

Identifying Street Gangs: Definitional Dilemmas and Their Policy Implications

By

Dr. Scot Wortley

University of Toronto and

prepared for

Research and National Coordination

Organized Crime Division

Law Enforcement and Policy Branch

Public Safety Canada

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EXECUTIVE SUMMARY

- The study of gangs in general – and street gangs in particular – has been plagued by the lack of a common gang definition.
- Definitional issues have also had a negative impact on gang suppression and prevention activities.
- The various criteria used to define street gangs have included: (1) age (i.e., members must be adolescents or young adults); (2) the existence of a group name; (3) distinctive group symbols or defining insignia (tattoos, colours, etc.); (4) control of a specific territory or turf; (5) group organization (i.e., leaders and followers); (6) number of members (most definitions require at least three members); (7) durability or stability (must exist as a social entity for a specified period of time); (8) formal or informal gang rules; (9) initiation rituals for new gang members; (10) street orientation (gang activities are conducted away from the home, work or school); (11) regular and/or continuous group involvement in crime, violence or delinquency; and (12) common ethnic or racial background.
- Most experts agree that criminal behaviour should be a standard gang criterion. Agreement over other gang criteria has not been established.
- How gangs are defined will have a major impact on how many gangs, gang members and gang-related crimes are identified within specific communities. The larger the number of criteria that have to be met, the smaller the gang count is going to be.
- There is also a debate concerning how gangs and gang members should be identified. Some argue that only the police and other criminal justice experts have the necessary experience. Others have argued that we should only rely on information from self-identified gang members. Both arguments have their merits.
- Many people have argued that there is a need for a standard gang definition. Advocates claim that a standard definition would: (1) enable accurate national, provincial and municipal estimates of gang activity; (2) improve our ability to make regional comparisons; (3) help document the risk-factors associated with gang activity within specific jurisdictions; (4) help document the amount of public funding needed to tackle gang problems within specific jurisdictions; (5) enable law enforcement officials from different jurisdictions to communicate in the same “language” and produce a common understanding of gangs, gang members and gang-motivated crime; and (6) improve the quality of gang investigations that involve police services from different regions.

- It has also been argued that a standard gang definition would also help policy-makers determine the relative effectiveness of various law enforcement and gang prevention programs operating within different jurisdictions.
- The Eurogang consortium, unlike its North American counterparts, has already reached a consensus regarding the definition of a gang.
- The Eurogang consortium distinguish between “gang definers” and “gang descriptors.” Definers are the elements or criteria that characterize a group as a gang. Descriptors, on the other hand, are group characteristics or variables that can help distinguish one gang from another.
- According to the Eurogang philosophy, a gang definition should not be influenced by group characteristics that are only “descriptors.” Descriptors include things like the gender or ethnic composition of the gang, whether the group has a name, territory or turf, patterns of criminal activity, the presence or absence of gang symbols or colours, gang argot, the level of group organization, initiation rituals, etc.
- Taking the lead from the Eurogang example, this paper proposes the following gang definition: *A gang is a group of three or more individuals that has existed for at least one month and engages in criminal activity on a regular basis. Gang-related crime can be conducted within the group context or by individual gang members in isolation -- as long as such criminal activity, directly or indirectly, benefits the gang.*
- Such a definition still allows us to distinguish between gang definers (three or more members, in existence for at least one month, involvement in criminal activity) and gang descriptors (personal characteristics of gang members, gang size, level of organization, type of criminal involvement, etc.). Such a definition would also allow us to identify different types of gangs.
- According to the above definition, all “street gangs” would first have to meet the basic gang standard: three or more members, in existence for more than one month and regular involvement in criminal activity. In other words, under this new definition, “street orientation” would become a gang descriptor rather than a gang definer.
- The need to distinguish street gangs from other criminal organizations is questioned.
- A new gang classification system is also proposed in this paper. This revised classification system could be used to put all Canadian-based gangs on a risk or threat continuum. This could help policy-makers and criminal justice officials establish gang suppression and prevention priorities. The proposed definition also supports a more unified framework and is thus compatible with the *Canadian Criminal Code* definition of a criminal organization.
- The ideas presented in this paper are designed to promote discussion and debate, not to derive a final, standard gang definition. A committee of policy-makers, criminal justice

and law enforcement officials, as well as academics, would need to be formed as part of the process for establishing a standard Canadian gang definition.

INTRODUCTION

Over the past two decades Canadians have been bombarded with a variety of terms used to capture various forms of organized criminal activity. These terms have been used to capture such phenomena as the Mafia, outlaw motorcycle gangs, triads, car theft rings, criminal gangs, hate crime groups, youth gangs, urban gangs, rural gangs, ethnic gangs, girl gangs, drug trafficking gangs, aboriginal gangs, terrorist cells and delinquent youth groups. Most recently, Canadians have been confronted with the idea that “street gangs” are an increasing threat to our society. However, before we can begin to understand the notion of a street gang, we must first accurately define the concept of the “gang.” What is a gang? How do gangs differ from other social groups? How can we identify gang members? What is a gang-related crime? How can we distinguish street gangs from other types of gangs and criminal organizations? These are the important research questions to be addressed by this research paper.

The paper begins with a review of the research literature on how gangs have been previously defined by academic researchers, law enforcement agencies and government policy-makers. A detailed analysis of the differences and similarities between definitions is provided. The paper then highlights the debate over whether criminal activity should be a criterion for defining gangs and discusses the potential research, law enforcement and policy implications of using one gang definition over another. Difficulties related to the identification of gang members and gang-related crimes are reviewed. The paper then documents the potential advantages of developing a common gang definition. A potential gang definition is then proposed along with a revised system for classifying different types of gang activity. It is argued that this new definition is consistent with the definition of organized crime already provided by the *Canadian Criminal Code*. The paper documents the strengths – and weaknesses – of the *Canadian Criminal Code* definition and highlights how it has already been used to prosecute street gang activity. The paper concludes by providing recommendations on how Canada might formally establish a standard gang definition.

DEFINING GANGS

Ask Canadians about street gang activity and one will undoubtedly find that there is a widespread perception that gangs are increasing in number and engaging in more and more violent behaviour. A recent study of Toronto residents, for example, found that over 80% of the city’s population feel that gangs and gang-related crime are on the increase in Canada (Wortley and Tanner 2007). The question is: *How can the general public believe that street gangs are on the rise when there is no uniform definition on what constitutes a gang* (see Ball and Curry 1995)? As stated by Esbensen and his colleagues (2001: 106): “There is little, if any, consensus as to what constitutes a gang and who is a gang member, let alone what gangs do either inside or outside of the law.” Papachristos (2005: 643) echoes this sentiment when he writes that: “Trying to figure out what to do about gangs proceeds with all the subjectivity of a patient trying to decipher the inkblots on Rorschach cards...Despite the serious efforts of researchers, the highly fragmented and insular field of gang research cannot solve its basic problems (like defining a “gang” or a “gang-related crime”) and thus, offers very little to policy efforts.”

