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PULLING LEVERS: CHRONIC OFFENDERS, HIGH-CRIME SETTINGS, AND A THEORY OF PREVENTION*

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I. INTRODUCTION

Criminal offending, we well know, is highly concentrated: in serial offenders, a relative few of whom commit a great many crimes; in criminal groups like street gangs; and in particular neighborhoods and in "hot spots" within those neighborhoods. Crime control policy has responded to these concentrations of criminal offending in a variety of ways. Attempts at selective incapacitation sought to identify and incapacitate the worst serial offenders. Certain state and federal laws allow, and sometimes require, sentencing enhancements on the basis of prior convictions, with three strikes laws the most recent variation on this theme. The Federal Bureau of Investigation (FBI) has long taken its goal as the "dismantling" of criminal organizations. In policing, strategies as old as directed patrol and as new as "broken windows" and customized problem solving strategies have addressed high-crime neighborhoods and the hot spots within them. Prosecutors and probation and parole officers, exercising the discretion their offices allow them, have focused their efforts on high-rate and high-risk individuals, groups, and areas.

These approaches share several common elements. Where they focus on individuals, they generally aspire either to taking the individual off the street, as in the case of police and prosecutors, or to individual rehabilitation, as in the case of probation and parole (which can also, of course, bring enforcement and sanctions to bear). Where they focus on groups, they generally aspire to the wholesale elimination of the group, as in the FBI's long campaign against the Mafia, or to the general suppression of the group's offending, as in the usual police strategy against street gangs.¹ These approaches overlap other approaches aimed at key individuals in particular gangs, as in strategies aimed

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1. Malcolm W. Klein, *Attempting Gang Control by Suppression: The Misuse of Deterrence Principles*, in *THE MODERN GANG READER* 88 (Malcolm W. Klein et al. eds., 1995).

at drug “kingpins” and leaders of street gangs: here, the aim is generally to disrupt or destroy the group through the incarceration or coopting of major figures. Neighborhood and hot spot strategies also tend to focus, within the area in question, on the incapacitation or control of individuals and the disruption and general suppression of groups (sometimes by direct enforcement; sometimes through enhanced police presence and other hopefully deterrent measures; sometimes through attention to environmental factors; and sometimes, as with recent disorder and “broken windows” strategies, combinations thereof).

All these approaches have merit. Nonetheless, they do not (with the possible exception of the emergent disorder-focused strategies) work well enough to satisfy either practitioners or the public. Much of the recent political debate on crime and crime control can in fact be characterized as the result of a deeply felt public dissatisfaction with the effectiveness of these approaches. Why, given the clear self-identification of certain persistently criminal individuals and groups—repeat violent offenders, violent youth gangs, chronic domestic abusers, drug addicts—can we not prevent or control their misbehavior? In the case of, for instance, repeat violent offenders who may nonetheless not commit their crimes in a particularly overt and obvious fashion, it seems to be their persistence over time, despite frequent contacts with criminal justice agencies, that so infuriates the public. In the case of, for instance, violent youth gangs and street drug dealers, it is both that persistence and the often distinctly public quality of their offending. If we know who they are; if they offend frequently; if they are frequently arrested and often convicted; if they are frequently on probation, in jail and prison, and on parole; why are we not able to stop them from reoffending?

It is a good question. This Article will begin in the same place—with a recognition that much crime is committed by repeat offenders, many of whom associate with one another and “work” together, often in the same neighborhoods—and propose a new approach to controlling their misbehavior. This approach does not necessarily rely on incapacitating or otherwise directly controlling individuals, rehabilitating individuals, eliminating offending groups, or the general suppression of groups’ offending behavior. Rather, it uses the characteristics of chronic offenders, criminal networks, high-crime areas, and other criminal milieus as a route toward the control of *selected dimensions* of criminal behavior.

Various kinds of concentrations of criminal offending are not simply problems to be solved and challenges to be overcome: the concentrations themselves, it will be argued, present important opportunities. In particular, in given high-crime setting—a high-rate offending group; an individual living a life that includes chronic offending; or a neighborhood characterized by high-rate offending—the proper intervention strategy can reduce *selected elements* of

identifiable criminal offending by “pulling levers” to impose costs on offenders across the many dimensions of vulnerability created by their chronic offending. The power of this approach can be enhanced by the strategic use of communication between authorities and offenders. An interagency approach, permitting the application of a varied menu of sanctions and incentives, can greatly increase the effectiveness of the strategy. Careful attention over time to the dynamics among and between offending groups can allow the prevention and management over time of misbehavior on the selected dimensions. Finally, serial application of the strategy can lead to the control over time of a variety of selected offense categories. Where self-sustaining or positive-feedback dynamics exist, and/or where there are important (if generally unrecognized) shared interests between offenders and authorities, the “pulling levers” approach can potentially pay high dividends for a relatively modest intervention.

II. GANGS, SERIAL OFFENDERS, AND YOUTH HOMICIDE IN BOSTON

The approach emerged from policy analysis performed recently in connection with the The Boston Gun Project, which is a research and action project aimed at reducing serious youth violence in Boston. Directed by the author in conjunction with Anne M. Piehl and Anthony A. Braga, both at the John F. Kennedy School of Government, the three year project assembles a large interagency group to take on the question of what is causing youth violence in Boston and what can be done about it. Agencies involved include the Boston Police Department; the Bureau of Alcohol, Tobacco, and Firearms; the United States Attorney for the Commonwealth of Massachusetts; the Suffolk County District Attorney; the Massachusetts Department of Probation; City of Boston youth outreach workers; the Massachusetts Department of Parole; City of Boston school police; and others. Boston Gun Project participants started meeting in early 1995 and had fully implemented what is now known as the “Ceasefire” strategy by mid-May 1996.

Youth homicide in Boston, as elsewhere, is primarily a problem of gun homicide. Gun Project participants approached the problem in supply and demand terms. One element in the intervention that resulted is a crackdown on the illicit firearms markets that illegally supply youth with guns in Boston. Bureau of Alcohol, Tobacco, and Firearms agents and Boston Police Department investigators are identifying illicit sources of firearms by systematically tracing crime guns, following up on trace pattern analysis, and debriefing criminal offenders. Traditional criminal investigation techniques are then used to identify

traffickers and shut them down. This part of the strategy, while the key element in what Gun Project participants saw as “supply side” intervention in the youth gun problem, will not be discussed further here.²

On the “demand side,” Gun Project practitioners already knew, and Gun Project research confirmed, that the problem of youth homicide was a classic case of concentration of offending and victimization. Homicide was concentrated among a small number of serially offending gang-involved youth. Only about 1300 gang members—less than 1% of their age group city-wide—were responsible for at least 60%, and probably more, of all the youth homicide in the city. These gang members were well known to authorities and tended to have extensive criminal records. The Gun Project examined 155 youth age twenty-one and under who had been killed by gun or knife over a period of five years. Prior to their murders, 75% had been arraigned for at least one offense in Massachusetts courts; 19% had been committed to an adult or youth correctional facility; 42% had been on probation at some time before their murder; and 14% were on probation at the time of their murder. Of the 125 youth offenders known to be associated with those homicides, 77% had been arraigned for at least one offense in Massachusetts courts; 26% had been committed to a facility; 54% had been on probation; and 26% were on probation at the time they committed their homicide. For the 117 homicide victims with at least one arraignment, the average number of arraignments was 9.5, and 44% had ten or more arraignments. For the ninety-six offenders with at least one arraignment, the average number of arraignments was 9.7, and 41% had ten or more arraignments. For both victims and offenders, arraignments for property offenses, armed violent offenses, and disorder offenses outnumbered drug offenses. For offenders, unarmed violent offenses also outnumbered drug offenses. Even within this high-rate population, offending was skewed, with the worst 5% and worst 10% of the 125 offenders responsible for 20% and 36% of 1009 total arraignments, respectively. The worst 5% and worst 10% of the 155 victims were responsible for 17% and 33% of 1277 total arraignments, respectively.

Gang members were at extremely high risk for homicide victimization, with a one in seven chance of dying over a hypothetical nine-year gang spell. This gave credence to the testimony of both gang members and practitioners in Boston that much youth gun acquisition, attacks on gangs and gang members, and other misbehavior was at least nominally self-protective. As in many cities, the youth homicide problem was geographically concentrated, both in a few neighborhoods and in hot spots within those neighborhoods. Further analysis

2. For further discussion on this part of the strategy, see David M. Kennedy et al., *Youth Violence in Boston: Gun Markets, Serious Youth Offenders, and a Use-Reduction Strategy*, 59 LAW & CONTEMP. PROBS. 147 (1996) [hereinafter Kennedy et al., *Youth Violence in Boston*].

suggested that the key drivers of youth violence among gangs were persistent vendetta-like antagonisms, or "beefs," among sixty-one gangs identified by Gun Project participants. Intragang conflict and instrumental violence associated with drug trafficking and other economic crime also contributed, but to lesser degrees.³

III. WHAT WE ALREADY KNOW: CONCENTRATION OF OFFENDING IN INDIVIDUALS, GROUPS, AND NEIGHBORHOODS

If there is a surprise in what the Gun Project found in Boston, it is only that the patterns of offending, and of relationships among offenders, associated with the relatively recent phenomenon of high rates of youth homicide, should so closely match what has long been known about more traditional crime phenomena. These patterns and relationships deserve further consideration.

