

GANGS OF NEW HAVEN:¹ COMBATING GROUP VIOLENCE IN A SMALL CITY

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¹ The title is a reference to the film “Gangs of New York,” a popular 2002 film detailing fictional rival gang members in the slums of mid-19th century New York City.

Introduction

In July 2015, I took a trip with my work supervisor to Lynn, Massachusetts, to visit one of her former juvenile group violence-involved clients.² Now in his late twenties and working at a faith-based youth gang intervention nonprofit, he has attempted college but spoke to us about his struggles to stay focused on his work. Like many of his peers, he felt the toll of childhood trauma and violence years later, impeding his best efforts to turn his life around. Worse, financial difficulties typical of formerly incarcerated people compounded his emotional struggles; even if he had sought adequate mental health treatment to work through his trauma, he likely would not have been able to afford to continue it.

I have thought about that young man a lot since then. By most definitions, his story was one of success. As a teenager, he had an excellent lawyer, a juvenile public defender whose zealous advocacy shielded him from the worst abuses of an unjustly punitive juvenile justice system. Now, years later, he has a full-time job and has not been arrested in years. But trauma is a powerful sword that can cut nearly indelibly. If we cannot even provide sufficient access to mental health care for veterans with PTSD, I remember thinking, prospects are bleak for someone like him, who carries both the stigma of group violence involvement and a lengthy trauma history.

² Throughout this paper, I will use the term “group” instead of the more traditional “gang.” My reasons are threefold: first, to avoid confusion and mistaken preconceptions regarding what constitutes a gang, particularly in a city like New Haven where groups are largely neighborhood-based and do not fit prevailing definitions of the term; second, to emulate the current staff and partners of Project Longevity, who exclusively use the term “group” rather than “gang”; and third, to de-stigmatize gang involvement by avoiding a term that invokes such strong (and often racialized) stereotypes, promoted in large part by popular culture and the media.

This paper seeks to expand upon a history of group violence in another small city: New Haven, Connecticut. Home to both wealthy Yale University affiliates and working class non-Yale affiliates living in crippling poverty, New Haven has long found its way atop lists of America's most dangerous cities.³ The city has long had a troubled history with group violence. However, this paper will do more than simply describe New Haven's turbulent history. It seeks to offer both an explanation of what drives group violence in New Haven and potential solutions to combat group violence that go further than locking people up, which has demonstrably not ended group violence in the city.

This paper focus principally on Project Longevity, a new anti-gang initiative in New Haven that seeks to combine access to services to gang members who cooperate with punitive prosecution to those who do not. I will argue that Project Longevity is both a continuation of the same tired incarceration-focused strategies for combating group violence, and something new entirely. On the one hand, Project Longevity does offer some services to individuals who may not otherwise be capable of accessing them. It also demonstrates to group members that their lives are worthy of protecting, and that the usual targets of punitive policing—drug crimes, for example—are not the only crimes worth pursuing. On the other hand, however, Project Longevity is very much incarceration-driven and incarceration-focused. Arrests are touted as successes—proof that the initiative is working—while resources remain limited for housing, jobs, and other social services that the program purports to offer.

Ultimately, this paper will argue for a solution that offers the carrots of Project Longevity with fewer sticks than Project Longevity currently employs. Arrests and incarceration are not a

³ Anmargaret Warner, Erin Fuchs and Gus Lubin, *The 25 Most Dangerous Cities in America*, BUSINESS INSIDER (June 13, 2013), <http://www.businessinsider.com/most-dangerous-cities-in-america-2013-6>.

long-term solution to prevent group violence; decades of arrests and accompanying newspaper headlines that local police have “broken” or “dismantled” one group or another only serve to temporarily reduce violence until the very same conditions that fostered the creation of the now-dismantled gang lead to the creation of a new one. Until the city concentrates on solving its root problems, and supporting its group-involved youth in ways that do not exclusively or in large part involve criminalization, Project Longevity will continue to serve as a short-term band aid—albeit a stronger and larger one than in the past, with some benefits—for a problem that requires a full rethinking of the usual approach.

This paper does not seek to argue that incarceration is never an appropriate response. Nor does it seek to argue that it is the exclusive responsibility of law enforcement to provide the services that individuals who commit crimes genuinely need. However, it does argue that the current mode of “arrest first, think about root causes later (if at all)” is not a sustainable model and has proven to not be so over decades of employing the same tired strategies. This paper will describe an interview with a prosecutor who was shocked to discover—after decades of practice—that it is easier to prosecute someone than find them a job. It will feature the opinions of a retired police officer who learned on the job that the best way to keep someone out of a life of crime is to give them the resources to be able to extricate themselves from it. And it will provide detailed understandings of both the limits and benefits of the Project Longevity model from those who work within it. In an age when funding towards alternative forms of service providers is extremely limited⁴; when politicians still benefit politically from promises to be

⁴ THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, THE NATIONAL REENTRY RESOURCE CENTER, NRRC FACTS AND TRENDS (2017), <https://csgjusticecenter.org/nrrc/facts-and-trends/>.

“tough on crime”⁵; and when spending on advanced crime-detecting technology in law enforcement vastly outweighs spending on crime prevention tactics, though the ostensible goal of law enforcement is to lower crime, it is worth a re-thinking of allocation of funding towards programs and initiatives that have demonstrated success in both reducing crime and lowering recidivism by giving those who have offended in the past plentiful opportunities to change their lives for the better. Providing such support should be the main focus of programs such as Project Longevity rather than a sometimes-neglected aside.

Part I analyzes what drives group violence, drawing on scholarly literature to outline both the general conditions that foster group violence and why such violence sprang up in New Haven in particular. Part II depicts the rise of different groups in New Haven and law enforcement’s efforts to eradicate them. Part III describes the impetus behind Project Longevity and its initial rollout in New Haven, focusing on the first few months of its implementation, and analyzes and assesses Project Longevity in New Haven—its benefits, its limitations, and its future implications. Part IV outlines the limits of incarcerative approaches to solving group violence problems and offers, as a solution, a switch from focusing on incarceration and punishment to prioritizing support and resource availability. I will present examples of the merits of shifting priorities to support over punishment and will argue that, ultimately, doing so will prevent more group violence in the long term than Project Longevity and related initiatives’ take-it-or-leave-it approaches.

⁵ David A. Graham, *The Shaky Basis for Trump’s ‘Law and Order’ Campaign*, THE ATLANTIC (July 12, 2016), <https://www.theatlantic.com/politics/archive/2016/07/trump-law-and-order/490940/>.

I. WHAT DRIVES GROUP VIOLENCE?

“Gangs have always been around.”⁶ This section will first define what constitutes a group and give a general overview of the history of groups and group violence. Second, I will draw on scholarly literature to outline the general conditions that foster group violence, with particular emphasis on group violence in American cities. Third, I will apply this literature to New Haven, discussing how the specific conditions in New Haven facilitated the rise of group violence.

A. *Gang Definitions and General History*

Given the vast diversity among groups in different regions of the country, over different time periods, and in different settings, groups are difficult, perhaps impossible, to define. According to some experts, “No one has ever advanced a definition of gangs or an explanation for gang activity that most, much less all, serious observers would embrace.”⁷ In lieu of a definition, they name a number of traits “commonly associated with gangs,” including: “age- and sex-segregated cliques of young persons, sharing a certain group identity and occupying particular geographic territory, often in opposition to real or imagined ‘enemies,’ and who frequently behave in a destructive, disruptive, or illegal manner.”⁸

Scholar James C. Howell gives perhaps the most comprehensive definition of a violent youth group, involving several factors.⁹ First, the group has at least five members, anywhere between the ages 11 to 24.¹⁰ Second, the members share some type of identity, “typically linked

⁶ SUDHIR ALLADI VENKATESH, *AMERICAN PROJECT: THE RISE AND FALL OF A MODERN GHETTO* xv (2000) (quoting members of the Robert Taylor public housing community in Chicago).

