about 19 percent in the short-term and 35 percent in the long-term. The authors also found no evidence that the injunctions displaced crime to nearby areas.

Other research indicates that positive results may be short-lived. A study of five San Bernardino neighborhoods found that while most of the neighborhoods had less crime and gang presence immediately following the injunctions, the reduction was short-lived. Moreover, one of the neighborhoods experienced increased gang activity after the injunction (Maxson, Hennigan & Sloane, 2005).

Gang injunctions are not without their critics. Numerous lawsuits have challenged their constitutionality (i.e., freedom of assembly, due process). Other criticisms include those related to the suppression effect which may diminish alternatives and diversion programs for at-risk youth, their zero-tolerance nature, which may punish even benign activities of two gang members and their disproportionate impact on youth of color.

In 2016, the American Civil Liberties Union (ACLU) filed suit against the city of Los Angeles, arguing that the filing of an injunction against a gang, rather than against an individual, denied an individual the opportunity to disprove his or her alleged gang affiliation in court. Following this suit, the Los Angeles city attorney and the LAPD conducted an audit of the injunction rolls to determine which individuals could be removed due to no longer posing a threat, being deceased, having relocated, etc. This resulted in the purging of some 7,300 people from the injunction lists in 2017. Most recently, a federal judge prohibited the LAPD from enforcing existing injunctions against anyone who did not have the opportunity to challenge the “gang member” designation in court before being subject to the injunction, (Winter & Queally, 2018).

METHODS

Two primary research questions are addressed with this interim report and will be addressed with the full evaluation. The main difference is that the full evaluation will compare pre-injunction data (beginning Jan. 1, 2010) to post-injunction data (through 2021) while this report examines primarily post-injunction data since Jan. 1, 2014. The research questions addressed are:

- 1) Do injunctions reduce the number of violent offenses in injunction areas?
(Is there a general deterrent effect?)

- 2) Do gang injunctions reduce arrests of individuals subject to injunctions? (Is there a specific deterrent effect?)

Data required to answer these questions includes: the number of violent offenses within safety zones since issuance of injunctions, and injunction violations and/or number of arrests of gang members since enjoined. Violent offenses are murder, aggravated assault, robbery and rape. Although violent offenses are the focus, the research also considers non-violent offenses involving guns, such as misdemeanor and felony weapons violations.

A third question is addressed because of its implications for law enforcement actions in the safety zones. Do officers working in precincts that have safety zones know about the injunctions and the prohibited behaviors? If officers are unaware of safety zones and prohibited behaviors, they cannot enforce those injunctions and any observed changes in violent offenses or arrests cannot necessarily be attributed to the injunctions. Data required to answer this question included the percentages of correct responses to a questionnaire about safety zones and prohibited behaviors that were distributed to all MPD precincts and completed during roll calls.

Tillman Station
01/26/2016
N-Yale Ave E-Holmes
S-Walnut Grove/Poplar W-Scott

Tillman Station
01/26/2016
N-Sam Cooper E- Baltic St
S-Walnut Grove/Poplar W-Scott

Tan = Grape Street Crips
Green = Vice Lords

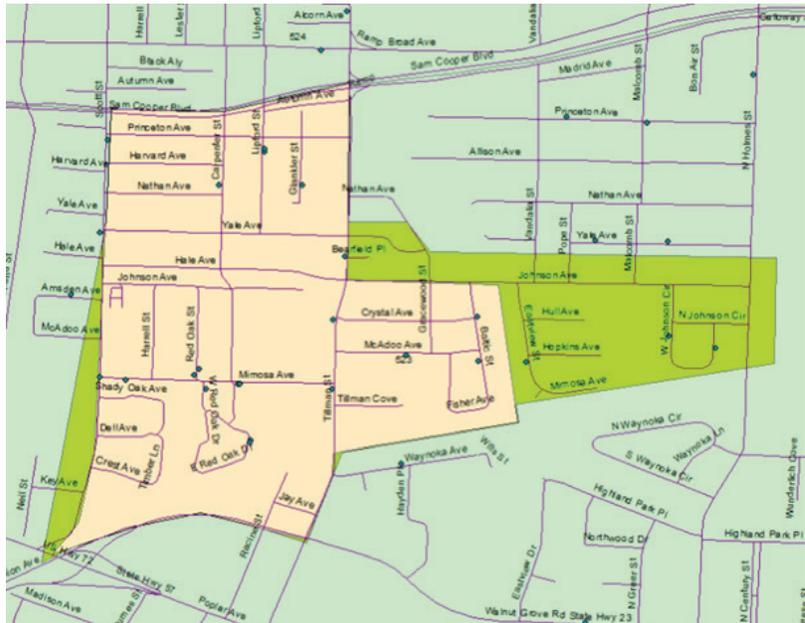


Figure 5: Old Allen Station Safety Zone (Greenbriar-FAM Mob) Violent Offenses (Jan.–June 2018)

In addition to maps, line graphs depicting six-month totals of violent offenses from Jan. 1, 2014, through June 30, 2018, in all the zones, as well as by zone, were produced. Although it is desirable to plot data over more points in time (i.e., monthly), the number of violent offenses each month in some of the zones would have been too low to make the graphs meaningful. Trends over time with respect to injunction dates in each zone were observed and any changes noted.

Measuring Arrests of Enjoined Individuals

A total of 120 individuals currently are covered under the injunctions: 26 in Rollin' 90's, 34 in DHMG/47NHC, 28 in FAM Mob, 13 in Grape Street Crips and 19 in Vice Lords. The Shelby County gang injunctions were designed to impact the gang behavior of those 120 people in six well-defined small areas. That gang behavior could be simply associating with another gang member or it could be committing an aggravated assault. In addition to examining arrests related to the safety zones, it was also important to collect and analyze data about arrests of those individuals outside the safety zones. If gang injunctions reduce arrests beyond the safety zones, they have a more significant impact on crime than originally intended. Therefore, determining the extent to which enjoined individuals were arrested required the collection and analysis of data from several different sources, including the DA (arrests and prosecutions for injunction violations), the MGU (monthly reports of gang members arrested for gun crime) and the MPD (citywide arrests for violent crime and gun crime).

The DA and City Attorney's Office compiled and provided the PSI data on enjoined individuals and those arrested and charged since Sept. 2013 under TCA 29-3-111, the statute that proscribes the penalty for violating an order to abate. This provides a measure of injunction violations. In addition, the MGU provided the PSI with monthly lists of gang members arrested for gun crime since April 2018, when they started keeping that data. Finally, the PSI maintains a database of citywide arrests for violent crime, violent gun crime and any gun crime (including misdemeanor and felony weapons violations). The full evaluation will compare the number of arrests of enjoined individuals for violent crimes during some years prior to the date of their service of notice to the number of arrests they have had in the time since injunction.

Measuring Officer Awareness

MPD officers and command staff at all nine precincts were surveyed with a questionnaire during roll calls over one week. The one-page questionnaire, developed by the PSI and reviewed and approved by the MPD command staff, consists of an introductory paragraph that explains the purpose and provides instructions for responding followed by nine questions to measure awareness and understanding and two demographic questions. A total of 628 completed questionnaires, representing about one-third of sworn MPD personnel, were returned to the PSI with the responding precinct noted (see Figure 6). PSI staff scored each response and entered the data into an Excel spreadsheet which was subsequently transformed for analysis using IBM-Statistical Package for Social Sciences (SPSS). Most respondents were patrol officers, and those with more than 10 years of service comprised the largest group of respondents (see Figure 7).

