

Kamala Harris, "California and the Fight Against Transnational Organized Crime," March 2014, p. 73

[https://oag.ca.gov/sites/all/files/agweb/pdfs/toc/report\\_2014.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/toc/report_2014.pdf)

For example, Congress enacted the Continuing Criminal Enterprise Act (Criminal Enterprise Act)<sup>247</sup> in an effort to combat drug cartels by directly attacking their leadership.<sup>248</sup> Under the Criminal Enterprise Act (21 U.S.C. §848), a director of an illegal criminal organization may be sentenced to prison for not less than twenty years to life without the possibility of parole.<sup>249</sup> In addition to lengthy incarceration, the Criminal Enterprise Act authorizes the seizure of the director or manager's ill-gotten monetary gains,<sup>250</sup> thus depriving the criminal organization of its working capital. And in statehouses, Maryland and New Jersey passed laws similar to the Criminal Enterprise Act to increase the criminal liability of large-scale narcotics operators beyond that of their "employees."<sup>251</sup>

<sup>247</sup> 21 U.S.C. § 848.

<sup>248</sup> *Garrett v. United States* (1985) 471 U.S. 773, 781.

<sup>249</sup> Steven Burnholtz, et al., *International Extradition in Drug Cases*, 10 N.C. J. Int'l L. & Com. Reg. 353, 358 (1985); see also 21 U.S.C. § 848, subd. (a)(1)(c).

<sup>250</sup> 21 U.S.C. §§ 848, 853.

<sup>251</sup> Md. Criminal Law Ann. § 5-607, subd. (b)(1); N.J. Stat. § 2C:35-3 (2013)

Roger McDonough, "Collaring Drug Kingpins: International Extradition and Continuing Criminal Enterprise in *United States v. Levy*," p. 132

<https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1416&context=mjil>

The Continuing Criminal Enterprise Act (CCE),<sup>38</sup> commonly referred to as a "kingpin statute," was enacted in 1970 in an effort to combat drug cartels by directly attacking their leadership.<sup>39</sup> Congress believed that by severing the head of a narcotics operation, the body would wither and die.<sup>40</sup> If the director of an illegal narcotics organization is convicted under the CCE act, he could be sentenced to a prison term of not less than twenty years to life, without the possibility of parole.<sup>41</sup> In addition to the real threat of a lengthy incarceration,<sup>42</sup> CCE also authorizes the seizure of the kingpin's ill-gotten monetary gains,<sup>43</sup> thus draining his criminal operation of working capital and resources and preventing one of the convicted drug lord's lieutenants from assuming control of the organization.<sup>44</sup>

38. 21 U.S.C. § 848 (1982 & Supp. V 1989).

39. See *Garret v. United States*, 471 U.S. 773, 781 (1985); *United States v. Sinito*, 723 F.2d 1250, 1261-62 (6th Cir. 1983), cert. denied, 469 U.S. 817 (1984); *United States v. Webster*, 639 F.2d 174 (4th Cir. 1981), cert. denied, 456 U.S. 935 (1982).

40. See H.R. Rep. No. 1444, 91st Cong., 2d Sess. 3 (1970), reprinted in 1970 U.S.C.C.A.N. 4566, 4576.

41. Steven Bernholz et al., International Extradition in Drug Cases, 10 N.C. J. INT'L L. & COM. REG. 353, 358 (1985) [hereinafter Bernholz]. See 21 U.S.C. § 848(a)(1)(c) (1982).

42. The average sentence for those convicted of CCE is 35 years. Bernholz, supra note 41, at 358 n.30. 43. 21 U.S.C. § 848 (1982 & Supp. V 1989). See CCE and Extradition, supra note 3, at 1289 n.62. 44. CCE and Extradition, supra note 3, at 1305 n.175 and accompanying text.

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Kamala Harris, "The State of Human Trafficking in California," November 2012, p. 81  
<https://oag.ca.gov/sites/all/files/agweb/pdfs/ht/human-trafficking-2012.pdf>

### **Victim Compensation Program**

The California Victim Compensation Program (CalVCP) provides victims and their families with compensation to help cover the cost of treatment and other support services.<sup>13</sup> If a person meets eligibility criteria, CalVCP will compensate many types of services when the costs are not covered by other sources. Eligible services include medical and dental care, mental health services, income loss, funeral expenses, rehabilitation, and relocation. Funding for CalVCP comes from restitution fines and orders, penalty assessments levied on persons convicted of crimes, and traffic offenses and matching federal funds.

Wikipedia Entry on California Victim Compensation Board

[https://en.wikipedia.org/w/index.php?title=California\\_Victim\\_Compensation\\_Board&oldid=465214166](https://en.wikipedia.org/w/index.php?title=California_Victim_Compensation_Board&oldid=465214166)

### **Victim Compensation Program (CalVCP)**

The California Victim Compensation Program (CalVCP) provides compensation for victims of violent crime who are injured or threatened with injury. Among the crimes covered are [domestic violence](#), [child abuse](#), sexual and physical assault, [homicide](#), robbery, drunk driving and vehicular manslaughter. If a person meets eligibility criteria, CalVCP will compensate many types of services when the costs are not covered by other sources. Eligible services include medical and dental care, mental health services such as psychotherapy, income loss, funeral expenses, rehabilitation and relocation. Funding for CalVCP comes from restitution fines and orders, penalty assessments levied on persons convicted of crimes and traffic offenses, and federal [matching funds](#).

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Kamala Harris, "The State of Human Trafficking in California," November 2012, p. 55

## A Call to the NHTRC Hotline Connects Victims with Services (Courtesy of the NHTRC Hotline)

A community member met a distraught young woman in the bathroom of a restaurant near her office in San Francisco. The young woman, Kelly, said that she lived in a motel where her pimp forced her to engage in prostitution. Kelly confided in the woman that she had secretly saved \$200 so she could leave the situation, but was afraid of doing so for fear that her pimp would come after her. Kelly asked the woman for help.

