

Gang Member Perpetrated Domestic Violence: A New Conversation

Videtta A. Brown

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/rrgc>



Part of the [Law and Society Commons](#)

Recommended Citation

Videtta A. Brown, *Gang Member Perpetrated Domestic Violence: A New Conversation*, 7 U. Md. L.J. Race Relig. Gender & Class 395 (2007).

Available at: <http://digitalcommons.law.umaryland.edu/rrgc/vol7/iss2/11>

This Article is brought to you for free and open access by DigitalCommons@UM Carey Law. It has been accepted for inclusion in University of Maryland Law Journal of Race, Religion, Gender and Class by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

GANG MEMBER PERPETRATED DOMESTIC VIOLENCE: A NEW CONVERSATION

VIDETTA A. BROWN*

In July 2007, a sixteen year-old girl came to my office accompanied by her mother and her domestic violence advocate. Having just left the civil protection order hearing, they came to talk with me about the girl's criminal case against her ex-boyfriend for assault. The young woman spoke of the case as well as her ex-boyfriend's continued actions aimed at making her too afraid to come to court. I asked a question that shocked her and her mother. The question was: *Does he belong to a gang?* Nothing about this case or relationship indicated gang involvement. It was an educated and experienced hunch. As the young woman looked down at her lap, her mother violently shook her head up and down indicating yes. The young woman softly answered, *"I think so. He is supposed to be a member of the Crips."*¹

That conversation confirmed my suspicions that: (1) domestic violence victims are getting younger, (2) the abusers of these girls often have gang connections, and (3) the traditional domestic violence research and resources do not account for victims of gang abusers.

Criminal domestic violence cases are some of the most difficult cases to successfully prosecute. They are difficult for a number of reasons, including delayed reporting and an often lack of physical evidence. The most challenging reason, however, is the victim's reluctance to testify. Victims are reluctant or refuse to testify for a variety of reasons that include love, children, financial dependence,

* Associate Judge of the District Court of Maryland, Baltimore City (appointed May 2008). J.D. University of Maryland School of Law; B.A. North Carolina A&T State University, *cum laude*. Previously, Judge Brown served as the Division Chief-Domestic Violence Unit, Office of the State's Attorney for Baltimore City. Judge Brown is the instructor for the Domestic Violence Law Seminar at the University of Maryland School of Law. She was awarded the Women in Government Appreciation by the National Domestic Violence Hotline. Judge Brown is the 2009 recipient of the Living Women History Business Award by the National Association of Negro Business and Professional Women.

1. Many of the assertions made in this article are based on the personal professional experience of the author [hereinafter Professional Experience].

lack of trust in the judicial system, belief in the abusers contrite behavior, and fear of retaliation.² When a victim is participating in the prosecution process or decides to leave the violent relationship, it is common for the defendant to use intimidation, subsequent physical violence, and threats of violence to prevent the victim from testifying.³ Intimidation tactics can include threats to physically harm to the victim's extended family and her children, as well as various forms of emotional abuse.⁴

Like all things in life, domestic violence is evolving as rapidly as prosecutors and advocates can conjure up solutions, resources, and initiatives to eradicate it. The characteristics of victims and typologies of abusers are also changing; recently, a new victim has emerged. She is the teenage or young adult victim who is the intimate partner of a gang member. Practical courtroom work and observation reveal not only an increase in the number of gangs and gang memberships, but also expose an increase in the number of teenage and young adult women who are intimately involved with young men belonging to gangs.⁵ These young women often suffer serious violence during the relationship, after reporting the violence, and especially when they attempt to end the relationship. Teenage girls and young adult women often report that they are reluctant or refuse to testify in a domestic violence case because they fear retaliation not only from the defendant, a gang member, but also from his fellow gang members.⁶ If we are to effectively prevent and eradicate domestic violence and equally protect and serve all victims, we must be inclusive of this group of young women and ask the following question: Does the abuser belong to a gang?

This article first explores domestic violence among teen and young adult women while also comparing and contrasting the experience of these victims with those of adult victims. Second, the article explores the gang culture and gang members as abusers. This discussion also examines why young females are attracted to gang members, as well as the gender ideologies that are reinforced by gang members. Finally, the article suggests that extensive research must be conducted to plan how best to prevent and protect these victims.

2. *Id.*

3. Thomas Kirsch, *Problems in Domestic Violence: Should Victims Be Forced to Participate in the Prosecution of Their Abusers?*, 7 WM. & MARY J. WOMEN & L. 383, 394 (2001).

4. CLAIRE DALTON & ELIZABETH SCHNEIDER, *BATTERED WOMEN AND THE LAW* 59 (2001).

5. Professional Experience, *supra* note 1.

6. *Id.*

I. DOMESTIC VIOLENCE AMONG TEENS AND YOUNG ADULTS

Domestic violence is a pattern of violent and abusive behaviors designed to control an intimate partner.⁷ Although only physical violence and the threat of physical violence are illegal, emotional and psychological abuses are also “violent” yet are seldom considered relevant in the criminal justice system.⁸ Domestic violence is not limited to a specific age, race, sex or social background, but decades of research have focused on eradicating domestic violence in adult relationships.⁹ Recently, more research has focused on understanding and recognizing domestic violence among teenagers and young adults.¹⁰

Teen dating violence is “any act, or threat, of physical abuse in the context of any interaction involved in the courtship or mate selection process.”¹¹ The prevalence of domestic violence in dating relationships can be attributed to either or both (1) teens conforming to stereotypical gender roles where the female is subservient and the male dominant¹² or (2) teens learning violence in households where intimate partner violence occurs.¹³ Young women “between the ages of [sixteen and twenty-four] are the most at risk group for non-fatal dating violence,”¹⁴ yet, because of our cultural denial that teenagers engage in sexual relationships, they are the most underserved population.¹⁵ Young women in this age group experience the highest rates of

7. Mayor’s Office on Criminal Justice: Domestic Violence Resources, Links, and Information, <http://www.ci.baltimore.md.us/government/mocj/dvrlri.php> (last visited July 23, 2007).