A. Concentrations of Offending and Criminal Careers

Marvin Wolfgang's pioneering work in Philadelphia showed that offending was concentrated in a small portion of the general youth population. Six percent of the 1945 cohort he studied had committed five or more offenses, and accounted for more than half of all offenses committed by the cohort and on the order of three-quarters of robberies, murders, rapes, and aggravated assaults.⁴ The Rand Corporation's surveys of prisoners showed that offending was skewed even further, with a relatively small number of even incarcerated felons having offended at very high rates.⁵ Similarly, Lawrence Sherman found that only 2.7% of the estimated 500,000 individuals who lived in or frequented Kansas City were arrested twice or more in 1990; they produced over 60% of all arrests that year. Sherman also found that the most frequently arrested 642 persons produced over 10% of all 71,461 "body arrests" (defined as each event taking a person into custody regardless of the number of charges, victims, and co-offenders), 100 persons were arrested fifteen or more times that year, and ten persons were arrested thirty-two times or more.⁶

3. David M. Kennedy et al., *The (Un)Known Universe: Mapping Gangs and Gang Violence in Boston*, in CRIME MAPPING AND CRIME PREVENTION (David Weisburd & J. Thomas McEwen eds., forthcoming) [hereinafter Kennedy et al., *The (Un)known Universe*]. See also Kennedy et al., *Youth Violence in Boston*, *supra* note 2, at 161-63.

4. MARK MOORE ET AL., DANGEROUS OFFENDERS: THE ELUSIVE TARGET OF JUSTICE 37 (1984).

5. *Id.* at 38.

6. See Lawrence W. Sherman, *Attacking Crime: Police and Crime Control*, in MODERN POLICING 159, 178 (Michael Tonry & Norval Morris eds., 1992).

Further Rand research showed that while there appeared to be few true criminal specialists—those who do only murder, for example, or only burglary—there were certain identifiable patterns of offending. One key pattern, however, was that of the “violent predators,” who, in the words of one analyst, “commit *all* [kinds of] offenses at much higher rates than other offenders and who loom particularly large among all violent offenders.”⁷ Such offenders commit a disproportionate number of violent crimes; those crimes, however, especially the most serious of them, appear intermittently amongst a large number and variety of other crimes.

B. Gangs and Groups

Research on street gangs and other criminal groups has shown them to generate large numbers of offenses.⁸ Since high-rate offending in general is concentrated at fairly young ages, young gang offenders are thus among the most active of all offenders. They, too, tend not to specialize; the term “cafeteria style” offending was coined to capture the wide variety of property, disorder, drug, and violent crimes gangs and gang members are wont to commit.⁹ Much gang violence is expressive rather than instrumental, and much comes in the playing out of hostilities between rival gangs.¹⁰ Finally, much gang crime is committed in small groups.¹¹

7. MOORE ET AL., *supra* note 4, at 46.

8. Gang members are involved in far more delinquent and criminal behavior than their non-gang counterparts. See, e.g., Finn-Aage Esbensen & David Huizinga, *Gangs, Drugs, and Delinquency in a Survey of Urban Youth*, 31 CRIMINOLOGY 565-87 (1993); CAROLYN BLOCK & RICHARD BLOCK, NATIONAL INST. OF JUSTICE, STREET GANG CRIME IN CHICAGO 7 (1993); JOHN HAGEDORN, PEOPLE AND FOLKS 99-105 (1988); Jeffrey Fagan, *Social Processes of Delinquency and Drug Use Among Urban Gangs*, in GANGS IN AMERICA 75 (C. Ronald Huff ed., 1990); Jeffrey Fagan, *The Social Organization of Drug Use and Drug Dealing Among Urban Youth*, 27 CRIMINOLOGY 633 (1989); Terrance Thornberry et al., *The Role of Juvenile Gangs in Facilitating Delinquent Behavior*, 30 J. RES. CRIME & DELINQ. 55 (1993).

9. MALCOLM W. KLEIN, THE AMERICAN STREET GANG 127, 132 (1995).

10. Most research on gang violence has found that violent behavior tends to be expressive rather than instrumental. See Scott Decker, *Collective and Normative Features of Gang Violence*, 13 JUST. Q. 243 (1996). Research has also found most gang violence to be retaliatory in nature. See generally SCOTT DECKER & BARRICK VAN WINKLE, LIFE IN THE GANG: FAMILY, FRIENDS, AND VIOLENCE (1996); BLOCK & BLOCK, *supra* note 8.

Colin Loftin argues that a contagion model can be used to explain growth in gangs and gang violence. Colin Loftin, *Assaultive Violence as a Contagious Process*, 62 BULL. N.Y. ACAD. MED. 550 (1984). Retaliatory acts and threats of violence support the spreading and growth of gangs within and across neighborhoods. *Id.* at 552. Three conditions must be present for contagion to occur: a spatial concentration of assaultive violence, a reciprocal nature to assaultive violence, and an escalation in assaultive violence. *Id.*

11. Within gangs, subgroups or cliques may exist specializing in specific crimes such as theft, robbery, or drug trafficking. See IRVING SPERGEL, THE YOUTH GANG PROBLEM: A COMMUNITY APPROACH 82 (1995).

C. *The Drug/Crime Nexus*

The usual set of issues with regard to drugs and crime has to do with whether drug use causes violent and other criminal behavior, either psychopharmacologically or through promoting economic offending; with whether illicit drug markets cause violent and other criminal behavior; and with whether changes to either enforcement policy around drugs or to the regulatory regime around drugs might ease or exacerbate such ills. Here, it is enough simply to note the strong *nexus* between drugs, drug use, and crime. Street drug markets are notorious sources of violence, disorder, prostitution, and other problems. Mark Kleiman notes that hard-core cocaine and heroin users, while numbering probably no more than three million nationally, commit crimes at very high rates; that three-quarters of them are likely to be arrested in any given year; and that they are likely to be on bail, probation, or parole when not actually incarcerated.¹² Some 60% of felony arrestees in cities served by the Drug Use Forecasting System test positive for a drug other than alcohol,¹³ nearly half for cocaine.¹⁴ A 1991 Bureau of Justice Statistics survey of violent offenders in state prisons showed that half were under the influence of drugs or alcohol at the time of the offense; almost a third said that their victims were also under the influence.¹⁵

D. *Domestic Violence Offenders*

It is frequently remarked that domestic violence is an exception to these rules: that domestic abusers, unlike most violent criminals, are often without histories of other kinds of crime, drug and alcohol problems, and the like. However, domestic violence offenders, at least those who come to the attention of the criminal justice system, tend to have robust offending histories. One study of more than 18,000 men subject to restraining orders in Massachusetts found that nearly half had a criminal history (as measured by arraignment or conviction) for a violent crime, more than 40% for a property crime, more than 20% for a drug offense, a quarter for driving under the influence, and nearly half for other offenses. Three-quarters had some sort of prior criminal record.¹⁶ A study of serious assault in Lowell, Massachusetts noted that:

12. Mark A.R. Kleiman, *Managing Drug-Involved Offenders*, DRUG POL'Y ANALYSIS BULL., Jan. 1997, at 3.

13. See UNDERSTANDING AND PREVENTING VIOLENCE 186 (Albert J. Reiss & Jeffrey Roth eds., 1993).

14. Mark A.R. Kleiman, *Coerced Abstinence: A Neo-Paternalistic Drug Policy Initiative*, in THE NEW PATERNALISM (Lawrence M. Mead ed., forthcoming 1997).

15. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, DRUGS AND CRIME FACTS—1994 (1995).

16. Nancy E. Jones et al., *Men Who Batter: Profile from a Restraining Order Database*, 3 ARCHIVES FAM. MED. 52 (1994).

Domestic offenders are commonly thought to be "specialists" who do not pose a threat to the community-at-large. Our data indicate that this is not the case. The domestic offenders [studied] were just as likely as the non-domestic offenders to have committed non-domestic offenses in the five years prior (46% of each group had been arraigned for non-domestic offenses). Additionally, the two groups had statistically equal proportions of high-rate offenders.¹⁷

It may be that such restraining order and arrest-based samples of domestic violence offenders give a distorted picture, since better-off women may be less likely to call the police for various reasons. At least as far as the worst violence is concerned, however, incident-based and survey research suggest similar patterns. One study of domestic violence homicides over a five-year period in New York City found that two-thirds were in the city's poorest boroughs, and three-quarters of victims were black or Hispanic.¹⁸ Buzawa and Buzawa describe Klein's unpublished research on the Quincy, Massachusetts Probation Project: from victim interviews, Klein concludes that "the batterers as a group were demonstrably dangerous. Fifty-five percent of them had prior criminal records of which the victim was aware (and still others of course, had hidden criminal records)."¹⁹ Jeffrey Fagan et al. examined reports from 270 women in intervention programs and found that nearly half of spouse abusers had previously been arrested for other violent crimes; those who had been arrested for violence against strangers were more frequently and severely violent at home.²⁰

All these findings still leave room for a quantity of serious, or potentially serious, domestic abuse committed by otherwise nonoffending middle and upper-class majority men against middle and upper-class majority women, which does not reach levels that are lethal or that otherwise come to the attention of authorities (because those women are less willing to call the police, more able to afford private health care, more able to leave the relationship, and/or because their batterers are more fearful of criminal sanctions). Taken as a whole, however, the available evidence does suggest that much of the most serious domestic violence is committed by classic high-rate offenders.

17. Amy Solomon & Gillian Thomas, *Serious Assaults in Lowell: Opportunities for a Collaborative Crime Control Effort* 21 (Jan. 22, 1997) (unpublished manuscript, on file with author).

18. Pam Belluck, *A Woman's Killer is Likely to Be Her Partner*, N.Y. TIMES, Mar. 31, 1997, at A16.

19. EVE BUZAWA & CARL BUZAWA, *DOMESTIC VIOLENCE: THE CRIMINAL JUSTICE RESPONSE* 88 (1996).

20. Jeffrey Fagan et al., *Violent Men or Violent Husbands? Background Factors and Situational Correlates of Domestic and Extra-Domestic Violence*, in *THE DARK SIDE OF FAMILIES* (D. Finkelhor et al. eds., 1983).