⁷ SCOTT CUMMINGS AND DANIEL J. MONTI, *GANGS: THE ORIGINS AND IMPACT OF CONTEMPORARY YOUTH GANGS IN THE UNITED STATES* vii (1993).

⁸ *Id.*

⁹ JAMES C. HOWELL, *THE HISTORY OF STREET GANGS IN THE UNITED STATES: THEIR ORIGINS AND TRANSFORMATIONS* 97 (2015).

¹⁰ *Id.*

to a name.”¹¹ Third, the members view themselves as a group and are recognized by others as such.¹² Fourth, the group has some permanence; Howell uses six months as the minimum benchmark.¹³ Fifth, the group has some degree of organization, including but not limited to: initiation rights, symbols, established leaders, guidelines, etc.¹⁴ Last, “the group is involved in an elevated level of criminal activity.”¹⁵ The current Department of Justice definition reflects Howell’s basic definition, but expands it to encompass a wider range of behavior.¹⁶

Notwithstanding its comprehensiveness, this description still does not accurately describe most New Haven’s groups, nor does it square perfectly with what modern violent groups look like today. Sociology Ph.D. student Michael Sierra-Arévalo, who has worked extensively with group members and law enforcement initiatives in New Haven, notes that many, if not most, modern groups, particularly in New Haven,

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Department of Justice (DOJ) official definition, as of May 28, 2015: “Definition of Gangs: (1) an association of three or more individuals; (2) whose members collectively identify themselves by adopting a group identity which they use to create an atmosphere of fear or intimidation frequently by employing one or more of the following: a common name, slogan, identifying sign, symbol, tattoo or other physical marking, style or color of clothing, hairstyle, hand sign or graffiti; (3) the association's purpose, in part, is to engage in criminal activity and the association uses violence or intimidation to further its criminal objectives; (4) its members engage in criminal activity, or acts of juvenile delinquency that if committed by an adult would be crimes; (5) with the intent to enhance or preserve the association's power, reputation, or economic resources; (6) the association may also possess some of the following characteristics: (a) the members employ rules for joining and operating within the association; (b) the members meet on a recurring basis; (c) the association provides physical protection of its members from other criminals and gangs; (d) the association seeks to exercise control over a particular location or region, or it may simply defend its perceived interests against rivals; or (e) the association has an identifiable structure. (7) this definition is not intended to include traditional organized crime groups such as La Cosa Nostra, groups that fall within the Department's definition of "international organized crime," drug trafficking organizations or terrorist organizations.” See OFFICE OF JUSTICE PROGRAMS, NATIONAL INSTITUTE OF JUSTICE, WHAT IS A GANG? DEFINITIONS (October 28, 2011), <https://www.nij.gov/topics/crime/gangs/pages/definitions.aspx>.

are loosely affiliated, have no formal hierarchy, and have fluid membership . . . Many do not even give themselves a name, and if they do it's often tied to their street, a local park, or a corner. . . . the groups in New Haven do not meet the definition of which depend on stylized notions of membership, leadership, colors/hand signs, etc. To be sure, some groups claim affiliation to established “real” gangs like Piru or Crips or Bloods, and may even wear more red or blue than usual, but there is no evidence to suggest that they're really affiliated with historically mythologized gangs from LA, Chicago, or NYC.¹⁷

Accordingly, he—and other scholars—prefers using the term “group” rather than “gang” to avoid confusion stemming from preconceptions of what a “gang” is.¹⁸ Even the most comprehensive definitions consequently fail to encompass the wide range of diversity among groups, from one state to another; from one city to another; and even from one neighborhood to another.

The earliest accounts of violent group membership emerged first in the northeastern region of the United States around the beginning of the nineteenth century, largely among poor, immigrant groups.¹⁹ As one scholar has observed, “The gang problem in the United States has roots that can be traced back to the urban slums of the early nineteenth century.”²⁰ Groups in the Northeast as we currently envision them came about in the early 1970s, in part due to the Great Migration of black migrants to Northern cities and the accompanying marginalization of this population in America’s inner cities, exacerbated by suburbanization, white flight and the draining of resources from cities into the suburbs; and in part due to the rising tide of immigration from Latin America, and the accompanying marginalization of this population as

¹⁷ Email from Michael Sierra-Arévalo, Ph.D. Student, Yale University, to Taylor Henley, Law Student, Yale Law School (March 7, 2017) (on file with author).

¹⁸ *Id.*; see also Interview with Michael Sierra-Arévalo, Ph.D. Student, Yale University, in New Haven, Conn. (November 29, 2016).

¹⁹ HOWELL, *supra* note 9, at 1-2.

²⁰ John M. Hagedorn, *Gang Violence in the Postindustrial Era*, 24 CRIME & JUST. 365, 366 (1998).

well.²¹ By 1980, “24 percent of known gang-problem cities across the United States were in the broader Northeast region”—and no longer limited to cities like New York and Philadelphia; and by 2008, “an estimated 640 street gangs with more than 17,250 members were criminally active” in the Northeast.²² Group development in the rest of the country followed a similar trajectory; first expanding to the Midwest, then the West, and finally the South.²³

However, as the types and goals of groups has changed, so too has public perception of them:

Prior to the 1970s, gang violence was usually seen by the public as some version of *West Side Story* (1961) male ethnic youths fighting with fists and knives over turf, respect, or romance. Gang members were typically envisioned as “foreigners,” southern European or Latin American immigrants with hot-blooded, violent ways. By the 1990s, the movies *Scarface* (1983), *Colors* (1988), and *New Jack City* (1991) had popularized a different image: cold-blooded minority gangsters shooting it out in drive-bys or disputes over drugs. The dark foreigner was replaced by the dark African American or Latino. To the established image of violent gang rivalries was added a lethal mix of drugs, guns, and easy money.²⁴

Today, groups remain predominantly male both in popular stereotype and in actuality, though there are female gangs as well.²⁵

B. Conditions that Foster Group Violence

Conditions that foster group violence will always vary depending a number of extraneous factors, including location, time period, demographics, and more, but even among such variety, scholars have identified a few commonalities. In *The History of Street Gangs in the United States*, author James C. Howell describes the rise of groups as generally following five distinct but related phases: phase 1, social disorganization; phase 2, weakened neighborhood, family, and

²¹ HOWELL, *supra* note 9, at 8.

²² *Id.* at 11

²³ *Id.* at 1-2.

²⁴ Hagedorn, *supra* note 20, at 366.

²⁵ *Id.*

social control; phase 3, youth subculture and groups; phase 4, prison and group facilitators; and phase 5, transformed groups.²⁶ The first phase is driven by three phenomena, largely a consequence of large-scale immigration to American cities: “immigrant concentration in slums, residential instability, and ‘concentrated disadvantage’ (extreme poverty).”²⁷ As Howell describes, “gangs arise either to fill the void of weak social institutions in socially disorganized areas, or because weak social institutions are thus incapable of thwarting unconventional value systems that often characterize street gangs.”²⁸

The second phase is a consequence of the first:

In the second phase, the context of social disorganization led to family disorganization, low neighborhood control, and youth alienation. In particular, poor family relationships and ineffective schooling impeded child and adolescent social development. . . . In time, gangs serve as a substitute for residual institutions for youth who had failed to make an adequate social and cultural transition from family, to school, and to work.²⁹

Risk factors for youth at this state include individual, family, peer, school, and neighborhood contexts.³⁰

Phase 3 focuses on adolescence and youth development. For Howell, “[t]he youth subculture . . . provid[es] values, customs, behavioral expectations, and the like for youth during the adolescent period.”³¹ He cites “gangsta rap” and the “culture of resistance” that developed around it as one example.³² Phase 4 focuses on solidification of groups though the “extreme isolation and resource deprivation” of both public housing projects and prisons.³³ Last, in phase

²⁶ HOWELL, *supra* note 9, at 77.