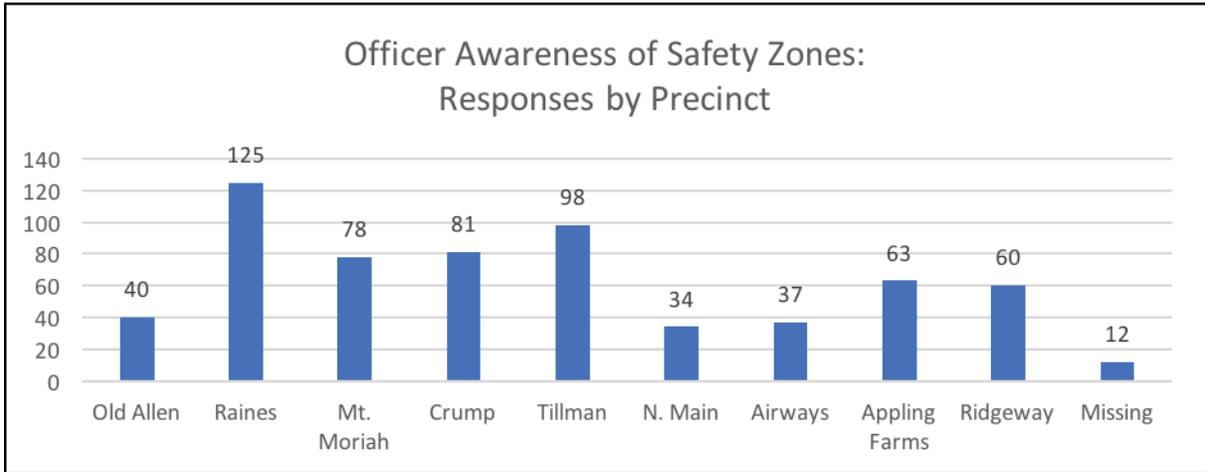


Figure 6: Officer Awareness of Safety Zones: Responses by Precinct

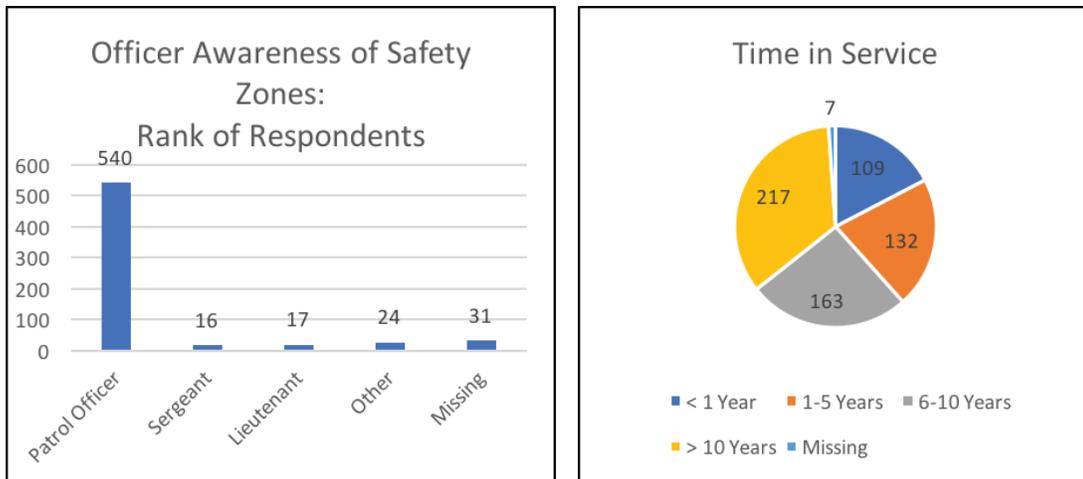


Figure 7: Officer Awareness of Safety Zones: Rank of Respondents (left) and Time in Service (right)

ANALYSIS AND RESULTS

Violent Offenses

Measuring the general deterrent effect of the injunctions requires analyzing violent offenses in the safety zones. If all violent offending decreases and not just violent offending by enjoined gang members, the injunctions may have a general deterrent effect. During the period, a total of 1,268 violent offenses were reported in the six safety zones around the city, an average of about one per week per zone. Since Jan. 1, 2014, however, reports have decreased 7.8 percent, from 141 in the first 6 months of 2014 to 130 in the first six months of 2018 (see Figure 8). After an increase of more than 10 percent in the latter half of 2014, numbers have steadily been decreasing as indicated by the dotted blue trendline.

The red vertical lines indicate the six-month periods within which injunctions were issued. This report uses limited data prior to Jan. 2014, but the full evaluation will be able to plot trendlines before the first Sept. 2013 injunction to determine whether trends had been increasing or decreasing before then. Violent offending peaked during the quarter two injunctions were issued and generally have been decreasing since then. The lowest number was in the first half of 2016, during which two injunctions were issued against gangs in the Tillman Precinct.

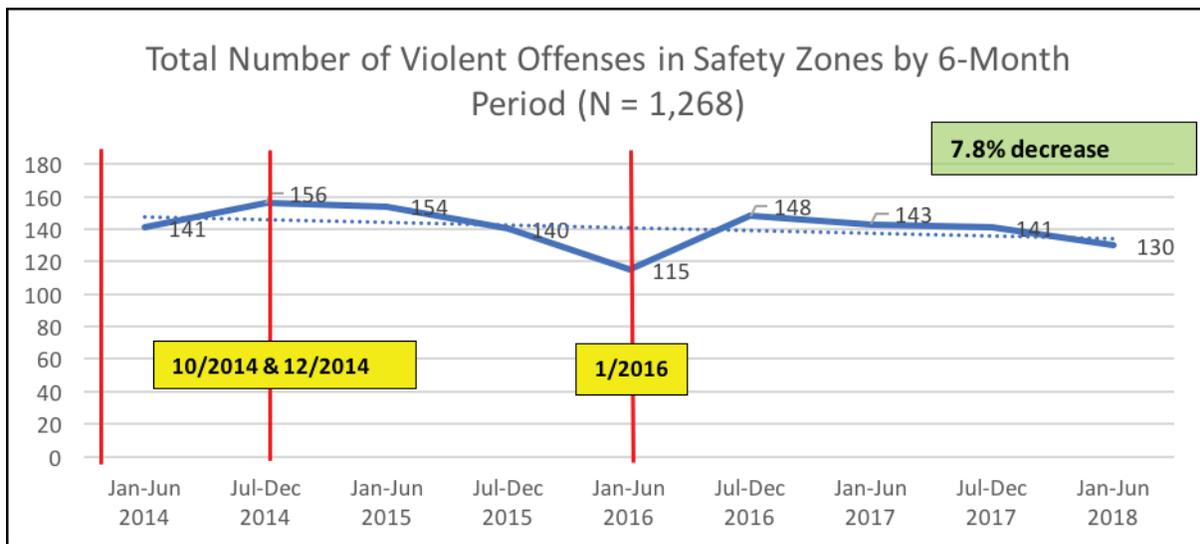


Figure 8: Total Violent Offenses in Safety Zones by 6-Month Period

Airways: Created by the first injunction in Sept. 2013, the Airways safety zone had the highest total number of offenses of any single safety zone and averaged more than 1.5 violent offenses per week between Jan. 1, 2014 and June 30, 2018. (see Figure 9). However, this zone also experienced the most dramatic decrease in violent offenses, from 61 in Jan.–June 2014 (an average of about 2.3 per week) to 40 in Jan.–June 2018 (an average of about 1.5 per week), a 34.4 percent decrease in violent offenses. After a steep decline throughout June 2016, numbers increased until beginning a slight decline in July–Dec. 2017. Despite the significant decrease since Jan. 2014, the number of violent offenses in Airways safety zone remains the highest of any zone.