The woman was unsure what to do, but had seen a poster for the NHTRC and recommended that Kelly call the hotline. Kelly had to leave, as her pimp had arranged for her to meet with a client that evening, but asked the woman to call the NHTRC on her behalf. She also saved the NHTRC hotline number in her phone.

With the help of the NHTRC, the woman connected with a local service provider to make a plan for the evening and coordinate emergency shelter in case Kelly needed a safe place to stay that night. Kelly called the hotline later that evening; because her pimp was nearby, she was unable to speak for very long, but she gave permission for law enforcement to be involved in helping her leave. Early the next morning, law enforcement helped Kelly safely leave the hotel and connect with a service provider. Kelly is currently receiving services and helping law enforcement to pursue a case against her pimp.

### Archived Webpage From Polaris Project

<https://web.archive.org/web/20120602011836/https://polarisproject.org/what-we-do/national-human-trafficking-hotline/the-nhtrc/call-vignettes/topics/468>

A community member encountered a distraught young woman named Kelly in a bathroom of a restaurant, near the woman's office in Washington, DC. In the bathroom, Kelly told the woman that she lived at a motel where her pimp forced her to engage in commercial sex. Kelly confided in the woman that she had secretly saved \$200 so she could leave the situation, but was afraid of doing so for fear that her pimp would come after her. Kelly asked the woman for help in leaving her situation. The woman was unsure what to do, but she had seen a poster for the National Human Trafficking Resource Center (NHTRC) and recommended that Kelly call the hotline. Kelly's pimp had arranged for her to meet with a client that evening and Kelly had to leave, so she asked the woman to call the NHTRC on her behalf. She also saved the NHTRC hotline number in her phone. The woman called the hotline to explain the situation at Kelly's request. With the help of the NHTRC, the woman connected with a local service provider to make a plan for the evening and coordinate emergency shelter in case Kelly needed a safe place to stay that night. Kelly called the hotline later that evening; because her pimp was nearby, she was unable to speak for very long, but she gave permission for law enforcement to be involved in helping her leave. Early the next morning, law enforcement helped Kelly to safely leave the hotel and connect with the service provider. Kelly is currently receiving services and helping law enforcement pursue a case against her pimp.

Kamala Harris, *Smart on Crime*, 2009, p. 173

Not all effective partnerships with nonprofit groups are as intense and comprehensive as something like College Track. In Atlanta, the Partnership for Perfect Attendance is very simple. The Fulton County District Attorney's Office initiated an incentive program at three elementary schools in the Atlanta Public School system that were struggling with high absenteeism. The Dwight Howard Foundation, Target, Inc., and AirTran Airways got together and offered a special incentive for perfect attendance: a new bike and a helmet. The three schools gained a 39 percent overall increase in their perfect attendance record for the 2007-2008 school year. Few things in life are more exciting to a young child than a new bike. Linking that prize to the notion that school attendance matters and that it is a priority for the community is not an obvious activity for a district attorney's office to coordinate, but I can almost guarantee that there are crimes that don't happen and don't have to be prosecuted because many of those children are walking to school dreaming about those bikes instead of ditching class.

Press Release from Fulton County District Attorney's Office

<https://web.archive.org/web/20110910203623/http://atlantada.org/latestnews/pressreleases/052208b.htm>

Orlando Magic Basketball Superstar Dwight Howard returns to Atlanta on Friday, May 23, 2008 to host a "super" celebration in honor of the Partnership for Perfect Attendance (PPA) Program.

Program partners "The Dwight Howard Foundation", Target, Inc., AirTran Airways, and Fulton County District Attorney Paul L. Howard, Jr. will mark the third year of the Partnership for Perfect Attendance Program for four lucky Atlanta Public Schools at a celebration at the Fulton County Government Center's Assembly Hall featuring basketball superstar and 2008 NBA Slam Dunk Champion Dwight Howard. The "basketball phenom" earned the nickname "Superman" for his super feats on the basketball court. Since joining the Magic, Howard has been one of its most influential players and is ranked as one of the most talented centers in the NBA.

With the promise of a new bicycle and helmet as an enticement, students from Adamsville, Benteen, Perkerson and Thomasville Heights elementary schools worked hard to gain a 39% overall increase overall in their perfect attendance record for the 2007-2008 school year.

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**About Partnership for Perfect Attendance**

In 2005, The Fulton County District Attorney's Office initiated an incentive program at three elementary schools in the Atlanta Public Schools system that were struggling with high absenteeism. Students were challenged to achieve perfect attendance with the promise of a new bicycle and helmet if they met their goal. Parents and teachers were challenged to encourage the students to stay on track.

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Kamala Harris, *Smart on Crime*, 2009, p. 136

To address these concerns, we decided to adopt a two-pronged approach, using the power of the Legislature and the strength of collaboration to give teachers support. In 2008, the California State Legislature unanimously passed a bill I wrote with Assemblyman Mark Leno to provide mental health counseling to children traumatized by violence. This allows children who witness violence in their communities to get mental health counseling through the California Victim Compensation Program, which provides up to \$5,000 for therapy and mental health support. Previously, to qualify for mental health counseling services, children had to be related to the victim. That overlooked children who witnessed violence in their communities and suffered emotional trauma as a result.

AsianWeek Daily Briefing, August 25, 2008

<https://web.archive.org/web/20080911161958/https://www.asianweek.com/2008/08/25/daily-dose-082508/>

BAY/CALIFORNIA

Kamala Harris' Bill to Protect Children With Trauma

SAN FRANCISCO — This week, the state legislature unanimously passed AB 2809 — San Francisco District Attorney Kamala D. Harris and Assemblyman Mark Leno's groundbreaking legislation to provide mental health counseling to kids traumatized by violence. AB 2809 allows children who witness community violence to receive mental health counseling through the State Victim Compensation Fund. These kids can access up to 5,000 dollars for therapy and mental health support.

Under existing law, to qualify for mental health counseling services, children must be related to the victim. This overlooks kids who witness violence in their communities and suffer emotional trauma as a result.