E. The Offender/Victim Nexus

Many criminal offenders and their victims know, or at least know of, each other. This is true for violent crime, which occurs most often among intimates and acquaintances²¹ and, more recently, especially in the case of youth violence, among "close strangers" such as members of rival street gangs.²² In Sheley and Wright's surveys of juveniles, "[C]riminal activity, gang membership, and the carrying of weapons all increased the likelihood of criminal victimization."²³ It is true for a surprising amount of property and economic crime, which can involve the "settling" of personal and business disputes or be aimed at victims selected because of their criminal pursuits. Decker and Wright interviewed over 100 burglars and found that many cultivated relationships with drug dealers and other criminals in order to set them up for victimization; they concluded that "[t]he finding that a substantial number of offenders in our sample typically knew the people whose homes they victimized suggests that property crimes may not be all that different from violent ones in terms of the relationship between offender and victim."²⁴ In his analysis of National Crime Victimization Survey data, Neal Shorer concluded that "upward of 42 percent of victims who chance to encounter a burglar in their home may discover the burglar is not a stranger."²⁵

The distribution of victimization is also quite skewed; many victims suffer repeat victimizations. Graham Farrell's review of victim surveys suggests that between 2% and 3% of respondents report between a quarter and a third of all incidents.²⁶ Sherman's examination of victims of crime in Kansas City is illustrative:

21. It has long been known that homicides are likely to take place among family, intimates and friends. C. Loftin et al., *An Attribute Approach to Relationships Between Offenders and Victims in Homicide*, 78 J. RES. CRIME & DELINQ. 259-71 (1987). Homicides are also likely to be part of a pattern of continuing violence (especially, but not exclusively, for domestic homicide). A. Browne, *Assault and Homicide at Home: When Battered Women Kill*, 3 ADVANCES IN APPLIED SOC. PSYCHOL. 57-79 (1986). Finally, homicide victims and offenders are likely to share networks and similar social milieus. J. Lauritsen et al., *The Link Between Offending and Victimization Among Adolescents*, 29 CRIMINOLOGY 265-92 (1991); J. Garofalo, *Reassessing the Lifestyle Model of Criminal Victimization*, in POSITIVE CRIMINOLOGY 23-42 (M. Gottfredson & T. Hirschi eds., 1987).

22. See DECKER & VAN WINKLE, *supra* note 10, at 171-86.

23. JOSEPH SHELEY & JAMES WRIGHT, IN THE LINE OF FIRE: YOUTH, GUNS, AND VIOLENCE IN URBAN AMERICA 134 (1995).

24. Richard Wright & Scott Decker, *Choosing the Target*, in IN THEIR OWN WORDS: CRIMINALS ON CRIME 39 (Paul Cromwell ed., 1996).

25. Neal Shorer, *Burglary*, in 14 CRIME AND JUSTICE: A REVIEW OF RESEARCH 93 (Michael Tonry ed., 1991).

26. Graham Farrell, *Preventing Repeat Victimization*, in BUILDING A SAFER SOCIETY: STRATEGIC APPROACHES TO CRIME PREVENTION 470 (Michael Tonry & David Farrington eds., 1995).

The number one victim in Kansas City in 1985-89 suffered 35 offenses in 3.5 years: 10 burglaries, 10 larcenies, 4 robberies, 2 assaults and 9 other offenses including attempted suicide. A white male in his 60s living in a poor black area, had 6 home addresses and 14 arrests (all minor) during the same period. One of the arrests was for soliciting prostitution, one for carrying a weapon, and several violations of the animal leash law.²⁷

As this example suggests, some of these victims are likely to be chronic misbehaviors and/or part of a criminal network. Offenders and victims are often related; often acquainted; and often move in similar circles and live in proximity to one another. This has long been known, as has its implications: that, particularly where men are concerned, today's offender is often tomorrow's victim, and that who is judged victim and offender is often determined by who is standing and who is not when the police arrive.

Less noted has been how even those with propensities toward violent criminal offending are unnerved because they associate with others like themselves, and how that nervousness promotes further offending. James Wright and Peter Rossi, writing of the adult felons they surveyed regarding firearms in the early 1980s, noted that those felons carry guns not only to commit crimes but also because "they get out of bed knowing that theirs is a violent and uncertain existence, that today *may* be a day when they are assaulted in a bar, [or] hassled by others on the street"²⁸ More recently, Joseph Sheley and James Wright, writing of the gun-related behavior of juvenile felons, noted that:

These juveniles, both by design and fate, find themselves in circumstances that, in their judgment, require gunfire. It is likely that their distinction between victim and perpetrator is often vague. Most of our inmate respondents had used guns to intimidate others and had had guns used against them. Much of the self-protection they sought, in short, was protection against one another.²⁹

This nervousness surely leads to crimes that otherwise would not occur. When men—and boys—are constantly armed, they will commit impulse crimes they might otherwise pass up; when they feel nervous and vulnerable, they will take violent exception to slights they might otherwise let pass. When the density of

27. Sherman, *supra* note 6, at 181.

28. JAMES D. WRIGHT & PETER H. ROSSI, ARMED AND CONSIDERED DANGEROUS 127 (1986).

29. SHELEY & WRIGHT, *supra* note 23, at 68.

this atmosphere gets high enough, it can itself be sufficient cause for taking on a consistently violent persona.³⁰

F. *Neighborhoods and Hot Spots*

Finally, much crime—violent, drug, property, and domestic—is concentrated in certain neighborhoods, particularly poor minority neighborhoods.³¹ More recently, attention has turned to “hot spots” even within such neighborhoods. In Minneapolis, in 1986, only 3% of the city’s street addresses produced 50% of calls for police service.³² In Boston, gang turf representing less than 4% of the city accounted for more than 12% of the city’s armed robberies and roughly a quarter of youth homicides, gun assaults, weapons offenses, drug offenses, and calls for service regarding “shots fired.”³³

G. *The Big Picture*

What, then, do all these patterns and relationships add up to? It is important to remember that much of what we know about concentrations of offending is probabalistic, and that the generalizations that result are just that. Not all violent offenders have long and varied criminal careers; not all career criminals have drug and alcohol problems (and not all with drug and alcohol problems are career criminals); and not all victims are also offenders. But the probabilities and the generalizations are real, and the distinct dimensions just discussed affect populations that overlap to very considerable degrees. Much of our crime problem is due to serial offenders who commit a wide variety of offenses; consistently abuse alcohol and other drugs; frequently hurt and are hurt by one another; associate with one another, sometimes by choice and sometimes through simple geographic and social proximity; are often arrested, often on probation and parole, and often incarcerated; and often provoke in one another

30. See J. Rich & D. Stone, *The Experience of Violent Injury for Young African-American Men: The Meaning of Being a 'Sucker'*, 11 J. GEN. INTERNAL MED. 77-82 (1990); Elijah Anderson, *The Code of the Streets*, ATLANTIC MONTHLY, May 1994, at 80-94.

31. See ROBERT BURSİK & HAROLD GRASMICK, *NEIGHBORHOODS AND CRIME: THE DIMENSIONS OF EFFECTIVE COMMUNITY CONTROL* (1993); Robert Sampson, *The Community*, in CRIME (James Q. Wilson & Joan Petersilia eds., 1995); Albert J. Reiss, *Why are Communities Important in Understanding Crime?*, in COMMUNITIES AND CRIME (Albert J. Reiss & Michael Tonry eds., 1986).

32. Lawrence W. Sherman et al., *Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place*, 27 CRIMINOLOGY 27 (1989). See also David Weisburd et al., *Contrasting Crime General and Crime Specific Theory: The Case of Hot Spots of Crime*, 4 ADVANCES IN CRIMINOLOGICAL THEORY 45 (1992); John Eck & David Weisburd, *Crime Places in Crime Theory*, in CRIME AND PLACE (John Eck & David Weisburd eds., 1995).

33. See Kennedy et al., *The (Un)Known Universe*, *supra* note 3.

self-protective and other responses that exacerbate their offending. This is generally taken as very bad news indeed: it is *because* offenders are so persistent, manifoldly deviant, and tightly networked that we have such trouble controlling them. To the Boston Gun Project Working Group, these features of the youth violence problem in Boston suggested instead an opportunity to craft a powerful deterrent intervention aimed at preventing homicide.

IV. GETTING DETERRENCE RIGHT

One key goal of criminal justice is to deter offending. The power of criminal justice agencies to do so is in great doubt, among both scholars and the public. One question, of interest mainly to scholars, is whether current criminal justice policies generate any deterrence at all.³⁴ Another, of interest to everybody, is whether either current or possible criminal justice policies can be made to generate sufficient deterrence to reduce crime to acceptable levels. It is fair to say that the consensus at the moment is not optimistic. It is not difficult to see why. Current criminal justice policy relies mainly upon formal sanctions to generate deterrence, and upon increasing the severity of those sanctions to increase deterrence. And to reprise the obvious, those sanctions are brought to bear relatively rarely (punishment is not certain);³⁵ when sanctions are brought to bear, they are generally brought to bear some considerable time after the crime was committed (punishment is not swift);³⁶ and, despite the vogue of such things as three strikes and other draconian sentences, most

34. Much of the literature evaluating deterrence focuses on the effect of changing the certainty, swiftness, and severity of punishment associated with certain acts on the prevalence of those crimes. See Raymond Paternoster, *The Deterrent Effect of the Perceived Certainty and Severity of Punishment: A Review of the Evidence and Issues*, 4 JUST. Q. 173 (1987); Samuel Cameron, *The Economics of Crime Deterrence: A Survey of Theory and Evidence*, 41 KYKLOS 301 (1988); Phillip J. Cook, *Punishment and Crime: A Critique of Current Findings Concerning the Preventive Effects of Punishment*, 41 LAW & CONTEMP. PROBS. 164 (1977). See also STEVEN D. LEVITT, WHY DO INCREASED ARREST RATES APPEAR TO REDUCE CRIME: DETERRENCE, INCAPACITATION, OR MEASUREMENT ERROR? (National Bureau Econ. Research Working Paper No. 5268, 1995) (focusing on arrest rates rather than sanctions by looking at arrest rates using aggregate data); Lawrence W. Sherman & Richard A. Berk, *The Specific Deterrent Effects of Arrest for Domestic Assault*, 49 AM. SOC. REV. 261 (1984) (looking at experimental evidence on the effect of arrests for domestic violence on repeat offending).