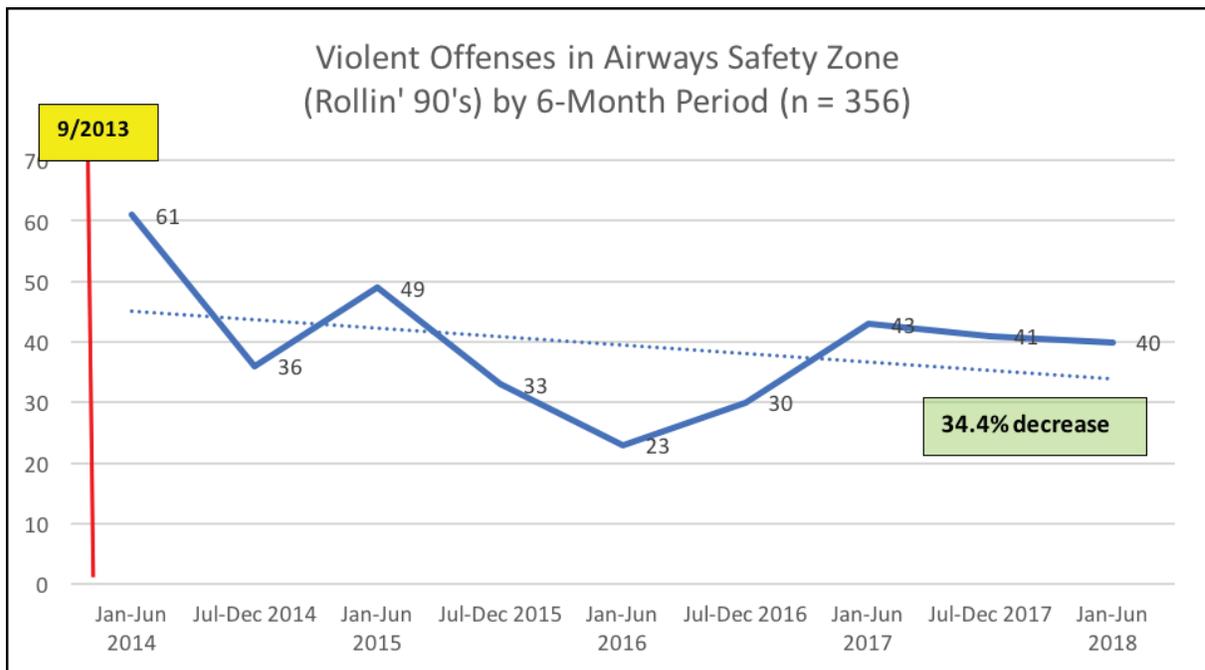


Figure 9: Violent Offenses in Airways Zone by 6-Month Period

North Main: The pattern of violent offenses in the North Main safety zone is interesting and illustrates the importance of context (see Figure 10). If the starting point for measuring change is the period Jan.–June 2014, the number of violent offenses *increased* 43.5 percent (from 23 to 33). If the starting point is the period July–Dec. 2014, during which the injunction was issued, the number of violent offenses *decreased* 13.2 percent (from 38 to 33). It is likely that the startling 65 percent increase in violent offenses in this area from the first half of 2014 (n=23) to the next half (n=38) supported the need for an injunction, especially if the 38 offenses during July–Dec. occurred primarily during July, August and September. Although North Main is the smallest precinct, its safety zone had the second highest number of violent offenses during Jan.–June 2018 and averaged more than 1.2 violent offenses per week during the entire period.

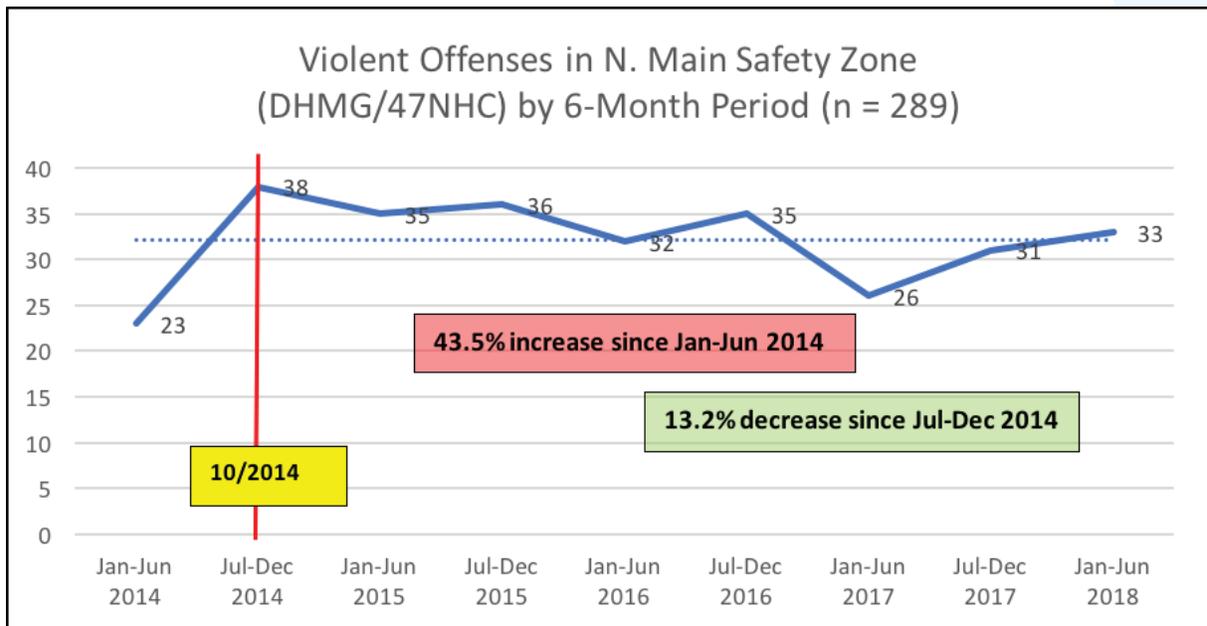


Figure 10: Violent Offenses in N. Main Zone by 6-Month Period

Old Allen: Safety zones in Old Allen concentrate on areas surrounding two apartment complexes, Greenbriar and Ridgecrest, (see Figure 11). Violent offenses in both zones combined (n=196) was lower than any other single zone and averaged .84 violent offenses per week. As single zones, Ridgecrest averaged .51 violent offenses per week and Greenbriar averaged .32.

At the beginning of the period, the number of violent offenses in Ridgecrest was nearly 67 percent higher than the number in Greenbriar. However, a 26.7 percent decrease in Ridgecrest has brought their numbers much closer together. In fact, the number of violent offenses in Greenbriar surpassed the number in Ridgecrest during the latter half of 2017. Despite some spikes and dips, the number of violent offenses in Greenbriar at the end of June 2018 was the same as it was during the first half of 2014.