²⁷ *Id.*

²⁸ *Id.* at 78.

²⁹ *Id.*

³⁰ *Id.* at 79.

³¹ *Id.* at 80.

³² *Id.* at 84.

³³ *Id.* at 85.

5, the “gang transformation process” is complete, “in the course of evolving from juvenile or youth gangs to adolescent and adult street and prison gangs.”³⁴

But where are the police in all of this, one may wonder? Journalist Jill Leovy, author of *Ghettoside: A True Story of Murder in America*, has an answer: they are nowhere to be found.³⁵ Unlike Howell, Leovy makes the argument that it is the lack of protection from law enforcement that causes group violence more than any other societal factor.³⁶ Focusing on Los Angeles, California, as a case study, Leovy explains the homicide rates in America’s most dangerous cities as a lack of proper policing. In an era of extreme punitiveness for non-homicide crimes, Leovy argues, we over-police the “easy” crimes to catch, while under-police shootings and homicide-related crimes. In her words,

The institutions of criminal justice, so remorseless in other ways in an era of get-tough sentencing and ‘preventive’ policing, remained feeble when it came to answering for the lives of black murder victims. Few exerts examined what was evident every day of [homicide detective] John Skaggs’s working life: that the state’s inability to catch and punish even a bare majority of murderers in black enclaves such as Watts [Los Angeles] was itself a root cause of the violence and that this was a terrible problem—perhaps the most terrible thing in contemporary American life. The system’s failure to catch killers effectively rendered black lives cheap.³⁷

Law enforcement’s failure to care about the lives of its black inner-city residents is shocking in its callousness: “According to the old unwritten code of the Los Angeles Police Department, [young black male] Dovon’s [murder] was a nothing murder. ‘NHI—No Human Involved,’ the cops used to say. ‘Population control,’ the prosecutors downtown once joked.”³⁸ When the state has no monopoly on violence, and will not enforce its criminal sanctions against

³⁴ *Id.* at 89.

³⁵ JILL LEOVY, *GHETTOSIDE: A TRUE STORY OF MURDER IN AMERICA* (Spiegel & Grau 2015).

³⁶ *Id.*

³⁷ *Id.* at 7-8.

³⁸ *Id.* at 6.

the most violent offenders, individuals take retribution or punishment into their own hands.³⁹ “To them, proxy justice represented a principled stand against violence. It was like “a personalized imposition of martial law” not unrelated to the “weak social institutions” Howell describes above.⁴⁰ This leads to a cycle of violence unbroken by police arrests for petty nonviolent crimes.⁴¹

This phenomenon is not limited to America’s inner cities but rather “also crops up among isolated minorities alienated from the state, frontiersmen, and occupied peoples—any place, really, where formal authority is patchy or distrusted.”⁴² Thus, the problem of group violence is not so much “social disorganization,” as Howell would put it, caused by extreme poverty⁴³—it is the ignoring of an entire population of individuals based on a theory that their lives are expendable, and that their deaths do not matter. The “Monster,” as Leovy calls it, is exacerbated by the lack of public attention to the murders of black men in American cities. She quotes local detectives to explain public acquiescence to these murders: “‘I remember a banner headline in the Los Angeles Times one weekend,’ recalled Detective Paul Miss. ‘A bomb in Beirut had killed six people. We had nine murders that weekend, and not a one of them made the paper. Not one.’”⁴⁴

Group violence, then, is “a consequence of lawlessness, not a cause.”⁴⁵ Accordingly, those who join groups and participate in retaliatory violence are a product of their environments more than anything else, including individual personal failings. As evidence, she describes the

³⁹ *Id.*

⁴⁰ *Id.* at 141; HOWELL, *supra* note 9, at 78.

⁴¹ LEOVY, *supra* note 35, at 141.

⁴² *Id.* at 41.

⁴³ HOWELL, *supra* note 9, at 78.

⁴⁴ LEOVY, *supra* note 35, at 38.

⁴⁵ *Id.* at 80.

opinions of a homicide detective, John Skaggs, who has witnessed dozens of shootings and killings in his years on the local police force, and who has an interesting perspective on group violence:

[Detective] Arenas, for example, accused the division's black residents of inferior values. But Skaggs had concluded that many residents connected to Watts murder cases were ordinary people, trapped by conditions of lawlessness. Coercion and intimidation lay behind much of their apparent 'acceptance' of violence, he thought. Sometimes, arresting a young man for murder, he would reflect that things might have turned out differently had the suspect 'grown up just four blocks away' [in a less dangerous neighborhood].⁴⁶

Individuals join groups as a form of protection. They promote an act of toughness—an exhausting act to maintain, but an act—to protect themselves from the danger they face every day:

Lots of men, deep down, didn't want to fight. They tried to avoid it, acting tough to discourage challengers. They conveyed, with every gesture, a message that said 'Don't mess with me.' It was an exhausting act to keep up. But it was worth it to feel safer.⁴⁷

They are complicit in group violence because they do not have much of a choice: either they participate in it to protect themselves, or they face serious threats to their lives. Sociologist Elijah Anderson echoes this in his work on inner-city youth:

The code of the streets is actually a cultural adaptation to a profound lack of faith in the police and the judicial system. The police are most often seen as representing the dominant white society and not caring to protect inner-city residents. When called, they

⁴⁶ *Id.* at 88.

⁴⁷ *Id.* at 108; *see also* Elijah Anderson, *The Code of the Streets*, THE ATLANTIC (May 1994), <https://www.theatlantic.com/magazine/archive/1994/05/the-code-of-the-streets/306601/> (“[T]he street culture has evolved what may be called a code of the streets, which amounts to a set of informal rules governing interpersonal public behavior, including violence. The rules prescribe both a proper comportment and a proper way to respond if challenged. They regulate the use of violence and so allow those who are inclined to aggression to precipitate violent encounters in an approved way. The rules have been established and are enforced mainly by the street-oriented, but on the streets the distinction between street and decent is often irrelevant; everybody knows that if the rules are violated, there are penalties. Knowledge of the code is thus largely defensive; it is literally necessary for operating in public. Therefore, even though families with a decency orientation are usually opposed to the values of the code, they often reluctantly encourage their children's familiarity with it to enable them to negotiate the inner-city environment.”)

may not respond, which is one reason many residents feel they must be prepared to take extraordinary measures to defend themselves and their loved ones against those who are inclined to aggression.⁴⁸

Leovy's preferred solution to eradicating group violence is *more* policing—but more targeted. Instead of arresting individuals for petty crimes, law enforcement should focus exclusively on a city's most violent offenders.

Like the schoolyard bully, our criminal justice system harasses people on small pretexts but is exposed as a coward before murder. It hauls masses of black men through its machinery but fails to protect them from bodily injury and death. It is at once oppressive and inadequate.⁴⁹

This is, of course, much more difficult and resource-intensive than arresting large swaths of individuals for easily solvable crimes. The difficulty of doing so has led many departments to choose the path of least resistance: bolster their arrest statistics with petty crimes, and ignore the ones that are most harmful to the population they purport to protect. But only by focusing on such protection, she argues, will law enforcement be able to “counter[] the informal self-policing and street justice that [is] the scourge of urban black populations.”⁵⁰

But both Howell and Leovy focus on the bigger picture. Neither explains why any given individual, especially a young teenager, might choose to join a violent group—even knowing the dangers of doing so. Sociologist Victor Rios, himself a former group member, corroborates much of Leovy's findings, but adds his own personal narrative to explain why an individual might choose to join a group despite the danger it poses to his health and safety.⁵¹

⁴⁸ Elijah Anderson, *supra* note 47.