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Kamala Harris, "Organized Crime in California: 2010 Annual Report to the Legislature," 2010, p. 2

[https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/org\\_crime2010.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/org_crime2010.pdf)

## GANGS

Gangs operate in cities of all sizes throughout California and are responsible for much of the crime in our state. This 2010 Organized Crime in California Annual Report to the California Legislature focuses on the following three areas of gang activity in California: criminal street gangs, prison gangs, and outlaw motorcycle gangs.

Criminal street gangs operate in all but a few of the communities of the state. Prison gangs not only attempt to rule California's correctional institution inmate populations, but also control vast criminal activities outside the prisons. Consequently, the lines can be blurred at times whether to attribute certain gang-related crimes to prison gang members or street gang members.

Bill Lockyer, "Organized Crime in California: Annual Report to the California Legislature 2004," 2004, p. 3

[https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/org\\_crime2004.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/org_crime2004.pdf)

Gangs now operate in cities of all sizes throughout California and are responsible for much of the crime in our state. Gangs plague California in a variety of forms. Criminal street gangs terrorize citizens and communities throughout the state while prison gangs attempt to rule California's correctional institutions. The lines become blurred, however, when attempting to distinguish gang activity attributed to prison gang members from that of street gang members. Despite being incarcerated, some gang members in prison manage to control numerous criminal enterprises on the streets.

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Kamala Harris, "Organized Crime in California: 2010 Annual Report to the Legislature," 2010, p. 23-24

## ORGANIZED CRIME

The California Department of Justice's focus on organized crime is defined in California's Government Code section 15026 as follows:

"It is the intent of the Legislature that the department focus its investigative and prosecutive endeavors with regard to organized crime in controlling crime which is of a conspiratorial and organized nature and which seeks to supply illegal goods and services such as narcotics, prostitution, loan sharking, gambling, and other forms of vice to the public or seeks to conduct continuing activities, a substantial portion of which are illegal, through planning and coordination of individual efforts. The department shall also investigate and prosecute organized criminal violations involving intrusion into legitimate business activities by the use of illegitimate methods, including, but not limited

to, monopolization, terrorism, extortion, and tax evasion.”

This broad definition encompasses a number of groups and various illegal activities. Organized crime groups operate a variety of criminal enterprises within California that inflict significant financial losses to the state. These groups are remarkably adept at a range of fraudulent schemes producing substantial profits.

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These fraudulent activities penetrate all aspects of society, from welfare and Medi-Cal fraud to insurance and tax fraud to narcotics trafficking and kidnapping. This criminal collaboration poses a huge challenge to law enforcement and is a significant threat to public safety.

Bill Lockyer, “Organized Crime in California: Annual Report to the California Legislature 2004,” 2004, p. 15

### Organized Crime

The California Department of Justice’s focus on organized crime is defined in California’s Government Code Section 15026 as follows:

“It is the intent of the Legislature that the department focus its investigative and prosecutive endeavors with regard to organized crime in controlling crime which is of a conspiratorial and organized nature and which seeks to supply illegal goods and services such as narcotics, prostitution, loan sharking, gambling, and other forms of vice to the public or seeks to conduct continuing activities, a substantial portion of which are illegal, through planning and coordination of individual efforts. The department shall also investigate and prosecute organized criminal violations involving intrusion into legitimate business activities by the use of illegitimate methods, including, but not limited to, monopolization, terrorism, extortion, and tax evasion.”

This broad definition obviously encompasses many different groups and many different illegal activities. Organized crime groups operate a variety of criminal enterprises in California ranging from theft and prostitution to extortion and murder. They are particularly adept at all types of fraud. Members of these groups engage in the more traditional organized crime activities — such as drug trafficking and gambling — but are equally well-versed in more high-tech crimes — such as identity theft and intellectual property crimes. They have become very adept at various types of fraudulent schemes designed to generate enormous profits. These fraudulent activities penetrate all aspects of society from welfare and Medi-Cal fraud to insurance and tax fraud. This Organized Crime in California Annual Report to the California Legislature 2004 will focus on the following types of organized crime groups and their impact in California: Eurasian organized crime and Asian organized crime.

Kamala Harris, "Organized Crime in California: 2010 Annual Report to the Legislature," 2010, p. 31-32

Eurasian Organized Crime (EOC) refers to organized crime groups originating from one of the 15 republics of the former Soviet Union. While some of these organized criminal groups originate from Russia, others are from regions in Central Asia (Uzbekistan, Kazakhstan), the Caucasus (Georgia, Azerbaijan, Chechnya, and Dagestan), and the Ukraine. While the majority of Soviet immigrants coming to the United States in the past 40 years have been law abiding, a criminal population also emerged and constitutes the base of domestic EOC

During the 1970s and 1980s, the United States Immigration and Naturalization Service (INS) reported thousands of Soviet émigrés fleeing to the United States to escape religious and political persecution. It was suspected that during this time the Russian Committee for State Security, or KGB, emptied their prisons of hard-core criminals, exporting them to the United States. In 1989, Congress enacted the Lautenberg Amendment, which allowed up to 50,000 refugees to enter the United States each year. The last major wave of Soviet émigrés to the United States began as a result of eased travel restrictions after the fall of the Soviet Union in 1991.

...

Many Soviets who migrated to the United States settled in Brighton Beach, New York, which became the hub of EOC.

EOC groups in the state are predominantly Armenian, Russian, and Ukrainian. Members are highly successful in adapting to a variety of criminal schemes. This, in large part, is due to their flexible structure, global connections, and desire for wealth and power.

Bill Lockyer, "Organized Crime in California: Annual Report to the California Legislature 2004," 2004, p. 15

The nature and variety of the crimes committed by EOC groups seems unlimited. They are involved in narcotics and arms trafficking, automobile theft, trafficking in women and children, prostitution, money laundering, and multiple forms of fraud — including financial fraud, credit card fraud, immigration fraud, and insurance fraud. EOC members are highly successful in adapting to these criminal schemes because of their flexible structure and global connections, as well as their desire to achieve wealth and power.