Thrasher (1927) was one of the first criminological researchers to provide a detailed “gang” definition. He argued that gangs were part of normal peer group activity for adolescents and involved behaviours that ranged from the conventional to the deviant. He further proposed that street gangs could be identified by the following six characteristics: (1) spontaneous and unplanned origin; (2) intimate face-to-face relations between members; (3) a sense of organization, solidarity and morale that is superior to that exhibited by the mob; (4) a tendency to move through space and meet a hostile element, which can precipitate cooperative, planned conflict; (5) the creation of a shared esprit de corps and a common tradition or heritage of memories; and (6) a propensity for some geographic area or territory, which it will defend through force if necessary. It is interesting to note that the characteristics identified by Thrasher are neither intrinsically “good” nor “bad.” Importantly, Thrasher’s definition of the “gang” also does not include acts of crime, violence or delinquency. Thus, according to the work of this esteemed scholar, we must differentiate between “law-abiding” and “criminal” gangs.

Since Thrasher’s groundbreaking work, the number of distinct gang definitions – within both academia and the criminal justice system -- has soared. Often these definitions seem to mirror the needs of the academics or criminal justice organizations that propose them. Varying definitions may also reflect unique local circumstances. In other words, unique gang definitions often emerge through empirical observations made in very specific local contexts. The following represent only a few of the hundreds of gang definitions identified through an extensive review of the gang literature. A distinction is made between definitions developed by the police and other criminal justice agencies and definitions developed by members of the academic community.

Criminal Justice Definitions

- A street gang is a more or less structured group of adolescents, young adults and/or adults who use intimidation and violence to commit criminal acts on a regular basis, in order to obtain power and recognition and/or control specific areas of criminal activities (Canadian Centre for Justice Statistics 2008).
- Street gang is a term that law enforcement in Canada has traditionally used to categorize crime groups that consist predominantly of young males from similar ethnic backgrounds who have a group name identifier that may be complemented with common gang paraphernalia, tattoos, clothing and induction rituals. As well, they are often engaged in lower levels of criminality usually based within a specific geographical area, particularly large urban areas, and in some manner linked to the illicit drug trade (Criminal Intelligence Service Canada 2006: 21).
- Two or more guys conspiring to make a crack sale means it’s a gang affair...that’s how we define gang around here (American Police Chief cited in Klein 1995).
- Youth gangs typically consist of young people who: (1) self-identify as a group (e.g. have a group name); (2) are generally perceived by others as a distinct group; and (3) are involved in a significant number of delinquent incidents that produce consistent negative responses from the community and/or law enforcement agencies (RCMP 2006).

- A street gang is an organized group of adolescents and/or young adults who rely on group intimidation and violence, and commit criminal acts in order to gain power and recognition and/or control certain areas of unlawful activity (Montreal Police Service 2005).
- A street gang is a group of individuals consorting together in unlawful activity (Winnipeg Police Service – cited in Hemmati 2007).
- A street gang is a group of three or more persons, formally or informally organized, engaged in a pattern of criminal behaviour creating an atmosphere of fear and intimidation within any community, who may have a common name or identifying sign or symbol which may constitute a criminal organization as defined in the Criminal Code of Canada (Canadian Association of Police Chiefs – cited in Hemmati 2007).
- Gangs can be defined as visible, hardcore groups that come together for profit-driven criminal activity and severe violence. They identify themselves through the adoption of colors of clothing and tattoos to demonstrate gang membership to rival gangs. Street gangs are not part of larger criminal organizations and often have geographic “turf” (often specific social housing projects and/or areas they claim to be their own for drug distribution) that they protect from rival gangs. Youth and adults carry out planned and profitable crimes and gratuitous violence against rival gangs. Ethnic and racial composition of gangs is an important defining feature (British Columbia Crime Prevention Association 2009).
- A criminal street gang is an ongoing group, club, organization or association of five or more persons formed for the purpose of committing a violent crime or drug offence, with members that have engaged, within the past five years, in a continuing series of violent crimes or drug law violations that affect interstate or foreign commerce (United States Criminal Code – cited in Wheatley 2008: 86).
- A street gang is a cohesive group, with most members between the ages of 11 and 21, that has a recognizable geographical territory (usually defined with graffiti), leadership, a purpose, various levels of organization and a continuous course of criminal activities (Chicago Crime Commission 1995).
- A criminal street gang is any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of their its primary activities the commission of the criminal acts enumerated in paragraphs (1) to (25) inclusive, of subdivision (c), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity (California Penal Code 186.22).

Academic Definitions

- The term gang refers to a collectivity of humans comprising identifiable persons and is conceptually analogous to terms such as ‘group’ or ‘organization’ (Miller 1976: 92).
- A youth gang is a friendship group of adolescents who share interests, with a more or less clearly defined territory in which most members live. They are committed to defending one another, the territory, and the gang name in the status-setting fights that occur in school and or on the streets (Hagedorn 1988: 5).
- Gangs are unsupervised peer groups who are socialized by the streets rather than by conventional institutions. They define themselves as a gang or “set” or some such term, and have the capacity to reproduce themselves, usually within a neighbourhood (Moore – cited in Greene and Pranis 2007: 9).
- A group must be involved in a pattern of criminal acts to be considered a youth gang. These groups are typically composed only of juveniles, but may include young adults in their membership. Prison gangs, ideological gangs, hate groups and motorcycle gangs are not included. Likewise gangs whose membership is restricted to adults and do not have the characteristics of youth gangs are excluded (Curry and Decker 1998).
- A criminal street gang is a group of people following a common code of conduct, having common beliefs and identifiers, existing in a semi-structured organization or hierarchy, and attempting to accomplish their goals through criminal activity (Howell 1998).
- A criminal street gang refers to three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities (Weisel and Painter 1997).
- A youth gang is a group of three or more that spends a lot of time in public spaces, has existed for a minimum of three months, has engaged in delinquent activities in the past twelve months, and has at least one structural feature like a name, leader or code/rules (Sharpe et al. 2006).
- A youth gang is a self-formed association of peers, bound together by mutual interests, with identifiable leadership, well developed lines of authority, and other organizational features, who act in concert to achieve a specific purpose or purposes, which generally include the conduct of criminal activity and control over a particular territory, facility, or type of enterprise (Miller 1980: 121).
- The gang is a spontaneous, semi-secret, interstitial, integrated but mutable social system whose members share common interests and that functions with relatively little regard for legality but regulates interaction among its members and features a leadership structure with processes of organizational maintenance and membership services and adaptive mechanisms for dealing with other significant social systems in its environment (Ball and Curry 1995: 240).

