

111TH CONGRESS
1ST SESSION

H. R. 3526

To provide definitions of terms and services related to community-based gang intervention to ensure that funding for such intervention is utilized in a cost-effective manner and that community-based agencies are held accountable for providing holistic, integrated intervention services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Ms. WATSON introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To provide definitions of terms and services related to community-based gang intervention to ensure that funding for such intervention is utilized in a cost-effective manner and that community-based agencies are held accountable for providing holistic, integrated intervention services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tony Cárdenas Com-
5 munity-Based Gang Intervention Act”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—The Congress finds as follows:

3 (1) For the first time in American history,
4 more than one in every 100 adults is now incarcer-
5 ated in prison or jail.

6 (2) The United States incarcerates more people
7 than any other country in the world with more than
8 2,200,000 people behind bars and another 5,000,000
9 people on probation or parole.

10 (3) The growing prison system is impacting
11 every State, with total State spending on incarcer-
12 ation toppling \$44,000,000,000 in 2007, up from
13 \$10,000,000,000 in 1987.

14 (4) Prisons are the fourth-largest State budget
15 item, behind, health, education, and transportation.

16 (5) With increased prison costs, vital social pro-
17 grams and services such as education, job creation,
18 housing, and healthcare are being cut or eliminated
19 to maintain the prison industry.

20 (6) From 1982 to 2005, direct expenditures for
21 the judicial system increased by 474 percent, includ-
22 ing an increase of 619 percent for corrections, and
23 an increase of 396 percent for police. These in-
24 creases resulted in hundreds of billions of dollars in
25 government spending.

1 (7) Increased spending on the major criminal
2 justice functions (including police, corrections, and
3 judicial functions) has forced local governments to
4 spend more of their general fund expenditures on
5 corrections and incarceration.

6 (8) The United States incarcerates more people
7 than any other country in the world, including
8 China, whose population is more than 4 times as
9 large. As a result the United States expends large
10 sums on corrections and incarceration, while gang
11 prevention and intervention resources and program-
12 ming continue to be under funded.

13 (9) The most recent data for national spending
14 on juvenile justice is from 1994, and reveals that
15 States spent \$2,600,000,000 on juvenile justice ex-
16 penditures. State funded residential settings, such as
17 detention centers, accounted for 65 percent
18 (\$1,690,000,000) of total juvenile justice expendi-
19 tures, while delinquency prevention accounted for
20 only 8 percent (\$208,000,000) of such juvenile jus-
21 tice expenditures.

22 (10) According to the Office of Juvenile Justice
23 and Delinquency Prevention, allowing 1 youth to
24 leave school for a life of crime and drug abuse costs
25 society \$1,700,000 to \$2,300,000, annually.

1 (11) The State of California leads the world in
2 incarceration rates, with more than 175,000 people
3 in State prisons and county jails.

4 (12) The State of California spends nearly
5 \$10,000,000,000 a year on incarceration costs, ex-
6 ceeding the \$7,100,000,000 the State spends to fund
7 the University of California and California State
8 University education systems.

9 (13) Law enforcement agencies report that,
10 compared to 20 years ago, there are now 6 times as
11 many gangs and at least twice the number of gang
12 members in the Los Angeles metropolitan area.

13 (14) The City of Los Angeles has the largest
14 number of alleged gangs and gang members in the
15 world, with an estimated 700 gangs and 40,000
16 gang members.

17 (15) The County of Los Angeles allegedly has
18 more than 1,076 gangs and more than 80,000 gang
19 members.

20 (16) California taxpayers now spend roughly
21 \$46,000 a year to incarcerate one adult and
22 \$252,000 a year to incarcerate one youth in State
23 facilities.

24 (17) Gang and youth violence substantially de-
25 creases when governments address the root causes of

1 gang violence and adequately fund community-based
2 programs and practices.

3 (18) Studies continue to prove that community-
4 based gang intervention provides long-lasting, cost-
5 effective results and opportunities for the youth and
6 families most susceptible to gang violence.

7 (b) SENSE OF CONGRESS.—It is the sense of the
8 Congress that, in developing a comprehensive violence re-
9 duction strategy, the United States must acknowledge and
10 address larger, entrenched social conditions and issues
11 such as poverty, homelessness, inadequate educational sys-
12 tems, and limited economic opportunities that give rise to
13 gangs and gang violence.