8. LENORE WALKER, *THE BATTERED WOMEN’S SYNDROME* 27–28 (1984); DALTON & SCHNEIDER, *supra* note 4, at 57.

9. Carole A. Sousa, *Teen Dating Violence: The Hidden Epidemic*, 37 *FAM. & CONCILIATION CTS. REV.* 356, 356 (1999).

10. *Id.*

11. Kathryn E. Suarez, *Teenage Dating Violence: The Need for Expanded Awareness and Legislation*, 82 *CAL L. REV.* 423, 426 (1994) (acknowledging that other definitions of teen dating violence have been suggested).

12. *Id.* at 428; *see also* Sousa, *supra* note 9, at 362.

13. Brooke Kintner, *The “Other” Victims: Can We Hold Parents Liable for Failing to Protect Their Children from Harms of Domestic Violence?*, 31 *NEW ENG. J. ON CRIM. & CIV. CONFINEMENT* 271, 278 (2005) (“There is also research to suggest an ‘intergenerational transmission of violence.’”) (citing Alan J. Tomkins et. al., *The Plight of Children Who Witness Women Battering: Psychological Knowledge and Policy Implications*, 18 *LAW & PSYCHOL. REV.* 137, 150 (1994)).

14. Cheryl Hanna, *Sex Before Violence: Girls, Dating, Violence and (Perceived) Sexual Autonomy*, 33 *FORDHAM URB. L.J.* 437, 438–42 (2006).

15. *Id.* at 442–45.

relationship violence.¹⁶ Moreover, these incidents of domestic violence are increasing and escalating in severity. According to the Family Violence Prevention Fund, twenty-four percent of females between the ages of fifteen and twenty who reported one violent act during a dating relationship also reported the behavior to be extremely violent.¹⁷ In 2005, Liz Claiborne, Inc. conducted a survey of 683 teenagers that revealed that thirteen percent of those teen girls experienced physical violence by their boyfriends.¹⁸ Furthermore, fifty-seven percent of those teenagers knew friends or peers who had been physically, sexually, or verbally abused.¹⁹ In 2007, Maryland statistics indicated that thirteen victims under the age of eighteen were killed as a result of domestic violence.²⁰ Additionally, in Baltimore City, 268 victims between the ages of fifteen and twenty-one initiated charges of assault against their intimate partner between January and June of 2007.²¹ Of this number, ten revealed that their boyfriends were members of a gang.²²

In many ways, the teenage domestic violence experience is identical to the adult domestic violence experience.²³ Like adult victims, teen victims experience the same acts of abuse described in the power and control model²⁴ and the same cycle of violence identified in Lenore Walker's cycle of violence theory²⁵ in an abuser's

16. THE NATIONAL CENTER FOR VICTIMS OF CRIME, TEEN DATING VIOLENCE FACT SHEET, available at <http://www.ncvc.org/ncvc/AGP.Net/Components/documentViewer/Download.aspx?DocumentID=4003>.

17. FAMILY VIOLENCE PREVENTION FUND, THE FACTS ON TEENAGERS AND INTIMATE PARTNER VIOLENCE (2007).

18. LIZ CLAIBORNE, INC., TEEN RELATIONSHIP ABUSE FINDINGS 1 (2005), available at <http://www.loveisnotabuse.com/pdf/Liz%20Claiborne%20Relationship%20Abuse%20Hotsheet.pdf>.

19. *Id.*

20. Maryland Network Against Domestic Violence, 2007 Maryland Network Against Domestic Violence Statistics, www.mnadv.org/DV_Stats/dv_stats.html (last visited Jan. 6, 2009).

21. Baltimore City State's Attorney's Office, Domestic Violence Unit, Statistics (Jan.–June 2007) (on file with author).

22. *Id.*

23. Suarez, *supra* note 11, at 430 (“Abusive dating relationships . . . are nearly identical to adult battered spouse syndrome, down to the victim’s low self-esteem and the batterer’s need to assert power”) (quoting Fern Shen, *Wells Betray Dark Side of Teen Dating: Specialist See a Youthful Version of Battered Spouse Syndrome*, WASH. POST, July 18, 1993, at A1, A16).

24. DOMESTIC ABUSE INTERVENTION PROJECT, POWER AND CONTROL WHEEL (1984), available at <http://www.duluth-model.org/documents/PhyVio.pdf> [hereinafter Power and Control Wheel].

25. See LENORE WALKER, TERRIFYING LOVE: WHY BATTERED WOMEN KILL AND HOW SOCIETY RESPONDS 42–45 (1989) (explaining the tension building phase, acute battering

effort to gain and maintain power and control. Both teen and adult victims experience jealousy, control, and separation violence perpetrated by the abuser, as well as isolation and fear of retaliation. They also may be in love with the abuser and believe his promises to change. Additionally, teenage victims, like adult victims, are often ashamed of the violent relationship, blame themselves for the abuse, and are too fearful to leave their abuser.²⁶ Teenage abusers' violent and coercive acts also mirror an adult abusers' behavior in that they use intimidation, frightening gestures, destruction of property, harm to pets, and kidnapping of children to regain or maintain control.²⁷ Teen and adult abusers escalate the violence when the victim tries to terminate the relationship.²⁸

However, there are notable differences between the teen victims and adult victims. First, the experiences of teens and young adults are notably more critical than those of adult victims because teen victims are less mature and have fewer coping skills. In addition, teen domestic violence is somewhat attributable to the overall nature of adolescent development.²⁹ Most young women are inexperienced in dating and intimacy, both sexually and emotionally,³⁰ and are ill equipped to handle adult-like relationships that are exclusive and may involve violence.³¹ Second, unlike in adult relationships, teens are not forever tied to their abusers. For the most part, they do not share property, finances, or children. Third, teens have fewer resources than adult victims. Teens' reporting and help-seeking methods are almost non-existent and ineffective. Generally, silence has been the biggest co-conspirator of domestic violence.³² The conspiracy is compounded

phase, and honeymoon phase); see also Lamis Ali Safa, *The Abuse Behind Closed Doors and the Screams That Are Never Heard*, 22 T. MARSHALL L. REV. 281, 293 (1997).