35. Most crimes are never reported to the police. In 1994, 12,586,227 offenses were known to the police; only 21.4% were cleared by arrest. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, 1995 SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS 425 (Kathleen Maguire & Ann Pastore eds., 1996) [hereinafter 1995 SOURCEBOOK]. The Bureau of Justice Statistics estimates that 54 of every 100 felony arrests brought by police for prosecution end in convictions. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, THE PROSECUTION OF FELONY ARRESTS—1988, at 1 (1992). Of these convicted cases, 22 are sentenced to probation or other conditions, 18 are incarcerated for one year or less, and only 14 are incarcerated for one year or more. *Id.*

36. In 1992, the average number of days between arrest and conviction for felony cases disposed by state courts was 173. 1995 SOURCEBOOK, *supra* note 35, at 509.

convicted criminals are sentenced to probation and other less imposing sanctions (punishment is not, usually, severe).³⁷

This framework—the costs, represented by sentencing, to a particular offender for a particular offense—is the usual way we think about deterrence. What, though, if we leave this framework behind?

A. *The Vulnerability of Frequent Offenders*

The Boston Gun Project Working Group observed that gangs and gang members left themselves open to an enormous range of sanctions, exactly *because* they were so highly criminal. Gang members committed large numbers of crimes that were open to ready police enforcement: they sold drugs on the street and they committed large numbers of disorder offenses like drinking and using drugs in public, trespassing, and the like. Gangs and gang members were often the subject of longer-term enforcement attention, such as undercover drug investigations. They were frequently the subject of outstanding warrants. They were frequently on probation, sometimes on parole, and they routinely violated their conditions of probation and parole, which could include curfews, area restrictions, restrictions on how many and which people they could associate with, abstinence from alcohol and other drugs, and the like. They were often out on bail awaiting trial or sentencing, with similar conditions which were similarly frequently violated. Juvenile offenders were often under formal Department of Youth Services (DYS)³⁸ supervision but still living in the community. And gangs and gang members were often implicated in large numbers of “cold” cases such as unsolved assaults and homicides.

There was, in short, an enormous sanctioning power that the enforcement community could bring to bear against particular gangs and gang members. The agencies represented on the Working Group could deploy street enforcement; mount long-term investigations; serve warrants; strictly supervise probation, parole, and bail conditions; remove juveniles under DYS supervision to secure facilities; and reopen cold cases. The setting of probation, parole, and bail restrictions was open to a great deal of discretion on the part of the authorities, and could range from quite lenient to quite severe, as could the level of enforcement attached to those conditions. The investigation, arrest, and prosecution of particular gangs and gang members for particular offenses could

37. Traditional probation is the most extensively used sanction in the correctional system. About 60 percent of offenders under correctional supervision are on probation. *Id.* at 540. It is estimated that 52% of all felony convictions receive probation as a sentence. *See* MARK CUNIFF, NATIONAL INST. OF JUSTICE, SENTENCING OUTCOMES IN 28 FELONY COURTS 1 (1987).

38. The Department of Youth Services is the Massachusetts corrections agency responsible for juvenile offenders.

be treated with greatly varying levels of seriousness by police and prosecutors, including the option of federal investigation (for instance, the Drug Enforcement Administration rather than local police could address gangs' drug trafficking) and federal prosecution.

This was, of course, hardly news: this set of possibilities has long been the basis of various kinds of "crackdowns" on gangs and other criminal groups. The Working Group's innovation was to aim a coordinated intervention based on these capacities not at the gangs as such, nor on all varieties of gang offending, but specifically at *violence*. As Malcolm Klein has pointed out, authorities do not generally have the capacity to "eliminate" all gangs in a gang-troubled jurisdiction, nor do they have the capacity to respond in a powerful way to all gang offending in such jurisdictions.³⁹ Pledges to do so, though common, are simply not credible.

However, because serious, especially lethal, gang violence is rare relative to the larger spectrum of gang offending, the Working Group could indeed aspire to crafting a special response to such violence, simply by exercising ordinary agency discretion. Working Group agencies could respond to incidents of serious gang violence by, in the phrase it came to use, "pulling every lever" available on the gang or gangs in question: shutting down drug markets, serving warrants, enforcing probation restrictions, making disorder arrests, dealing more strictly with any resulting cases as they made their way through prosecution and adjudication, deploying federal enforcement powers, and the like. The potential deterrent power of this strategy was considerable. Rather than the sanction for a given homicide being possible arrest, prosecution, and sentencing, the sanction became that *plus* all other unpleasant consequences agencies could bring to bear.

Given the frequent, varied, and often overt nature of gang offending, and the wide variety of agency capacities, some package of agency responses will always be possible—that is, sanctions will become certain. Many of these responses, such as street-level drug enforcement, disorder enforcement, and probation supervision, can be brought to bear very quickly—that is, sanctions will become swift. And some of these responses, while they do not necessarily lead to long sentences, may be regarded by gang members as very severe indeed, a point we will return to below.

39. Malcolm W. Klein, *Attempting Gang Control by Suppression: The Misuse of Deterrence Principles*, in THE MODERN GANG READER 88-111 (Malcolm W. Klein et al. eds., 1995).

B. Promoting Compliance: Advertising the Strategy

The Working Group considered it essential to communicate its new response to gang violence directly to its target population of gangs and gang members. The first full-dress Ceasefire action against a violent gang in Boston began in March 1996. In mid-May, the Working Group began a systematic campaign to explain to gang members how it had just responded, and would henceforth respond, to violence in Boston. It did so in a variety of ways: through sit-down, formal meetings with certain gangs; by visiting juvenile correctional facilities and speaking with inmates; in assemblies in schools; through individual contacts that police gang officers, probation officers, and parole officers had with gang members (and sometimes their families); and with the assistance of the city's gang outreach workers. That campaign continued once implementation was under way, the subsequent objective being to explain to gang members exactly what the Working Group was doing, and why.

There were several reasons for this communications campaign. If a given policy is to have a deterrent effect, offenders and potential offenders need, by definition, to know what the policy is. This seems a small point, but in fact it is fairly common for offenders to be ignorant of criminal justice policy and practice. This is not simply a matter of offenders not being particularly well-read. It is also that, while criminal justice agencies are very much in the business of, as the phrase goes, "sending signals," they in practice often send those signals in obscure, incoherent, ineffective, and even self-defeating ways. The "signals" theoretically encoded in, for instance, new sentencing policies are communicated—unless those potentially subject to them follow the crime debate in the press and professional journals—only after some number of cases have been adjudicated. The signals are communicated, therefore, with a lag of at best some months or years. They will not be communicated and believed by offenders if enforcement and sentencing practices do not reach some threshold level of consistency and frequency; if they are not in place for some threshold length of time; if the practices are sufficiently complicated that they are difficult to understand on the basis of their application; if there are more plausible, even if erroneous, explanations to which offenders can subscribe; or if they are simply implausible (a category including virtually all declarations of "zero tolerance" for whatever categories of offending).

These problems will be worse in times of rapidly changing enforcement and sentencing practices, as at present. For instance, a 1992 Bureau of Alcohol, Tobacco, and Firearms study showed that while two-thirds of a group of felons convicted on federal armed career criminal charges knew that federal law forbade them from possessing firearms—which has long been the case—only 7% knew that federal law dating from 1984 exposed them, on the basis of certain predicate felonies, to a substantial mandatory minimum sentence, and only a

quarter knew that the new law required them actually to serve their whole sentence.⁴⁰ Their prior exposure to the criminal justice process justified that belief: “[s]everal members even now, while in prison, still do not believe that they will serve their entire sentences.”⁴¹ One cannot win compliance from offenders based on that kind of confusion.

The Working Group also wanted to make sure gangs understood what was cause and what was effect: while an individual gang member knows, when tried for murder, why he is being prosecuted, the connection between a violent gang act and the newly resulting interagency response would be less clear. It wanted to make sure that gangs understood that the new policy was aimed expressly at *violence*, not at gangs or gang membership as such, or at gang offending as such, and that refraining from violence would protect them from its impact. It wanted, at the same time, to make clear that *not* doing violence would not win gangs protection or a “free pass” where other kinds of offending were concerned, and that ordinary “baseline” criminal justice attention would continue (in the phrase the Working Group came to use, that violence would bring extraordinary new attention was “a promise, not a deal”). The Group wanted to make common cause with gang members on a small, but critically important, piece of shared moral territory: that most victims of gang violence were gang members, that the strategy was designed to protect both gang members and the minority communities in which they lived, and that the authorities had gang members’ best interests in mind even if gang members’ own actions required resorting to coercion in order to protect them. It wanted to expand this moral territory and increase the strategy’s preventive power by offering to gang members any assistance they might want: protection from their enemies, social services, drug treatment, access to education programs, and the like. The Working Group also hoped that the process of communicating face-to-face with gangs and gang members would undercut any feelings of anonymity and invulnerability they might have, and that a clear demonstration of interagency solidarity would enhance offenders’ sense that something new and powerful was happening.

Finally, the Working Group hoped to establish a dynamic between the authorities and the gangs that would foster both an immediate and a longer-term reduction in violence. To reprise, the Group’s assessment was that there was currently a self-sustaining process of violence, weapon acquisition and use, fear, and more violence among gang youth in Boston. It could deploy, against that dynamic, a potentially powerful but nonetheless limited set of agency capacities.

40. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. DEP’T OF THE TREASURY, PROTECTING AMERICA: THE EFFECTIVENESS OF THE FEDERAL ARMED CAREER CRIMINAL STATUTE 12-13 (1992).

41. *Id.* at 13.