- A gang is any detonable adolescent group of youngsters who (a) are generally perceived as a distinct aggregation by others in their neighbourhood; (b) recognize themselves as a detonable group (almost invariably with a group name); and (c) have been involved in a sufficient number of delinquent incidents to call forth a consistent negative response from neighborhood residents, and/or law enforcement agencies (Klein 1971: 13).
- A “youth gang” is defined as: a group of youth or young adults in your jurisdiction, under the age of 21 that you or other responsible persons in your agency or community are willing to identify or classify as a gang. As part of this definition, we ask you to **exclude** motorcycle gangs, hate or ideology groups, prison gangs, and other exclusively adult gangs (Astwood Corporation 2002).
- A group or gang that, in the past twelve months, has done reprehensible acts (Gatti et al 2005: 1180).

The gang definitions provided above range from the simplistic to the theoretically complex. They also clearly illustrate that there is considerable variation in the literature about exactly what constitutes a “gang” in general or a “street gang” in particular. Indeed, many American, European and Canadian scholars have struggled to find an acceptable definition of this social phenomenon (see reviews in Wood and Alleyne 2010; Short 2009; Bania 2009; Green and Pranis 2007; Hemmati 2006; White and Mason 2006; Naber et al. 2006; Sullivan 2005; Wortley and Tanner 2006b; Papachristos 2005; Langston 2005; Esbensen et al 2004; Bjerregaard 2002a; Esbensen et al. 2001a; Huff 2002; Petersen 2000; Ball and Curry 1995; Klein 1995; Decker and Kempf-Leonard 1991).

The lack of a standard gang definition has not only plagued academia. Indeed, there is also great inconsistency with respect to how law enforcement agencies identify and classify gangs. Barrows and Huff (2009), for example, examined current state and federal legislation governing gangs in the United States -- a nation with a much longer history of targeted gang enforcement than Canada. The authors examined state statutes with respect to gang definitions, gang criteria and guidelines for developing gang databases. They found that forty-one states and the District of Columbia have their own “gang” definition. Of these jurisdictions, five states do not identify the number of individuals that must be involved in a group for it to be labeled a gang, 33 states require at least three members, three states require at least five members and the District of Columbia requires six members. Furthermore, 26 states require that a gang have a name or symbol, while 15 states and the District of Columbia do not. Only 5 states require that gangs have an identifiable leadership and an additional 5 require proof of “an alliance” between gang members. Finally, although all states list criminal activity as a gang criterion, some states require the identification of a distinct pattern of criminality while others accept isolated criminal acts as evidence of gang activity. Barrows and Huff (2009: 685) highlight that variations in the gang definitions used by different states make regional comparisons extremely unreliable.

It is argued that an adequate definition of a gang must not only identify core (essential, universal) elements of the gang, but also distinguish it from other social groups that people might

involve themselves in. The various common characteristics used to describe and define street gangs have included:

- 1) Age restrictions (age criteria for inclusion in a “street gang” typically range from 8 to 30 years -- depending on study and/or organization);
- 2) A group name or identity;
- 3) Colours, tattoos or other distinctive group symbols or defining insignia;
- 4) Control of, or claim to a specific neighbourhood, territory or turf;
- 5) Evidence of group organization including a hierarchical structure (i.e., leaders and followers);
- 6) Number of members (most definitions require at least three members);
- 7) Durability or stability (must exist as a social entity for a specified period of time);
- 8) A formal or informal gang code (a written or unwritten set of rules or regulations to be followed by gang members);
- 9) Initiation rituals for new gang members;
- 10) Street orientation (gang activities are conducted away from the home, work or school);
- 11) Regular and/or continuous group involvement in crime, violence or delinquency;
- 12) Common ethnic or racial background.

The problem is that different law enforcement jurisdictions and different academic researchers do not always agree about the relative importance of each of these twelve characteristics (and others). This is not just a semantic argument. It is not just a dispute about words. American studies strongly suggest that how gangs are defined will have a major impact on how many gangs are identified in targeted communities (Spergel 2009; Kennedy 2009; Bjerregaard 2002b). For example, if gangs must have a name, display specific colours, practice initiation rituals, have clearly identified leaders and engage in a regular pattern of criminal activity, fewer of them are going to be identified. By contrast, if the definition holds that all groups of young people that regularly hang out together on the street are gang-involved, gang estimates will soar. In sum, the larger the number of criteria that have to be met, the smaller the gang count is going to be.

Thus, if a police organization or study employs a restrictive definition of a gang, they stand a good chance of under-estimating the true number of gangs in a community. Under-estimating gang activity could mean that a serious problem goes unchallenged. By contrast, if

they employ a broad definition, they run the risk of over-estimating the magnitude of the gang problem (see Barrows and Huff 2009). Over-estimating the scope of gang activity, in turn, can elevate the general public's fear of gang crime and result in the inappropriate allocation of police and social service resources. Quite clearly, policy-makers need to know: When is a group a gang?

Criminality as a Gang Criterion

A significant debate that has emerged within the gang literature is whether criminality should be considered a necessary criterion for gang membership. As discussed above, Thrasher (1927), the godfather of gang research, did not include criminality in his gang definition and subsequently argued that we must distinguish between criminal and non-criminal youth gangs. This stance has also been put forward by a number of contemporary scholars (see Bennett and Holloway 2004). Others, however, maintain that the absence of criminality makes the definition of a gang too broad. Indeed, without the criminality criterion, the study of gangs, in practice, would become the study of all organized group behaviour – including sports teams, church groups and youth clubs. Overall, Wood and Alleyne (2010: 102) capture the sentiments of most gang scholars and criminal justice officials when they state that: “the argument that criminality should be a measure criterion for defining a gang is compelling. One of the defining features of an entity is who is interested in it. Those interested in gangs include the police, criminologists, task force agents and more recently forensic psychologists. Thus, it is the criminal activity of gangs that triggers the interest of these parties. As such it makes sense that criminal behaviour should be included as a necessary criterion for defining a gang.”¹

A number of scholars and criminal justice officials have argued that it is violent crime -- not crime itself -- that distinguishes street gangs from other social groups. Should violence be a gang criterion? Or should we consider all groups that engage in a regular pattern of criminal activity? For example, college fraternities often meet the standard of most gang definitions: (1) they involve three or more members; (2) they usually have a name, group symbols and initiation rituals; (3) they have a clear organizational structure; and (4) research suggests that fraternities are often involved in various criminal activities including illegal drug use, drug trafficking, under-age drinking, illegal alcohol sales and illegal gambling (see Hickson and Roebuck 2009; McCabe et al., 2005; Sanday 1990). However, fraternities may have been able to escape the gang label because they rarely engage in serious violence (with the possible exception of hazing) and typically do not have a “street orientation.” The same might be said of corporate crime groups. For example, groups of executives who conspire to defraud investors are almost never identified as criminal gangs – even though they often meet the numerical and organizational criteria of most gang definitions. They also engage in serious economic crimes that often have profound consequences for both individual victims and national economies. When defining gangs, therefore, we must be clear about what types of crime to include as gang criteria – and provide a clear justification for why some types of criminality are excluded. This is particularly important when developing gang-based sentencing enhancements.

¹ In fact, a growing number of academics have argued that we should not focus on “gangs” at all. They argue that it would be more productive for both scholars and criminal justice officials to focus on all forms of individual and collective violence – not just violence that is related to gang activity (see Sullivan 2005; Sullivan 2006).