26. Professional Experience, *supra* note 1; see also Sarah Buel, *Family Violence, Fifty Obstacles to Leaving, a.k.a., Why Abuse Victims Stay*, 28 THE COLO. LAW. 19, 20, 24–25 (1999).

27. Roger Levesque, *Dating Violence, Adolescents, and the Law*, 4 VA. J. SOC. POL'Y & L. 339, 345 (1997); Power and Control Wheel, *supra* note 24.

28. WomenLaw.org, Information for Teens, <http://www.womenslaw.org/teens.htm> (last visited Jan. 6, 2009).

29. Sousa, *supra* note 9, at 359 (1999).

30. Alabama Coalition Against Dating Violence, *Dating Violence*, <http://www.Acadv.org/dating.html> (last visited Jan. 6, 2009).

31. Hanna, *supra* note 14, at 441 (“While young women may perceive themselves as making choices about their sexual lives, they may have far less control than they think. For many girls, love and the sex that accompanies it, becomes the gateway to violent relationships.”).

32. See generally Lynn D. Wardle, *Marriage and Domestic Violence in the United States: New Perspectives About Legal Strategies to Combat Domestic Violence*, 15 ST. THOM.

by teenagers who are notoriously secretive about their actions, particularly their romantic relationships. Critical information about violence is seldom reported to parents, teachers, counselors, and other authority figures.³³ Teen victims will usually confide and report abuse to other teens who are unlikely to tell an adult.³⁴ Finally, when the violence is properly reported, the response of the judicial system has been lacking. For example, in many states teen domestic violence victims are absent from domestic violence legislation and statutes.³⁵ Most statutes define a victim as a spouse or former spouse, cohabitant or former cohabitant, or require some other type of adult relationship.³⁶ Mandatory arrest statutes do not account for teen domestic violence³⁷ and, in many states, teenagers are not eligible to obtain protection or peace orders.³⁸

The gap in understanding and addressing teenage domestic violence becomes even wider when the teenage victims' abusers are gang members. Similar to immigrant victims and victims in same-sex relationships, these victims are invisible and under-served. Immigrant victims and victims in same-sex relationships often do not report domestic violence because they are viewed by the criminal justice system as deserving of the violence or the violence is excused because it is expected of the victim's culture.³⁹ Victims involved with gang members also suffer from cultural stereotypes. These victims also experience the traditional pattern of physical and emotional abuse as a means to establish and maintain dominance over an intimate partner;⁴⁰ however, their experience is unique because of the abuser's identity.

L. REV. 791, 798 (2003) (stating that many victims are silent which results in the lower and varied reporting figures).

33. Christine Carlson, *Invisible Victims: Holding the Education System Liable for Teen Dating Violence at School*, 26 HARV. WOMEN'S L.J. 351, 360 (2003) ("Another reason why teens do not volunteer information concerning their abusive relationships is the psychological desire for independence. As a result, teens are relatively unlikely to approach their parent with request for help.")

34. *Id.* at 366.

35. Levesque, *supra* note 27, at 357; *see also* Suarez, *supra* note 11, at 435–36.

36. Suarez, *supra* note 11, at 435–36.

37. *Id.* at 458–459.

38. ABA COMMISSION ON DOMESTIC VIOLENCE, DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS (CPOS) BY STATE, (Aug. 2007), *available at* http://www.abanet.org/domviol/docs/DV_CPO_Chart_8_2007.pdf.

39. Leslye Orloff, *Recent Development: Battered Immigrant Women's Willingness To Call For Help and Police Response*, 13 UCLA WOMEN'S L.J. 43, 49–51 (2003); *see also* Ruthann Robson, *Lavender Bruises: Intra-Lesbian Violence, Law and Lesbian Legal Theory*, 20 GOLDEN GATE U.L. REV. 567, 588–91 (1990).

40. POWER AND CONTROL WHEEL, *supra* note 24.

By nature and perhaps by definition, gangs are notoriously violent.⁴¹ This violent behavior often extends to the treatment of intimate partners.⁴² This victim experiences violence and threats of violence in ways that are unimaginable and not studied in the context of an intimate relationship.⁴³ Her experience can often be more dangerous and deadly than “traditional” domestic violence victims, and her escape from the relationship is often impossible.⁴⁴

In light of the pervasive and impending danger she faces, her silence and failure to report the violence are understandable. She usually has no one to tell—particularly not her parents and certainly not the police. She may be embarrassed to reveal that not only is she involved in a violent relationship, but her boyfriend is a gang member. She is silent to a fault because she fears retribution. She is less likely to call the police, especially if she is a gang member herself or culpable in her boyfriend’s crimes.⁴⁵ Many girlfriends of gang members participate in their boyfriend’s crimes by holding drugs or driving the vehicle while a crime is being committed.⁴⁶ Her involvement in crime and the gang does not readily invite the assistance and support traditionally given to domestic violence victims.⁴⁷

II. THE GANG CULTURE AND THE GANG MEMBER AS AN ABUSER

A. Gang Culture

To begin to understand the domestic violence experience of the teen victim of a gang member, it is imperative to understand the gang

41. Steve Nawojczyk, *Street Gang Dynamics*, <http://www.gangwar.com/dynamics.htm> (last visited Jan. 6, 2009).

42. Professional Experience, *supra* note 1.

43. See generally Karla Fisher et. al, *The Culture of Battering and the Role of Mediation in Domestic Violence Cases*, 46 SMU L. REV. 2117, 2120 (1993) (stating that researchers have not defined violence and abuse).

44. Professional Experience, *supra* note 1.

45. *Id.*

46. Adrien Wing & Christine Willis, *Critical Race Feminism: Black Women and Gangs*, 1 J. GENDER RACE & JUST. 141, 163–64 (1997).