14 **TITLE I—COMMUNITY-BASED**
15 **GANG INTERVENTION AGENCIES**

16 **SEC. 101. COMMUNITY-BASED GANG INTERVENTION AGEN-**
17 **CIES.**

18 The Juvenile Justice and Delinquency Prevention Act
19 of 1974 (42 U.S.C. 5601 et seq.) is amended by adding
20 at the end the following new title:

21 **“TITLE VI—COMMUNITY-BASED**
22 **GANG INTERVENTION GRANTS**

23 **“SEC. 601. PURPOSE.**

24 “The purpose of this title is to offer holistic and com-
25 prehensive understanding and support for the variety of

1 community-based gang intervention activities that focus
2 on and engage active and former gang members, their
3 close associates, and gang members in and returning from
4 confinement. Gang involved youth and their families re-
5 quire specialized intensive and comprehensive services that
6 address the unique issues encountered by youth when they
7 become involved with gangs. Community-based gang inter-
8 vention involves proactive and reactive responses to gang
9 activities on several levels, including—

10 “(1) the regional level, to promote and coordi-
11 nate peace truces and cease-fires between groups;

12 “(2) the State and local level, including commu-
13 nity and the juvenile halls, camps, Division of Juve-
14 nile Justice facilities, county jails, and State prisons;
15 and

16 “(3) the neighborhood and street level, includ-
17 ing with active gang members individually.

18 **“SEC. 602. SUPPORT OF COMMUNITY-BASED GANG INTER-**
19 **VENTION AGENCIES.**

20 “(a) SUPPORT OF COMMUNITY-BASED GANG INTER-
21 VENTION AGENCIES.—Subject to the availability of appro-
22 priations, the Administrator shall award grant to eligible
23 entities to carry out the activities described in subsection
24 (c).

1 “(b) ELIGIBLE ENTITY.—For the purposes of this
2 section, an ‘eligible entity’ means a community-based gang
3 intervention agency that is a nonprofit organization with
4 a proven track record and reputation for expertise in pro-
5 viding community-based gang intervention activities
6 through a community-based gang intervention model, as
7 defined in section 603.

8 “(c) GRANT ACTIVITIES.—Each entity awarded a
9 grant under this section shall carry out the following:

10 “(1) Conduct street mediation, by working with
11 gang members and persons with influence over such
12 member to defuse and de-escalate potential and ac-
13 tual violence internally between gang members and
14 between rival gangs.

15 “(2) Develop local and regional truces, by cre-
16 ating cease-fires or non-aggression agreements be-
17 tween rival gangs and neighborhoods.

18 “(3) Serve as conduits who facilitate constant
19 dialogue and maintenance between gangs and neigh-
20 borhoods.

21 “(4) Provide services that respond to the high
22 levels of anxiety experienced by gang members to de-
23 compress critical situations due to traumatic events.

24 “(5) Provide 24-hour, 7-day-a-week crisis inter-
25 vention services by responding to requests for vio-

1 lence prevention services made by gang members,
2 gang member's family, school officials, intervention
3 workers, social service agencies, or law enforcement.

4 “(6) Provide targeted training and technical as-
5 sistance to violence plagued communities after a
6 major gang-related incident occurs.

7 “(7) Facilitate the development of a community
8 response plan, including training protocols, situa-
9 tional scene scenarios, and emergency response.

10 “(8) Make a reasonable effort to prevent gang-
11 related rumors from intensifying tension between
12 gangs or igniting violent responses by gangs.

13 “(9) Establish relationships with community
14 stakeholders to inform and engage them in quality-
15 of-life activities that enhance intervention activities.

16 “(10) Serve as intervention representatives in
17 communities by attending local meetings involving
18 non-profit organizations, schools, faith-based organi-
19 zations, and other entities.

20 “(11) Develop conflict resolution skills and
21 techniques to address and resolve community con-
22 cerns related to gang activity in order to improve the
23 quality of life within neighborhoods.

1 “(12) Work with schools to respond to gang-re-
2 lated issues and crises both within and outside
3 school.