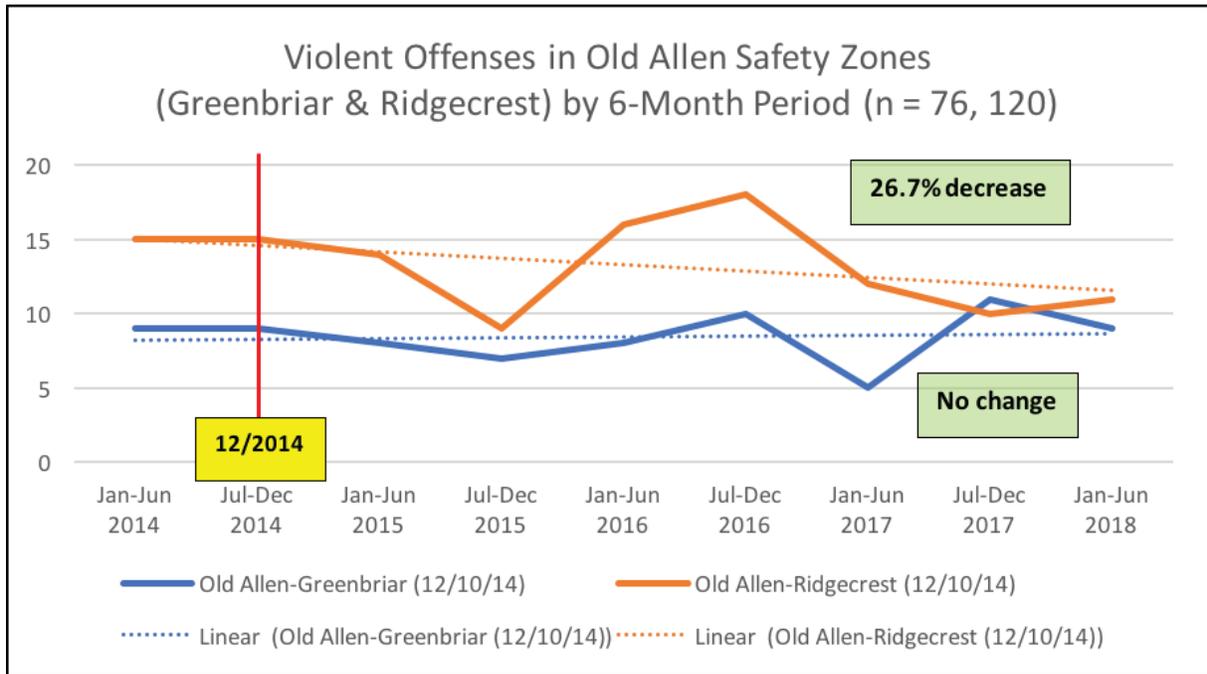


Figure 11: Violent Offenses in Old Allen Zones by 6-Month Period

Tillman: The Tillman zones present a challenge because they significantly overlap due to two gangs operating in the same area, (see Figure 12). Therefore, discussing these two zones as one whole is misleading since offenses in the overlapping areas were double-counted (i.e., counted in the total for each zone, which inflates the total number and the number in each zone).

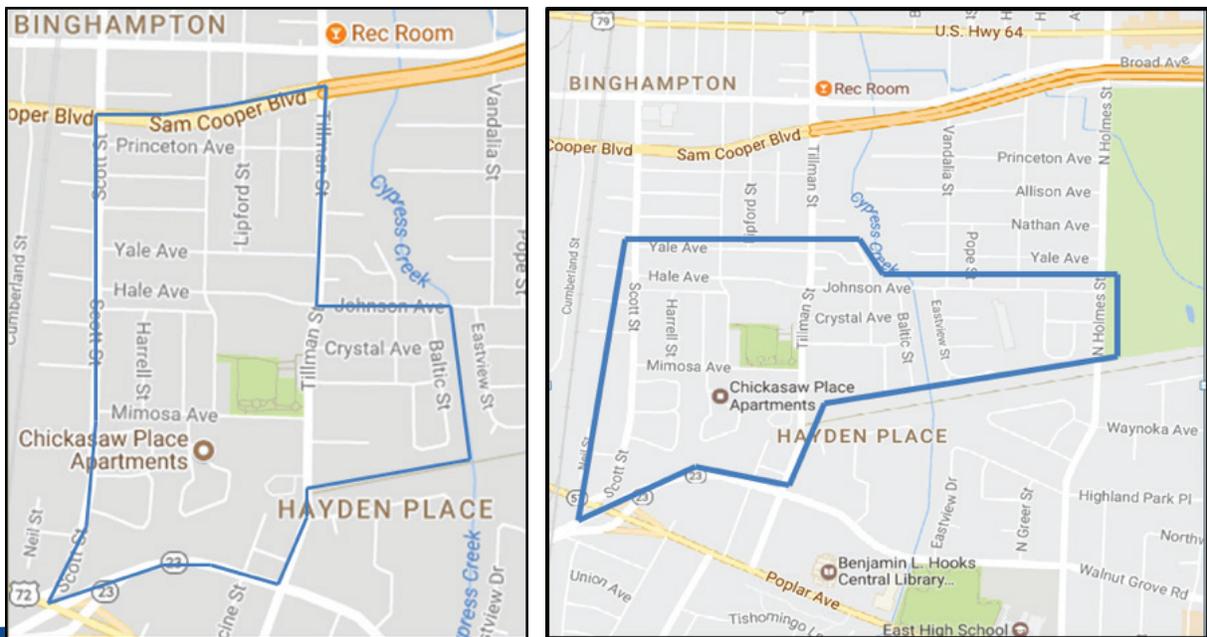


Figure 12: Tillman Safety Zones: Grape Street Crips (left) and Vice Lords (right)

Disregarding the overlap (which will be remedied in the full evaluation), the number of offenses in the Vice Lords zone decreased nearly 27 percent, while the number in the Grape Street Crips zone did not change, (see Figure 13). An increasing trend from the beginning of 2014 through the end of 2015 was seemingly stymied with the injunction in Jan. 2016 when violent offenses in the area dropped significantly. That decrease was short-lived, however, as numbers increased until they began declining again in July 2017.

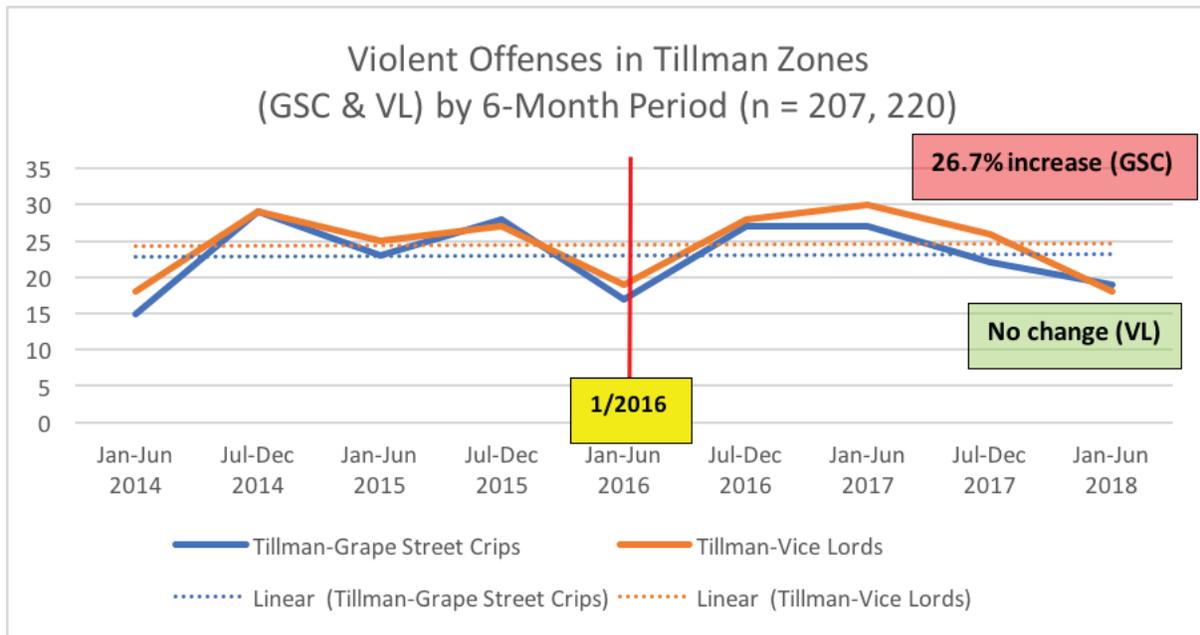


Figure 13: Violent Offenses in Tillman Zones by 6-Month Period

Arrests of Enjoined Individuals

According to the Shelby County District Attorney’s Office, as of June 2, 2018, 67 actions were filed against 47 individuals for behaviors that violated the provisions of the gang injunctions. Of those 67 violations, 54 (80.6 percent) were dismissed or a *nolle prosequi* entered, five entered General Sessions Court guilty pleas, two were “held to state” (prepared for Criminal Court/Grand Jury indictment) and six had dispositions of “Null.” The most common reason for disposition was “completed community service” (n=22), followed by time in jail (n=9) for between one and 44 days. Nine cases involved offenses that were disposed because of a more serious charge at the state or federal level.

