

ROLE OF FORENSIC SOCIAL WORK IN GANG VIOLENCE

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Abstract

Gang violence in all over the world has become prevalent with the emergence of street gangs, young men and women, who identify themselves by wearing specific colors, are engaging in gang related activities or through ethnic / social affiliation. As the gang problems increase in major cities across the country, law enforcement agencies, court systems and social service agencies must develop knowledge and expertise concerning how gangs affect their communities. This paper will explore different aspects of gang violence but most importantly reveals how forensic social work is relevant and how forensic social work impacts gang related crimes and violence.

Key Words: Forensic Social Work, Expert Witness, Gang Violence, Gang-related Crimes. cultragram, ecomap

Introduction

According to the Federal Bureau of Investigation (FBI) “20,000 violent street gangs, motorcycle gangs, and prison gangs with nearly one million members are criminally active in the U.S. today. Many are sophisticated and well organized; all use violence to control neighborhoods and boost their illegal money-making activities, which include robbery, drug and gun trafficking, fraud, extortion, and prostitution rings”.

The gang culture in major cities are comprised of young men and women, adolescents and children who are associated to a lifestyle of violent crime, gang related criminal activity and gang membership. Bursik & Grasmick (1993) “identify two main approaches to defining gang membership; definitions that focus on gang processes such as formation, recruitment, evolution, transmission and those that focus on behavior / participation in illegal activities. Gang members however, do not have a thorough definition or opinion concerning the definition of a gang”.

Forensic social workers must have knowledgeable and credible information concerning the activities of street gangs, the formation of gangs, how street gangs identify themselves and state laws surrounding gang-related crimes. According to Barker & Branson (2000) “forensic social workers need to know more about how the laws are made, changed, interpreted, and enforced. They must have superlative knowledge within their realm of expertise, the ability to

communicate it. Concerning gang violence, gang activity, gang affiliation and cultural identification forensic social workers must understand / learn the factual data, case documentation and laws, surrounding gang-related crimes and noncriminal acts of gang members”.

Gang Culture (subculture), Gang-Related Crimes/Non-criminal Activity What Gang Members Do?

Per Decker & Van Winkle (1996) gang members have activities they considered harmless to the members; however involve criminality, such as drinking, drugs and driving. The average age of most gang members is seventeen who engage in “gang drinking” which can lead to fighting and violence.

Gang members’ also exhibit criminal and noncriminal behavior and have a variety of activities. The cafeteria-style minor delinquency of gang members include; shoplifting, petty thievery, vandalism, thefts of services and gambling in public however, most gang members spend most of their time being “normal” teenagers or young adults: hanging out in parks and malls, Klein (1971).

Concerning gang graffiti and symbols, most gang members believe the label of gang graffiti is misunderstood and not perceived in gang subculture as vandalism. Gang members are enmeshed in a linguistic life apart from main stream culture, Decker & Van Winkle (1996). However, it is important for forensic social workers to have knowledge of gang graffiti, symbols and words when presenting a case which involves gang violence.

History of Gang Violence

The history of gangs can be traced back to the ancient times. It is possible to see some types of gangs in biblical and Islamic texts. The first usage of the word gang is still unknown however several dictionaries agree the creation of the word gang was created in the 12th century (Johnson, 1994).

It is known that most people tend to turn to violence when they are exposed to high stress. Apart from high stress, social and cultural adaptation of America might have been very difficult for many of these young people who were immigrating into the United States. Teen migrants and children of immigrants need to feel they belong and have positive promises in the United States in which their adolescent needs for social structures of belonging is addressed by gangs and not by other institutions. Short (1965). Gang acts like a promising power in which appeals to teens or children of immigrants who was already suffering from language, culture and financial barriers in an unfamiliar and new country. Those barriers along with social

problem such as mental illness and poverty were the product of weakening social controls especially among the newly arriving immigrants (Robert et al.,2006). The influx of immigrants in the major cities of Chicago and New York were affected by gang violence as gangs became prominent in the twentieth century.

The concentration of Italians, Jews, Irish and other immigrant groups in New York and Chicago promoted the rise of ethnic Juvenile gangs. Robert J. (2006) and Finestone (1976) also state, gangs began to increase in big cities after the industrial revolution mostly for economic reasons. Economic restructuring may have altered the characteristics of a growing assortment of new postindustrial gangs. For example, many gangs now operate as well-armed economic units inside a vastly expanded informal economy, replacing factory work for young males with jobs selling drugs Hagedorn (1998). In order to understand the characteristics of the new post industrial gangs, studies were completed to analyze how gangs developed and grew in the seventies and eighties.