⁴⁹ LEOVY, *supra* note 35, at 8.

⁵⁰ *Id.* at 58.

⁵¹ VICTOR RIOS, *PUNISHED: POLICING THE LIVES OF BLACK AND LATINO BOYS* (NYU Press 2011).

According to Rios, the true cause of group violence is the absence of proper support systems for youths in inner cities.⁵² On an individual level, joining a criminal group is not only a consequence of a desire to make money; it is also a consequence of a need for protection and support. In *Punished: Policing the Lives of Black and Latino Boys*, Rios tells the story of his friend Smiley. Abandoned by his family, punished by teachers for his baggy pants and for his persistent smile, which teachers perceived as threatening, treated by police officers as a group member years before he even joined, Smiley felt that he had no choice but to turn to the group.⁵³ “Over time, I noticed Smiley increasingly turn to the gang because he believed it was his only source of support.”⁵⁴

Instead of a “pipeline of opportunities,”⁵⁵ young children in resource-starved communities are subject to what he calls the “youth control complex, a system in which schools, police, probation officers, families, community centers, the media, businesses, and other institutions systematically treat young people’s everyday behaviors as criminal activity.”⁵⁶ Rios explains how teachers, police, court officials (particularly probation officers), treatment/service providers, employers, and other non-criminalized individuals expect the boys to be able to remove themselves from negative situations at will. They accordingly perceive the boys’ reluctance to abandon their “street” ways as a lack of will, whereas the boys believe (and correctly so, as Rios demonstrates) that to abandon it would be to open the path for others to exploit their weakness.⁵⁷ This leads to “hypercriminalization,” incarceration, and the paradox of

⁵² *Id.*

⁵³ *Id.* at ix.

⁵⁴ *Id.* at ix.

⁵⁵ *Id.* at xii.

⁵⁶ *Id.* at xiv.

⁵⁷ *Id.*

creating neighborhoods that are over-policed and under-protected.⁵⁸ Parents, relatives, and other caregivers are sometimes guilty of the same mistakes, and turn to police and other institutions for help with children who have joined violent groups rather than exploring other alternatives, leading to Rios's conclusion that "[the police] taught parents how to criminalize their own children."⁵⁹ In the words of one group member, "I wouldn't be doing half of the shit I'm doing now, if I had a better environment . . ."⁶⁰

At a more general level, cycles of poverty and violence are difficult to break without additional resources and support. A passage written by clinical instructor Abbe Smith in 1995 is particularly telling, and remains relevant today:

It is difficult to find anything resembling "community" in many impoverished urban areas. The ravages of violence, crime, and drugs overwhelm even the most community-spirited residents. The nexus between community breakdown and crime -- perhaps especially juvenile crime -- seems obvious. When a child grows up amidst violence, when prison is just another rite of passage, the most visibly successful are drug dealers, when the lawful alternatives seem few and far between, not hard to see why kids are tempted by lawbreaking. Especially where there has been abuse or neglect in the family, a stable community is essential to a developing child, as is a positive school experience. Unfortunately, for many troubled kids, the street is all they get. The easy availability and proliferation of handguns and other more sophisticated firearms contributes mightily to the escalation of violence and the break-down of community. When a gun is present, every angry encounter is potentially fatal. Children or adolescents with guns are even more dangerous than adults; they are simply not able to exercise sound judgment. Too many children in our poorest urban areas grow up without hope. When asked what they want to be when they grow up, they will often replace the word "when" with "if." Some kids answer simply, "Dead or in jail."⁶¹

This echoes Rios's depictions of how young teens view older group members: "Mitchell was a true G [gangster]. . . . He is like the only role model we got."⁶²

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Abbe Smith, *Struggling for a Future: Juvenile Violence, Juvenile Justice: They Dream of Growing Older: On Kids and Crime*, 36 B.C. L. REV. 953, 973-78 (1995).

⁶² Rios, *supra* note 51, at 393.

C. Conditions that Led to the Rise of Group Violence in New Haven

The depictions of Rios, Howell, and Leovy are reflected in the development of group violence in New Haven. Despite its relatively small size, New Haven is a regular on any list of America's most violent cities. In 1989, for example, the city had more than three hundred and twenty shootings, and thirty-four murders—more, as journalist William Finnegan pointed out in 1990, than in Chicago, Los Angeles, or New York City that same year.⁶³ Such statistics, though much improved since 1989, still outpace most American cities. According to one recent analysis, Connecticut cities Bridgeport, New Haven, and Hartford are all among the 25 most dangerous cities in America.⁶⁴ And New Haven is uniquely situated even within Connecticut:

Despite a population smaller than Bridgeport and Hartford, New Haven leads Connecticut in violent crime. In 2010, Hartford had 1,624 violent crimes and Bridgeport had 1,412, New Haven experienced 1,992, outpacing Bridgeport and Hartford by about 27 percent and 40 percent. In the same year, New Haven's violent victimization rate of 15.95 per 1,000 outpaced or closely approximated the victimization rate of larger cities across the country, including Baltimore, MD (14.6), Memphis, TN (15.4), and Oakland, CA (15.3).⁶⁵

The same conditions that foster group violence in larger cities gave rise to group violence in New Haven. New Haven is a case study in mid-20th century urban decline. A former industrial zone, the city's vibrant factory-driven economy has been drastically reduced by the modernization of the United States economy, and by global economic forces that have similarly affected other working-class cities across the country. Consequently, today, poverty and lack of economic opportunity abound. As some scholars have noted, economic justifications for the

⁶³ William Finnegan, *Out There, Part 1*, THE NEW YORKER, September 10, 1990, at 66.

⁶⁴ Anmargaret Warner, Erin Fuchs and Gus Lubin, *The 25 Most Dangerous Cities in America*, BUSINESS INSIDER (June 13, 2013), <http://www.businessinsider.com/most-dangerous-cities-in-america-2013-6>.

⁶⁵ Michael Sierra-Arévalo and Andrew Papachristos, *Applying Group Audits to Problem-Oriented Policing*, in PREVENTING CRIME WITH NETWORK ANALYSIS (Aili Malm & Gisela Bichler eds., 2015).

emergence of violent groups are not in short supply, and New Haven is no exception.

Particularly for groups that are primarily profit-seeking, Joan Moore explains the emergence of groups as follows:

If a community's economy is not based solidly on wages and salaries, other economics will begin to develop. This is the essence of [economics scholar] Wilson's argument about an emergent underclass. Welfare, bartering, informal economic arrangements, and illegal economies become substitutes—simply because people must find a way to live. Young people growing up in such communities have little good to anticipate.⁶⁶

Accordingly, in New Haven, lack of economic opportunity provides an ideal breeding ground for illicit economic markets. Groups focused on the drug trade are attractive to youth who grow up in crippling poverty and see that the easiest (and sometimes the only) way out is to sell drugs—regardless of the personal cost to participate in the enterprise. Journalist and scholar William Finnegan noted that given New Haven's economic deprivation, the introduction of large-scale drug dealing perversely gave the city a “marked economic boost” as suburban drug users flocked to the city to purchase their drugs.⁶⁷ The result was a “loosely organized” system of neighborhood-based groups operating more or less independently (as will be outlined in Part III below) and composed largely of teen-age boys drawn to the economic drug boom.⁶⁸

However, some of the blame for the high rates of crime and violence in New Haven may fall on the state rather than the city. Research has shown that high levels of economic inequality breed crime,⁶⁹ and Connecticut's statewide income gap is the highest in the nation.⁷⁰ Connecticut

⁶⁶ Joan Moore, *Gangs, Drugs, and Violence*, in *GANGS: THE ORIGINS AND IMPACT OF CONTEMPORARY YOUTH GANGS IN THE UNITED STATES* 41 (Scott Cummings & Daniel Montgi eds., 1993).