IDENTIFYING GANG MEMBERS AND GANG-RELATED CRIME

As discussed in the previous section – there is considerable debate concerning the best method for defining gangs. It should come as no surprise, therefore, to learn that there is also no standard methodology for identifying gang members or gang-related crime. Barrows and Huff's (2009) study of American gang member databases, for example, found that only fifteen states have a formal gang member definition. They further argue that many of these definitions are quite vague. For example, New York and South Carolina define a gang member as an individual who is part of or an active member in a gang. Similarly, Wisconsin simply defines a gang member as an individual who participates in criminal gang activity (Barrows and Huff 2009: 685). Barrows and Huff argue that such definitions are fundamentally inadequate and could lead to a significant problem with gang member over-identification. They do note, however, that ten states have developed more robust criteria-based gang member classification systems. These classification systems list between three and eleven gang criteria. In most cases, a person is identified as a gang member if they meet two of these criteria. Unfortunately, only two of these ten states (Arizona and New Jersey) employ the same definition of a gang member. In other words, an individual classified as a gang member in one state may not be classified as a gang member in another. This situation prevents accurate between-state comparisons and could compromise gang investigations that cross state lines (Barrows and Huff 2009: 687).

There is evidence to suggest that some Canadian police agencies are developing their own gang member classification systems. The Toronto Police Service (TPS), for example, monitors gang activity by using a computerized database specifically designed to store information on individuals associated with gangs. The TPS list seven different criteria for gang involvement: (1) direct/indirect involvement in gang activity; (2) self admission of gang membership; (3) information from a reliable source; (4) observed association with known gang members; (5) symbolic gang identifiers; (6) a Court finding; or (7) physical evidence of gang activity. The dataset also distinguishes between “known gang members” and individuals who are “at risk” of gang involvement. A person is classified as “gang-involved” if they meet any two of the above seven criteria. Individuals are classified as “at risk” of gang involvement if they meet only one of the above criteria. By 2006, the TPS gang dataset contained information on over 3,000 individuals. About half were classified as gang members and the other half were deemed “at risk” of gang involvement (see Hemmati 2006: 20).

Following the lead of local police services, the Canadian Centre for Justice Statistics (2008) is attempting to develop a national strategy for identifying gang members. According to the Uniform-Crime Reporting Incident-Based Survey (UCR) the following conditions confirm street gang membership. First and foremost, a person must be “directly or indirectly” involved in a gang crime. In addition, the person must meet at least two of the following five criteria: (1) display gang identification marks, engage in initiation rituals or possess gang paraphernalia (e.g., tattoos, weapons, etc.); (2) be identified as a gang associate by a reliable source (i.e., inside gang member or rival gang member, community resource, school authority, member of the business community, citizen, etc.); (3) be identified as a gang associate by a police surveillance report; (4) self-report gang membership; or (5) be identified as a gang member by a judicial finding (Canadian Centre of Justice Statistics 2008: 143-144).

The methodologies used by the Toronto Police Service and the UCR under-score the many challenges that plague gang member classification systems. Most of the listed criteria, for example, are rather vague, imprecise and open to manipulation. What, for example, constitutes “information from a reliable source” or “physical evidence of gang involvement”? According to the Canadian Centre for Justice Statistics, for example, almost anyone – including average citizens, business owners and criminals – can confirm to a police service that someone associates with a gang? Similarly, what exactly constitutes “direct or indirect involvement in gang activity”? How are these concepts operationalized? Without knowing exactly what these concepts mean and how they are measured it is simply impossible to determine how gang members are identified by police officials. It is also interesting to note that “observed association with known gang members” is listed as a gang criterion by the TPS. Based on this definition, all mothers, grandmothers and teachers of known gang members could potentially be classified as “at risk” of gang involvement. The issue of “gang association” is particularly important. Previous research, for example, suggests that most gang members do not limit their social interactions to other gang members. Indeed, they often have conventional, non-gang friends, school-mates, co-workers and family members with whom they associate on a frequent basis. Sometimes these conventional network members are not even aware that their friend or family member is gang-involved. Unfortunately, these non-gang individuals are sometimes found guilty by association. American critics, for example, argue that the law-abiding friends and family of gang members are frequently classified as “gang-involved” by over-zealous criminal justice officials (see Fox and Lane 2010; Rios and Navarro 2010; Greene and Pranis 2007).

As discussed above, there is little consensus with respect to what constitutes a gang or a gang member. Therefore, it is not surprising that researchers and law enforcement officials have found it equally difficult to come up with a common definition of a “gang-related crime?” Some have argued that any crime committed by a known gang member – or former gang member – should be considered a gang-crime. Others have argued that gang-crimes must be committed within the group context and clearly promote the goals or interests of the gang (see Mares 2010; Rosenfeld et al. 1999; Howell 1999). Overall, there is little debate that a gun battle or drive-by shooting between two competing gangs – perhaps over drug turf -- should be labeled a gang crime. But what if a gang member, acting on his own, decides to sell drugs or rob a stranger at gunpoint for his own personal gain? Similarly, what if a known gang member, acting on his own, assaults or kills a relative during a family dispute? Should these incidents also be classified as gang-related? Clearly, how gang-related crimes are defined and measured will dramatically influence the amount of gang-related crime recorded within specific jurisdictions. For example, St. Louis typically records a much higher rate of gang-homicide than Chicago. However, the St. Louis police service considers any murder that involves a known gang member (as either a victim or an offender) to be gang-related. By contrast, the Chicago police only classify a murder as a gang-homicide if there is clear evidence that the incident “grew out of a street gang function” (Mares 2010: 44).

It is particularly difficult to determine whether or not a specific crime “promotes the interests of the gang” or directly stems from “a gang function.” Imagine, for example, an incident in which an individual gang member attacks and seriously injures a regular civilian at a night club. Further imagine that this attack took place because the regular civilian insulted or

“disrespected” the gang member in front of other people. At first glance one might conclude that this was an “individual crime” that occurred because the offender wanted to protect his own reputation. However, one could also argue that the attack served to enhance the reputation of the gang as a tough group of individuals who should not be messed with. As such one could argue that this attack promoted the interests of the gang and thus should be labeled a gang-related incident. Clearly, the classification of isolated incidents as gang-related or not is vulnerable to the subjective interpretations of classification agents.

Expert Opinion versus Self-Identification

There is also an emerging debate within the gang literature concerning how to best identify the number of gangs and gang members in particular jurisdictions. Some stakeholders -- including many law enforcement officials -- feel that the police have the requisite street experience and expertise and should thus be given the responsibility of identifying the extent of local gang problems. Other stakeholders -- including many academics -- feel that the best method for identifying gangs and gang members is through self-identification. The pros and cons of each position are discussed below.