47. See generally MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, MARYLAND CRIMINAL INJURIES COMPENSATION BOARD CRIME VICTIMS ASSISTANCE BROCHURE (2007), available at <http://www.dpss.state.md.us/victimservs/pdfs/Brochure.pdf> (illustrating that crime victims assistance, such as compensation for medical expenses and counseling, are not available if the victim “caused, provoked or contributed to the incident”).

culture. A gang is an organization of individuals who collaborate together for social reasons.⁴⁸ Gangs are certainly not new to our society, as they have existed for hundreds of years.⁴⁹ Most people are familiar with the Bloods and Crips, which originated in California.⁵⁰ However, there are reportedly more than 24,500 different youth gangs in the United States, with more than 772,500 teen and young adult members.⁵¹ From the very familiar gangs (the Bloods, Crips, MS-13, and Vice Lords) to the less familiar (the Hot Boyz/Shoot 'Em Up), gangs have proliferated the nation from the west coast to the east coast. Whether a business-like organized gang or a loosely organized clique, gangs have created an environment of fear in many of our nation's neighborhoods.

Although gangs and gang membership are not illegal *per se*,⁵² violence is the cornerstone of gang activity.⁵³ Historically, gangs have terrorized rival gangs, as well as individuals and communities. They have been responsible for murders, robberies, and drug distributions that create an environment of fear and intimidation.⁵⁴ In Baltimore, a member of the Bloods pleaded guilty to the slaying of two witnesses, one a member of the Crips "because the two gang members had been arguing over drug trafficking locations in the Oliver Community" and the other fellow Blood gang member who was thought to have snitched to the police.⁵⁵ In May 2007, another Baltimore Blood member received a life sentence for the murder of a fellow Blood member "accused of messing up the gang's drug money."⁵⁶ Sadly, bystanders are often the unintended victims of the gangs' turf wars and terror. For example, in September 2007 in the Roxbury neighborhood of Boston, a sixty-eight year old woman was wounded by gunfire

48. Nawojczyk, *supra* note 41, at 3.

49. Douglas E. Thompkins, *School Violence: Gangs and a Culture of Fear*, 567 ANNALS 54 (2000); Nawojczyk, *supra* note 41, at 1.

50. Nawojczyk, *supra* note 41, at 5.

51. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE, HIGHLIGHTS OF THE 2000 NATIONAL YOUTH GANG SURVEY (2002), available at <http://www.safeyouth.org/scripts/faq/gangstats.asp> [hereinafter Highlights].

52. Nawojczyk, *supra* note 41, at 4.

53. See generally *id.*

54. Bart Rubin, *Hail, Hail, The Gangs Are All Here: Why New York Should Adopt a Comprehensive Anti-Gang Statute*, 66 FORDHAM L. REV. 2033, 2034–35 (1998).

55. Luke Broadwater, *Bloods Gang Member Pleads Guilty to Two Murders*, THE EXAMINER, Apr. 24, 2007.

56. Luke Broadwater, *Bloods Leader Gets Life in Prison*, THE EXAMINER, May 31, 2007.

exchanged between two rival gangs.⁵⁷ Furthermore, violence and fear are intimidation tools employed by gangs to gain and maintain power and control.⁵⁸ One gang member stated that “[w]e will do whatever we can to keep what we have and get what we want.”⁵⁹

Gang life attracts young people for a myriad of reasons. Some join gangs because something is missing in their homes and communities.⁶⁰ In most instances, gangs become a substitute family.⁶¹ Members are taught that the gang is the “real family.”⁶² Researchers have also identified that young recruits join gangs for the sense of recognition, belonging, and status.⁶³ Although teens and young adults from all ethnic and economic backgrounds can become gang members, most recruits are from the inner city and low-income families.⁶⁴ The gang culture, like all other cultures, has its own set of values, language, customs, and traditions that are passed down from generation to generation.⁶⁵

B. What Attracts Female Teens and Young Adults to Gang Members?

Why do girls involve themselves with gang members? Although many women are involved in violent relationships, researchers have concluded that there are no particular personality or character traits that predict if a specific woman is prone to involvement in a domestically violent relationship.⁶⁶ The attraction to a gang member is not much different from what generally attracts a teen or young adult, male or female, to join a gang.⁶⁷ Like the gang member himself, many young women inexperienced in dating and relationships seek a familial replacement and are attracted to the

57. Maria Cramer & John Drake, *3 Injured in Gang's Cross Fire, Police Say*, THE BOSTON GLOBE, Sept. 10, 2007.

58. See generally Rubin, *supra* note 54, at 2038–39 (noting that gangs are establishing in New York and using “their brand of terrorism” to frighten New Yorkers).

59. MARIA HINOJOSA, CREW: GANG MEMBERS TALK TO MARIA HINOJOSA (1995).

60. Nawojczyk, *supra* note 41, at 3.

61. Bud Mayo, *Gang and Gang Culture: What Parents Need to Know*, OUR CHILDREN, Dec.–Jan. 2006, available at <http://linkinghub.elsevier.com/retrieve/pii/S1054139X07003667>.

62. David Anderson, *Jail, Jail, The Gangs All Here: Senate Crime Bill Sections 521, The Criminal Street Gang Provision*, 36 B.C. L. REV. 527, 531–32 (1995).

63. Nawojczyk, *supra* note 41, at 3.

64. MIKE CARLIE, INTO THE ABYSS: A PERSONAL JOURNEY INTO THE WORLD OF STREET GANGS (2002), available at http://www.faculty.missouristate.edu/M/MichaelCarlie/what_I_learned_about/GANGS/culture.htm.