According to the National Gang Threat Assessment (2009) completed by National Gang Intelligence Center, there is a huge increase in the number of gangs as they are fully entrenched in many communities across the nation. Most gangs formed in major cities and expanded into neighboring communities during the 1970s, continued their expansion in the 1980s, and launched into full-scale migration during the 1990s. The report also reveals the fact that aspects of many gangs have changed by time in accordance with the political and economic dynamics. Many notable gangs, such as Chicago-based Gangster Disciples, Black P. Stones, and Latin Kings, initially formed as organizations for political and social reform during the 1960s. However; by the early 1970s the focus of a number of these gangs shifted from reform to criminal activity for profit.” In the same report it is mentioned that during the 1980s, gangs that are engaged in drug trafficking in major cities began to expand their drug distribution networks into suburban communities influenced by local gangs. Miller's (1992) study indicated that gangs had become more dangerous than ever in the 1970's. He attributed this to four major motives: honor, defense of local turf, control [of facilities], and gain [of money and goods]. In the 1970's, "gang crime was more lethal than any time in history; more people were shot, stabbed, and beaten to death in gang-related incidents than during any previous decade”.

It is expectable that as the large urban gangs generated millions of dollars from trafficking drugs they started to recruit new members. Unfortunately, research is showing that we do not have a lot of accurate data regarding to gangs and gang violence during the industrial era in the United States. A contributing factor of inaccurate data is the law officials did not keep consistent data on gang-related crimes Hagedorn (1998). On the other hand, there is

research and data on modern-era gangs; postindustrial male gangs, like their industrial-era predecessors, are composed of young people in certain neighborhoods who come from a variety of troubled family backgrounds.

Relevance of Forensic Social Work and Gang Violence

Gangs and gang violence are increasing in which it is imperative to incorporate forensic social work into the prevention of gang violence. Forensic social work and gang violence are relevant to each other, due to the nature of the field in which forensic social work becomes part of the process when gang violence has occurred in a community.

Whenever a gang related incident has occurred, police are the first to investigate the crime in which they have the ability to include forensic social workers as part of their investigation. The definition of forensic social work, as defined by the National Organization of Forensic Social Work (NOFSW, 2011) states, forensic social work is the application of social work to questions and issues relating to law and legal systems and social work practice which in any way is related to legal issues and litigation, both criminal and civil. Therefore, forensic social workers are involved with gang violence as it pertains to gang related crimes that are going through the litigation process civilly or criminally.

When looking at forensic social work, it is important to analyze how the many roles of the forensic social worker are related to gang violence; therefore, roles of forensic social workers include testifying as an expert witness in trials, evaluating individuals and conducting interviews.

An expert witness is defined as an individual who has no direct knowledge specific of the case that is being tried, but does have specialized knowledge that will provide a better understanding of the case. Barker & Branson (2000). This is relevant to gang violence because the forensic social worker would testify on different aspects of gang violence in relation to how the violence affects a community at the micro level. A second example would include, the expert witness testifying how an individual's personality is affected by living in a community in which gang violence is prevalent.

Secondly, a forensic social worker will complete an interview with individuals that are witnesses' to the crime. An example of this would be evaluating if the victim had been successfully able to integrate back into their community after the gang violence (i.e. Shooting, stabbing someone over turf), or are they still afraid to walk outside of their home because of the fear and anxiety they have of thinking someone will hurt them. Other potential questions that are conducted in the interview for the court is why did this person behave this way and is this person responsible for his her actions. These questions are applicable to gang violence,

because one can ask the defendant or victim if their behaviors are based on what the gang directs them to do and did their behavior in the crime relate to gang violence that is happening within their own gang i.e. fear of being beating by other gang members therefore will commit crime in order to confirm. Also, a forensic social worker can provide vital information to the court in how the witness may have viewed the crime. According to Barker & Branson (2000), the court will need to know if the person has been psychological and socially damaged by the defendant.

Thirdly, a forensic social worker will investigate cases where criminal conduct has possibly occurred and present the result to judges, juries, and other law authorities Barker & Branson (2000). An example that would best illustrate what the above statement is describing is if theft happened and a person is left wounded in which graffiti was written in area where there are two gangs repeatedly fighting to gain turf. The forensic social worker could investigate the scenes and report their conclusions of whether these acts happened due to the gangs fighting over the turf or it was a random act of gang violence.

Another form of forensic social work is working with mental health professionals to determine if a person is mentally competent to stand trial Barker & Branson (2000). This is an important aspect of a trial, because if the defendant is proven he or she was committing the acts of gang violence due to a mental health issue then the charges can be dismissed. An important part of making the decision could be from the interview in which the forensic social worker conducted.

A common thread with social workers is providing treatment to clients. Forensic social workers can facilitate the court-ordered sentence for the convicted person. Barker & Branson (2000) state, this can happen in different ways such as monitoring and reporting the progress of the client to the courts or providing treatment to the person or giving professional advice to the clinician that is working with the client.

Concerning treatment, the forensic social worker can make recommendations to the court pertaining to laws on how the defendant can be punished or rehabilitated if found guilty. Forensic social workers have the ability to provide treatment which can be beneficial to both defendants and victims in various perspectives. They have the opportunity of accomplishing goals with the client that will help them become a better and stronger individual, regardless of previous decisions.

This outlook is important, as the paper will discuss what kind of interventions a forensic social worker can use when working with victims or defendants of gang violence. When a forensic social worker monitors or becomes a part of the treatment process for the defendant it can create an advantage or disadvantage for the individual. The forensic social worker is

able to testify firsthand of how the client is improving in the court hearings. The opposite can occur with the client in whom he or she is not improving in the treatment process; this can be damaging information for the defendant who has the intention of returning to the gang upon release.