Bill Lockyer, "Organized Crime in California: 2005 Annual Report to the California Legislature," 2005, p. 18



Criminal groups that originated from the 15 republics that once made up the former Soviet Union are commonly referred to as Russian organized crime (ROC) groups by law enforcement authorities and the media. Most of the people who engage in organized crime in the former Soviet Union are not typically ethnic Russians, but they are from regions which commonly spoke the language and were dominated by Russia for generations. While some of the criminal groups originated in Russia, others are from Central Asian (Uzbekistan, Kazakhstan), Caucasus (Georgian, Azerbaijan, Chechen, and Dagestan), and Ukraine regions. This is why one might refer to organized crime groups from the former Soviet Union as EOC and Eastern European organized crime.

According to the U.S. Immigration and Naturalization Service (INS), during the 1970s and 1980s, approximately 200,000 former Soviet Union citizens immigrated to the United States to escape religious and political persecution. Additionally, it is suspected that the KGB (the Russian-language abbreviation for State Security Committee) emptied their prisons of hardcore criminals and exported them to this country; much like Cuban dictator Fidel Castro did during the "Mariel boat-lift." Many former Soviet Union emigres that came to the United States settled in an area of New York known as Brighton Beach. As of this date, Brighton Beach is the hub of EOC in the country.

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Kamala Harris, "Organized Crime in California: 2010 Annual Report to the Legislature," 2010, p. 33-34

EOC groups also stage auto accidents that yield high profits at relatively low risk. Staged accident rings typically consist of cooperative doctors and clinics, lawyers, chiropractors, and office administrators. The EOC ring thoroughly rehearses its drivers and witnesses prior to a staged accident so they provide detailed and consistent stories. The accident is staged, a police report is obtained, and the ring files fake claims for legal and medical services. The ring reaps thousands of dollars in insurance settlements for each phony incident.

Auto theft has become an extremely lucrative way for EOC groups to generate profits. Vehicles are stolen and shipped overseas where EOC members can receive up to three times the value of the car in the United States. EOC members will also sell stolen vehicles domestically under market value through print or Internet advertising. Unsuspecting buyers discover their newly purchased vehicles are stolen when attempting registration with the Department of Motor Vehicles. EOC groups also steal vehicles, disassemble them, and store the stripped parts. When the stripped vehicle is recovered by law enforcement authorities and is designated a salvaged vehicle, the EOC group purchases the stripped vehicle at the auto auction and reassembles it with the stored parts. The vehicle is then sold for a profit.

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EOC rings are active in human smuggling and trafficking. Their international network of contacts and expertise in counterfeiting documents enables them to import women from Eastern Europe and Russia with falsified visa applications. If they are unable to obtain documentation, the women are smuggled into the United States through Mexico. Once in California, EOC members force them to work in prostitution, strip clubs, and massage parlors. EOC groups frequently confiscate their victims' travel documentation while forcing them to pay off their travel debt.

Bill Lockyer, "Organized Crime in California: Annual Report to the California Legislature 2004," 2004, p.16

According to some auto theft investigators, because of numerous salvage yards and less criminal competition, California has become a major target for auto thieves. Practices commonly used by some EOC groups include:

- Vehicles are stolen and shipped overseas where thieves can receive up to three times the value the car would have in the United States.
- Vehicles are sold through newspaper advertisements and on the Internet for under-market value to unsuspecting car buyers who discover when attempting to register the vehicle that the car was stolen.
- In areas in close proximity to auto auction centers, thieves steal cars, disassemble them, and store the stripped parts. The car is then recovered by law enforcement authorities and is designated as a salvaged vehicle. The thief (or group of thieves) will purchase the stripped vehicle at the auto auction and reassemble it with the parts they stored. The vehicles can then be sold at a large profit.

Staged auto accidents have also proven to yield high profits with relatively low risks for EOC groups. These criminals usually target vehicles they feel will be fully insured. Staged accident rings typically consist of cooperative lawyers, doctors, office administrators, and the individuals who drive the vehicles in the staged accidents.

Prostitution and slavery of Russian and eastern European women have also become significant problems for California law enforcement. EOC figures import women and children from eastern Europe and Russia with falsified visa applications. They obtain false California drivers' licenses and other identification using counterfeit documents. If they are unable to obtain visas, many are smuggled into the United States through Mexico into Southern California. These women are forced into prostitution and provided to escort services, strip clubs, and massage parlors. Some willingly work in the sex industry for money to escape severe living conditions in the former Soviet Union while others are forced into it through indentured servitude. EOC groups bringing them into the United States

confiscate their travel documentation and force them to pay off their travel debt, which they are not always able to do.

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Kamala Harris, "Organized Crime in California: 2010 Annual Report to the Legislature," 2010, p. 35

Recent investigations tied to California have spawned suspicions that both domestic criminal extremists and those with connections to international terrorist groups continue to use a variety of criminal measures to support their respective organizations. Fraud, narcotics trafficking, and smuggling of contraband are just a few criminal activities linked to international organizations. Furthermore, it is believed these individuals will engage in any criminal activity promising high returns.

Bill Lockyer, "Organized Crime in California: Annual Report to the California Legislature 2004," 2004, p. 21

Recent investigations tied to California have spawned suspicions that both domestic criminal extremists and those with connections to international terrorist groups continue to use a variety of criminal measures to support their respective organizations. Fraud, narcotics trafficking, and smuggling of contraband are just a few criminal activities linked to international organizations. Furthermore, it is believed these individuals have been more than willing to become involved in any enterprise that promises a high rate of material or financial return.

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Kamala Harris, "Organized Crime in California: 2010 Annual Report to the Legislature," 2010, p. 18

The NLR is another white prison gang within the CDCR, originating during the 1970s inside a California Youth Authority facility. NLR members associate with other white gangs such as the Peckerwoods, PENI, FAIM, and the AB. During the early part of the NLR's existence, most members aspired to join the AB's membership. However, during 2005 to 2006, the NLR established its own identity.