It believed that the best way to use them was in the most proximate prevention of violence possible. This suggested a more limited operational goal than usual, which did not include the elimination of gangs, the prevention of gang membership, or an attempt to suppress general gang offending. The notion was that where gang violence seemed imminent, it should be headed off; where it broke out, it should be stopped, and the gang in question should be penalized in a way that would dampen its propensity toward future violence and reduce the likelihood of other gangs offending in similar ways. But that was all (at least until the general cessation of gang violence, which might permit other goals). The severity and duration of the Working Group's attention to a violent gang would thus ideally be controlled by the gang itself: if a warning sufficed, the Working Group would be content; if a mild intervention sufficed, likewise; if a strong and extended intervention was necessary, the Working Group would deliver it. The communications strategy was designed to reduce, through the delivery of the Working Group's message, the number of gangs that would be acting violently at any given time, and thus to reduce any mismatch between the operational capacity of the Working Group and the problem it was trying to control. At the same time, it was designed to set the stage for recommunication to Boston's gangs as the intervention progressed: that Gang A had acted violently, and the Working Group had responded by doing B; and that gangs should act as directed in order to prevent similar attention. There were, in other words, two distinct audiences at any particular moment: the gang or gangs subject to focused Ceasefire interventions, and all the other gangs, who might be instructed by their example.

V. IMPLEMENTATION AND IMPACT

We have not, at the time of this writing, evaluated the impact of the Ceasefire strategy. The strategy, in any case, faces some inescapable evaluation problems: because the aim was to do something about serious youth violence wherever it presented itself in the city; because the target was defined as the self-sustaining cycle of violence in which all gangs were believed to be caught up and to which all gangs contributed; and because the communications strategy was explicitly intended to affect the behavior of gangs and individuals not directly subjected to enforcement attention, there were no control areas (or control gangs) set aside within the city. It is thus impossible to compare areas and groups affected by the strategy to similar areas and groups not affected. In the long run, we will compare Boston's homicide trends to a large sample of other cities, which will make the best possible proxy for a control group. At present, however, it is possible only to describe changes in the city's homicide

trends; it is not possible to say with certainty *what caused* these changes.⁴² What follows is a brief account of the implementation of the Ceasefire strategy and some apparent impacts.

The first Ceasefire intervention was with the Vamp Hill Kings, a gang with turf on Bowdoin Street in Boston's Dorchester neighborhood, in which an internal struggle led to three homicides over a short time in early 1996. The Working Group's intervention employed a substantial menu of measures, including heavy police presence, street drug market disruption, heavy probation enforcement, DYS surrenders, warrant service, a small number of federal indictments, and more. The Kings did not comply readily; the dispute ebbed and flared, with one homicide occurring in the midst of the Ceasefire intervention. By mid-May, however, things were quiet, and the Working Group held the first of what it came to call "forums": a sit-down meeting at Dorchester Courthouse with about a dozen members of the Kings (who attended voluntarily at the behest of gang outreach workers) and several members of the community. The forum included posters and handouts intended to summarize the Vamp Hill King intervention and its connection to the Ceasefire strategy; these were also shown and distributed subsequently to other Boston gang members by police and probation officers.⁴³ Included was a poster and flyer summarizing the case of Freddy Cardoza, an active member of another gang who had, based on a long history of violent felonies, been indicted for possession of ammunition under the federal armed career criminal statute and sentenced to a substantial term.⁴⁴ The Cardoza prosecution was pre-Ceasefire, but the Working Group deployed it anyway as an example of what could be done if the authorities deemed it necessary.

The forum was dramatic. In essence, the authorities' message to the gang members was: we know who you are; we know what you're doing; we cannot stop all your offending all the time, which you know and we know, but it's a new day where violence is concerned; violence will simply not be tolerated in Boston any longer; we're doing this in large part to protect you; here's how *we're* going to do business from now on; what happens subsequently is up to you; and go home and tell your friends. Each agency representative on the Working Group took a few minutes, talked about the powers their agency had, and how they would be deployed in support of the Ceasefire strategy. Ted Heinrich, an assistant United States attorney assigned to the Group, told the audience:

42. For a further discussion of these ideas see Kennedy et al., *Youth Violence in Boston*, *supra* note 2.

43. See *infra* APPENDIX A.

44. See *infra* APPENDIX B.

This kind of street crime used to be a local matter; not any more. Attorney General Janet Reno cares more about youth violence than almost anything else. My boss works for Janet Reno, so that's what he cares about more than anything else. Right now, the youth violence in Boston is happening in your neighborhood, which means that the United States Department of Justice cares about *you*. We can bring in the DEA; we can bring in the FBI; we can bring in the ATF; we can prosecute you federally, which means you go to Lompoc, not stateside, and there's no parole in the federal system any more: you serve your term. We don't want to do that, and we won't if we don't have to, but it's violence that will get that kind of attention.⁴⁵

The gang members, who had come in with a certain swagger, were soon silent and attentive. Tracy Litthcut, the head of the gang-outreach streetworkers, known to many in the audience, made an impassioned speech. "We'll give you any help you want," he said, "but I've been to too many funerals. The violence stops *now*."⁴⁶

Word seemed to spread very quickly: police officers, probation officers, and streetworkers reported gang members all over Boston speaking about the meeting and about Freddy Cardoza in the subsequent weeks. The Working Group continued to meet in various ways with gangs and gang members. Several times over the summer of 1996, budding gang conflicts were apparently nipped in the bud when Working Group members told the gangs involved that violence would mean that they would be next.

A gang that was explicitly warned but did not respond was Roxbury's Intervale Posse, one of Boston's most violent crack-era gangs. The authorities believed the Posse to be responsible for what amounted to a reign of terror in Roxbury, including a long string of home invasions and unsolved homicides. Consequently, the Boston Police Department brought in the DEA. Early on the morning of August 29, 1996, fifteen of the Posse's key members were arrested on federal drug charges, and an additional eight on state charges. The operation made headlines for weeks in the Boston press. The Working Group continued its meetings with gang members. The message to gang members was simple and direct: In the papers, this is being presented as an antidrug operation; an antigang operation; well, we did it, and we're here to tell you it was primarily

45. Ted Heinrich, Remarks at the Ceasefire Forum at Dorchester Courthouse, Boston (May 15, 1996) (as observed by author).

46. Tracy Litthcut, Remarks at the Ceasefire Forum at Dorchester Courthouse, Boston (May 15, 1996) (as observed by author).

an *antiviolence* operation; we warned them, they didn't listen, and they're gone; this doesn't have to happen to you.⁴⁷

Gang violence slowed abruptly. Shortly after the Intervale operation, one gang sent a message to the Working Group through a streetworker: we got the message, we're not doing anything, so leave us alone. The most violent of gang offending diminished to the point that the Youth Violence Strike Force, the Boston Police Department's gang unit, turned much of its attention to classes of problems like street drug activity and disorder that it would not have had time for before.

Homicide victimization, the main goal of the strategy, fell substantially. If we mark the full implementation of the strategy as mid-May, when the communications component began, then from June 1, 1996 through this writing, the end of March, 1997, as Figure 1 shows, citywide homicide victimization in ages twenty-four and under fell by two-thirds from the mean of the same months 1990-1996.⁴⁸ As Figure 2 shows, gun homicide victimization among fourteen to twenty-four-year-olds—the key gang age and gang homicide problem—also fell by two-thirds.⁴⁹ Again, because of the design of the intervention, we cannot tell whether these reductions were due, in whole or in part, to the Ceasefire strategy. The changes are too abrupt and substantial, however, to be wholly due to demographic factors, and there were no obvious changes in such things as gang membership, drug markets, incarceration rates, or the provision of social services that might otherwise be thought to be contributing factors. It seems reasonable, then, to be cautiously optimistic that the Ceasefire intervention had a meaningful impact, and to think further about what the implications might be for crime control policy.

VI. PULLING LEVERS: A CONCEPTUAL FRAMEWORK

A. *The Vulnerability of Offending Populations*

Perhaps the most important insight here is that the very characteristics that define our most worrisome criminal populations—that they offend often, in manifold ways, often in groups, and have frequent contact with criminal justice agencies—also represent vulnerabilities for them, and opportunities for crime control. Interventions that make strategic use of these characteristics may allow us to shape the behavior of these populations (at the moment, in contrast, it is often our more or less reactive responses to these populations and their behavior

47. See *infra* APPENDIX C.

48. See *infra* APPENDIX D.

49. See *infra* APPENDIX D.

that shape criminal justice actions and agencies, for the most part in not particularly strategic ways).

Mark Kleiman's "coerced abstinence" proposal is a case in point. There is, he observes, a relatively small population nationally which both consumes drugs and commits other crimes at very high rates.⁵⁰ This population is frequently arrested, frequently on probation, and frequently incarcerated. "[W]e literally know the names of the people who contribute most of the money that supports heroin and cocaine dealing in the United States," Kleiman notes.⁵¹ Whatever deterrent power criminal justice agencies are currently applying to this population is clearly inadequate.

We could, however, construct a crime-control regime tailored to this population which might be very powerful, and which would *depend* for its effectiveness on the population's patterns of drug abuse and other offending. Since members of this population are frequently arrested and convicted, we can (and do) frequently make them subject to drug-testing regimes as conditions of probation and parole. As currently configured, these regimes are not terribly effective, since they depend on "infrequent testing and even more infrequent sanctioning for missed or 'dirty' tests, with occasional punishments of great severity," such as probation revocation and consequent incarceration for the the balance of sentences.⁵² This is criminal justice's usual low-certainty, low-swiftness, high-severity deterrence scheme. But we can change the scheme. "The alternative," Kleiman argues, "would be frequent tests (twice a week would be ideal) and automatic, but mild, sanctions: perhaps two days confinement for the first failure, escalating if there are repeated failures over a short period."⁵³ The prospect of full revocation of probation and parole, and of serving out one's full sentence, would remain if prior and lesser sanctions failed to produce compliance. This is a much different deterrent scheme: high-certainty, high-swiftness, and with a mix of low-severity and high-severity sanctions. Kleiman believes, probably correctly, that many high-rate drug abusers would find ways to control their drug use if subjected to such a regime, particularly if formal treatment was available as an adjunct. Those who did not would essentially self-identify themselves as fit subjects for incarceration.

This is a very interesting drug abuse prevention strategy. It would likely have other effects as well. As Kleiman observes, one way for the target population to escape the burdens of the coerced abstinence regime is to cease their drug use. Another way, however, would be to get arrested less often: to

50. Kleiman, *supra* note 12, at 3.

51. *Id.* at 4.

