



NATIONAL NETWORK FOR SAFE COMMUNITIES

PRACTITIONER BRIEF

Group Violence Reduction Strategy: Group Enforcement Actions and Talking Points

Version 1 (Spring 2010)

This memorandum explores the role and purpose of demonstration, and subsequent, group enforcement actions (“crackdowns”) associated with the law enforcement component of the National Network for Safe Communities group violence reduction strategy (also known as “Operation Ceasefire”). The memorandum also includes talking points for presenting these actions within actual Call-Ins/Notification meetings with group and gang members.

I. General Overview: Group Enforcement Actions

In the context of Operation Ceasefire, also known as the National Network for Safe Community gang violence reduction strategy, a group-based enforcement (“crackdown”) can take many forms. Generally, these actions seek to pull “levers,” or bring legal and informal sanctions to bear, against the members of a group or gang that commits a violent act, such as a shooting or a homicide. To be effective, these group enforcement actions must be carefully adapted to the local context and situation. These enforcement actions share several distinct features:

(1) **These actions are group based.** These enforcement actions pursue serious consequences for the “shooter,” the individual who committed the (prohibited) violent act, AND seek to bring some type of legal sanction, informal sanction or *uncomfortable attention* to as many of that individual’s group associates as possible for any crimes they may be committing. The purpose of this group focus is to hold groups and gangs collectively accountable for the violence, and by doing so, to reduce the group dynamic that drives much urban and suburban violence.

(2) **These actions use available legal and informal sanctions creatively.** To be effective, the group enforcement action simply needs to demonstrate that special attention was paid to the entire group associated with the shooter. This often means that the shooter is arrested and detained while his case is pending, and that his associates face whatever sanctions can be brought against them based on their current behavior and legal vulnerabilities. This may include violating those group members under community supervision or simply vigorously enforcing the conditions of their probation or parole; serving outstanding arrest warrants against other group members; performing drug buys and executing drug arrests. This can also include more creative sanctions such as serving

warrants for outstanding child support; checking group and gang members for unregistered cars or performing housing code enforcement where they live. These group enforcement actions should leverage the imagination of the working group to creatively identify and use a combination of sanctions against violent groups.

(3) **These actions are performed explicitly in response to “prohibited” violent acts.** In Call-ins/Notification meetings, attending group and gang members are told that there are now a new set of rules that will govern law enforcement actions. Business as usual will continue for most types of crime. For crimes of violence (or whatever behavior you are defining as “prohibited”), usually defined as shooting and homicide, there are a new set of rules. When violence is committed, the individuals responsible and the groups they associate with will receive very special attention from a coalition of local, state and federal law enforcement. Group enforcement actions should be clearly communicated to offenders, community members, the media and the public as resulting directly from violent acts committed by group and gang members.

Generally, the first Call-In or Notification in a new jurisdiction should follow an initial group enforcement action. Subsequent Call-Ins should generally follow subsequent enforcement actions to continue to community the partnership’s core messages.

(4) **These actions are ideally performed in a coordinated fashion by the local, state and federal law enforcement partnership implementing Ceasefire.** This partnership approach allows federally-eligible cases to be quickly reviewed and adopted when appropriate; it allows local law enforcement to work more effectively to ensure speedy disposition of group and gang member cases through understandings with local prosecutors; and allows the partnership to exploit legal vulnerabilities in a manner that is more efficient and effective than each agency operating in its own fashion. See section II (below) for a more detailed discussion of different types and levels of enforcement actions.