65. *Id.*

66. DALTON & SCHNEIDER, *supra* note 4, at 96–97.

67. See generally Wing & Willis, *supra* note 46, at 147–48.

respect, power, and status offered by the gang member boyfriend. Generally, all genders are hardwired to mate; therefore, heterosexual girls desire, and sometimes compete for, the attention of boys who seem to have power and status.⁶⁸ In the gang world “the most desirable position is to be the steady girlfriend or wife” of a gang member.⁶⁹ The more prominent the position a young man has in the gang, the more attractive he becomes and probably the more dangerous he will be if he becomes violent in the dating relationship. Although girls have also established their own gangs and engage in some of the same violence as male gangs,⁷⁰ by dating a gang member, young women can achieve the desired goals of status, money, and power without going through the initiation process and behaving violently themselves.⁷¹ Even girls outside of the gang world compete to be the one and only of a gang member. For example, even among college females, high status drug dealers and gang members are sometimes considered desirable partners.⁷²

C. Gang Members as Abusers

Although gang members use violence to gain and maintain power and control on the street, not all gang members are abusive toward their intimate partners.⁷³ For prosecutors and advocates, the connection between gang membership and domestic violence is not a standard or easy connection to make. Although gang members may or may not be “cobras,” “pit bulls,” “bossman,” or “gentlemen,” the real issue is the gang member’s concept of power.⁷⁴ Two theories posit that a direct correlation exists between gang membership and domestic

68. Cheryl Hanna, *Ganging Up On Girls: Young Women and Their Emerging Violence*, 41 ARIZ. L. REV. 93, 117 (1999).

69. *Id.* at 127.

70. Jody Miller, *Gender and Victimization Risk Among Young Women in Gangs*, 35 J. RES. CRIME & DELINQ. 429, 432 (1998); see generally Wing & Willis, *supra* note 46, at 147.

71. Hanna, *supra* note 68, at 127–28.

72. See, e.g., Reginald Stuart, *Kemba’s Nightmare*, EMERGE MAGAZINE, May 1996, at 28 (A twenty-four year-old Hampton student received one of the longest prison sentences for being a two-bit player in a drug ring. Kemba Smith was a co-conspirator with her drug dealing boyfriend who did not attend college.).

73. Professional Experience, *supra* note 1.

74. Amy Holtzworth-Munroe & Gregory L. Stuart, *Typologies of Male Batterers: Three Subtypes and the Differences Among Them*, 116 PSYCHOLOGICAL BULLETIN 476, 476–97 (1994) (Cobras are criminal types who have engaged in criminal behavior since childhood and are sometimes psychopaths. Pit Bulls are abusers whose violence is mainly directed toward family members.); see also John Hagedorn, *Gangs*, <http://www.gangresearch.net/Archives/hagedorn/mascgang.html> (last visited Oct. 1, 2007) (comparing gang members to “frat boys.”).

violence: (1) female victimization as part of female gang initiation and (2) gang and family influences on the development of gender ideologies.⁷⁵

1. Female Victimization

Female victimization perpetrated by male gang members can be largely attributable to the gang structure. Young women who are involved romantically or platonically with gang members are viewed as sexual objects or property.⁷⁶ Female victimization, whether physical, sexual, or emotional in nature, occurs whether the teen is a girlfriend of a gang member or a female gang member, who may or may not be the girlfriend of a gang member.⁷⁷ Female gang members also victimize young girls when the young girls join or leave the gang.⁷⁸ Females are as likely as males to join gangs, and they join for the same reasons.⁷⁹ Female gangs consist of three types: all female membership gangs, auxiliary groups to male gangs, and co-ed membership gangs.⁸⁰ In auxiliary gangs and co-ed gangs, male gang members often victimize females as part of the initiation process.⁸¹ The initiation rites into these two gang types usually include being “sexed in.”⁸² When a female is “sexed in,” she is forced to have sex with one or more male gang members.⁸³ She is unable to choose with whom she has sex with and may be subjected to a “train run.”⁸⁴ Neither the males nor females consider this rape.⁸⁵ Therefore, if she reports rape, she loses the respect of the gang. Female members are often physically and sexually abused when they are elevated to a higher position within the gang.⁸⁶ Although rare, young women who want to end their gang affiliation are often “sexed out.”⁸⁷ When a

75. Hannah, *supra* note 68, at 124; *see also* MARK D. TOTTEN, *GUYS, GANGS & GIRLFRIEND ABUSE* 179 (2000).

76. Hannah, *supra* note 68, at 128–29.

77. *Id.*

78. *Id.* at 132.

79. *See, e.g.*, Miller, *supra* note 70, at 438–40 (stating that both males and females usually join a gang for a sense of protection).

80. Wing & Willis, *supra* note 46, at 147.

81. Hanna, *supra* note 68, at 124.

82. *Id.* (stating that initiation rites of girls into gangs include girls being “jumped in,” “rolled in,” or “sexed in”).

83. *Id.*

84. *Id.* at 127 (describing a train as several males, in succession, having sex with a female) (citing GINI SIKES, *8 BALL CHICKS* 103 (1997)).

85. Hannah, *supra* note 68, at 127.

86. *Id.* at 127.

87. Professional Experience, *supra* note 1.

female is “sexed out” of the gang she is forced to have sex as payment for her separation.⁸⁸ Historically, breaking ties with a gang can be deadly,⁸⁹ and the “sexed out” process is often brutal because when a young female joins an auxiliary or co-ed gang she is considered its property.⁹⁰

Gang and “thug life” are too-often glamorized by the hip-hop culture, depicting it on television and in music as a desirable life. The hip-hop culture is a breeding ground for misogynistic ideas and behaviors.⁹¹ Violence and abuse towards women are glamorized in music, movies, television, videos, and magazines.⁹² Female victimization and anti-female hatred are particularly obvious in hip-hop and rap music. Among the many hit songs with degrading and offensive lyrics are “Freaky Gurl” by Gucci Mane⁹³ and “Slow Motion” by Juvenile.⁹⁴ In such songs, females are called “bitches” and “hos” and sex is highly suggestive.⁹⁵ Many young women are complicit in the open disdain for females that is expressed in music and videos, suggesting a disturbing acceptance of female victimization.⁹⁶ Girls too often refer to themselves and other females as “bitches,” “hos,” and “skeezers.” In videos, young women are frequently paraded without clothing, very little clothing, or in very revealing clothing.⁹⁷ These exploitive ideas, language, and behaviors are adopted by gangs and reflected in their treatment of young women in personal and gang relationships.⁹⁸

88. *Id.*

89. Nawojczyk, *supra* note 41, at 4.

90. See Hanna, *supra* note 68, at 132.

91. See Thulani Davis, *The Height of Disrespect*, THE VILLAGE VOICE, Mar. 9, 2004, available at <http://www.villagevoice.com/news/0411,davis,51847,1.html>.