⁶⁷ William Finnegan, *supra* note 63, at 63.

⁶⁸ *Id.*

⁶⁹ See March Buchanan, *Want to Fight Crime? Address Income Inequality*, BLOOMBERG VIEW (January 6, 2013), <https://www.bloomberg.com/view/articles/2013-01-06/want-to-fight-crime-address-economic-inequality> (remarking that “. . . a sure recipe for more frequent crime is rising socioeconomic inequality.”).

and Rhode Island are the only two states in the country that do not have any form of county government.⁷¹ As New York Times columnist Paul Zielbauer noted in 2002, “If urban distress amid suburban affluence is a national pattern, the pattern in Connecticut is magnified by the deeply held allegiance to ‘home rule,’ each town's authority to zone, tax and enforce its policies without regional oversight.”⁷² In 1960, the state formalized its dedication to “home rule” by abolishing the already-weak county governments.⁷³ City governments now make decisions independent of their effect on the state landscape, including those that affect a region greater than their city boundaries.⁷⁴ This keeps wealthier towns insulated from the concerns of failing cities. Since then, regional cooperation in the state has been an uphill battle. Strong township governments have inhibited almost all attempts to regionalize provisions of services, which has hurt local economies—particularly those that are not property tax-rich.

Connecticut towns depend heavily on property taxes for their local revenue. Towns/cities are largely responsible for K-12 education, public safety, roads/infrastructure, elderly/youth services, other social services, recreation, and wastewater treatment.⁷⁵ However, with near-

⁷⁰ Stephen Busmeyer, *Report: Connecticut Has Largest Income Gap Between Top 1 Percent And The Other 99 Percent*, HARTFORD COURANT (February 9, 2015), <http://www.courant.com/data-desk/hc-report-connecticut-income-gap-highest-in-the-nation-20150206-htmlstory.html>.

⁷¹ *Learn About What Counties Do*, NATIONAL ASSOCIATION OF COUNTIES (February 25, 2015), <http://www.naco.org/Counties/learn/Pages/Overview.aspx>

⁷² Paul Zielbauer, *Poverty in a Land of Plenty: Can Hartford Ever Recover?*, N.Y. TIMES, August 26, 2002, at A4.

⁷³ JUDY A. WATSON, OFFICE OF LEGAL RESEARCH (OLR) RESEARCH REPORT OF THE CONNECTICUT GENERAL ASSEMBLY, MEMO RE: COUNTY GOVERNMENT ABOLISHMENT, (January 30, 1998), <https://www.cga.ct.gov/PS98/rpt%5Colr%5Chtm/98-R-0086.htm>.

⁷⁴ Tom Condon, *City, Town Challenges Cry Out For Regional Solutions*, HARTFORD COURANT, March 16, 2008, at C4.

⁷⁵ CONNECTICUT CONFERENCE OF MUNICIPALITIES, PROPERTY TAXES IN CONNECTICUT: HOW OVER-RELIANCE THWARTS TOWNS’ ABILITY TO PROVIDE ESSENTIAL SERVICES AT 15, <http://advocacy.ccm-ct.org/Resources.aspx?id=d34bd0d9-a715-4e39-9dbd-654d0365e87b>. Connecticut education equality advocates have extensively litigated educational disparities in Connecticut, using the Connecticut state supreme court’s determination of a fundamental right to

stagnant growth, taxable property has grown at an average rate of 1 percent a year, while operating costs have risen at a rate of 6 to 7 percent a year.⁷⁶ Moreover, disparities in property and income wealth prevent some areas from generating enough property tax revenue at a reasonable cost to taxpayers to meet the need for social services, and state aid is insufficient to fill local revenue gaps.⁷⁷ This is particularly detrimental to local education systems in resource-deprived cities like New Haven.

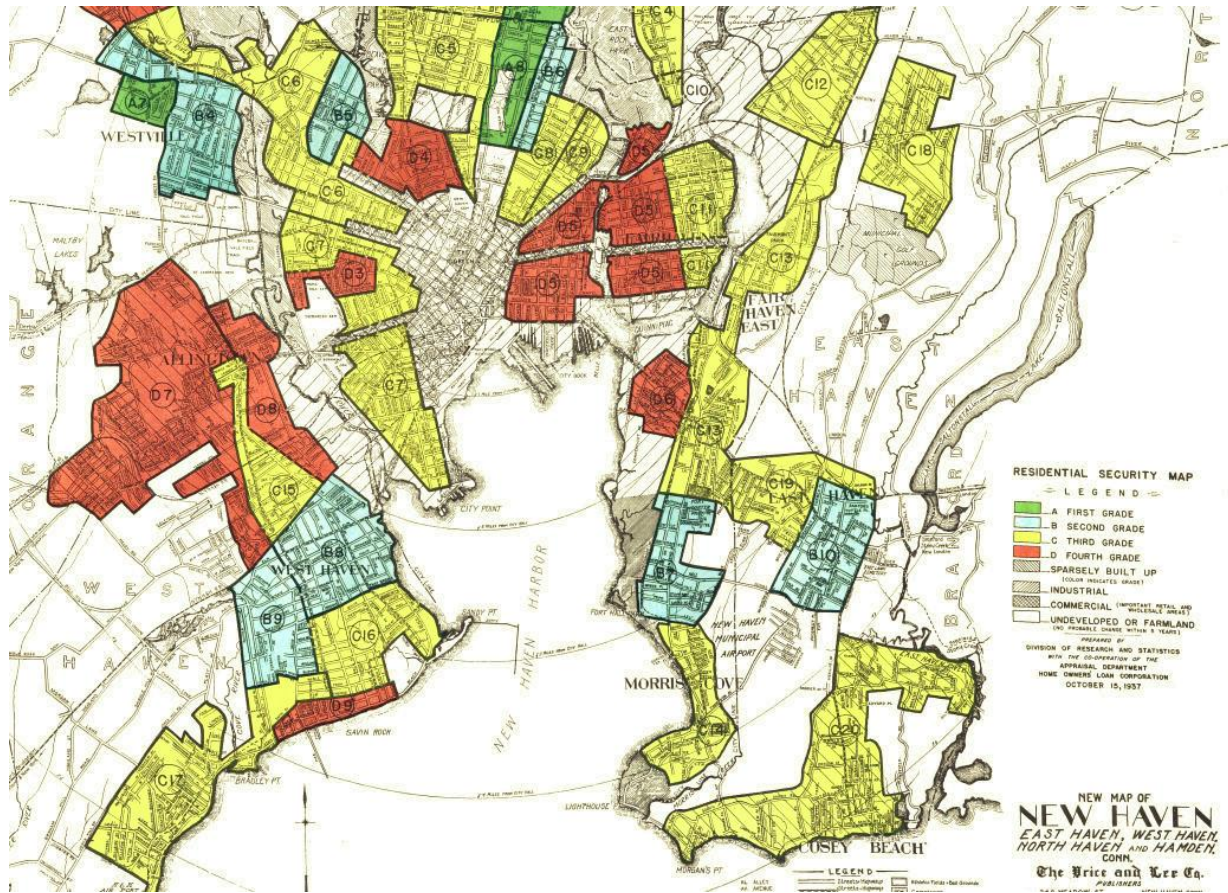
This phenomenon is complicated by the city's (and the state's) long history of racial discrimination. Below is a "Residential Security" map from 1937, detailing the "redlining"—or downgrading predominantly black neighborhoods to limit loan and mortgage options available to these residents—in the greater New Haven area:⁷⁸

education enshrined in the state's constitution, *see* Sheff v. O'Neil, 238 Conn. 1 (1996). However, as recently as March 2017, Hartford Courant journalist Vanessa de la Torre described the impoverished schools of cities like Hartford, "where the glimmer of the Sheff v. O'Neill case has been a mirage." She cites increasing racial and income-based segregation and the rise of magnet schools taking funds that would otherwise go towards public schools as reasons for the continued problems in providing adequate educational services to all Connecticut children; but the primary basis of school funding—local property taxes—continues to play a key role. Vanessa de la Torre, *Left Behind: Twenty Years After Sheff v. O'Neill, Students Struggle in Hartford's Segregated Schools*, HARTFORD COURANT (March 12, 2017), <http://www.courant.com/education/hc-sheff-left-behind-day-1-20170319-story.html>.