Bill Lockyer, "Organized Crime in California: 2005 Annual Report to the California Legislature," 2005, p. 11

The Nazi Low Riders (NLR) is a white prison gang that originated during the 1970s inside a California Youth Authority facility. NLR members associate with other white gangs such as Peckerwoods, Public Enemy Number One, and the AB. During the early part of NLR's

existence, most members aspired to someday join AB's membership. However, the NLR has since become its own gang with its own identity.

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Kamala Harris, "Organized Crime in California: 2010 Annual Report to the Legislature," 2010, p. 18

Established for self-protection from other prison gangs, the TS gang was created in San Quentin State Prison in 1973. By the mid 1970s, other prison gangs recognized the TS for its ability to traffic contraband within the prison system. During the 1980s, the gang divided into two factions due to internal strife. One faction aligned with the EME, the other with the NF. Today only a handful of TS members remain.

Bill Lockyer, "Organized Crime in California: 2005 Annual Report to the California Legislature," 2005, p. 12

The Texas Syndicate (TS) was formed inside CDCR's San Quentin State Prison in 1973. Like most prison or street gangs, TS was formed for protection against other gangs and violent inmates. The gang original membership was comprised of Mexican-Americans from Texas. In the mid 1970s through the early 1980s, the TS was recognized by other gang members for its ability to traffic drugs within the prison system. However, in the early 1980s, due to an internal conflict the gang became divided into two factions; one faction aligned with the EME, and other faction aligned with the NF, resulting in the two factions becoming enemies of each another.

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Kamala Harris, Testimony Before the House Judiciary Committee, April 24, 2007, p. 80-81  
<https://www.govinfo.gov/content/pkg/CHRG-110hrg34926/pdf/CHRG-110hrg34926.pdf>

H.R. 916: The Law School Student Loan Debt Problem for Prosecutors and Public Defenders

It is imperative that prosecutors' offices are able to recruit the best and brightest attorneys and retain the most qualified and experienced prosecutors in their offices. The "John R. Justice Prosecutors and Defenders Incentive Act" will provide a modest incentive to attract prosecutors and public defenders to public service and help them maintain that commitment throughout their careers.

This is an issue on which the National District Attorneys Association believes urgent Congressional action is needed. I should note that I am also advocating on behalf of both prosecutors and public defenders. We are united in this effort to ensure that our offices are fully staffed with trained and experienced attorneys because we have an equally

strong interest in maintaining confidence in the criminal justice system.

Prosecutors continue to be paid low salaries compared to those in the private sector. In 2006, Equal Justice Works reported in *Financing the Future, Responses to the Rising Debt of Law Students* that starting salaries for state and local prosecuting attorneys averaged approximately \$44,000.<sup>2</sup> Prosecutors' offices simply cannot compete with private firms to attract the best and brightest lawyers. With major law firms offering starting salaries of over \$125,000 per year, the modest salaries young prosecutors earn pale in comparison. And it is not a lack of commitment to public service that draws many law school graduates away from public service, but their student loans. Burdened with loan debt from undergraduate and graduate studies, the Equal Justice Works study concluded that the "average amount borrowed in law school by the class of 2005 was \$78,763 at a private school and \$51,056 at a public school." Many lawyers in my office owe over \$100,000 in law school debt alone.

This unfortunate combination inevitably causes high turn-over rates that result in less experienced prosecutors in courtrooms across this country handling more and more serious criminal cases. Neither the safety of victims and the public, nor due process protections for the accused, should be short-changed while a new prosecutor or public defender "learns the ropes."

Paul Logli, Testimony Before the Senate Judiciary Committee, February, 27, 2007, p. 2-3  
[https://www.judiciary.senate.gov/imo/media/doc/logli\\_testimony\\_02\\_27\\_07.pdf](https://www.judiciary.senate.gov/imo/media/doc/logli_testimony_02_27_07.pdf)

In order to ensure that these crimes are handled competently it is imperative that prosecutor offices are able to recruit the best and brightest attorneys and retain those qualified and experienced prosecutors in their offices. I believe that the "John R. Justice Prosecutors and Defenders Incentive Act" will provide that incentive.

...

It is important for me to note that prosecutors and public defenders are united in this effort to ensure that their offices are fully staffed with trained and experienced attorneys; that undesirable case outcomes are minimized; and that the public's confidence in the criminal justice is at least maintained and hopefully raised to a much higher level.

...

During the five years that have elapsed since my testimony on this issue my experience with the recruitment and retention of attorneys in my office unfortunately is essentially the same. The reasons remain: prosecutors continue to be paid low salaries compared to those in the private sector, in addition to being burdened with staggering student loan debt from undergraduate and graduate studies. In 2006, Equal Justice Works reported in

Financing the Future, Responses to the Rising Debt of Law Students that state and local prosecuting attorneys starting salaries were approximately \$44,000. Furthermore, "[t]he average amount borrowed in law school by the class of 2005 was \$78,763 at a private school and \$51,056 at a public school.

This unfortunate combination inevitably causes high turn-over rates which result in inexperienced and untrained prosecutors in courtrooms across this country. It bears remembering that sitting in America's courtrooms every day are families that have lost a loved one to an alcohol or drug impaired driver; children who have been physically and sexually abused; women who are beaten by their husbands but are too paralyzed by fear to testify - the list of victims is really too numerous to recite. The point is that these are all serious cases with serious consequences for the victim, the safety of the community and the defendant. It is inexcusable for untrained and inexperienced prosecutors to handle any of these matters. It is equally unacceptable that the same economic forces place untrained and inexperienced public defenders in the courtroom as well. The safety of victims and the public should not be short changed while a new prosecutor or public defender "learns the ropes."

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Kamala Harris, Testimony Before the House Judiciary Committee, April 24, 2007, p. 81

#### Survey of the Nation's Prosecutors Regarding Student Loan Debt

In 2005, the National District Attorneys Association's Office of Research and Evaluation and the National Association of Prosecutor Coordinators conducted a national survey of prosecutors on law school student loan debt and the associated issues. Researchers received 2,119 responses from prosecutors all over the country, most of whom graduated from law school between the years 1998 and 2003 and had worked as prosecutors for an average of four years.