II. Group Enforcement Actions “In Practice”

In practice, group enforcement actions are never perfect. Working groups are not always able to prosecute the shooter for the shooting. They cannot always arrest or detain every group member. What is important is that these actions cross a subjective threshold where group members in your community now understand that the “rules are different” and that law enforcement is making a credible statement in the call-in when they state that violence (the prohibited behavior) will bring special attention against entire groups. In practice, group enforcement actions generally fall into the following categories:

- (1) *Quick Enforcement Action:* The Ceasefire working group decides a group has “crossed the line” by committing the prohibited behavior and should become the focus of their special

attention. This working group puts together a plan to respond to this behavior. Generally, they will assess the current legal exposure of group members, identify and pull any legal levers currently available to them. This generally can be performed in three to six weeks, depending on resource and operational constraints. These actions often include violating those group members under community supervision **or** vigorously enforcing the conditions of their probation or parole or enhancing those conditions; serving outstanding arrest warrants against group members; street drug enforcement (performing drug buys and executing drug arrests); review of current cases for state enhancements and/or federal adoption; withdrawal of plea deals from group members; reviewing the sources of bail and bond funds; serving warrants for outstanding child support; checking group and gang members for unregistered cars; performing housing code enforcement where they live. These actions often result in arrest, detention and short term jail sentences as well as some shorter state sentences for group members.

- (2) *Medium-Term Enforcement Action:* In this case, the working group engages in a brisk state-level drug or conspiracy investigation. This often involves medium-term undercover investigations, usually aimed at narcotics sales or trafficking, though it can also involve conspiracy cases, wire-taps and the like. These take longer than quick crackdowns, but can normally be brought home in two to three months. These often result in serious state sentences under gang certification, habitual felon or related statutes. These actions can include federal review and adoption of some cases.
- (3) *Major/Long-Term Enforcement Action:* In this case, there is a federal or joint state-federal long-term drug and RICO conspiracy investigation that results in the wholesale adoption and prosecution of all or most cases in federal court. This type of action generally results in the heaviest sentences, and will generate significant attention from media, the public and offenders, but is rare, resource intensive and very slow.

Notes for Practitioners:

- These are general categories of group enforcement actions—many such actions may fall in between these categories, which are not mutually exclusive.
- All such group enforcement actions can proceed and be effective, without necessarily bringing a formal case against the homicide perpetrator for the homicide or for any crime. Often, these actions can focus on impact players within the shooter's group, and bring available sanctions to bear against these players.
- Group enforcement actions can also involve systematic attention to the social network and hierarchies of groups and gangs to identify impact players and gang leaders. For an award-winning example of this type of investigation performed by the Cincinnati Police Department as part of their implementation of Ceasefire, go to:

http://www.jjay.cuny.edu/npsc/pdfs/CPD_Excellent_in_Criminal_Investigation_Award_FINAL1.pdf.

- It can also be useful in the Call-Ins and through other methods, to communicate enforcement actions that are related to street violence, even if they are not the result of a group enforcement action. For an example of a very effective use of a high profile prosecution in this way in the original Boston project, see Appendix I. In this case, the Cardoza prosecution was used to communicate to groups and gangs in Boston that gang members involved in violence were going to receive very, very special prosecutorial attention.

III. Talking About Group Enforcement Actions In Your Call-In/Notification:

By implementing this gang violence reduction strategy to reduce violence in your community, you are changing the way you do things. Law enforcement will operate differently from now on, particularly in response to violence. Offenders and potential offenders need to know this in order to change their behavior accordingly. The purpose of the Call-In/Notification is to communicate the “new rules of the game” to the group and gang members in your community, as well as to provide an opportunity for the community to tell them the violence is wrong, and to offer help for those who will take it.

Call-Ins/Notification meetings should generally be timed to highlight recent crackdown actions; and to state (or repeat) the services/opportunity and community anti-violence messages. Especially in your initial Call-Ins, the explicit purpose of talking about crackdown actions is **to establish the credibility of group-focused sanctions**. To do this, you should **create a chart or visual display** of the group that was the focus of your first or most recent crackdown. This should include mug shots or other pictures of each group member; if there was a meaningful hierarchy to the group, you may want to arrange the pictures accordingly. It is often useful to list the actual or potential sentences or sanctions that fell on each group member under their picture.