⁷⁶ Robert Neubecker, *Regionalism: A Bigger Idea; As the State's 169 Towns Grapple with Ever-Escalating Costs in a Worsening Economy, It's Time to Tear Down the Walls*, HARTFORD COURANT, Oct. 12, 2008, at C1.

⁷⁷ CONNECTICUT CONFERENCE OF MUNICIPALITIES, *supra* note 75, at 15.

⁷⁸ Susan Campbell, *What Redlining Did to Connecticut's Impoverished Neighborhoods*, WNPR, (April 19, 2016), <http://wnpr.org/post/what-redlining-did-connecticuts-impoverished-neighborhoods>.



As Connecticut fair housing lawyer Jeff Gentes describes, “If African Americans weren’t allowed to live in or buy houses in certain neighborhoods, while whites were given subsidized loans, that still matters today.”⁷⁹

Racial redlining and segregation also played a role in concentrating poverty into particular majority-black districts, which forced violent groups into discrete pockets where they came to monopolize entire neighborhoods. This made joining a group even more appealing to teenagers living in these neighborhoods—as an economic tool, a social group, and a source of protection. In 1990, William Finnegan described visiting Wilbur Cross High School—then a majority-black high school in a poor district of the city—when three boys ran into the classroom

⁷⁹ *Id.*

he was visiting, terrified that they, as members of one group, would be the next victims of a rival group's violence.⁸⁰ Afterwards, he remarked as follows:

I tried to imagine what the world felt like to those boys, and what I would do if I were in their place—if I felt myself in mortal danger, with no help coming from adults—and had to go home to the projects that night. And I knew: I would get down with a posse; I would get myself a gun.⁸¹

His reflection is an accurate summation of the kinds of calculations teenagers in such environments make every day. It is not surprising, then, that so many turn to groups.

Moreover, there are also echoes of Jill Leovy's arguments in New Haven, which have contributed to the persistence of violent groups in the city. For decades, journalists and community activists in New Haven have noted the disparity in the attention given to crime victims who are Yale affiliated and the attention given to crime victims who are not. In 2011, a Yale student wrote an article in the Yale Daily News detailing the shocking difference in the way that state and local law enforcement investigated the murder of Annie Marie Le, a Yale medical student, and the way that state and local law enforcement investigate the two dozen or so homicides that occur in the rest of the city every year:

When police found Le's body the night of Sunday, September 13, the public and law enforcement attention only intensified. The four most prominent police agencies in the city — the Yale Police Department, the New Haven Department, the state police, and the FBI — all made finding the killer of Annie Le their priority. Over 100 investigators were working on the case, including FBI agents requested specifically from Yale to assist on the case. . . . Yet, the array of resources deployed in the case of Annie Le has never been brought to bear against this deadly crime spree. In the year after her death, only eight of 26 murders have been solved. The response to the Le case has exposed an ugly truth about criminal justice in New Haven.⁸²

⁸⁰ William Finnegan, *supra* note 63, at 63.

⁸¹ *Id.*

⁸² Colin Ross, *The Other Murders: The Forgotten Homicides Since the Killing of Annie Le*, YALE DAILY NEWS (April 29, 2011), <http://yaledailynews.com/blog/2011/04/29/the-other-murders-the-forgotten-homicides-since-the-killing-of-annie-le/>.

This problem is not limited to the New Haven Police Department—the media is also implicated. As explained by Bishop Theodore Brooks, pastor of a local church, describing the coverage of black murder victims: “There’s a little blurb in the paper and the next day it’s gone . . . The Le case proves it — the death of a young black child, it’s not interesting for the media, no ratings in it for them.”⁸³

In 2014, Senators Richard Blumenthal (D-CT) and Chris Murphy (D-CT) held a roundtable discussion with local law enforcement, school officials and community activists in New Haven to discuss ways to reduce violence.⁸⁴ The conversation focused on mental health and the consequences of growing up in a violent environment on mental health outcomes, and participants discussed studies that connect exposure to violence in neighborhoods to post-traumatic stress disorder.⁸⁵ But then-Police Chief Dean Esserman also talked about the lack of attention paid to deaths of young people as a result of street violence.⁸⁶ “I’m struck by the fact that if we were losing our young men and women at war in Afghanistan or Iraq any night at the numbers we lose them on the streets of America, there would be a moral outrage that would be heard,” he said.⁸⁷ The line could have been plucked straight from Jill Leovy’s book.

This disparity remains in existence today. Rarely do Yale students hear about shootings or homicides in their own town—unless it happens near them. For example, in January 2017, I received an email from Yale police chief Ronnell Higgins describing a shooting in the area of Winchester Avenue and Compton Street. The email read as follows:

⁸³ *Id.*

⁸⁴ Rich Scinto, *Murphy, Blumenthal lead New Haven roundtable on violence*, NEW HAVEN REGISTER (February 7, 2014), <http://www.nhregister.com/article/20140207/NEWS/140209366?source=jBar>.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

I write to let you know that police are on the scene of a person shot in the area of Winchester Avenue and Compton Street that occurred a short time ago. The victim, who is not a member of the Yale community, sustained a gunshot wound to the leg. The victim's injuries are not life threatening, it does not appear that the victim was targeted randomly, and the incident did not occur on campus. Please avoid the area while police conduct their investigation.⁸⁸

Unknowingly, as I had not yet read the email, I walked by that area approximately 20 minutes later. I was not paying much attention, but I saw no police cars on my walk, nor officers, nor caution tape, nor any indication that a shooting had just occurred in the area. When I got home, I told my roommate that I had just walked by the area and seen nothing; she was astonished. "I thought the whole area would be blocked off," she told me. "There was a shooting!"

It is possible, of course, that the investigation had already been completed by the time I walked by, or that I, in not expecting anything out of the ordinary on my walk that afternoon, failed to notice any police presence. However, my roommate's reaction is telling. So, too, is the Yale police chief's identification of the victim as "not a member of the Yale community" and "not . . . targeted randomly,"⁸⁹ as well as lack of follow up information we received from the Yale police. Non-Yale-affiliated individuals living outside campus borders are not within the Yale Police Department's jurisdiction, but it is within the jurisdiction of the local police, of course; and one can imagine that had a Yale student been shot, the situation would have been quite different.

I never followed up to see what happened with that incident. I told my roommate that in the two and a half years we had lived in New Haven up to that point, there had been approximately 30 or so murders, and plenty of other shootings. Yet we knew close to nothing about any of them—we only heard about them if they somehow affected us. And in this case, the

⁸⁸ Email from Chief Ronnell Higgins, Yale Police Chief, to all Yale faculty, staff, and students, (January 27, 2017) (on file with author).