Analysis of the survey results revealed that more than 50 percent of the responding chief prosecutors and supervisors had between one and five prosecutors leave their offices in 2005. This may seem like an insignificant number, however, it becomes quite significant when you learn that 64 percent of prosecutors' offices that responded to the survey were comprised of ten or fewer assistant prosecutors. The end result is that attrition was 50 percent or higher in the responding small offices.

In addition, 53 percent of the chief prosecutors reported in the survey that law school student loan debt was a very significant factor in their ability to retain staff and 62 percent of the chief prosecutors reported that student loan debt is a very significant factor in their ability to recruit staff. Chief prosecutors reported on average that low salaries and student loan payments were the causes for nearly a third of the prosecutors who left their offices. Two-thirds of the responding prosecutors advised that law school student

loan debt is an important consideration in deciding to become a career prosecutor. More than 55 percent of the respondents reported that they would continue prosecuting for 20 to 30 years if law schools loans were forgiven.

Public defenders are subject to the same difficulties in retaining attorneys. With starting salaries of about \$35,000, new defenders cannot afford to repay their student loans. As a result, over a three and a half year period, the Saint Louis, Missouri Public Defender's Office saw 36 attorneys exit their office that employs only 28 defenders.

These unfortunate retention figures signify that inexperienced attorneys are handling cases beyond their capabilities and training. There are numerous criminal cases that are particularly difficult because of the dynamics involved. To name just a few – child abuse, elder neglect, domestic violence, identity theft and public corruption. The stakes are simply too high to allow any attorney other than experienced prosecutors to handle these matters.

Paul Logli, Testimony Before the Senate Judiciary Committee, February, 27, 2007, p. 4

#### Survey of the Nation's Prosecutors Regarding Student Loan Debt

In 2005 the National District Attorneys Association's Office of Research and Evaluation and the National Association of Prosecutor Coordinators conducted a national survey of prosecutors on law school student loan debt and the associated issues. Researchers received 2,119 responses from prosecutors all over the country, most of who graduated from law school between the years 1998 and 2003 and had worked as prosecutors for an average of four years.

Analysis of the survey results revealed that more than 50 percent of the responding chief prosecutors and supervisors had between one and five prosecutors leave their offices in 2005. This may seem like an insignificant number, however, it becomes quite significant when you learn that 64 percent of prosecutors' offices that responded to the survey were comprised of ten or fewer assistant prosecutors. The end result is that attrition was 50 percent or higher in the responding small offices.

In addition, 53 percent of the chief prosecutors reported in the survey that law school student loan debt was a very significant factor in their ability to retain staff and 62 percent of the chief prosecutors reported that student loan debt is a very significant factor in their ability to recruit staff. Chief prosecutors reported on average that low salaries and student loan payments were the causes for nearly a third of the prosecutors who left their offices. Two-thirds of the responding prosecutors advised that law school student loan debt is an important consideration in deciding to become a career prosecutor. More than 55 percent of the respondents reported that they would continue prosecuting for 20 to 30 years if law schools loans were forgiven.

These unfortunate retention figures signify that inexperienced attorneys are handling cases beyond their capabilities and training. There are numerous criminal cases that are particularly difficult because of the dynamics involved. To name just a few - child abuse, elder neglect, domestic violence, identity theft and public corruption. The stakes are simply too high to allow any attorney other than experienced prosecutors to handle them.

15.

Kamala Harris, Testimony Before the House Judiciary Committee, April 24, 2007, p. 81-82

A memo from an Assistant District Attorney (“ADA”) to a supervisor in Pennsylvania illustrates this very problem, stating:

“Nearly half of the ADAs in the Major Trials Unit and in the Family Violence and Sexual Assault Unit were hired in 1995 or after. In the Felony Waiver Unit, our most experienced ADA has been in the unit for approximately 4 months, and we have 8 lawyers who have been in the office 15 months or less. For the first time since I have been chief of the Felony Waiver Unit, there is not one lawyer currently assigned here who is ready to try a Major case (one will be ready in another month or so). There is no question that the departure of a significant number of lawyers with 3-5 years experience would have an adverse impact on this office, especially since most of the ADA’s in this unit are 6 months or more away from being capable of trying the complex and serious cases in the more advanced units.”

Beyond recruitment and retention difficulties caused by the high cost of attending law school and the low salaries paid to local prosecutors, chief prosecutors and supervisors cited other effects in their offices such as increased caseloads per prosecutor, increased costs for training, decreased morale, and increased risk of prosecutorial error.

The questions then become “How can society, in good conscience, ask prosecutors and public defenders to sacrifice so much for so little pay?” How long should they be required to postpone purchasing a home, getting married, starting a family, or buying a car? In some instances prosecutors are sacrificing even more.

Some may be unable to purchase safe housing. Some may be driving unsafe cars because they cannot afford repairs or replacements. Some may even be unable to pay for necessary medical and dental care. Falling behind in their loan payments due to inadequate salaries leads to accrued interest, making the task of paying the debt off even more daunting. Trying to pay off student loan debt may also leave many unable to pay for utilities, food, and clothing. In the end, there is simply no solution to the impending financial disaster except a move to the private sector.

Following are just some of the comments from New York prosecutors made during a student loan survey conducted by the Office of the Queens County District Attorney’s



Office, Information Services (March 2001),<sup>3</sup> illustrating their dire financial situations:

- “My wife and I live paycheck to paycheck ...”
- “I can only afford to pay \$400 a month ... this payment does not cover the interest. Therefore my balance keeps going up!”
- “I currently have all of my loans in forbearance because of an inability to pay due to inadequate earnings. Forbearance will cause my total indebtedness to increase as interest accrues.”
- “I have had to obtain a waitressing job on the weekends to supplement my income.”
- “... I am forced to choose between paying rent or paying off my loans. I cannot afford to live in an area where I feel safe and pay off my loans at the same time.”
- “I had to obtain part-time employment in an effort to make sufficient money to remain an ADA.”
- “Please make sure this bill is passed. I’m currently living in poverty.”
- “Nearly half of my take home pay goes towards my loans.”
- “... I am treading water until I can make more money.”