There are two social work assessment tools forensic social workers can use to assess gang members and their families; the culturagram and / or ecomap. These instruments will assist forensic social workers with understanding culturally diverse clients and their families. During the last seven years the culturagram has been applied to work with people of color, Lum (2000), battered women, Brownell & Congress (1998), children Webb (1996, 2001), and older people, Brownell (1998). Per Hartman & Laird (1983) the ecomap looked at families in relationship to the external environment they live in. Another example of A third assessment that a forensic social worker can be incorporated in the treatment process is the interventions and training that Goldstein & Huff (1993) described such as cognitive behavioral and problem solving in which the forensic social worker can incorporate into a treatment plan specifically for gang members. Cognitive behavioral intervention includes role taking, moral reasoning, self-control and social problem solving; role taking techniques includes encouraging the offenders to look at themselves from other people's perspective, Goldstein & Huff (1993). In order to facilitate this process the groups would complete exercises in the categories of drama and filmmaking.

Hollin (1990) states being engaged in these activities will develop an enhancement of their ability to see themselves from another person perspective and appreciate the views of others. Self control interventions teach individuals how to control their own thoughts and behaviors through self talk and assisting clients in recognizing that they have control of their behavior and through self control they make positive decisions.

According to Snyder & White (1979) the procedure of self control training was as followed: the clinician would model the less aggressive verbalization first and then clinician and client would rehearsal. Once rehearsal was completed the next step would be to practice first overtly and covertly; Also, social problem solving techniques allows the client to see how to resolve conflicts with positive behavior such as talking or walking away instead of using violence as a way to solve conflict between gangs.

Spivack, et al., (1976) states the goals of social problem solving is to help the person develop the ability to see the consequences one actions, generate solutions to social problems and to think in terms of mean and ends in planning the steps toward successful outcomes.

Studies were conducted on this intervention indicated that there were improvements with the gang members that had completed this intervention.

Throughout the years many pieces of legislation have been passed such as The Gang Abatement and Prevention Act of 2009, in order to understand how this act became part of legislation it is important to understand the history and the previous acts to decrease gang violence.

The Federal Gang Violence Act of 1996 allowed laws to increase the penalties against anyone who is involved in gang related activities. The Federal Gang Violence Act of 1996 includes several statues that specify gang violence. The first statue states that any member of a gang will have double the penalties for anyone who commits a federal crime. The second, states that the penalties will be double for gang members who cross state lines. These crimes were expanded to include drive by shootings and assaults that result in bodily injury. The fifth statue amends federal law to prevent the transfer of firearms to minors. The reason for this statue is to prevent minors from using firearms in a violent crime. This act includes programs that provide funding for violent crime prevention, helping youth focus on learning job skills and community service projects.

The Federal Gang Violence Act shaped the path of The Gang Abatement and Prevention Act of 2009; however one of the underlying reasons for enactment of this legislation is a statement about gang violence by Attorney General Michael Mukasey. In 2008 Mr. Mukasey stated, “[Gangs] threaten our society, from city streets to suburban neighborhoods and beyond”.

The 2009 National Gang Threat Assessment report states, “[gangs] pose a serious threat to public safety in many communities throughout the United States”¹ in his 2008 report to Congress, Attorney General Michael B. Mukasey writes, “They bring a culture of violence and drugs to our doorsteps, creating an atmosphere of fear, diminishing the quality of life, and endangering the safety, well-being, and future of our children. In partnership with state and local authorities as well as community leaders, we must be vigilant in keeping our communities safe from the curse of gang-related crime and violence” Wennar (2010).

The following year this act was created to include different components of Mukasey’s statement; it includes several different solutions to preventing gang violence in America.

First solution is to improve gang violence prevention which included increasing resources for law enforcement that are committed to investigation and prosecution of violent gangs.

The act further states that increasing resources for law enforcement will assist to deter violent gang crime, protect law-abiding citizens and communities from violent criminals. Another component to the act is to revise and enhance criminal penalties for violent crimes, to

expand and improve gang prevention programs such as Project Safe Neighborhood and Safe Street, The Gang Abatement and Prevention Act (2009).

Conclusion

This paper has discussed many aspects of gangs such as the history, gang culture, the relevance of forensic social work to gang violence, and the legislation movement behind the prevention of gang violence. Gang violence is an area of our community that will need to be constantly supported in order to decrease acts of gang violence. The history of gangs in the United States has indicated that gangs will be a part of society and in order to continue to bring awareness legislation is an important part of the support. The Gang Prevention acts are a stepping stone to what legislation can provide to the communities who are experiencing gang violence. Legislation is one component to the prevention of gang violence as is forensic social work. Forensic social workers will be able to provide services in different roles such as testifying as an expert witness, present information to courts, and/or providing treatment to gang members who have committed acts of violence. In these roles among others forensic social work can impact gang violence in a positive way.

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