In practice, this often means listing the sentences that different group/gang members **are facing** in jail, state or federal prison. For example, John Smith was sentenced for shooting Albert Jones, he is in jail and is facing 20 years in state prison; Joe Smith was arrested and is in lock-up for being in possession of a firearm, because of his record he is now facing 10 years in federal prison; Alex Johnson’s probation was violated, he is in jail awaiting a revocation hearing that could return him to state prison for 3 years; Richard Williams’ was arrested on an outstanding arrest warrant, he is in the county jail awaiting sentencing, etc. A key point to communicate is that “these guys would all be walking around right now, if their boy hadn’t shot someone.”

It is also critical in the Call-In/Notification meetings, **that Law Enforcement practitioners not “overpromise” what they can deliver**. This Call-in is about providing these group/gang members

with accurate, credible information so they can make the right decisions, not threatening them. It is unlikely that the working group can put all the members of any given gang in federal prison, and may not even get them all off of the street at one time. The critical work of the Call-In is to establish that the rules are different and attention will now be given to groups as a result of violence. To be effective, that attention must simply be sufficient for group members to actually believe that things have changed.

Finally, resources and operational capacity allowing, it is important that law enforcement communicate that this special attention will be paid to “the worst group” and “the next group.” In other words, whatever group is the **most** violent at the time of the Call-in, and whichever is the **next** group that shoots somebody after the call in will both receive this special group enforcement attention.

Talking Points: The crackdown should be discussed during the part of the Call-In when the law enforcement portion of the partnership is talking about “the new rules of the game.” Here are some recommendations for how to talk about enforcement actions in your Call-In/Notification meeting:

- “Today is a new day in (your jurisdiction) and we are here to tell you the rules. From now on, when you or anyone commits (the prohibited acts of violence), we will be paying very special attention to entire their entire group.
- All of our local, state and federal partners are on board with this. We have things worked out such that violence is going to bring very swift and certain consequences from now on. (If you can, you should state that you have special understandings with local and federal prosecutors that will limit plea bargaining and provide for enhanced federal review and adoption of cases, etc.).
- We know that the violence is driven by the groups and gangs in (your jurisdiction). From now on, we are going to bring law enforcement consequences accordingly.
- We are going to be paying special attention to the most violent group in (your jurisdiction) at any given time. In addition, the next time there is a shooting or a homicide after this meeting, we will come after that group. In both cases, we will go after the shooter for the shooting, but we will get the entire group for something.
- Up on the wall is (the last group that shot someone, or the worst group in your jurisdiction). If you look at this chart, you will see some familiar faces. This was (group/gang name). They committed the last (prohibited act) in (your jurisdiction). The shooter is now (location/sentence/pending charges); his boys are (list the consequences faced by the

shooters' associates). These guys would all be walking around right now, if their boy hadn't shot someone. This is what we mean. This is how things will be from now on.

- This is not personal, but the violence must stop. We would prefer that you listen to the members of your community who are here today and stop the violence. We would prefer that you take the help being offered by the service providers. But if nothing else, put your guns down.
- Starting as of the end of this meeting, the next person that shoots somebody in (your jurisdiction), this entire law enforcement partnership is coming after him and everyone he runs with. If you want this kind of attention, then let someone you run with shoot somebody—the next time we get together, you and your boys will be up on this wall. Now you know how things are going to work. If you see one of your friends about to involve themselves in violence, tell them to stop.
- Please take this information and use it. Good luck.”

APPENDIX I:

**FREDDIE CARDOZA FLYER
OPERATION CEASEFIRE IN BOSTON**

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 York¹**

¹ Kennedy, David M. Pulling Levers: Chronic Offenders, High Crime Settings and a Theory of Prevention. *Valparaiso University Law Review*. Symposium, Juvenile Crime: Policy Proposals on Guns & Violence, Gangs & Drugs. vol. 31, no.2, 1997: 449.