Police Intelligence

In the United States, the National Youth Gang Centre conducts periodic surveys of police agencies across the United States. The basic purpose of these surveys is to ask police officials about the number of gangs and gang members in their jurisdiction. For survey purposes, youth gangs are defined as “a group of youths or young adults in your jurisdiction that you or other responsible persons in your agency or community are willing to identify or classify as a gang.” Using this definition, the 2008 National Youth Gang Survey found that there are 27,900 gangs in the United States and 774,000 gang members. The data also indicate that, between 2002 and 2008, the number of gangs in the United States increased by 28% and the number of gang members increased by 6% (see Egley et al. 2010). It is interesting to note that although the number of gangs and gang members reported by the police rose during this period, the rate of violent crime in the United States actually dropped.

A similar research strategy for documenting gang activity was used by the 1st Canadian Police Survey on Youth Gangs. This survey, sponsored by the Solicitor General of Canada, defined youth gangs as a “group of youth or young adults in your jurisdiction, under the age of 21, that you or other responsible persons in your agency or community are willing to identify or classify as a gang. As part of this definition, we ask you to *exclude* motorcycle gangs, hate or ideology groups, prison gangs, and other exclusively adult gangs.” More than 264 police agencies from across the nation participated in this study. Using the above definition, Canadian police respondents identified 484 different youth gangs operating within Canada and an estimated 6,760 individual gang members. (see Astwood Corporation 2002; Chettleburg 2007). Similarly, by 2006, the Criminal Intelligence Service Canada (CISC) estimated that there were over 300 “street gangs” operating in Canada with an estimated 11,000 gang members and associates operating across the country. Unfortunately, CISC did not disclose the exact methodology it used to arrive at these numbers (CISC 2006). The CISC’s 2010 report on organized crime noted that since 2006, the number of street gangs identified by Canadian law

enforcement agencies has increased. However, the 2010 report does not provide current gang statistics.

Supporters of such studies argue that, through their work, local police officials have expert knowledge of the gang situation within their jurisdictions. They argue that no one else is in a better position to report on gang numbers and trends. It is also apparent that a considerable benefit of such studies is that they force all police services – at least for the purposes of the survey -- to employ the same definition of a gang. This could improve our ability to make accurate regional comparisons. Critics, on the other hand, contend that such definitions, in addition to uncovering “real” gangs, are likely to result in a gang designation (or label) for legitimate, noncriminal groupings of young people. Critics also maintain that local police officials and community workers may be tempted to inflate local gang numbers in order to secure additional funding for special gang task forces or gang prevention programs (Klein and Maxson 2006).

Other studies have questioned the use of police experts in court – especially in cases involving gang-related sentencing enhancements. Rios and Navarro (2010), for example, found that police experts and non-police experts (community workers, ex-gang members, etc.) often disagree with respect to the gang-status of offenders. In many cases, police experts infer gang membership by noting “gang-related nicknames” and association with known gang members. By contrast, non-police experts claim that nicknames often stem from childhood or reflect youth culture rather than active participation in gang activity. Similarly, non-police experts often note that hanging out or “kicking it” with known gang members does not mean that an individual is a gang member. Indeed, in many neighbourhoods, gang members and non-gang youth often continue with friendships that began in childhood. Based on their findings, Rios and Navarro (2010: 22) conclude that “the courtroom process by which offenders, most of them youth, are identified as gang members and gang criminals may be flawed: young people who have committed crime on their own behalf may be incorrectly labeled as gang criminals and given gang enhancements simply for having associated with gang members or lived in gang neighbourhoods.” This has led some critics to argue that both police and non-police experts should be consulted when determining the gang status of individual offenders or the extent of a local gang problem.

Self-Identification

A second strategy for identifying gangs and gang members involves self-identification. Surveys of young people and their involvement with gangs attest to the importance of definitions of gangs and gang membership. A recent American study (Esbensen et al. 2004) presents evidence showing that among school-based adolescents, the prevalence of gang membership varies between 2.3% and 16.8% -- depending on the definition of gang membership employed. Definitions that include high levels of group organization and regular involvement in serious criminality produce lower estimates than definitions that do not include these criteria. In general, the higher the number of criteria included in a gang definition, the lower the number of individuals who will report gang involvement.

Similar results have been produced in Canada. For example, the 2000 Toronto Youth Crime Victimization Survey (see Wortley and Tanner 2002; Wortley and Tanner 2004; Wortley and Tanner 2006a; Wortley and Tanner 2006b; Wortley and Tanner 2008) explored the gang-involvement of over 3,000 Toronto high school students. The survey began by asking all respondents if they had ever been part of a gang. One out of every ten high school respondents (11%) claimed that they had been a gang member at some point in their life and 6% reported that they were a current gang member. All respondents who admitted a gang affiliation were subsequently asked about the types of activities that they have engaged in as the member of a youth gang. The results suggest that a great deal of gang activity involves “social” rather than “criminal” activity. For example, 83% of Toronto high school gang members claim that they socialize or hang out with other gang members. Similarly, 73% report that they go to parties, 64% admit that they play sports and 56% claim that they use alcohol and/or drugs with fellow gang members. By contrast, only 40% admit that they have engaged in property crime with other gang members and only 39% have sold illegal drugs within the gang context. Nonetheless, the majority of self-reported gang members (57%) admit that they have participated in fights in which their gang was pitted against another group.

The fact that many of the routine “gang” activities described by the Toronto respondents *did not* involve criminal behaviour encouraged the authors to re-conceptualize youth gang membership. They ultimately came to distinguish between the members of “criminal” youth gangs and the members of “social” gangs. Respondents were classified as the member of a “criminal” gang if they indicated that they had either sold drugs, stolen property or fought against other gangs as part of their regular gang activities. Thus, although six percent of Toronto high school respondents originally claimed gang membership, only 4% were actually the member of what might be called a “criminal” gang. In other words, including criminal activity as a gang criterion cut the number of recorded gang members by approximately thirty-three percent (see Wortley and Tanner 2006a; Wortley and Tanner 2006b; Wortley and Tanner 2004).

It is interesting to note that, even when applying a restrictive gang definition, the Toronto Youth Crime and Victimization Survey produced a significantly higher estimate of current gang membership than police estimates. For example, the 2002 Canadian Police Survey on Youth Gangs estimated that there were 1,100 youth gang members in Toronto (see Chettleburgh 2007; 21). By contrast, the results of the Toronto Youth Crime and Victimization Survey suggest that, in 2000, there were 6,000 active gang members in Toronto-area high schools. Estimates would be even higher if the survey could have captured youth not in school.