4 “(13) Provide support services for youth and
5 families affected by gang violence and other victims
6 of gang violence (including any individual who is
7 physically, emotionally, financially, or otherwise
8 harmed by criminal activity, and those affected by
9 harm done to or by a family member), which may
10 include—

11 “(A) advocating for public sector and pri-
12 vate sector assistance and services;

13 “(B) grief counseling; and

14 “(C) referrals to treatment and rehabilita-
15 tion for cognitive, mental, emotional, physical,
16 or financial injury, loss, or suffering.

17 “(14) Provide comprehensive mental health
18 services to youth and families affected by gang vio-
19 lence or involvement, including—

20 “(A) integrated services comprised of indi-
21 vidual, family, and group therapy modalities,
22 and psychological education provided through
23 youth and parent training programs; and

24 “(B) gang-responsive services including
25 skills training, assessing for, and servicing,

1 youth with developmental disabilities, behavioral
2 modification, and services to address substance
3 use and abuse, anger management, emotional
4 regulation, traumatic stress, family violence, de-
5 pression, suicide, anxiety, and educational prob-
6 lems.

7 “(15) Provide public and private sector career
8 job training, development, and placement, includ-
9 ing—

10 “(A) job-finding and job-maintaining skills,
11 including skills related to resume writing, inter-
12 viewing, workplace decorum, interpersonal com-
13 munication, and problem-solving;

14 “(B) information about legal rights in the
15 workplace; and

16 “(C) financial literacy, and assisting.

17 “(16) Assist with substance use and abuse
18 treatment, and domestic violence victims, and vol-
19 untary tattoo removal of markings on the body re-
20 lated to gang involvement.

21 “(d) AVAILABILITY OF VICTIMS ASSISTANCE.—An
22 entity awarded a grant under this section shall provide
23 victim assistance under paragraph (13) of subsection (c)
24 to any individual who meets the qualifications of such
25 paragraph regardless of the background of the individual,

1 and shall not discriminate in the provision of such assist-
2 ance based on race, ethnicity, gender, sexual orientation,
3 socioeconomic level, or past record.

4 **“SEC. 603. DEFINITIONS.**

5 “In this title:

6 “(1) COMMUNITY.—The term ‘community’
7 means a unit of local government or an Indian
8 Tribe.

9 “(2) COMMUNITY-BASED GANG INTERVEN-
10 TION.—Except when used as part of the term ‘com-
11 munity-based gang intervention agency’ or ‘commu-
12 nity-based gang intervention model’, the term ‘com-
13 munity-based gang intervention’ means a two-prong
14 approach to reducing gang violence that provides—

15 “(A) specialized, gang-specific mediation
16 and mitigation to stop or prevent violence by,
17 within, and between gangs; and

18 “(B) the redirection of individual gang
19 members and their families through proactive
20 efforts that increase peace and safety for gang
21 members, their families, and their communities.

22 “(3) COMMUNITY-BASED GANG INTERVENTION
23 AGENCY.—The term ‘community-based gang inter-
24 vention agency’ means a community-based organiza-
25 tion, association, or other entity that—

1 “(A) promotes public safety, with the spe-
2 cific objective of reducing and stopping gang-re-
3 lated and gang-motivated violence and crime;
4 and

5 “(B) has a history of, or experience or spe-
6 cific training in, effectively working with gang-
7 involved youth and their families.

8 “(4) COMMUNITY-BASED GANG INTERVENTION
9 MODEL.—The term ‘community-based gang inter-
10 vention model’ means a holistic and comprehensive
11 two-prong approach to reducing gang violence and
12 an integrated approach of providing rehabilitative
13 service delivery to gang involved youth that—

14 “(A) deploys community-based gang inter-
15 vention specialists who are trained in the two-
16 prong approach and who intercede, interact,
17 and participate with and in into the community
18 to quell rumors, prevent and mediate conflicts,
19 and respond to crises related to gang activity
20 and violence;

21 “(B) delivers rehabilitative services to
22 gang-involved individuals and families; and

23 “(C) addresses the barriers that gang-in-
24 volved youth and their families encounter and
25 the societal factors that promote gang violence.