52. *Id.* at 3.

53. *Id.*

control not their drug use but the other kinds of offending that so frequently bring them into contact with criminal justice agencies. To the extent that being put on a coerced abstinence regime was a credible threat, and to the extent that such a regime was viewed by potential offenders as onerous, it could thus have a significant deterrent impact on other kinds of crime as well as on drug abuse.

In either case, however, the power of the intervention depends on the distinctive clustering of offending in the target population. If high-rate drug abusers did not commit so many other kinds of crimes, it would not be so easy to subject them to a coerced abstinence probation regime. If high-rate offenders in general did not so often have drug and alcohol problems, we would not have the opportunity to deter their non-drug offending with the prospect of coerced abstinence. If we can figure out ways to enhance, or to focus, the deterrent power of criminal justice operations, those populations of repeat offenders that constitute many of our core crime-control problems will be distinctively vulnerable to them.

B. Deterrence Can Be Created by Means Other Than Sentencing and Other Formal Sanctions, Many of Which Are Readily Deployable Within the Ordinary Range of Agency Discretion

We err when we think about the sanctions criminal justice agencies can deploy only in terms of sentencing (and, sometimes, arrest). If we reframe the question instead as that of *the capacities that criminal justice agencies have to impose costs on offenders*, the list is one of imposing scope. Police can mount investigations that interfere with the functioning, profitability, and even the existence of gangs, drug trafficking rings, and other more or less organized criminal groups. They can also disrupt drug markets and, in effect, take money out of dealers' pockets; seize weapons, money, stolen property, and assets connected to illegal enterprises; serve warrants (which lead to arrests); reduce opportunities for offending by increasing their presence in particular areas; organize neighborhoods against gangs; disrupt networks of offenders by "turning" arrestees and cultivating confidential informants; and much more. Specialist enforcement bodies like the DEA, the FBI, Customs, and the Secret Service can exact large costs from criminals and criminal organizations through disrupting their functioning, seizing their property, or even eliminating organizations altogether through arrest and prosecution. Probation and parole agencies can, sometimes unilaterally and sometimes through judicial officials, impose terms and conditions of widely varying severity, which commonly include requirements on how frequently contacts must be made with officers, curfews, area restrictions, restrictions on associating with classes of individuals, numbers of individuals and/or particular individuals, and drug and alcohol testing. More "intensive" probation can include house arrest, therapy, day reporting, electronic monitoring, and the like. Judges can set bail and terms and

conditions of pretrial release. Civil enforcement bodies have the powers to impose fines, revoke licenses, modify hours of operations, condemn and even destroy properties, and the like.

Much of this capacity is strictly governed by law. Within the bounds set by law, however, much of it can be deployed at the discretion of the agencies involved and even at the discretion of individuals within those agencies. Police departments can, for instance, focus their street drug enforcement activities evenly across a city, within a particular neighborhood, or on a particular hot spot or drug trafficking gang. Individual officers have wide-ranging discretion to focus their activities in various ways and to arrest or not arrest for a particular offense. Probation departments, sometimes in conjunction with judges, can impose strict or lax regimes on particular offenders, and then enforce those regimes largely as they wish. Prosecutors facing the same fact pattern can charge different crimes; accept or not accept different pleas; and recommend different sentences. Judges' sentencing discretion, though increasingly circumscribed, remains considerable. So the powers of criminal justice agencies to impose costs on offenders are not only very *great*; they are very *flexible*.

These powers can often be deployed with much more certainty and swiftness than can formal sentences. A police department wishing to get the attention of a particular gang can shut down its open-air drug markets the very day it decides to do so, and keep them shut down as long as it chooses. Probation officers can often heighten their supervision of particular clients any time they choose. The costs they impose can range from relatively low—a trespassing arrest of a career high-level drug offender, for instance—to relatively high—the seizure of that offender's assets, based on a proved connection to his trafficking. Even where sentencing and sentencing alternatives are concerned, there is reason to believe that certain options within the existing repertoire of probation, such as strict supervision including curfews, area restrictions, frequent drug testing, and the like, are viewed as more onerous by some offenders than is prison.⁵⁴ So, given the usual deterrence calculus of certainty, swiftness, and severity, the ordinary discretionary powers of criminal justice agencies look to hold considerable promise.

54. In Oregon, 25 % of offenders eligible for the Intensive Supervision Program (ISP) chose the certainty of prison over the punitive conditions of intensive supervision. Joan Petersilia & Susan Turner, *Intensive Probation and Parole*, in 16 CRIME AND JUSTICE: A REVIEW OF RESEARCH 305 (Michael Tonry ed., 1993). Apparently, those offenders would prefer to be incarcerated rather than be subjected to the strict constraints of ISP.

C. Dividing to Conquer: Deterring Selected Behavior

This is, so far, not saying very much, for this is simply a cataloguing, and to some extent a reframing, of the ordinary activities of criminal justice agencies. It may be that there is considerable deterrent capacity being deployed through those activities, but it clearly has not had the desired impact on crime, and especially on the behavior of serial offenders. If it had, there would not be so many serial offenders, and their offending would not be as serial as it plainly is.

It may be, however, that we are not using this deterrent capacity very well. It is currently spread very thin: we routinely exercise it against a great many people, for a great many kinds of offending, more or less reactively. What if we were to focus it against fewer offenders, fewer kinds of offending, or both? This was the approach the Boston Gun Project Working Group used in the Ceasefire strategy: do violence, the Working Group told Boston's gangs, and we will focus our energies on all fronts of the vulnerability created by your chronic offending. That was, apparently, a credible and compelling message, and it apparently had the desired effect.

One can imagine similarly focused efforts against different problems. It is very easy to frame a Ceasefire-type strategy against street drug dealing, for instance, which could look very much like the violence strategy except that the triggering behavior for law enforcement would be overt street drug activity. The interagency group—let's call it "Closeout"—could visit all the street drug markets in town, or in a particular neighborhood, and tell street dealers that they were about to have to stop. In two weeks, they would be told, anybody selling drugs on the street, plus the gangs they belonged to, would be subject to focused interagency attention. Since not every market could be closed down at once, dealers could be told, the first several targets would be selected on the basis of which ones were busiest between now and the start date. Dealers and gangs could thus insulate themselves from the crackdown by getting off the street early. During the two-week grace period, demand could be reduced by mailing postcards to the registration address of cars of drive-through buyers, and speaking directly to more local walk-through buyers, and informing them that there was about to be a comprehensive crackdown on the street markets, which would include reverse stings aimed at buyers, and they would do well to steer clear. Imaginative tacticians could easily craft additional refinements. Done properly, however, when the deadline fell street activity would be much reduced. The Closeout team could then take on individual markets and the groups responsible, Ceasefire-style. Each success would build its credibility with remaining markets. As street drug activity attenuated in particular markets, particular neighborhoods, and eventually the whole city, relatively modest resources would be sufficient to keep it from recurring.

Both serious violence and street drug activity are relatively overt, and often committed by groups or members of groups. What about offenses that are more covert and individual? Let us suppose a city had an armed robbery problem it wanted to come to grips with. Authorities could begin, for instance, by visiting jails and prisons, felons with armed robbery priors, gang members, and suspected receivers of stolen goods. The message delivered in those visits would be something like the following: people involved in armed robbery are about to begin having very bad days; we will shortly begin catching a lot more of you, because we're devoting unusual investigative attention to armed robbery cases, including reopening existing "cold" cases, mounting heavy surveillance, including undercover teams and hidden cameras in robbery "hot spots," offering arrestees of all varieties a chance to tell us about any armed robbers they may know, in return for favorable treatment, and cultivating confidential informants to lead us to armed robbers. Those who are caught are going to be treated differently by prosecutors, who will be accepting only pleas involving stiff sentences either to prison or to a new probation program that will include coerced abstinence from drugs and alcohol, plus a variety of other onerous conditions. Those cases involving alleged offenders who fit federal "armed career criminal" and "felon in possession of a firearm" statutes will be given over to federal prosecutors. Armed robbers who are part of street gangs and other criminal networks will draw down comprehensive attention on all the gang's criminal activities, warrants, probation and parole violations, and the like. Anybody caught receiving stolen goods from armed robbers will face similar attention, and in addition to following up on stolen credit cards and the like we'll be offering arrested armed robbers a chance to do themselves a favor by naming such receivers. As the strategy generated results, those results could be advertised, both publicly and directly to the original target audience. One suspects that, whether this particular approach would work, a scheme could be developed that would have the desired impact.

It is possible to sketch a simple taxonomy of such schemes. *Chronically offending groups* are open to Ceasefire-style interventions in which the entire group is sanctioned for a particular type of offending by imposing costs on all fronts of vulnerability created by its chronic offending. *Chronically offending individuals*, who may or may not be part of chronically offending groups, are open to such taxation both: (1) *at any given moment*; and (2) *over time*. Many domestic abusers, for instance, have high rates of arrest for other kinds of assault, property and disorder offenses, and drug and alcohol abuse. At any given moment, if a conviction for domestic abuse supports it, they can be put on such deterrent regimes as coerced abstinence that effectively increase their costs for the domestic offense. Similarly, if they are already, by virtue of a prior offense (of whatever nature), on probation, parole, pretrial release, et cetera, additional costs (more intensive probation or parole supervision, surrender pending trial, et cetera) can be assessed. Over time, offenders

identified as “problem” domestic abusers can be assessed additional costs as they reoffend, whatever the nature of their subsequent offenses. For example, prosecutors can advocate a higher sanction than would otherwise be the case for a drunken driving conviction. Chronically offending individuals can be selected in terms of particular *kinds* of offending (e.g., domestic violence or driving under the influence), particular *rates* of offending, (e.g., the 100 highest-rate arrestees in a particular jurisdiction), or combinations of both (e.g., the 100 highest-rate offenders associated with drug trafficking in a particular jurisdiction). Finally, neighborhoods suffering from high rates of offending, hot spots within such neighborhoods, and high-rate individuals within such neighborhoods and hot spots are open to combinations of group and individual-style interventions. Authorities can, for particular types of offenses or even for all offenses, raise the stakes to offending groups and chronic offenders for acts committed in specific geographic areas.⁵⁵ One can imagine, for example, posting in active street drug markets signs declaring that anybody arrested and convicted for offenses committed in those areas (or for drug offenses, or for drug dealing offenses, or whatever particular subcategory might be indicated) would be assigned to strict probation programs involving coerced abstinence, curfews, and the like. If the declaration had face validity, or if such validity were demonstrated through implementation, and if the regime the authorities promised was genuinely undesirable to offenders, then those markets would become much less attractive places to do business.