In general, survey researchers (see Esbensen et al. 2004; Wortley and Tanner 2006a; Wortley and Tanner 2006b; Vasquez et al. 2010; Mares 2010; Bania 2009; Wilkinson et al. 2009; Melde et al. 2009; Bellair and McNulty 2009; Gibson et al. 2009; Decker et al. 2008) have consistently found that self-reported gang membership strongly predicts involvement in serious violence and criminal activity. Based on such findings, most gang scholars have concluded that self-identification is a reliable and valid indicator of gang membership, and an important operational starting point for investigating youth gangs. In other words, if an adolescent nominates him or herself as a gang member, all other activities (e.g., types of criminal behaviour, level of drug and alcohol use, etc.) modes of expression (e.g., styles of dress, argot, the wearing of colours, tags, tattoos, etc.) and group characteristics (e.g., number of members, group

leadership, initiation rites, etc.) may be irrelevant. *Young people who think of themselves as gang members probably are gang members.*

The importance of self-identification has also been recognized by many police agencies. Indeed, all of the police agencies in the United States that have developed a gang classification system include self-reported gang membership as one of their criteria (see Barrows and Huff 2009). As discussed above, self-reported gang membership is also one of the criteria used by the Toronto Police Service and the Canadian Centre for Justice Statistics. Some scholars have gone so far as to suggest that self-identification is the best method for identifying gang members. For example, Barrows and Huff (2009: 687) conclude that self-identification “is the most robust method for determining gang status” and should thus be employed by both scholars and law enforcement officials. Nonetheless, self-reports do have potential weaknesses. As Barrows and Huff (2009: 687) note: “Potential exists here, too, for over-identification, either through possible intimidation by the police to obtain an admission of membership or through an individual’s desire to identify with a gang when the gang itself may not confirm that association.” Of course it is also quite possible that some individuals may admit gang membership on an anonymous survey or to an ethnographic researcher, but fail to admit gang-involvement to criminal justice officials.

In sum, it is clear that both expert identification and self-identification have potential strengths -- and potential weaknesses -- when it comes to accurately documenting gang activity. Thus, it may not be of great importance to determine which method is superior. Rather, what is important is that the results of different classification methods be compared in order to establish the validity and reliability of research findings. Such triangulation is the only way that we can build knowledge about the true extent and nature of gang activity within specific jurisdictions. It must be stressed that effective triangulation will not only assist researchers in documenting the gang phenomenon, it will also assist law enforcement agencies in the planning and execution of their gang suppression and prevention activities.

THE UTILITY OF A STANDARD GANG DEFINITION

The importance of properly defining gangs and gang members cannot be underestimated. As stated by Wood and Alleyne (2010: 101): “Before we can begin to examine any phenomenon we must define it. If we do not have a clear definition of that phenomenon we cannot know if we are talking about the same entity. Research founded on assumed similarities that are not clearly defined is liable to be fraught with misapprehensions that could render it meaningless... Without the vital parameters set by a definition we may seriously undermine even the best researchers’ efforts and best research designs.” As discussed above, a lack of consensus among academics with respect to defining gang activity has led to difficulties with respect to both documenting the prevalence of gangs and documenting the exact nature of the relationship between gang membership and violent behaviour.

The need for a standard gang definition has also been recognized by policy-makers and law enforcement officials (see reviews in Langston 2003; Jacobs 2009; Kennedy 2009). For example, the United States Government Accountability Office (2009) recently conducted an extensive review of the roles played by the Department of Justice (DOJ) and the Department of

Homeland Security (DHS) in combating gang crime and the extent to which DOJ and DHS agencies coordinate their efforts with state and local agencies. This review also examined the extent to which the DOJ and DHS measure and evaluate their gang enforcement efforts. The report concluded that: “Federal agencies have taken actions to measure the results of their gang enforcement efforts, but these efforts have been hindered by three factors. Among other measures, one agency tracks the number of investigations that disrupted or shut down criminal gangs, while another agency tracks its gang related convictions. However, agencies’ efforts to measure results of federal actions to combat gang crime have been severely hampered by a lack of a shared definition of ‘gang’ among agencies, under-reporting of information by United States Attorneys’ Offices, and the lack of departmental-wide DOJ performance measures for anti-gang efforts. Definitions of ‘gang’ vary in terms of number of members, time or type of offences, and other characteristics. According to DOJ officials, lack of a shared definition of ‘gang’ complicates data collection and evaluation efforts across federal agencies” (United States Government Accountability Office 2009: 21).

Advocates argue that a standard gang definition would: (1) enable accurate national, provincial and municipal estimates of gang activity; (2) improve our ability to make regional comparisons; (3) help document the risk-factors associated with gang activity within specific jurisdictions; (4) help document the amount of public funding needed to tackle gang problems within specific jurisdictions; (5) enable law enforcement officials from different jurisdictions to communicate in the same “language” and produce a common understanding of gangs, gang members and gang-motivated crime; and (6) improve the quality of gang investigations that involve police services from different regions. A standard gang definition would also help policy-makers determine the relative effectiveness of various law enforcement and gang prevention programs operating within different jurisdictions. It is impossible, for example, to determine if a program developed in one region would work in another region if these regions have conflicting gang definitions. Indeed, competing gang definitions may explain why some enforcement/prevention strategies found to be effective in one location fail to produce positive results in other regions (see Klein and Maxson 2006).

TOWARDS A COMMON GANG DEFINITION

It is far beyond the scope of this paper to arrive at the definitive Canadian definition of a “gang” or “street gang.” It is likely that such a definition can only be established after an intense consultation process between gang scholars, law enforcement personnel and community representatives. Rather, the objective of this paper is to provide insights and recommendations that might guide the development of a common definition that could improve our understanding of gang issues within the Canadian context.

To begin with, Canadian scholars and police officials might learn from the example that has been set by the Eurogang Network -- a consortium of academics and law enforcement officials interested in the study of gangs in Europe. The Eurogang network, unlike its North American counterparts, has already reached a consensus regarding the definition of a gang. A major contribution of the Eurogang effort is that it attempts to distinguish between “gang definers” and “gang descriptors.” Definers are the elements or criteria that characterize a group as a gang. Descriptors, on the other hand, are group characteristics or variables that can help

distinguish one gang from another. According to the Eurogang philosophy, a gang definition should not be influenced by group characteristics that are only “descriptors.” Descriptors include things like the gender or ethnic composition of the gang, whether the group has a territory or turf, patterns of criminal activity, the presence or absence of gang symbols or colours, gang argot, the level of group organization, initiation rituals, or gang regulations or rules (Klein 2006; Klein et al, 2006).

The established Eurogang definition has four major components or definers: (1) *durability* (the group must exist for at least “several” months); (2) *street orientation* (group activities must take place away from the home, work or school); (3) *youthfulness* (average age in the teens or early twenties); and (4) *group identity that involves criminal activity* (illegal activity is central to the group’s function or culture). Thus, according to the Eurogang participants: “A street gang -- or problematic youth group -- is any durable, street-oriented youth group whose involvement in criminal activity is part of their group identity” (van Gemert et al. 2008: 5).