1 “(5) EVIDENCE-BASED.—The term ‘evidence-
2 based’, when used with respect to a practice relating
3 to gang activity prevention and intervention (includ-
4 ing community-based gang intervention), means a
5 practice (including a service, program, or strategy)
6 that has statistically significant outcomes that in-
7 clude a reduction in gang-related violence and an in-
8 creased number of youth in job development, recre-
9 ation, arts-based activities, or faith-based activities.
10 Such outcomes may be determined by—

11 “(A) an experimental trial, in which par-
12 ticipants are randomly assigned to participate
13 in the practice that is the subject of the trial;
14 or

15 “(B) a quasi-experimental trial, in which
16 the outcomes for participants are compared
17 with outcomes for a control group that is made
18 up of individuals who are similar to such par-
19 ticipants.

20 “(6) GANG.—The term ‘gang’ means a group of
21 individuals—

22 “(A) organized by geography, culture, or
23 activity;

1 “(B) that have a group name, and may
2 have other identifying characteristics of the
3 group such as colors and nicknames; and

4 “(C) who engage in the use of violence to
5 defend the members or territory of the group.

6 “(7) PROMISING.—The term ‘promising’, when
7 used with respect to a practice relating to commu-
8 nity-based gang intervention, means a practice that
9 is not evidence-based, but—

10 “(A) that has outcomes from an evaluation
11 that demonstrate that such practice reduces
12 gang-related violence and crime; or

13 “(B) about which a study is being con-
14 ducted to determine if such practice is evidence-
15 based.

16 “(8) YOUTH.—The term ‘youth’ means—

17 “(A) an individual who is 18 years of age
18 or younger; or

19 “(B) in any State in which the maximum
20 age at which the juvenile justice system of such
21 State has jurisdiction over individuals exceeds
22 18 years of age, an individual who is such max-
23 imum age or younger.”.

1 **TITLE II—AMENDMENTS TO THE**
2 **OFFICE OF JUVENILE JUS-**
3 **TICE AND DELINQUENCY**
4 **PREVENTION**

5 **SEC. 201. DEFINITION OF COMMUNITY-BASED GANG INTER-**
6 **VENTION.**

7 Section 103 of the Juvenile Justice and Delinquency
8 Prevention Act of 1974 (42 U.S.C. 5603) is amended—

9 (1) in paragraph (28), by striking “and” after
10 the semicolon;

11 (2) in paragraph (29), by striking the period at
12 the end and inserting “; and”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(30) COMMUNITY-BASED GANG INTERVEN-
16 TION.—Except when used as part of the term ‘com-
17 munity-based gang intervention agency’ or ‘commu-
18 nity-based gang intervention model’, the term ‘com-
19 munity-based gang intervention’ means a two-prong
20 approach to reducing gang violence that provides—

21 “(A) specialized, gang-specific mediation
22 and mitigation to stop or prevent violence by,
23 within, and between gangs; and

24 “(B) the redirection of individual gang
25 members and their families through proactive

1 efforts that increase peace and safety for gang
2 members, their families, and their commu-
3 nities.”.

4 **SEC. 202. COMMUNITY-BASED GANG INTERVENTION REP-**
5 **RESENTATIVE TO STATE ADVISORY BOARDS.**

6 Section 223(a)(3)(ii) of the Juvenile Justice and De-
7 linquency Prevention Act of 1974 (42 U.S.C.
8 5633(a)(3)(ii)) is amended—

9 (1) in subclause (III), by inserting “, commu-
10 nity-based gang intervention,” after “delinquency
11 prevention”; and

12 (2) in subclause (IV), by inserting “community-
13 based gang intervention,” after “prevention and
14 treatment”.

15 **SEC. 203. GRANTS FOR DELINQUENCY PREVENTION PRO-**
16 **GRAMS.**

17 Section 504 of the Juvenile Justice and Delinquency
18 Prevention Act of 1974 (42 U.S.C. 5783) is amended—

19 (1) in subsection (a)—

20 (A) by redesignating paragraphs (7) and
21 (8) as paragraphs (8) and (9), respectively; and

22 (B) by inserting after paragraph (6) the
23 following new paragraph:

24 “(7) community-based gang intervention and
25 prevention activities;” and

- 1 (2) in subsection (c)(2), by inserting “and com-
- 2 munity-based gang intervention” before “activities;”.

○