For cases with dispositions, the average number of days between the individual involved receiving notice of the injunction and the date the court received the case was 493.64 days with a median of 449 days. This means that it took about 15–16 months for the average individual to be brought before the court for prohibited behavior. The average number of days between the date the court received the case and the disposition was 106.32 days with a median of 83 days. This means that the average case was disposed in around three months.

To determine the extent to which enjoined individuals have been committing violent offenses, MPD data on citywide arrests for violent offenses between Jan. 1, 2016 and Dec. 31, 2018 (three years) were examined and cross-referenced with enjoined individuals. During this period, 15 arrests of enjoined individuals for violent offenses were made (four in 2016, seven in 2017, four in 2018).

This same process was followed to determine the extent to which enjoined individuals had been committing violent gun offenses except the time period for examination was nine years, from Jan. 1, 2010 through Dec. 31, 2018. During this time, 35 enjoined individuals were arrested 37 times for violent gun offenses.

To examine any gun offense, including misdemeanor and weapons violations, the list of enjoined individuals was cross-referenced with an MPD list of citywide gun arrests from Jan. 1, 2014 through Dec. 31, 2018 (five years). During this time, 27 enjoined individuals had 33 arrests for any gun offense.

Finally, it is important to get a sense of the magnitude of criminal offending by all individuals identified as gang members. Data from MGU indicate that, during the eight months between April 1 and Nov. 31, 2018, 308 individuals identified by the MGU as gang members had 327 arrests for gun crimes. Nineteen individuals were arrested twice. This is an average of more than 40 per month. This includes seven arrests of six enjoined individuals, although these arrests could have occurred anywhere in the city and were not necessarily connected to their status as subject to injunction.

Officer Awareness

Officers both in injunction precincts (n=4) and in non-injunction precincts (n=5) were asked about their awareness and understanding of the injunction zones. Officers in the injunction precincts should have indicated awareness of the safety zones and of the behaviors prohibited by the gang injunctions. Blue bars in the graphs below indicate correct responses whereas red bars indicate incorrect responses. Charts illustrating responses for each precinct are shown below, beginning with the injunction precincts (Airways, Old Allen, North Main and Tillman).

Question 1 on the questionnaire filtered out respondents who were unaware of any safety zones in their precinct. If a respondent said “No” to Question 1, that respondent skipped all the other questions and only answered the last two questions (“time in service” and “rank”).

Airways: A majority (65 percent) of Airways respondents indicated awareness of safety zones in the precinct. Of those who were aware (n=24), most did not know how many zones are in the precinct, and 92 percent did not know all 11 of the prohibited acts (see Figure 14). Most aware respondents correctly indicated that gang members cannot associate with each other in the zones, but fewer (54 percent) knew that gang members must be served notice of being subject to the injunction before they can be arrested for violations, and that they must stay away from alcohol in public in the zone (42 percent). Coming within 1,000 feet of a school in the safety zone is not a prohibited behavior, but this question was included as a distractor. Only three respondents (12.5 percent) correctly answered that question. Finally, just over half of respondents (54 percent) did not know that they should arrest a gang member they witness violating any of the 11 prohibitions.

The only gang covered by the Airways safety zone is Rollin’ 90s, which was erroneously omitted from the first iteration of the questionnaire. However, six respondents knew enough to write-in “Rollin’ 90s.” Airways respondents who circled any other gang name were “incorrect,” (see Figure 15).