Despite its wide acceptance in Europe, the Eurogang definition does have potential weaknesses. To begin with, the definition does not clearly identify the number of members needed for a group to be considered a gang.² Furthermore, the concept of “durability” is quite vague. What exactly constitutes “several months.” A more precise definition would identify the exact amount of time (i.e., one month or two months, etc.) a group must exist before it can be classified as a gang.³ The concept of “street-oriented” also has its limitations. For example, according to this definition, a group that sells illegal drugs on the street corner or other public location would be designated a gang. However, a group that sells drugs out of a private home or at a school would not meet the gang standard. The Eurogang definition also lists “group identity that involves criminal activity” as a gang criterion. The question is: how do scholars and law enforcement officials measure the concept of group identity? It is quite possible that an actual pattern of criminal behaviour is much easier to observe and measure than the subjective concept of group identity.

The Eurogang definition is not the only gang definition to suffer from conceptual vagueness or uncertainty. For example, the Uniform Crime Reporting system in Canada (UCR) defines a street gang as “a more or less structured group of adolescents, young adults and/or adults who use intimidation and violence to commit criminal acts on a regular basis, in order to obtain power and recognition and/or control specific areas of criminal activities” (Canadian Centre for Justice Statistics 2008: 143). Must all street gangs use violence and intimidation to commit criminal acts? Are groups that refrain from violence – but still engage in organized criminal activity – something other than a gang? The UCR definition also makes reference to motive: gangs must commit crime to obtain power and recognition or control specific areas of criminal activity. Methodologically, it will be extremely difficult for researchers and justice

² In fact, according to the 2009 Eurogang Manual, most experts agree that a gang must have at least three members (see Weerman et al. 2009: 19). Brenner (2002: 9-11) also provides a convincing sociological argument for why an organized crime group must contain at least three individuals.

³ The Eurogang Youth Survey is much more specific. It stipulates that a group must be together for at least three months before it should be considered a gang (see Weerman et al. 2009: 20).

officials to determine gang motives. Furthermore, what if a group engages in crime for excitement or for purely economic motives – and has no interest in power, recognition or control of a specific criminal market? Are such groups to be excluded from gang investigations?

With the potential weaknesses of the Eurogang and UCR definitions in mind, this paper offers a possible alternative definition: *A gang is a group of three or more individuals that has existed for at least one month and engages in criminal activity on a regular basis. Gang-related crime can be conducted within the group context or by individual gang members in isolation -- as long as such criminal activity, directly or indirectly, benefits the gang.*⁴ Such a definition still allows us to distinguish between gang definers (three or more members, in existence for at least one month, involvement in criminal activity) and gang descriptors (personal characteristics of gang members, gang size, level of organization, type of criminal involvement, etc.). Such a definition would also allow us to identify different types of gang. For example, we could distinguish between youth gangs (consisting of members under 24 years of age), adult gangs (consisting of members 25 years of age or older) and hybrid gangs (consisting of both adult and youth members). We could also distinguish between transient gangs that exist for only short periods of time, and more permanent gangs that have a long history. Similarly, we could distinguish between gangs that specialize in specific types of criminal activity (i.e., drug trafficking gangs, theft rings, fraud organizations, etc.) and opportunistic gangs that do not follow a specific crime pattern. This definition would also allow us to classify gangs according to number of members (small gangs vs. large gangs), whether they have a home turf or not, their level of organization (i.e., whether they have leaders and followers), their level of involvement in violence, and other basic gang characteristics (i.e., ethnic composition, gender composition, names and symbols, gang argot, informal and formal rules, etc.).

It should be noted that the above gang definition would likely help criminal justice officials and scholars avoid the political controversies that have sometimes plagued previous definitional efforts. For example, some gang definitions (see Chettleburgh 2007) have deliberately excluded white supremacist organizations and other predominantly white groups (i.e., motorcycle clubs) from investigation -- despite the fact that these entities frequently engage in drug trafficking, prostitution, street-level violence and other criminal activity. Critics have argued that such exclusionary definitions represent a form of racial stereotyping and create the impression that racial minorities are more involved in gang activity than they really are (see Greene and Pranis 2007; Rios and Navarro 2010; White 2006; Zatz and Krucker 2003).

Defining “Street” Gangs

According to the above definition, all “street gangs” would first have to meet the basic gang standard: three or more members, in existence for more than one month and regular involvement in criminal activity. In other words, under this new definition, “street orientation” would become a gang descriptor rather than a gang definer. According to the literature, what exactly distinguishes a “street” gang from other types of gang is rather vague. “Street” gang criteria have been varied and inconsistent. Previous definitions have focused on such factors as

⁴ Of course, the number of individuals needed for a group to be considered a gang, as well as the length of time a group needs to exist, could be changed after consultations with other scholars and law enforcement officials.

age, ethnicity, urban location, drug trafficking, gun violence, economic disadvantage, gang names, gang symbols and having an identifiable territory or turf. As discussed above, according to the Eurogang definition, a “street” orientation also entails that a gang’s main activities take place in public spaces away from the home, school or work. However, as previously mentioned, such a criterion would exclude groups who sold or grew illicit drugs out of a private residence, ran an illegal gambling operation out of their place of business or sold drugs and engaged in extortion at school or work. It would also exclude groups who engage in various computer frauds or telemarketing scams (see Brenner 2002). In other words, the designation “street gang” may be losing its utility during a time when gangs are expanding their range of illegal activities and trying to find strategies that will make their very existence harder to detect. Indeed, there is increasing evidence to suggest that some emerging gangs are refraining from public, street-based activities. Some emerging criminal groups are also trying to avoid the acquisition of a specific gang name or related gang identifiers because they realize that such trappings could draw the unwanted attention of the police (see Wood and Alleyne 2010). Thus, rather than focusing on street gangs per se, it may be more productive for academics and criminal justice officials to develop a flexible gang typology.

Classifying Gangs

Using the gang definition provided above, it would also be possible to develop a gang classification system. Previous scholars have already identified different types of criminal organization. Gordon’s work in British Columbia, for example, distinguished between criminal business organizations, street gangs and “wanna be” groups (Gordon 2000). Similarly, Sullivan (2005) developed a gang typology that differentiates between action-sets, cliques and named gangs. Finally, Maxson and Klein (1995) identify five different types of gang: the classical or traditional gang; the neo-classical gang; the compressed gang; the collective group; and the specialty group. All of these typologies reflect the specific focus of the individual researcher. However, at a basic level, all of these scholars come to classify gangs according to their size, permanence, level of organization and level of involvement in criminal activity.

The following represents only one of the many classification systems that might be established via a thorough consultation process involving criminal justice officials, academics and informed community members. In general, this classification system moves from the least to the most organized and stable criminal groups:

LEVEL ONE GANGS: Fluid friendship groups, usually based on a common neighbourhood and/or cultural identity. Criminal activity is periodic, opportunistic, unorganized and unplanned. Group members often engage in crime for immediate gratification (including fun and excitement) rather than long-term economic interests. No attempt to specialize or control a particular type of illicit activity. Members are rarely involved in serious violence. No evidence of leadership or a hierarchical organizational structure. Level One groups generally do not have a formal gang name or related gang symbols. Group membership is often temporary. Level One gangs are often quickly

formed and quickly disbanded.⁵ Few Level One groups are in existence for more than a year.