#### A Proven and Sound Loan Repayment Assistance Program

The “John R. Justice Prosecutors and Defenders Incentive Act” is modeled after a similar program currently used effectively by many federal agencies as a recruitment and retention tool. The program would allow the repayment of up to \$10,000 of student loan debt per year for state and local prosecutors and public defenders with a limit of \$60,000 imposed. Because the program requires that a recipient commit to employment for at least three years, the problems with attrition and inexperience will certainly be alleviated.

As a career prosecutor and on behalf of the nation’s prosecutors, I strongly believe that the “John R. Justice Prosecutors and Defenders Incentive Act” is a wise and urgently needed investment in the integrity of the criminal justice system.

Paul Logli, Testimony Before the Senate Judiciary Committee, February, 27, 2007, p. 4-9

A memo from an assistant district attorney to a deputy district attorney in Pennsylvania illustrates this very problem as he writes:

“Nearly half of the ADAs in the Major Trials Unit and in the Family Violence and Sexual Assault Unit were hired in 1995 or after. In the Felony Waiver Unit, our most experienced ADA has been in the unit for approximately 4 months, and we have 8 lawyers who have been in the office 15 months or less. For the first time since I have been chief of the Felony Waiver Unit, there is not one lawyer currently assigned here who is ready to try a Majors case (one will be ready in another month or so). There is no question that the departure of a significant number of lawyers with 3-5 years experience would have an adverse impact on

this office, especially since most of the ADA's in this unit are 6 months or more away from being capable of trying the complex and serious cases in the more advanced units."

A recent article in the Sun-Sentinel stated that in South Florida the starting salaries for prosecutors and public defenders are around \$38,000; the median housing costs are close to \$400,000; and, not surprising, the attrition rate in prosecutor and public defender offices is about 30 percent annually. Another newspaper article in the Daily Business Review in November 2006 revealed that in 2005, 64 out of more than 300 assistant state attorneys in the Miami-Dade County State Attorney's Office left for other jobs.

Beyond recruitment and retention difficulties caused by the high cost of attending law school and the low salaries paid to local prosecutors, chief prosecutors and supervisors, cited other effects in their offices such as increased caseloads per prosecutor, increased costs for training, decreased morale, and increased risk of prosecutorial error.

## PERSONAL STRUGGLES

### The Law School Student Loan Debt Problem for Individual Prosecutors and Public Defenders

According to Equal Justice Works tuition costs at state law schools is still lower than private institutions, however, the difference between the two is becoming smaller. For 2005-2006 the average annual tuition and fees for an in-state resident at a public school was \$13,145; for an out-of-state resident at a public school the average was \$22,987; and at a private institution the average was \$28,900. As a result of these exorbitant costs it is not shocking that the 2005 National District Attorneys Association/National Association of Prosecutor Coordinators Law School Loan Forgiveness Survey found that

- ?89 percent of respondents assumed a loan to cover the costs of law school tuition.
- ?The average law school student loan assumed by respondents was \$66,422.
- ?The majority of prosecutors have student loan debt ranging between \$45,000 and \$90,000.
- ?The majority of respondents reported having assumed a 30-year loan to pay tuition costs.
- ?A quarter of prosecutors who have been prosecuting for less than two years held a second job (10-20 hours per week) in order to repay student loan debt.

The questions then become "How can society, in good conscience, ask prosecutors and public defenders to sacrifice so much for so little pay?" How long should they be required to postpone purchasing a home, getting married, starting a family, or buying a car? In some instances prosecutors are sacrificing even more. Some may be unable to purchase safe housing. Some may be driving unsafe cars because they cannot afford repairs or replacements. Some may even be unable to pay for necessary medical/dental care. Falling behind in their loan payments due to inadequate salaries leads to accrued interest, making the task of paying the debt off even more daunting. Trying to pay off student loan debt may also leave many unable to pay for utilities, food, and clothing. In the end, there is simply no

solution to the impending financial disaster except a move to the private sector. As Molly Miller, special assistant attorney general, Traffic Safety Resource Prosecutor, Mississippi Office of the Attorney General said during a recent presentation during the NDAA Capital Conference - "I am not looking to get rich, I just want to be able to pay my bills."

Following are just some of the comments from New York prosecutors made during a student loan survey conducted by the Office of the Queens County District Attorney's Office, Information Services (March 2001) that illustrate their dire financial situations:

"My wife and I live paycheck to paycheck ..."

"I can only afford to pay \$400 a month ... this payment does not cover the interest. Therefore my balance keeps going up!"

"I currently have all of my loans in forbearance because of an inability to pay due to inadequate earnings. Forbearance will cause my total indebtedness to increase as interest accrues."

"I have had to obtain a waitressing job on the weekends to supplement my income."

"... I am forced to choose between paying rent or paying off my loans. I cannot afford to live in an area where I feel safe and pay off my loans at the same time."

"I had to obtain part-time employment in an effort to make sufficient money to remain an ADA."

"Please make sure this bill is passed. I'm currently living in poverty."

"Nearly half of my take home pay goes towards my loans."

"... I am treading water until I can make more money."

To further illustrate the struggle a prosecutor in Tennessee writes:

"For the first two and a half years as an Assistant District Attorney, I worked nearly every Friday night and every Saturday during the day. I also often worked a night or two during the week. During the nine months I was in General Sessions, it was never any problem since I was most always able to prepare my dockets during work hours at the office.

It became more difficult after I moved up to Criminal Court. In early 2005, it seemed like I was in trial all the time. In reality, I had seven trials between the last week of January and the first week of May. During that period I once worked twenty-seven days without a day off, followed closely by a period of twenty-five days without a day off. Looking back I have no

idea how I pulled that off. I was definitely exhausted, and I definitely had no social life other than at work."

An assistant prosecuting attorney from the Wayne County Prosecuting Attorneys Office (Detroit, Michigan) writes: "I am no longer able to defer my loans and must make monthly payments. My payments each month is over a thousand dollars. Even with my current salary of \$65,000, it is difficult for me to pay my loans and all my other bills. It is very difficult to see family members in need and not be able to help them because of your own financial situation.