92. *Id.*

93. GUCCI MANE, *FREAKY GURL* (Atlantic Records 2007) (“She a very freaky girl/Don’t bring her home to mamma/First you get her name then you get her number/Then you get some get some in the front seat of the hummer.”).

94. JUVENILE, *SLOW MOTION* (Cash Money Records, 2004) (“She love the way the dick stay hard from twelve till early in the morn/Fine bitches if you listening you heard me I’m strong/If you going through your cycle I ain’t with it I’m gone/You must’ve heard about them hoers I beat up in my home/They was telling the truth baby you know they was wrong.”).

95. Davis, *supra* note 91.

96. *Id.*

97. See, e.g., JAY-Z, *BIG PIMPIN* (Rock-A-Fella Records 2000).

98. Nawojczyk, *supra* note 41, at 2.

2. Gender Ideologies Reinforced by Gang Members

When one joins a gang, the gang becomes that member's "real family"⁹⁹ and takes on the respect and responsibility of the biological family. Similar to a biological family, ideas, thoughts, and behaviors are shared by the gang members.¹⁰⁰ It is widely accepted that a child who witnesses domestic violence within his or her family is increasingly likely to become an abuser or victim of abuse than others, "thus perpetuating the cycle of violence over and over through the generations."¹⁰¹

In domestically violent families, boys are sometimes taught and conditioned to believe that traditional gender roles exist and that violence is an acceptable means to control women.¹⁰² As a result, research indicates that "the rate of wife-battering is three times higher for sons of violent fathers than others."¹⁰³ Also, girls who witness or observe domestic violence are conditioned to tolerate victimization and, therefore, more likely to become victims.¹⁰⁴ Young males and females who are exposed at an early age to domestic violence learn that violence is an appropriate response to settle disputes, manipulate and control, and express negative emotions.¹⁰⁵ This same theory may apply to the youth exposed to gang violence and female victimization within the gang culture.

For young people who join the "real family,"¹⁰⁶ meaning gangs, at an early and impressionable age,¹⁰⁷ the influence of the gang is as strong and defining as a biological family.¹⁰⁸ The gang takes on the role of the "family" in gang members' lives, and often gang members emulate the gang's behavior as well as its patriarchal and

99. Anderson, *supra* note 62, at 531.

100. See Nawojczyk, *supra* note 41, at 4.

101. Laurel Kent, *Addressing the Impact of Domestic Violence on Children: Alternatives to Laws Criminalizing the Commission of Domestic Violence in the Presence of a Child*, 2001 WIS. L. REV. 1337, 1345 (2001) (quoting DAWN BRADLEY BERRY, *THE DOMESTIC VIOLENCE SOURCEBOOK* 121 (1998)).

102. TOTTEN, *supra* note 75, at 180 ("Abusive behavior in the home was, for the most part, perceived to be a legitimate way to ensure that family members stayed within their prescribed roles.")

103. Kintner, *supra* note 13, at 278 (quoting Alan J. Tomkins et. al., *The Plight of Children Who Witness Women Battering: Psychological Knowledge and Policy Implications*, 18 LAW & PSYCHOL. REV. 137, 150 (1994)).

104. Kintner, *supra* note 13, at 278.

105. *Id.* at 278-79.

106. Mayo, *supra* note 61.

107. Robert A. Destro, *Hostages in the Hood*, 36 ARIZ. L. REV. 785 (1994) (stating that young people as young as nine and ten years of age join gangs).

108. Mayo, *supra* note 61.

sexist ideals.¹⁰⁹ Gang culture conditioning begins once a young male is initiated into the gang.¹¹⁰ Violence is a part of the young man's initiation process. A male who wants to join a gang often must first commit murder, assault, or some other heinous crime to prove his love and loyalty to the gang or to prove that he is hard enough to be a member.¹¹¹ Once inducted into the gang, violence becomes a routine part of the member's life.¹¹²

Male domination and female victimization are also often a part of the gang culture.¹¹³ Female and girlfriend abuse among gang members is, in part, a product of the gender ideologies found within the gang.¹¹⁴ Physical and sexual violence toward young women, although not considered violence by the gang, becomes a learned behavior. Members adopt their leaders' violent sexual behavior against women as well as the leaders' misogynistic philosophies.¹¹⁵ If the gang as a whole promotes and supports abusive behavior and violence against females and girlfriends, its individual members are more likely to be violent and abusive towards females and girlfriends as well.¹¹⁶

3. *Gang Abuser's Use of Intimidation and Brutal Violence*

In all domestically violent relationships, separation violence is the most violent.¹¹⁷ When a victim decides to leave an abusive relationship, abuse and intimidation levels often escalate, resulting sometimes in death.¹¹⁸ A teen or young adult victim who wants to end a domestically violent relationship with a gang member may be faced with the increased danger of deadly violence because she may be privy to gang secrets.¹¹⁹ These secrets may include code names, phone numbers, and the knowledge of crimes committed by gang

109. TOTTEN, *supra* note 75, at 187–88.

110. *Id.* at 119, 157.

111. *See, e.g.*, Rubin, *supra* note 54, at 2034.

112. Nawojczyk, *supra* note 41.

113. TOTTEN, *supra* note 75, at 131.

114. *Id.* at 188.

115. *Id.*

116. *See id.* at 188.