LEVEL TWO GANGS: Group has existed for a significant period of time (i.e., one year or longer). Criminal activities are often planned and deliberate. However, members of the group engage in a variety of criminal activities and there is little evidence of criminal specialization. Group sometimes has a name and may have group symbols, colours or a unique language. Activities may or may not be based in a particular neighbourhood or territory. Level Two gangs are often egalitarian with little evidence of a formal leadership structure. Individual gang members often engage in crime to further their own interests rather than the objectives of the group. Gang activity often involves violence. Disputes over honour or reputation are common.

LEVEL THREE GANGS: Group has a hierarchical organizational structure with easily identified leaders and followers. Group has existed for a significant period of time (i.e., one year or longer). Group-based criminal activities are almost always planned and deliberate. Group usually has a name and may have group symbols, colours or a unique language. Level Three Groups typically try to control a particular type of illicit activity (i.e., drug trafficking) or all illicit activities within a defined geographical area. Gang activity often involves serious violence -- including the use of firearms. Gang violence can occur for both economic reasons and to settle disputes over honour or respect. Gang members are often influenced by an informal or formal gang code. An enforced code of silence means that Level Three gang members rarely testify against other members. Witness intimidation is common.

LEVEL FOUR GANGS: Group has a long, stable history (i.e., in existence for at least five years). Group has a sophisticated organizational structure with easily identified leaders and followers. Group-based activities are almost always planned and deliberate. Group is commonly involved in both the illicit and the licit economy and often engages in international business transactions (often funding legal enterprises with the proceeds of crime). Individual gang members often have specialized skills or tasks. Level Four gangs sometimes work with lower level gangs in order to meet their economic goals. Level Four Gangs will use violence to protect their economic interests. However, lower level-gangs or gang members are often used to perform risky criminal acts as a means of protecting the gang leadership. Violence is used for strategic purposes and rarely involves issues of honour or respect. Level-Four gangs include such established criminal organizations as the Italian and Russian Mafia, Asian Triads and outlaw motorcycle gangs.

⁵ Level One gangs are similar to what Gordon (2000) termed “wanna be” groups and other scholars have referred to as “delinquent youth groups.”

The gang definition and classification system proposed in this report could be used to put all Canadian-based gangs on a risk or threat continuum. This could help policy-makers and criminal justice officials establish gang suppression and prevention priorities. The proposed definition also supports a more unified framework and is thus compatible with the *Canadian Criminal Code* definition of a criminal organization (see discussion below). Having a distinct gang definition or gang classification system, of course, does not eliminate the problem of gang member identification or questions about how to best identify gang-related crime. How, for example, how does one distinguish real gang members from other civilians who reside in high-risk, gang-dominated neighbourhoods? A possible solution would be to define a gang member as: “Any individual who admits gang membership or who is identified as a gang member through expert investigation.” As discussed above, the specific criteria for “expert” identification still needs to be established.

PROSECUTING GANGS UNDER THE CANADIAN CRIMINAL CODE

A possible strength of the gang definition provided above is its flexibility. In many ways, it mirrors the definition of organized crime provided by the *Canadian Criminal Code*. As stated in section 467.1(1) – a “criminal organization” means a group, however organized, that: (a) is composed of three or more persons in or outside Canada; and (b) has one of its main purposes or activities the facilitation or commission of one or more serious offences, that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any one of the persons who constitute the group.” According to the *Canadian Criminal Code*, a criminal gang does not include a group of persons that forms randomly for the immediate commission of a single offence.

As with the gang definition described above, the *Canadian Criminal Code* states that a criminal organization must have three or more members. Interestingly, neither definition puts an emphasis on how these groups must be organized. However, the *Canadian Criminal Code* definition does not include any mention of how long a group must exist before it can be considered a criminal organization.⁶ The *Canadian Criminal Code* also explicitly states that one of the main purposes of a criminal organization must be the commission of crime *for material benefit*. This definition could potentially exclude gangs that are involved in crime or violence for status, honour or excitement. By contrast, the gang definition provided in this paper focuses on regular or routine involvement in criminal activity – whatever the motive. This focus on crime in general is similar to the United Nations’ definition of an organized criminal group outlined in Article Two of the *UN Convention on Transnational Organized Crime*. The UN definition states that an organized criminal group consists of “at least three members, taking some action in concert, for the purpose of committing a serious crime and for the purpose of obtaining a financial or other benefit. The group must have some internal organization or structure and exist for some period of time before or after the actual commission of the offence(s) involved.” The

⁶ One might expect, however, that most of the gang activity prosecuted under the *Canadian Criminal Code* has and will continue to involve groups that have been in existence for at least one month.

use of the term “other benefit” could be used to include gangs that are involved in crimes that do not have a material or financial motive.⁷

The strength of the Canadian Criminal Code definition is that it is flexible enough to be applied to a variety of criminal groups. Although it was originally developed to deal with such traditional organized crime groups as the Italian Mafia and the Hells Angels, it has since been used to target the activities of newer, less organized entities (i.e., street gangs such as the Manitoba Warriors; CBC 2000). A similar situation has been documented in the United States where the Racketeer Influenced and Corrupt Organization Statute (RICO), originally enacted to dismantle the Mafia, has since been used to successfully prosecute the members of street gangs (see Wheatley 2008). With this in mind, academics and criminal justice officials should desire a similarly flexible gang definition in order to capture the wide variety of criminal groups currently in existence as well as new forms of criminal organization that will emerge in the not too distant future.

CONCLUSION

This paper has demonstrated that a standard gang definition and/or gang classification system has yet to be developed by the academic or criminal justice community. This fact should not be used to dismiss the previous efforts of these professionals. Without a common definition, academics have already generated important knowledge regarding the nature and causes of gang activity and the effectiveness of various gang prevention efforts. Similarly, without a common definition, Canadian and American criminal justice officials have been able to identify and successfully prosecute a large number of gang members. Indeed, although a review conducted by the United States Accountability Office noted that the lack of a common gang definition negatively impacted national data collection and program evaluation efforts, most police officials felt that it did not have a negative impact on their field operations (see United States Accountability Office 2009). Clearly, even without a common definition, criminal justice professionals have been able to negotiate a subjective understanding of the gang issue and take action to address it. Nonetheless, most experts feel that our understanding of gangs – as well as our efforts to prevent gang-related crime – can only be enhanced by establishing a common definition.

The pages above have highlighted a number of definitional issues and proposed a gang classification system that should stimulate debate. Hopefully, in the near future, a dedicated group of gang experts – including government and police officials, academics and community members – will be convened and given the task of developing a standard gang definition and gang classification system. Such an effort will greatly improve our ability to understand and deal with this pressing social problem.

⁷ One might argue the Canadian Criminal Code definition of a criminal organization would capture a wider array of criminal groups if it: (1) stipulated the minimum length of time a group must exist before being considered a criminal organization; and (2) included all group-based crimes regardless of their motive (i.e., eliminated the need to prove that crimes were motivated by material gain).

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