⁸⁹ *Id.*

shooting occurred in an area of New Haven that used to be known as one of the most dangerous parts of the city. Winchester Avenue was home to its fair share of violent groups, as will be detailed below. But now, for the most part, Yale graduate students live in the area in which the shooting occurred—hence Chief Higgins’s email. And I wonder how many of us might view violence in New Haven differently if we received an email any time someone had been shot—and if police investigated as thoroughly as they would have had a Yale student been affected.

II. History of New Haven Groups: Development and Resistance

New Haven has generally attracted both neighborhood-specific groups and local affiliates of national groups. This section will draw largely on primary sources—mainly local newspaper articles—to paint a portrait of groups in New Haven, starting in the late 19th century. I will then shift to a discussion of the various ways in which the state and federal criminal justice systems have attempted to criminalize group membership, and the procedures that law enforcement has utilized to enforce such criminalization.

A. New Haven Groups

1. Local groups

Most of New Haven groups are neighborhood-based.⁹⁰ Some groups go even further—they are block-based, or school-based, or friendship group-based.⁹¹ There are no major, thousands-of-members groups in New Haven, unlike some other major cities.⁹² Accordingly, most groups fit more into Howell’s first three phases of group development than in his fourth and fifth phases, which require higher levels of sophistication. However, this does not mean that New

⁹⁰ Interview with Michael Sierra-Arévalo, *supra* note 18.

⁹¹ *Id.*

⁹² *Id.*

Haven does not have a long history of violent group membership. As early as 1892 and 1897, police were chasing a “gang of thieves” operating in Connecticut’s largest cities, including New Haven,⁹³ and a “shoplifting gang” that had stolen \$2,000 worth of goods from various New Haven stores.⁹⁴ In 1934, police arrested five men with possession of then-illegal lottery tickets after they caught the men in a raid on what they believed to be the headquarters for an Italian lottery.⁹⁵ Later, in 1945, the Hartford Courant recorded an “old fashioned gang fight involving an estimated 25 sailors and civilians in downtown New Haven,” leading to six arrests.⁹⁶ According to local police, members wielded “beer bottles, metal pipes and automobile jacks.”⁹⁷

Contrary to popular belief, drugs were not the primary motivator behind all New Haven groups. In 1989, representatives of five neighborhood “posses” signed a “cease-fire peace agreement” after a three-hour meeting with community activists; according to one, for example, much of the violence stemmed from “petty competition over territory, women or property . . . police and the media were too quick to label acts of violence as drug related.”⁹⁸ But some were. In 1990, a Narcotics Enforcement Unit of the New Haven Police department arrested fifteen members of the “Arch Street Gang,” finding \$1000 worth of cocaine, plus cash and guns, in the process.⁹⁹ A task force in 1993 attempted to eradicate a local neighborhood gang in Newhallville

⁹³ *Gang of Thieves Broken Up*, THE HARTFORD COURANT, August 22, 1892.

⁹⁴ *Shoplifter Gang*, THE HARTFORD COURANT, June 15, 1897.

⁹⁵ *New Haven Lottery Gang Raided*, NEW HAVEN REGISTER, July 22, 1934.

⁹⁶ *New Haven Gang Fight Results in Six Arrests*, NEW HAVEN REGISTER, September 7, 1945.

⁹⁷ *Id.*

⁹⁸ Matthew Kauffman, *New Haven Gangs Sign Peace Pact*, HARTFORD COURANT, August 23, 1989.

⁹⁹ Associated Press, *Saying Drug Gang Is Broken, New Haven Police Arrest 15*, N.Y. TIMES, Late Edition (East Coast), April 30, 1990, at B3.

that called itself “the Ville;” two years later, the group “rebounded,” and twelve new arrests were made, largely on drug charges.¹⁰⁰

These groups were by no means permanent fixtures. Rather, groups tended to gather in the same neighborhoods, but with constantly shifting names, members, and alliances.¹⁰¹ By 2010, one of the largest groups that dominated Newhallville, a region of the city that has traditionally housed numerous violent groups, was known as “R2 BWE Black Flag,” or “R2” for short:

BWE stands for “Beef With Everybody.” Black flag is a symbol of independence; other city gangs claim a “red flag” for affiliation to the Bloods, or a “blue flag” to the Crips. R2 stands for the western side of Read Street (especially around the corner of Shelton and Read, pictured), the heart of an area that the gang claims as its turf. The area includes part of New Haven’s Newhallville neighborhood and the adjoining Highwood section of Hamden.¹⁰²

R2 originated as a response to R1, another local gang based a few streets up; the two groups started as local neighborhood competing groups before R2 became more structured and, as one source puts it, “hardcore.”¹⁰³

In 2011, a coordinated group of federal, state, and local police agencies put together an investigation dubbed “Operation Crip Keeper.”¹⁰⁴ The involvement of federal agents led to the use of more sophisticated surveillance, including wiretaps, and ultimately led to 47 indictments

¹⁰⁰ Edmund Mahony, *12 Gang Arrests Made in New Haven*, HARTFORD COURANT, February 03, 1995. William Finnegan also discusses extensively the “Ville” group in his 1990 articles for the New Yorker; his protagonist, a fifteen-year-old group member from Newhallville, was a member of the group. William Finnegan, *supra* note 63; William Finnegan, “Out There, Part 2,” THE NEW YORKER (September 17, 1990).

¹⁰¹ William Finnegan, *supra* note 63, at 68.

¹⁰² Paul Bass, ‘R2’ Gang Leaves Trail of Violence, NEW HAVEN INDEPENDENT (March 26, 2010), http://www.newhavenindependent.org/index.php/archives/entry/r2_gang_causes_mayhem/.

¹⁰³ *Id.*

¹⁰⁴ Thomas MacMillan, *A Year After R2 Bust, Newhallville’s Quieter*, THE NEW HAVEN INDEPENDENT (November 17, 2011), http://www.newhavenindependent.org/index.php/archives/entry/gang_gone_newhallville_is_quiet/.

on racketeering charges in federal court.¹⁰⁵ This was the largest full-scale group violence investigation in town since the mid-90s, during the era of the Jungle Boys and Kensington Street International, among others.¹⁰⁶

Some group violence is less serious, and even less tied to what we ordinarily conceive of as a “gang” or “group.” In 2012, in Fair Haven, “roving gangs of kids on bikes” became notorious for “surrounding pedestrians, setting upon them and making off with their valuables.”¹⁰⁷ According to Yale police, some of the kids were carrying pellet guns.¹⁰⁸ And according to the local newspaper coverage of the child bikers, such a phenomenon was not new to the city:

The reemergence of gangs of bike riders conjures images of 2005 during the so-called summer of “kids on bikes.” In that case, large groups of youths, sometimes 60 or more, rode around in the Dwight neighborhood, clogged streets, causing chaos and, more than once, attacking passersby. In that neighborhood, the city cracked down on bike violations and handed out scores of tickets for violations.¹⁰⁹

Ultimately, the law enforcement response largely involved seizing the bikes and calling the kids’ parents, and potentially taking pictures and video of the kids to show to school security guards and school resource officers “so conversations can happen there.”¹¹⁰

Today, serious group violence is considerably less prevalent than at its peak, but still in existence. “Guns are routinely drawn over real or imagined affronts, and a single instance of violence can still erupt into a retaliatory chain of killings. While the FBI and NHPD busted up

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ William Kaempffer, *New Haven Bike Gangs Robbing Pedestrians, Police Cracking Down*, NEW HAVEN REGISTER (September 19, 2012), <http://www.nhregister.com/article/NH/20120918/NEWS/309189953>.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

the city's most aggressive crews, the vacuum was filled with younger, more fragmented ones.”¹¹¹ In 2014, for instance, police arrested only 11 alleged members and associates of the “Slut Wave” gang, despite targeting the gang in a sting that involved four early-morning raids in the Hill and Newhallville, and 60 law enforcement officials, including three separate SWAT teams, to execute the search warrants.¹¹²

2. National groups

Though most violent groups in New Haven are neighborhood-based, there are a few that affiliate—however loosely—with larger national groups, and possibly fit more aptly into Howell’s fourth and fifth phases of group development. In 1994, for example, sixteen members of a local affiliate of the Latin Kings were arrested and charged as members of a drug ring.¹¹³ By 2011, New Haven was believed to be again home to “four major, structured violent gangs in operation: the Grape Street Crips, the Bloods (two subsets), the Latin Kings, and the Hell’s Angels.”¹¹⁴ In 2012, a federal “sweep” targeted the “Tre Bloods” group, one of the subsets of the Bloods operating in the Dwight neighborhood and known as “the Tre.”¹¹⁵ Around the same time,

¹¹¹ Daniel Shkolnik, *A Former Crack Dealer Explains the Danger and Appeal of Slinging Rocks in the 80s*, VICE (May 3, 2016), https://www.vice.com/en_us/article/a-former-crack-dealer-explains-the-danger-and-appeal-of-slinging-rocks-in-the-80s.