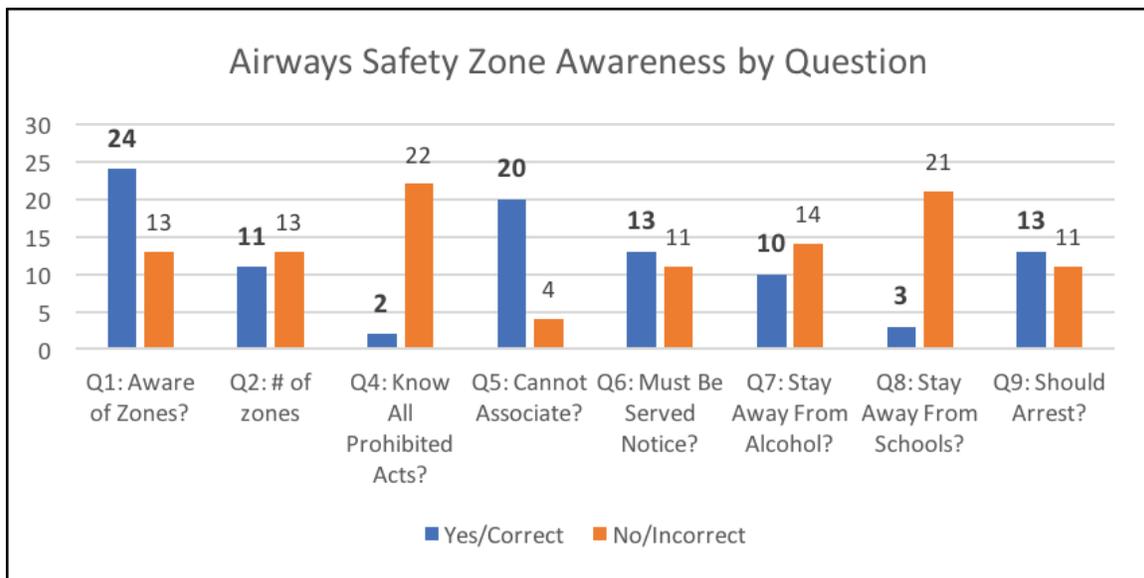


Figure 14: Airways Safety Zone Awareness by Question

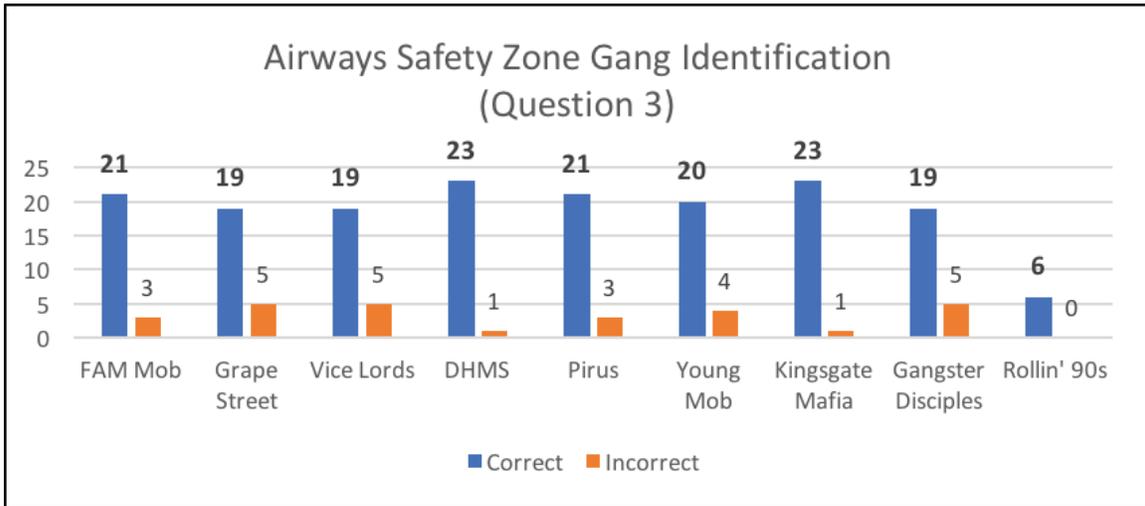


Figure 15: Airways Safety Zone by Gang Identification

Old Allen: A majority (65 percent) of Old Allen respondents indicated awareness of safety zones in the precinct (see Figure 16). However, most (54 percent) who indicated awareness did not know how many zones are in the precinct, and 85 percent did not know all 11 of the prohibited acts. Nearly all aware respondents correctly indicated that gang members cannot associate with each other in the zones (92 percent), fewer (65 percent) knew that gang members must be served notice of being subject to the injunction before they can be arrested for violations, and only half knew that gang members must avoid alcohol in public. Coming within 1,000 feet of a school in the safety zone is not a prohibited behavior, but this question was included as a distractor. Only four respondents (15 percent) correctly answered that question. Finally, most respondents (65 percent) knew they should arrest a gang member for violating any of the 11 prohibitions.

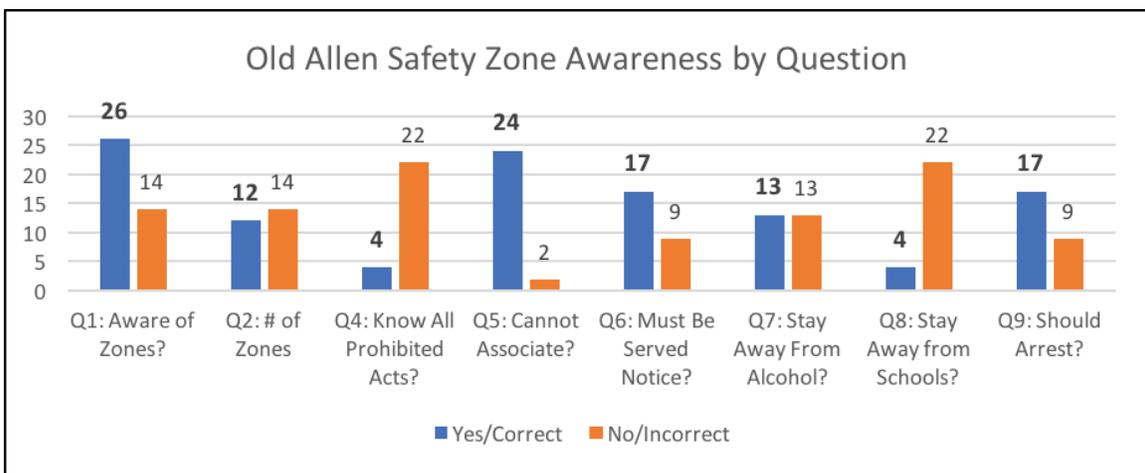


Figure 16: Old Allen Safety Zone Awareness by Question

Respondents who indicated awareness (n=26) were asked to identify all the gangs affected by Old Allen safety zones (see Figure 17). The only gang covered by the two Old Allen safety zones is FAM Mob. If a respondent indicated any other gang, they were “incorrect.” If a respondent did not indicate any other gang, they were “correct.” All respondents correctly identified FAM Mob and correctly did not identify DHMG and Kingsgate Mafia. Most (88 percent) knew that the Pirus were not covered, as well. However, more than one in three respondents (34.6 percent) incorrectly identified Vice Lords, Young Mob and Gangster Disciples as being covered in the OAS safety zones. An even greater percentage of respondents (42.3 percent) believed that the Grape Street Crips are covered in the Old Allen zones.

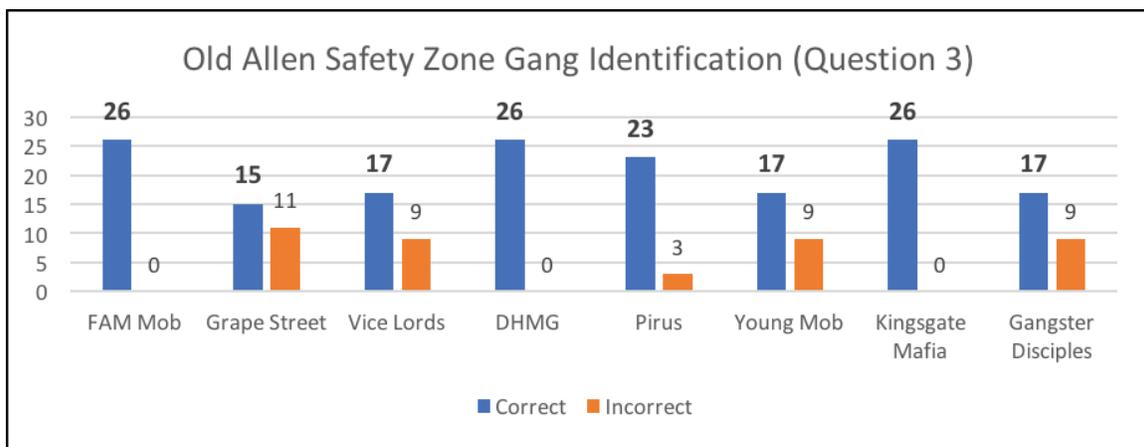


Figure 17: Old Allen Safety Zone Gang Identification

North Main: A majority (76.5 percent) of North Main respondents did not indicate awareness of safety zones in the precinct (see Figure 18). Of those who were aware (n=8), half did not know how many zones are in the precinct, and 87.5 percent did not know all 11 of the prohibited acts. Nearly all aware respondents correctly indicated that gang members cannot associate with each other in the zones and must avoid alcohol in public in the zones (87.5 percent), but fewer (75 percent) knew that gang members must be served notice of the injunction before they can be arrested for violations. Coming within 1,000 feet of a school in the safety zone is not a prohibited behavior, but this question was included as a distractor. Only one respondent correctly answered that question. Finally, most respondents (75 percent) did not know that they should arrest a gang member for violating any of the 11 prohibitions.

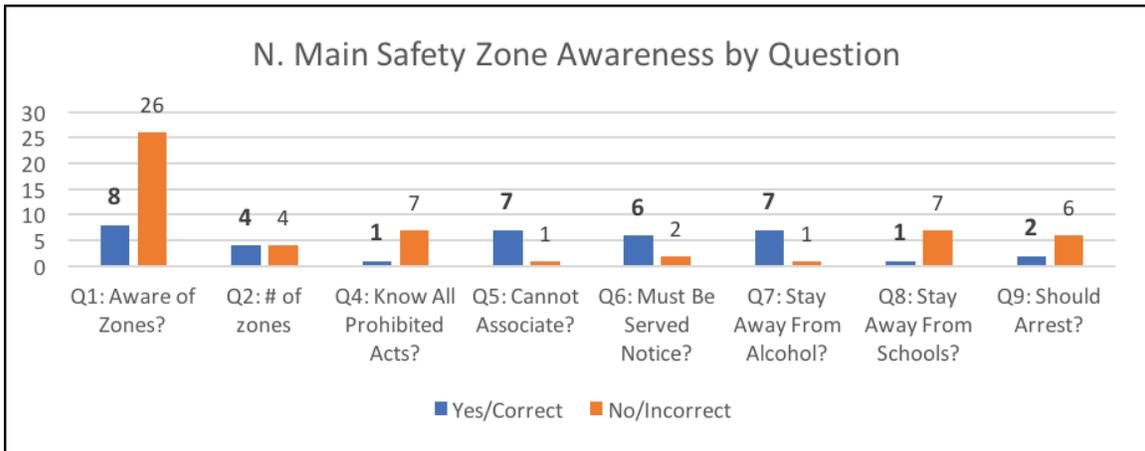


Figure 18: N. Main Safety Zone Awareness by Question

Respondents who indicated awareness (n=8) were asked to identify all the gangs affected by North Main safety zones (see Figure 19). The only gang listed in the options covered by the N. Main safety zone is Dixie Homes Murda Squad (DHMS). If a respondent indicated any other gang, they were “incorrect.” If a respondent did not indicate any other gang, they were “correct.” Most respondents correctly identified DHMS and correctly did not identify Pirus and Kingsgate Mafia. Most (62.5 percent) also knew that FAM Mob, Vice Lords, Young Mob and Gangster Disciples were not covered. However, three-fourths of respondents incorrectly identified Grape Street Crips as being covered in the North Main safety zones.