117. Elizabeth LaFlamme, *Missouri's Parenting Plan Requirement: Is it in the Best Interests of Domestic Violence Victims?*, 56 J. Mo. B. 30, 30 (2000); Julie Kunce Field, *Screening for Domestic Violence: Meeting the Challenge of Identifying Domestic Relations Cases Involving Domestic Violence and Developing Strategies for Those Cases*, 39 CT. REV. 4, 6 (2002).

118. Field, *supra* note 117, at 6.

119. Professional Experience, *supra* note 1.

members.¹²⁰ Although she may have no intention to reveal the gang's secrets, the gang often feels it cannot afford to take that chance.

A physically abusive gang member is often an expert in intimidating others. Gang abusers are trained in and accustomed to intimidating other gang members and the general community.¹²¹ When gang members are present, the atmosphere in neighborhoods is riddled with fear. This intimidation is a powerful force against an intimate partner. Gang members often engage in intimidation tactics, which include stalking or intimidating victims who leave a relationship with a gang member or choose to testify in court against a gang member.¹²² Moreover, gang members can also utilize modern technology to stalk and intimidate their victims.¹²³

In 2007, accounts of intimidation by gang abusers came to light and helped support the efforts of the Office of the State's Attorney for Baltimore City to strengthen the witness intimidation bill.¹²⁴ Oftentimes a victim who reports domestic violence and agrees to testify is viewed as a snitch.¹²⁵ Intimidation and retaliation are used to send the message to the victim and the witnesses, which may include children,¹²⁶ that if you testify or assist the state, you will pay a price.¹²⁷ Intimidation is particularly persuasive because teen or young adult victims are often not supported in court by family, friends, and community advocates.¹²⁸ The following accounts of intimidation tactics reflect the relentless efforts and ingenuity of gang abusers:

Gang presence in the courtroom: Gang members will frequently meet a young woman at the courthouse steps and make her so fearful that she will not enter the courtroom.¹²⁹ Gang members will sit in the courtroom as well, and their presence and secret signals,

120. *Id.*

121. Rubin, *supra* note 54, at 2051; Nawojczyk, *supra* note 41 ("Some gangs require, by written or spoken regulation, that the gang member must always show disrespect to rival gang members.").

122. Professional Experience, *supra* note 1.

123. PETER PICARD, TECH ABUSE IN TEEN RELATIONSHIPS STUDY (2007) 8, available at <http://www.loveisnotabuse.com/pdf/06-208%20Tech%20Relationship%20Abuse%20TPL.pdf>.

124. Luke Broadwater, *Jessamy Mourns Death of Intimidation Bill*, THE EXAMINER, Mar. 15, 2007, available at http://www.examiner.com/a-619945~Jessamy_mourns_death_of_intimidation_bill.html.

125. Professional Experience, *supra* note 1.

126. *Id.*

127. *Id.*

128. *Id.*

129. *Id.*

often known only by the victim, can be enough to silence a victim or make her recant her testimony.¹³⁰

Technology: Modern technology allows abuser easy access, sometimes undetectable and untraceable, to their victims.¹³¹ MySpace, instant messaging, cell phones, and text messages are tools to intimidate, stalk, and exert control over teen and young adult victims.¹³² One teen stated, “[m]y boyfriend terrorized me in a number of ways, but one of the most effective was through email. Email became one of his primary methods of control, especially when my parents refused to let us speak on the phone. He wanted to know where I was every second of the day.”¹³³

Mail: Gang members, as with all abusers, frequently send letters to intimidate and stalk.¹³⁴ This is particularly common when a gang member is in jail.¹³⁵ One victim was strong enough to testify against her abuser, resulting in her abuser’s incarceration for a significant period of time.¹³⁶ Yet since then, the victim has received letters from her abuser stating that many of his fellow gang members would gladly harm her to advance their status in the gang.¹³⁷ The abuser also wrote that he is having the victim followed, accurately describing her daily activities as proof.¹³⁸

Another domestic violence victim, this one from Honduras, reported that prior to the trial against her abuser, she found letters the defendant had written, threatening to harm her, her witness, and her family in Honduras.¹³⁹ She said that her abuser belonged to the MS-13 gang, which has connections in Honduras.¹⁴⁰ Although her witness later disappeared, she testified in court, and her abuser was convicted.¹⁴¹ Two months later, the victim’s father, who lived in Honduras, died in a mysterious car accident.¹⁴²

130. *Id.*

131. See PICARD, *supra* note 123, at 5.

132. *Id.* at 9.

133. Press Release, National Domestic Abuse Hotline, New National Teen Dating Abuse Helpline (Feb. 8, 2007).

134. See *Hackley v. State of Maryland*, 161 Md. App. 1, 20–21 (Md. Ct. Spec. App. 2005) (noting that letters are included as a stalking tactic).

135. Professional Experience, *supra* note 1.

136. This information was received during an interview the author conducted in preparation for a case [hereinafter Interview].

137. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

141. *Id.*

142. *Id.*

Graffiti: One victim called the morning of a trial and refused to come to court because of a cryptic message spray painted on the outside wall of her home.¹⁴³ She was to testify in court on August 14th.¹⁴⁴ The message read “RIP- August 12, 13 __ 15.”¹⁴⁵ She feared that her boyfriend’s gang left the message, interpreting it to mean that if she testified on August 14th, she would be killed.¹⁴⁶

As previously noted, violence is the cornerstone of gang membership. It is the one mechanism that accomplishes a gang’s goals of respect, retaliation, and reputation. Gang abusers have the capability to exact brutal violence on their victims, and violence is often used on girlfriends who challenge their authority or seek to leave the relationship.¹⁴⁷ While interviewing several young women and teenagers in intimate relationships with gang members, some gave accounts of horrific and brutal violence.¹⁴⁸ Like all victims of domestic violence, they have experienced one or more violent acts, including being punched, choked, kicked, and body slammed.¹⁴⁹ The most brutal form of violence against a victim whose intimate partner is a gang member is branding.¹⁵⁰ Two young women, who have come to the attention of the Office of the State’s Attorney for Baltimore City’s Domestic Violence Division, reported branding as the most violent action.¹⁵¹ One young lady reported that she was branded after her gang member boyfriend thought she was interested in someone else.¹⁵² He branded her in a place that would send a message to any other male that not only does she belong to him, but also by virtue of their relationship she was his gang’s property.¹⁵³ Most violent incidents reported by victims of gang abusers involved the use of a weapon.¹⁵⁴

Additionally, these young women suffered profound sexually abusive behavior. One young lady reported being forced to parade around naked in front of the other gang members.¹⁵⁵ This same young

143. *Id.*

144. *Id.*

145. *Id.*

146. *Id.*

147. *See* TOTTEN, *supra* note 75, at 159–60.