D. Displacement, Enforcement Dynamics, and Serial Application: The Strategic Use of Limited Enforcement Capacity

Will these approaches simply produce a displacement of the target offense into other offenses (or into other neighborhoods)? Perhaps. But there is increasing reason to believe that where displacement occurs, either geographically or into other offense categories, it is often less than complete, making for a net gain in crime control.⁵⁶ For some categories of offenses,

55. This is one way of viewing certain aspects of “broken windows” strategies focusing on disorder, which raise the costs associated with chronic offending through high arrest rates for low-level offenses. While such broken windows strategies tend to be area-focused and not individual or group-focused, where prevalences and incidences of offending are high enough they converge in practice.

56. Displacement is the shifting of the incidence of crime to another form, time, or locale. Thomas A. Repetto, *Crime Prevention and the Displacement Phenomenon*, 24 CRIME AND DELINQ. 166 (1976). See also Robert Barr & Ken Pease, *Crime Placement, Displacement, and Deflection*, in 12 CRIME AND JUSTICE: A REVIEW OF RESEARCH 277 (Michael Tonry & Norval Morris eds., 1990). Much research shows that displacement is seldom total and often inconsequential. See *id.*; Thomas Gabor, *Crime Displacement and Situational Prevention: Toward the Development of Some Principles*, 32 CAN. J. CRIMINOLOGY 41 (1990). In fact, some evaluations of crime prevention efforts find a diffusion of crime control benefits beyond the targets that received the intervention.

complete displacement into other categories simply seems implausible. Street drug dealing, for example, occurs in many cities on such a scale that it would take an enormous volume of, for example, burglary or armed robbery to equate to it, and it seems unlikely that such would occur. For other kinds of offenses, displacement seems like the wrong frame of reference. A key finding in the gang violence analysis in Boston, for example, was that "beefs," or vendettas, between particular gangs generated much of the youth homicide. If such beefs can be quelled, there's little reason to think that participants would necessarily seek out others, any more than Hatfields would desire more McCoys. Domestic violence, similarly, seems in important ways relationship-specific, even though many domestic abusers commit other kinds of offenses. If such abusers were dissuaded from domestic violence, it seems implausible that they would attack their bosses or their friends, or turn to muggings, as a result.

More important are the implications of these strategies (and other high-payoff deterrent approaches) for the general dynamics of enforcement. To frame these dynamics, let us begin with the entire universe of criminal justice activities and capacities as they are currently carried out and deployed. We call this the "ordinary" strategy, and take its deterrent power, whatever that may be, as a baseline.

We now take a small bundle of these activities and capacities in order to devote them to a "pulling levers" strategy. This will likely be the way of things with such approaches; most criminal justice agency resources will still be assigned to more general agency activities. Ceasefire, for example, utilized much of the capacity of the Boston Police Department's forty-person Youth Violence Strike Force, or gang unit; small portions of the capacity of other Working Group member agencies, such as probation, Department of Youth Services, and prosecutors; and essentially infinitesimal portions of the capacities of nonetheless crucial partners such as DEA. Where "pulling levers" is effective, it will generate more deterrence from these resources than was made of them in the ordinary strategy. Some of this deterrence is taken away from broader crime control—for instance, youth offending in general—and reapplied to the target category, for instance, serious gang violence. Most of it is "new" deterrence over and above the reassignment of baseline deterrence capacity. The new, higher net level of deterrence tips the balance of power between offenders and authorities in two important ways.

First, each increment of control applied through the new strategy increases the effectiveness of that strategy. The Ceasefire strategy evidently had the

See Ronald V. Clarke & David Weisburd, *Diffusion of Crime Control Benefits: Observations on the Reverse of Displacement*, 2 CRIME PREVENTION STUD. 165 (1994); Rene Hesseling, *Displacement: A Review of the Empirical Literature*, 3 CRIME PREVENTION STUD. 197 (1994).

capacity to deter gang violence in Boston when violence was at the relatively high baseline level that existed at the inception of the intervention. As that level diminished, however, the Working Group's capacity to respond to any new outbreaks of violence grew. Within the target category of offending, therefore, "pulling levers" strategies are self-reinforcing.

Second, to the extent that the strategy is effective, it reduces the *general* load on criminal justice capacities. This too operates at two levels. To the extent that there are specialized operations within criminal justice agencies dealing with target offenses, their relative capacities increase: Ceasefire's success reduces the burden, for instance, on probation officers assigned to youthful and high-risk gang offenders in Boston. It also reduces the load on the general capacities of criminal justice agencies, for instance police patrol and investigative officers assigned to Boston's high-crime neighborhoods. In both ways, the baseline deterrence and control capacities of criminal justice agencies should increase relative to new levels of offending.

These changes in the relative balance of offending and intervention will be particularly meaningful in domains characterized by what Mark Kleiman calls "enforcement swamping."⁵⁷ Imagine a neighborhood in which the capacity of authorities to punish offenders is fixed. If the crime rate in that neighborhood goes up, the punishment per offense must necessarily fall. If the new, lower level of punishment attracts new offenders, induces old offenders to offend more frequently, or both, there will be more offending, an even lower rate of punishment, and thus still more offending. When authorities' capacity to punish falls too low to prevent this kind of positive feedback cycle, we have enforcement swamping. A common contemporary example is street drug markets. As a stylized example of this process, when the volume of drug transactions in a particular location gets high enough, the authorities lose their capacity to control the location. Their lack of control attracts more drug dealers, which further weakens control capacities. The market attracts more buyers, cementing the commitment of dealers to do business there. The result is the common phenomenon of flagrant street markets that appear utterly impervious to normal enforcement approaches: they have "tipped" to the wrong side of the enforcement swamping divide.⁵⁸

57. Mark A.R. Kleiman, *Enforcement Swamping: A Positive-Feedback Mechanism in Areas of Illicit Activity*, in 17 MATHEMATICAL COMPUTER MODELING 65 (1993).

58. Other analyses of "tipping" phenomena include: (1) Schelling's analysis of white flight (THOMAS C. SCHELLING, *MICROMOTIVES AND MACROBEHAVIOR* (1978)); (2) Crane's analysis of the effect of high-status workers in a neighborhood on the development of youth (Jonathan Crane, *The Epidemic Theory of Ghettos and Neighborhood Effects on Dropping Out and Teenage Childbearing*, 96 AM. J. OF SOC. 1226 (1991)); (3) Gladwell's discussion of possible explanations for recent dramatic declines in crime in New York City (Malcolm Gladwell, *The Tipping Point*, THE NEW YORKER, June 3, 1996, at 32); and (4) Loftin's contagion model to explain growth in gangs

This process is reversible, however. If, by whatever means, the level of activity in the market can be reduced to the right side of the enforcement swamping divide, ordinary enforcement can often reduce it markedly and maintain that reduction. The deployment of extra deterrence in enforcement swamping domains—drug markets, high-crime neighborhoods, housing projects, and hot spots of various kinds—can thus have an impact greatly disproportionate to the investment made.

The strategic power of such interventions can be increased for certain kinds of problems by recognizing their dynamic characteristics. The Boston Gun Project Working Group, for example, believed that gang violence emerged from gangs composed of individuals with varied, though generally above average, propensities toward violence; a milieu in which violence was common and was an expected response to certain provocations; and in particular a set of relationships among particular gangs in which violence was particularly common and provocations particularly likely. In order to prevent violence, however, it was not necessary to reduce all gang members' propensities toward violence, to change the belief that violence was an expected response in certain circumstances, to prevent all provocations, or to dissolve all the "beefs" with which violence flared (though all of these would have been very useful steps). All that was necessary was to make gang members believe that violence, when it occurred, would bring unacceptable costs. This, in turn, did not require either long-term or simultaneous interventions with all gangs. All it required was to recognize where violence was occurring and respond to it in a way that contained it and demonstrated to "watching" gangs that they did not wish to be subjected to such responses themselves. So defined, the Working Group's task was actually relatively manageable, for while there were many gangs, many gang members, and many beefs, *at any given time* most of this universe was quiet, at least in terms of serious violence. By watching carefully for outbreaks of violence and demonstrating its capacity and commitment to respond to them, the Working Group created deterrence. The capacity required to respond to these intermittent outbreaks of gang violence was much less than would have been necessary to address, for example, gangs as such or gang offending as such.

One image of how to apply the "pulling levers" approach in pursuit of general crime control, therefore, would be in a strategically serial fashion. Start with a specific problem. This problem could be selected in various interesting ways: because of its innate seriousness (e.g., youth homicide or domestic violence); because it generates a disproportionate drain on criminal justice agencies' control capacities (e.g., high-rate drug abusers or street drug dealing);

and gang violence (Loftin, *supra* note 10).

because it creates environments that promote other kinds of crime and misbehavior (e.g., street drug dealing or disorder hot spots); or because it fosters other kinds of criminogenic dynamics (e.g., assaults between high-rate offenders). Next, reduce this problem to acceptable levels using “pulling levers” approaches (with, undoubtedly, other approaches used in conjunction). One now has a world much like the one in which one started, minus an important problem, perhaps with some displacement to other places and other offense categories, and a higher relative level of control capacity. Pick another problem, and repeat the process. In principle, this could be continued until the environment no longer supports it: that is, until there are no longer meaningful concentrations of offending in individuals, groups, and places, or until all remaining individuals and groups are utterly resistant to control short of incapacitation.