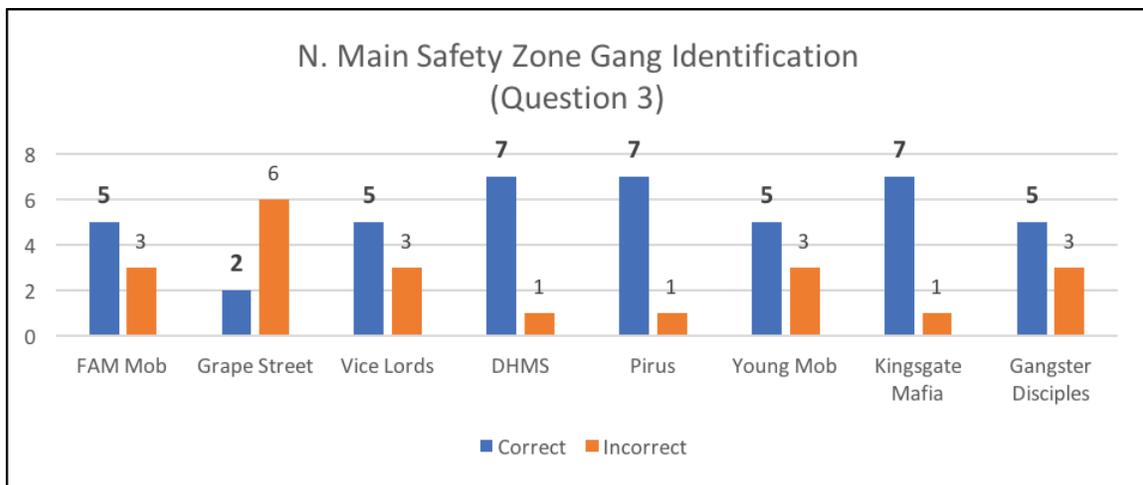


Figure 19: N. Main Safety Zone Identification

Tillman | Although Tillman has two safety zones, valid data from this precinct was not obtained. As a result, officer awareness in Tillman is not reported at this time. Tillman had 98 respondents, including three sergeants, six lieutenants and one major. The largest proportion of respondents (42 percent) had served more than 10 years.

Precincts Without Safety Zones | The Raines, Mt. Moriah, Crump, Appling Farms and Ridgeway precincts have no safety zones. Therefore, officers in the precincts should have said “no” to Question 1 and skipped to the last two questions.

Raines | Raines had 125 respondents, including 101 patrol officers, six sergeants, and nine lieutenants. The largest proportion of respondents (36 percent) had been with the MPD for more than 10 years, followed by those with six to 10 years (29 percent). Valid data from Raines was not obtained with respect to Question 1. As a result, officer awareness in Raines cannot be reported at this time.

Mt. Moriah | Mt. Moriah had 78 respondents, with 94 percent not aware of any safety zones. All respondents who indicated rank were patrol officers. The largest proportion of respondents (44 percent) had been with the MPD for one to five years, followed by those with six to 10 years of service (29.5 percent).

Crump | Of 81 respondents, 75 (93 percent) correctly indicated that they were not aware of any safety zones in their precinct. The largest proportion of respondents (38 percent) had been with the MPD for more than 10 years, followed by those with six to 10 years (24 percent). Of respondents who indicated rank, 70 were patrol officers and seven were sergeants.

Appling Farms | All 63 respondents (100 percent) correctly indicated that they were not aware of any safety zones in their precinct. The largest proportion of respondents (33 percent) had been with the MPD for less than a year followed by equal proportions at six to 10 years and more than 10 years (17 percent each). Nearly all respondents (94 percent) were patrol officers.

Ridgeway | Of 60 respondents, 57 (95 percent) correctly indicated that they were not aware of any safety zones in the precinct. The largest proportion of respondents (45 percent) had been with the MPD for more than 10 years followed by 23 percent having served between six to 10 years. Among the 50 respondents who indicated their rank were six sergeants and four lieutenants.

CONCLUSIONS

A full evaluation of the impact of gang injunctions will be conducted at the end of the five-year OSC-3 plan implementation period. This interim report, however, provides some interesting insight into the effectiveness of gang injunctions.

Three research questions guided the inquiry:

- 1) Do injunctions reduce the number of violent offenses in injunction areas?
(Is there a general deterrent effect?)
- 2) Do gang injunctions reduce arrests of individuals subject to injunctions?
(Is there a specific deterrent effect?)
- 3) Do officers working in precincts that have safety zones know about the injunctions and the prohibited behaviors?

*Do injunctions reduce the number of violent offenses in injunction areas?
(Is there a general deterrent effect?)*

With the caveat that this analysis only considers post-injunction data and no control variables (i.e., trends from other parts of the city), it appears that gang injunctions and the establishment of six safety zones in four precincts has impacted the number of violent offenses within those zones.

From Jan. 1, 2014 until June 30, 2018, violent offenses in the zones dropped nearly 8 percent, and the average number of offenses dropped from .90 per week per zone to .83. The number of violent offenses decreased in four of the six zones. These decreases ranged from about 13 percent in North Main to more than 34 percent in Airways. The number of violent offenses in two zones (Old Allen-Greenbriar and Tillman-Grape Street Crips) did not change. Although a decrease is preferable, no change is still a positive result (i.e., violent offending did not increase).

*Do gang injunctions reduce arrests of individuals subject to injunctions?
(Is there a specific deterrent effect?)*

Injunction violations. Since the first injunction in Sept. 2013, 47 enjoined individuals had been arrested for 67 injunction violations. More than 80 percent of those violations were dismissed or a *nolle prosequi* entered (most often occurring after completion of community service or some time in jail). Figure 20 below illustrates the number of violations brought before the court by month. It is not surprising to see peaks after injunctions, but violations should taper off over time if they have a specific deterrent effect. The full evaluation will be more instructive on whether violations decrease over time.