148. Interview, *supra* note 136.

149. *Id.*

150. Amanda Lee Meyers, *Woman’s Cheek Branded With ‘Snitch’*, ASSOCIATED PRESS, June 22, 2007 (“A woman had the word ‘snitch’ burned into her face with a branding iron in apparent retaliation for helping police in a domestic violence case.”).

151. Interview, *supra* note 136.

152. *Id.*

153. *Id.*

154. Professional Experience, *supra* note 1.

155. *Id.*

lady reported that she was forced to have sex with several members of the gang's core leadership group.¹⁵⁶ Finally, she noted that several girlfriends were "given" to members of the gang with less status¹⁵⁷ as a form of punishment.¹⁵⁸

III. THE CALL TO ACTION

The power of brutal violence and intimidation is unmanageable for most victims, regardless of their age. Witness intimidation has often caused prosecutors nationwide to abandon their prosecution of gang members.¹⁵⁹ As one author wrote, "[v]irtually no city in which there are guns, gangs, drugs, or poverty has been spared the problem of witness intimidation."¹⁶⁰ It stands to reason that if an entire community can be paralyzed by gang violence, a single victim can be paralyzed as well.

A young female victim is aware that if she departs from the gang abuser, she is likely not to survive the trial that could result in her abuser's incarceration. She is also aware that if she survives the intimidation during the trial, she may not survive the retribution for her testimony. She realizes that the state cannot protect her. Where can this teenage victim seek shelter and safety? Traditional safety outlets may not suffice. If the victim is under eighteen years of age, she can neither obtain a protection order nor relocate to another city.¹⁶¹ Often, this victim cannot simply move to another part of the city because the gang's influence is citywide.¹⁶² Are jurisdictions prepared to address her unique issues? How do we get her to talk, and if she talks how do we protect her from this fast growing enemy to the community? Victims know the street power the gangs possess, the criminal justice system's failure to prosecute crimes, and the lack of resources available to provide protection. A victim's silence may save her life.

We must design a protocol to assist these young women. At a minimum, this call to action must encompass three components:

156. Interview, *supra* note 136.

157. Gang411, Gang Structure, http://gangsta411.com/gang_structure.htm (last visited July 13, 2007 and on file with author) (describing the levels of status within a gang structure).

158. Interview, *supra* note 136.

159. Jeannine Amber, *The Streets Are Watching*, ESSENCE MAGAZINE, Jan. 2007, at 110.

160. *Id.*

161. Elizabeth Barravecchia, *Expanding the Warrantless Arrest Exception to Dating Relationships*, 32 MCGEORGE L. REV. 579, 580 (declaring that "many teenage women do not have legal options for protections from domestic violence, because their relationships do not fall within statutory language").

162. Nawojczyk, *supra* note 41, at 3.

research, education, and legislative change. Comprehensive research is crucial if we are to begin to answer the call to action. We must learn who these young women are in our community and understand the violence they experience. Education is a key preventive measure that must begin as early as gang involvement and influence manifests. If, as studies show, gang involvement begins at the age of ten or eleven years of age,¹⁶³ the primary school system must identify new gang recruits and address them. Although public awareness of domestic violence has increased and several states have included teen dating violence prevention programs as part of their educational curriculum,¹⁶⁴ gang violence and gang perpetrated domestic violence must be part of these awareness efforts. Awareness and prevention programs must address our teens' distorted attitudes towards gang involvement as well as violence in relationships.

Finally, legislative change and advances must be made if we are to eliminate the intimidating influences of gang activity. Legislators must adopt and strengthen laws that criminalize gang involvement and that provide harsh penalties for gang crimes and gang intimidation tactics. Local prosecutors in Maryland, for example, were successful in lobbying the General Assembly for stiffer penalties for gang activity.¹⁶⁵ In addition, jurisdictions are filing civil injunctions against gang members.¹⁶⁶ Strengthening and using parental liability statutes is another tool to help domestic violence victims recover medical expenses.¹⁶⁷ It is important that states consider protecting teen victims by adopting legislation that includes teen dating relationships in the definitions of domestic violence, allows teens to obtain protection orders, and expands mandatory arrest policies to include teen domestic violence. Unless we address the issue of gang perpetrated domestic violence, we will continue to neglect a fast growing population in our communities that needs help.

163. Destro, *supra* note 107, at 785, 818.

164. See, e.g., Sousa, *supra* note 9, at 363–64; see also Educ. Dev. Ctr, *EDC's Teen Dating Violence Curriculum Hailed by U.S. Senators*, EDC UPDATE, Fall 2006, at 5.

165. See, Maryland Gang Prosecution Act of 2007, MD. CODE ANN., CRIM LAW §§ 9-801, 804 (Supp. 2007).

166. Marie Price, *Oklahoma Prosecutors Battle Gang Violence*, THE JOURNAL RECORD, Sept. 6, 2007, available at <http://www.kfor.com/Global/story.asp?S=7036357> (“The civil-injunction idea has been used in Texas, Florida, Minnesota, and California, which recently passed a new law allowing all municipalities to seek injunctions, and elsewhere. In general, the injunctions treat gang members like unincorporated associations, whose members can be held liable for creating public nuisances and other offenses.”).

167. Suarez, *supra* note 11, at 469–70 (discussing victim's compensation through parental liability statutes).