E. Shared Interests

It seems likely that much of the effectiveness of the Ceasefire intervention was due to the fact that not even gang members like being subjected to violence, and that many of them would prefer, all things being equal, not to commit violence (either, or both, because they genuinely wish not to or because it brings trouble from other gangs and from the police). There was thus an important, if generally unstated, shared interest between the gangs and the authorities. Both wanted the violence to stop. It was very difficult, however, for any one gang member or any one gang to opt out of the violence, for the sufficient reason that both enemies and friends were often willing to take advantage. It is important to recognize that in such an environment all involved may show a high propensity toward violence, and thus play a part in maintaining a dynamic that sustains the violence, *without necessarily actually supporting the norms that undergird such behavior*. If faced with a situation in which one must react to a slight with violence or become victimized oneself, many will choose violence, even while not wishing to or believing that the world should be governed so. This is one of the many ways in which the current loose talk about “super-predators” is so superficial: not only is it possible that it is not structural conditions in neighborhoods, or worsening character, that is responsible for current high rates of youth violence, it is possible that young offenders’ characters are not even *supportive* of high rates of violence. If this is so, then they need help breaking the dynamic in which they find themselves trapped. This may be more true than we think of many classes of offending: drug dealers may want to sell drugs, but not necessarily endorse the dangerousness of street drug markets; career adult felons may wish to continue many facets of their offending, but not wish to endure the constant threat of their own peers. These shared interests may represent important opportunities for managing offending.

F. Information Can Have a Major Strategic Role

Finally, the strategic use of information is central to the “pulling levers” concept, on at least four dimensions. First, information can be used to ensure *general offender knowledge* of what consequences their behavior will produce. That which is not known simply cannot deter. Second, authorities can use information to *interpret for offenders* what is happening to them and going on around them. Since the workings of such strategies will often be complicated, it will often be necessary to explain them to the target population: that a particular drug raid was provoked by gang violence, for instance. Third, it can be used to enhance compliance by putting *particular target populations on notice of contingent actions* within the strategy. Individual offenders already subject to a broad intervention can be told that their next domestic violence conviction will win them a slot in a small but onerous supervision program; particular drug markets can be posted as the next stop for interagency enforcement teams. An interesting variation on this theme would be to expressly allow offenders to self-select for these contingent actions: all crack houses in an area, for instance, could be put on notice that local police and DEA were mounting operations against crack houses, and that those producing the most violent and disorderly conditions would go to the head of the list. Finally, information can, under the right conditions, be used as a *substitute for action*. Where a message from authorities is credible, it may obviate the need to follow through on it. As Mark Kleiman observes, if one’s goal is to clear a given area of illegal parking, it matters little whether one gets the attention of violators by ticketing them every day for a week or by posting a sign saying that those in violation will be ticketed: if drivers believe the sign, the result will be the same.⁵⁹ With the above crack houses, for example, those identified as the most violent and disorderly could then be visited and told that if they were still in business in a week, authorities would cultivate confidential informants and prosecute everybody involved. It would take a peculiarly thick, or shortsighted, group of offenders to ignore such clear warnings.

It is clearly credibility—an asset often in short supply in criminal justice—that matters most across all these dimensions. But where credibility can be created, by choosing goals carefully and ensuring that the capacities to deliver on promises are adequate, the strategic use of information could be a crucial tool in managing offending.

59. Kleiman, *supra* note 57, at 68.

VII. CONCLUSION

Criminal justice agencies can exercise extraordinary powers. They can impose a wide variety of costs on offenders. They can exercise tremendous discretion in how they impose those costs, and for what sort of conduct. It seems likely that there is a good deal more method that could be imposed on the use of those powers, the imposition of those costs, and the exercise of that discretion.

What lies in the way of a more strategic use of these capacities is largely conceptual and organizational. Conceptually, we must rid ourselves of the notion that the only way to be "tough on crime" is to put bodies in cells for longer and longer periods, and recognize that there is a vast range of other important costs that can shape offenders' behavior. We must face the fact that, at any given moment, some kinds of offending matter more than other kinds; that professions of "zero tolerance" are largely professions of zero credibility; and that by failing to use criminal justice discretion strategically we are effectively giving offenders the reins. We must recognize that most of the "signals" we send are weak, if not incoherent, and that we can and should send them much more plainly and directly.

Organizationally, we need ways to make decisions across agencies, in a transparent and public way, about what sorts of priorities we are going to follow: not necessarily forever, but at least this week, this month, and this year. And we need ways to tie agency activities together so that the famous fiction of "the criminal justice system" becomes, at least sometimes, a reality. It is not too much to ask that for certain key purposes—youth homicide; domestic violence; open-air drug markets in a troubled community—the various arms of criminal justice should actually act in concert, and that the possibility of preventing a homicide tomorrow by putting a gang member on probation curfew check tonight should actually be realized. We should use these criminal justice capacities strategically, we should win compliance from offenders by making the rules clear to them and then doing what we say, we should act flexibly and cleverly according to the demands of particular problems, and we should build up enough credibility so that we can use less, not more, authority. We already have the levers, and, as the machinery of criminal justice grinds daily on, we are already pulling them. We might as well pull them properly.

VIII. APPENDIX

A. Bowdoin Street Flyer

GOAL: STOP THE VIOLENCE

BOWDOIN STREET OPERATION

INTERAGENCY OPERATION: POLICE, ATF, PROBATION, PAROLE, DYS,
US ATTORNEY, SUFFOLK COUNTY D.A.,
SCHOOL POLICE

SHARE INFORMATION AND INTELLIGENCE: DAILY

SHUT DOWN DRUG MARKET: WHEN THERE IS VIOLENCE, NO ONE PROFITS

HEAVY POLICE PRESENCE: YOUTH VIOLENCE STRIKE FORCE, DISTRICT C-11,
DRUG CONTROL UNIT, ATF

SWAMP AREA
10 ARRESTS
70 FIOs
MULTIPLE GUN SEIZURES
WARRANTS SERVED
DISORDER ENFORCEMENT
COMMUNITY ORGANIZING

HEAVY PROBATION PRESENCE, NIGHT AND DAY:
10 SURRENDERS
38 HOME VISITS
25 FIOs
CONTINUOUS AREA CHECKS
NEW RESTRICTIONS ON ALL BAILS
PATROL WITH YVSF
PROBATION INFORMATION
SHARED WITH POLICE OFFICERS

DYS SURRENDERS: IMMEDIATE

HEAVY PAROLE PRESENCE

PRIORITY FEDERAL PROSECUTIONS

PRIORITY STATE PROSECUTIONS

SERVE ALL OUTSTANDING WARRANTS

REVIEW ALL POSSIBLE COLD CASES

B. Cardoza Flyer

FREDDIE CARDOZA

PROBLEM: VIOLENT GANG MEMBER

**“Given his extensive criminal record, if
there was a federal law against
jaywalking we’d indict him for that.”**

--Don Stern, US Attorney

SOLUTION: ARMED CAREER CRIMINAL CONVICTION

**Arrested with one bullet
Sentence: 19 years, 7 months
No possibility of parole**

ADDRESS:

**OTISVILLE FEDERAL
CORRECTIONAL INSTITUTE
Maximum Security Facility, New York**

C. Intervale Flyer

GOAL: STOP THE VIOLENCE

INTERVALE POSSE

- **THEY WERE WARNED; THEY DIDN'T LISTEN**
- **INTERAGENCY DRUG OPERATION**
 - **BOSTON POLICE DEPARTMENT**
 - **DEA**
 - **ATF**
 - **STATE POLICE**
 - **US ATTORNEY**
 - **SUFFOLK COUNTY DA**
 - **PROBATION**
 - **PAROLE**
 - **SAFE NEIGHBORHOOD INITIATIVE**
- **AUGUST 29, 1996**
 - **15 FEDERAL ARRESTS: DRUGS AND CONSPIRACY**
 - **8 STATE ARRESTS**
- **EACH FEDERAL CHARGE CARRIES AT LEAST A 10 YEAR MANDATORY MINIMUM. SEVERAL POSSE MEMBERS MAY FACE LIFE IN FEDERAL PRISON.**
 - **CONFINED UNTIL TRIAL**
 - **NO POSSIBILITY OF PAROLE**
- **THE INVESTIGATION PROCEEDS: THESE CHARGES MAY BE JUST THE BEGINNING.**
- **THE LESSON: GANG VIOLENCE WILL BE STOPPED.**

D. Figures

Figure 1.

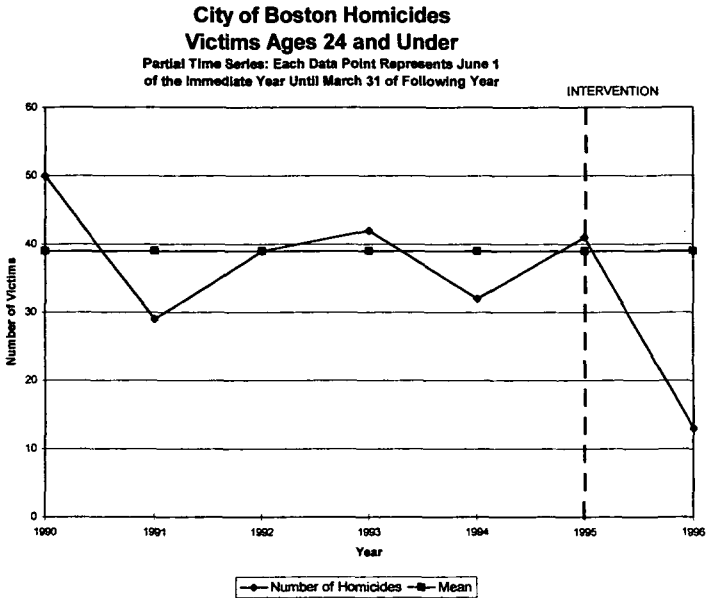


Figure 2.