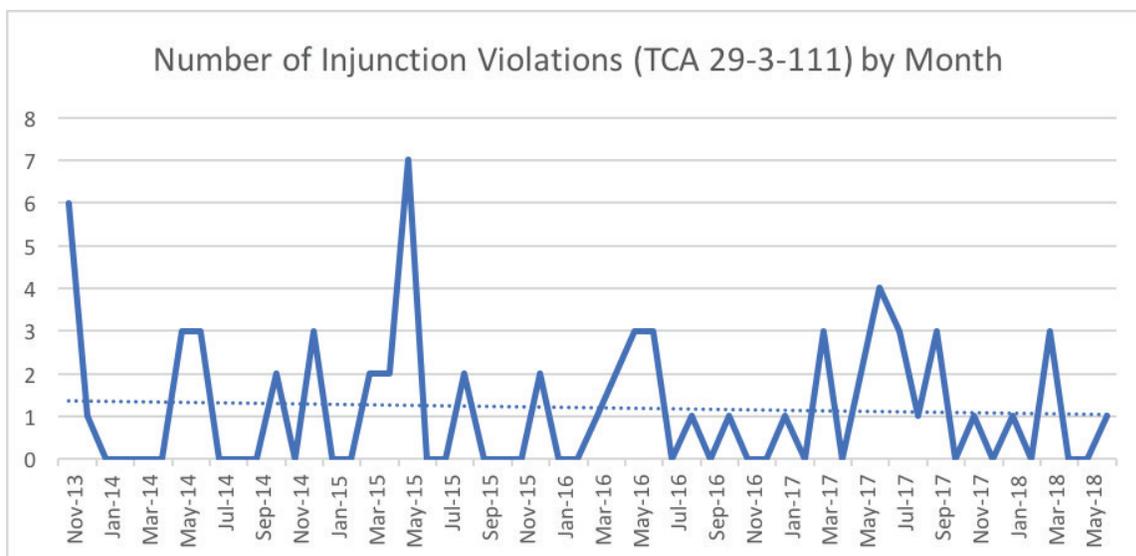


Figure 20: Injunction Violations by Month (source: DA's Office)

Arrests of enjoined individuals for violent, violent gun and any gun offense. Enjoined individuals were getting arrested for each type of offense: 15 were arrested for violent offenses during a three-year period (average of five per year); 35 were arrested for violent gun offenses during a nine-year period (average of 3.9 per year) and 27 were arrested for any gun crime during a five-year period (average of 5.4 per year). MGU data also indicate, that six enjoined individuals were arrested for gun crime in only eight months.

A post-injunction only investigation cannot determine whether injunctions have reduced arrests. It can only examine whether enjoined individuals have been arrested during the specified period and whether they were arrested in the safety zones. The full evaluation will more thoroughly address this research question by conducting, for each enjoined individual, a pre-injunction/post-injunction analysis of arrests going back as far as 2010 and tracked through 2021. Additionally, the full evaluation will map the locations of these arrests over time to determine if the injunctions reduced criminal offending or simply displaced it.

Do officers working in precincts that have safety zones know about the injunctions and the prohibited behaviors?

The preliminary answer to this question is no. While most officers in precincts without safety zones knew their precincts did not have safety zones, a significant proportion of officers in safety zone precincts were unaware of the zone(s). Among the four safety zone precincts, awareness among officers ranged from 24 percent to 65 percent. This means that between 35 percent and 76 percent were unaware. Moreover, if officers were aware of the zone(s), fewer were aware of the conditions of the injunctions or even the gang(s) covered under the injunction(s). If officers in a safety-zone precinct do not know about the safety zone(s), they will not be arresting individuals for injunction violations. Moreover, officers who do not know all the prohibited behaviors will underenforce injunctions, and officers who believe something is prohibited when it is not may attempt to enforce something that is not prohibited. The former has potential implications for public safety, and the latter has potential implications for community relations.

Nearly one-third of sworn MPD officers responded to the questionnaire, so it is a fair representation of the awareness of the department. However, it is not a perfect representation because respondents were not randomly selected. Some precincts were overrepresented and some precincts were underrepresented. Additionally, validity concerns with responses from Tillman and Raines required their exclusion from most analyses.

Limitations

Most agency data suffers from mistakes that need to be addressed. For example, no standard convention guides how officers enter names and/or addresses (e.g., “Jr.” versus “Junior,” “St.” versus “Street”). Dates are incorrectly entered. Names are misspelled. One entry includes the person’s middle initial while another one does not. This makes it extremely challenging to try to cross-reference individuals with other individuals across various databases. Although data was meticulously cleaned for this effort (i.e., approximately 40 hours to manually review and clean multiple databases), errors still are likely.

Mapping offenses in Tillman was complicated by the fact that the two safety zones overlap. This resulted in offenses committed within the overlapping areas being double counted, once in the Grape Street Crips zone and once in the Vice Lords zone. This will be remedied in the full evaluation by determining to which gang those offenses in the overlap area should be attributed.

Data from the MGU related to gang members arrested for gun crime also have limitations. MGU personnel expressed concerns about their accuracy, specifically that all gun arrests are not being captured. One senior MGU official described several situations in which gun arrests in Shelby County may not be accurately captured. As this official noted, “Two examples are gun arrests in Bartlett and Germantown. Neither are using [our records management system] as their reporting system, so we only capture their gun arrests if there was a federal trigger.” Gang members arrested for gun crimes in Collierville and Millington also may not be captured. The official also explained that in situations such as aggravated assault with a gun where the arrest is made later and no gun is recovered, that arrest “would not be captured.” This means that gun crime committed by gang members likely is being underreported.

Another limitation was that the Rollin’ 90s gang was inadvertently omitted from the questionnaire. While this only directly impacted the Airways Precinct, it affected the validity of the results. This has been remedied and any subsequent surveys will include that gang as an option.

Finally, there were validity concerns with questionnaire responses from Tillman and Raines requiring them to be excluded from analyses. In the future, the PSI will implement proactive measures to reduce the likelihood of this happening again.

RECOMMENDATIONS

Although no recommendations can be developed yet with respect to violent offenses or arrests in the safety zones, at least one recommendation is apparent at this point. The Memphis Police Department should consider additional training on gang injunctions and safety zones, especially within the Airways, Old Allen, North Main and Tillman precincts. Awareness of zones was spotty at best and dismal at worst. Lack of awareness could impact public safety and community relations. Officers should be provided information about which gangs and gang members are subject to the injunction(s), as well as the prohibitions of the injunctions. Additional training would sensitize the officers and make arrests for violations more likely.

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APPENDIX

Gang Injunction and Safety Zone Questionnaire

Instructions: *Operation Safe Community-3*, a 5-year plan to reduce crime in Memphis & Shelby County, has an objective that relates to law enforcement awareness of “injunctions,” legal actions taken against gangs in some Precincts. Injunctions create “safety zones” and identify gang members subject to arrest if they engage in certain behaviors while in those zones. We are asking sworn officers in your Precinct to participate in this survey because your Precinct may have a safety zone. Your responses are anonymous and none of your responses will be used to identify you. **If you do not know an answer, please circle “don’t know” rather than guessing.** This will help MPD improve training related to this subject. Thank you, in advance, for your participation.

PLEASE CIRCLE YOUR RESPONSE:

1. Are you aware of any safety zones in your Precinct?	YES	NO (If NO, skip to #10)			
2. How many safety zones are in your Precinct?	1	2	3	4 or more	Don't know
3. What gangs are affected by those safety zones? (You may circle more than one)	FAM Mob Grape Street Crips Vice Lords Dixie Homes Murda Squad/47NHC Pirus Young Mob Kingsgate Mafia Gangster Disciples Rollin' 90's Don't know				
4. Do you know all the 11 gang-member behaviors that are prohibited in the safety zones?	YES	NO			
5. Gang members subject to the safety zone prohibitions cannot associate with each other in public in the safety zone.	TRUE	FALSE	Don't know		
6. A gang member must have been served notice before he/she can be arrested for violating the injunction.	TRUE	FALSE	Don't know		
7. Gang members subject to the safety zone prohibitions must stay away from alcohol in public in the safety zone.	TRUE	FALSE	Don't know		
8. Gang members subject to the safety zone prohibitions must not come within 1000 feet of a school in the safety zone.	TRUE	FALSE	Don't know		
9. If you witness a gang member subject to the safety zone prohibitions violating one of the 11 prohibitions, what should you do? (Circle ONLY one)	Issue a citation Arrest them Call the MGU Call the District Attorney's Office Nothing. A citizen must report them. Don't know				
10. What is your time in service with MPD?	Less than 1 year 1-5 years 6-10 years More than 10 years				
11. What is your rank (write in) ?					



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