In addition, my current salary makes it difficult to find housing in safe neighborhoods. If it were just me, it would be fine to live in an unsafe neighborhood. I chose this job, but my family should not be put into harm's way because of my decisions."

Other Personal Decisions: Buying a Home; Raising a Family; Taking a Vacation

According to the National District Attorneys Association/National Association of Prosecutor Coordinators Law School Loan Forgiveness Survey, prosecutors struggle with many of life's decisions because of the student loan debt that they have assumed. More than half of the responding prosecutors reported that many of their life choices are significantly influenced by their student loan debt. According to the figures:

? More than 80 percent of the respondents reported that their student loan debt impacts their

decisions about buying a home or new car.

? Two-thirds reported that their student loan debt influences their decision about taking a vacation.

? More than 50 percent of the respondents reported that the student loan debt influences decisions about starting a family.

## THE SOLUTION

A Proven and Sound Loan Repayment Assistance Program

The "John R. Justice Prosecutors and Defenders Incentive Act" is modeled after a similar program currently used effectively by many federal agencies as a recruitment and retention tool. The program would allow the repayment of up to \$10,000 of student loan debt per year for state and local prosecutors and public defenders with a limit of \$60,000 imposed. Because the program requires that a recipient commit to employment for at least three years, the problems with attrition and inexperience will certainly be alleviated.

Kamala Harris, *Smart on Crime*, 2009, p. 65-66

Consider these grim facts: A 2008 report by America's Promise Alliance, which is chaired by Alma Powell, the wife of former Secretary of State Colin Powell, showed that 17 percent of the nation's fifty largest cities had high school graduation rates lower than 50 percent. In Detroit's public schools, only 25 percent of the students who enrolled in grade nine graduated from high school, while 30.5 percent graduated in Indianapolis public schools and 34 percent received diplomas in the Cleveland Municipal City School District.

Overall, about 70 percent of U.S. students graduate from public and private schools on time with a regular diploma, and about 1.2 million students drop out annually. Only about half of the students 66 served by public school systems in the nation's largest cities receive diplomas. As Secretary Powell put it: "When more than 1 million students a year drop out of high school, it's more than a problem, it's a catastrophe."<sup>25</sup>

ABC News Story, "Report: Low Graduation Rates in Many City School Districts," February 19, 2009

<https://abcnews.go.com/US/story?id=4566292&page=1>

The Bush administration announced Tuesday it will require states to report high school graduation rates in a uniform way instead of using a variety of methods that critics say are often based on unreliable information.

Education Secretary Margaret Spellings announced the change at a news conference at which a report was released showing that 17 of the nation's 50 largest cities had high school graduation rates lower than 50 percent.

The change involves the No Child Left Behind Act, which currently allows states to use their own methods of calculating graduation rates and set their own goals for improving them. The report by the America's Promise Alliance, using a common method to evaluate graduation rates for cities, found the lowest graduation rates in Detroit, Indianapolis and Cleveland.

It found that about half of the students served by public school systems in the nation's largest cities receive diplomas; students in suburban and rural public high schools were more likely to graduate than their counterparts in urban public high schools.

Nationally, about 70 percent of U.S. students graduate on time with a regular diploma and about 1.2 million students drop out annually.

"When more than 1 million students a year drop out of high school, it's more than a problem, it's a catastrophe," said former Secretary of State Colin Powell, founding chair of the alliance.

The group announced plans to hold summits in every state during the next two years on ways to better prepare students for college and the work force.

The report found troubling data on the prospects of urban public high school students getting to college. In Detroit's public schools, only 24.9 percent of the students graduated from high school, while 30.5 percent graduated in Indianapolis Public Schools and 34.1 percent received diplomas in the Cleveland Municipal City School District.

**[[Note: Portions of this example were previously reported.]]**

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Kamala Harris, *Smart on Crime*, 2009, p. 166-167

Take West Palm Beach, Florida. This residential neighborhood on the outskirts of downtown struggles with a high crime rate. Although West Palm Beach is less than one mile from Palm Beach, one of the most affluent cities in the country, more than a third of the town's residents live in poverty, and unemployment is high. The community is full of deteriorated houses and businesses, vacant lots with discarded mattresses and piles of trash, and litter strewn throughout the streets, sidewalks, yards, and parks. At the time the community considered adding a court, no new businesses had opened in the area, and few new houses had been built in recent years.

Local police, prosecutors, and the Palm· Beach County Criminal Justice Commission opened a community court to handle nonviolent misdemeanors. But in establishing its local committee of residents, it discovered that trash and community appearance were the community's top priority. In line with the broken windows theories, the abandoned and hopeless look of the community was having a broad effect. So the court focused on restitution as a way of cleaning up the community. The community court also offered social services, including employment counseling, education programs, and case management.

Eric Lee, "Community Courts: An evolving model," Center for Court Innovation," October 2000, p. 14-15  
<https://www.ojp.gov/pdffiles1/bja/183452.pdf>

The West Palm Beach Community Court serves the West Palm Beach Weed and Seed area, a residential neighborhood on the outskirts of downtown struggling with a high crime rate. Although West Palm Beach is less than 1 mile from Palm Beach, one of the most affluent cities in the country, 41 percent of the neighborhood's 5,360 residents live in poverty and the unemployment rate stands at 20 percent. The physical characteristics of the community are striking: deteriorated houses and businesses, vacant lots with discarded mattresses and piles of trash, and litter strewn throughout the streets, sidewalks, yards, and parks. No new businesses have opened in the area, and few new houses have been built in recent years.

...

Court planners surveyed area residents and created a community advisory panel to set priorities for community service. “We found that the community wanted to get cleaned up first—that trash and litter were by the far the top concern— so we focused on that,” said Tom Becht, coordinator of the court. The community court offers social services onsite, including employment counseling, education programs, and case management.

**[[Note: Portions of this example were previously reported.]]**