¹¹² Rich Scinto, *New Haven police arrest alleged gang members*, NEW HAVEN REGISTER (January 24, 2014), <http://www.nhregister.com/general-news/20140123/new-haven-police-arrest-alleged-gang-members>.

¹¹³ George Judson, *Sixteen Charged as Members of Drug Ring*, N.Y. TIMES (June 30, 1994), <http://www.nytimes.com/1994/06/30/nyregion/16-charged-as-members-of-drug-ring.html>.

¹¹⁴ Thomas MacMillan, *supra* note 104.

¹¹⁵ William Kaempffer, *Federal officials arrest 35 more in second round of drug sweeps in New Haven, total of 105 people charged*, NEW HAVEN REGISTER (May 22, 2012), <http://www.nhregister.com/article/NH/20120522/NEWS/305229986>.

a leader of the Grape Street Crips and 17 co-defendants were indicted on drug and conspiracy charges.¹¹⁶

As recently as 2015, police referenced a local affiliate of the Bloods who were alleged to be selling various controlled substances to individuals in Bangor, Maine.¹¹⁷ The group called themselves the “Red Side Guerilla [sic] Brims” and was ultimately the target of a joint New Haven Police Department-Bureau of Alcohol, Firearms and Tobacco investigation that led to the indictments against six alleged members charged in federal court with various murders, attempted murders, an armed robbery, and an assault.¹¹⁸

B. Enforcement: The Law

1. State statutes

Connecticut has a number of state statutes directly targeted at criminalizing groups and group violence. Connecticut General Statutes § 29-7n(a) defines “gangs” as “a group of juveniles or youths who, acting in concert with each other, or with adults, engage in illegal activities; § 29-7n(b) orders law enforcement to “monitor, record and classify all crimes committed in the state which are gang-related.” Such a definition is sufficiently broad to capture a wide range of activities—including legal activities. The definition also targets exclusively “juveniles or youths”—an interesting choice, given that individuals under the age of 18 receive

¹¹⁶ Michelle Tuccitto Sullo, *New Haven ‘Grape Street Crips’ Gang Leader Gets 15 ½ Years for Drug Trafficking*, NEW HAVEN REGISTER (March 11, 2015), <http://www.nhregister.com/article/NH/20150310/NEWS/150319950>.

¹¹⁷ Nok-Noi Ricker, *Police: Bangor was ‘lucrative market’ for Connecticut gang members*, BANGOR DAILY NEWS (October 2, 2015), <http://bangordailynews.com/2015/10/02/news/bangor/police-bangor-a-lucrative-market-for-connecticut-gang-members/>.

¹¹⁸ Ryan Flynn, *Feds: Violent New Haven Gang Dismantled, ‘Plague’ taken off city streets*, NEW HAVEN REGISTER (October 1, 2015), <http://www.nhregister.com/article/NH/20151001/NEWS/151009971>.

the protections of the juvenile justice system, which can protect them from the harshest sentences—at least for most crimes.¹¹⁹

Connecticut also has a state racketeering statute, Conn. Gen. Stat. § 51-279b, which establishes a

racketeering and continuing criminal activities unit within the Division of Criminal Justice. Such unit shall be available for the investigation and prosecution of criminal matters including, but not limited to, the illegal purchase and sale of controlled substances, criminal activity by gangs, fraud, corruption, illegal gambling and the recruitment of persons to carry out such illegal activities.

Additionally, Conn. Gen. Stat. § 53a-224 makes “recruiting a member of a criminal gang” a class A misdemeanor, the most severe category of misdemeanors.¹²⁰

However, the vast majority of group-related crimes are prosecuted under various gun laws. Examples include: illegal pistol or revolver transfer (Conn. Gen. Stat. § 29-33), carrying a pistol without a permit (Conn. Gen. Stat. § 29-35(a)), illegal weapon possession in a motor vehicle (Conn. Gen. Stat. § 29-38), illegal assault weapon sale (Conn. Gen. Stat. § 53-202b(a)(1)), illegal firearm discharge (Conn. Gen. Stat. § 53-203), carrying or selling a dangerous weapon (Conn. Gen. Stat. § 53-206), stealing a firearm (Conn. Gen. Stat. § 53a-212), and weapon possession on school grounds (Conn. Gen. Stat. § 53a-217b). For known group

¹¹⁹ In Connecticut, juveniles (defined as individuals under the age of 18) can be transferred to adult court and receive adult sentences for the following crimes: Class A, B, and C felonies; unclassified felonies; murder with special circumstances; murder; and arson murder. “In the case of a child accused of a class C or D felony or an unclassified felony and transferred from juvenile court upon motion of the state's attorney, the law authorizes the superior court to return the case to juvenile court, but does not specify grounds for such a retransfer, standards to be applied or factors to be considered. In the case of a child accused of a class B felony and ‘automatically’ transferred, the State's attorney may request a retransfer to juvenile court within 10 days.” *See* Conn. Gen. Stat. § 46b-127; Conn. Gen. Stat. § 46b-127. *See also* OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, TRYING JUVENILES IN ADULT COURTS, <https://www.ojjdp.gov/pubs/tryingjuvasadult/states/ct.html>.

¹²⁰ CHRISTOPHER REINHARDT, OLR RESEARCH REPORT, CRIMES WITH MANDATORY MINIMUM PRISON SENTENCES—UPDATED AND REVISED (March 07, 2012), <https://www.cga.ct.gov/2012/rpt/2012-R-0134.htm>.

members, prosecutors charge individuals who were not directly involved in these offenses with conspiracy to commit them. In Connecticut, conspiracy to commit a crime carries the same penalty as the principle offense.¹²¹

Lastly, a number of civil statutes address—and seek to regulate—groups and group violence. These include school discipline policies, such as suspension of pupils for gang involvement (C.G.S. § 10-233c); expulsion of pupils for gang involvement (C.G.S. § 10-233d); and prescribed courses of study for gang prevention in schools (C.G.S. § 10-16b, effective July 1, 2016). Other civil statutes provide for state and local police training programs on group-related violence (C.G.S. § 7-2941) and for a council to provide training to public school security personnel regarding drug detention and group IDs (C.G.S. § 7-294x).

2. Federal statutes

The most well-known federal criminal statute targeted at group violence is RICO, the Racketeer Influenced and Corrupt Organizations Act first enacted in 1970 that provides for extended criminal (and civil) penalties for acts that are alleged to be part of an ongoing criminal organization. The RICO statute is enormous and encompasses a wide range of behaviors. In its current form, it prohibits “ anyone employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.”¹²² Originally intended to eradicate organized crime in the United

¹²¹ CHRISTOPHER REINHARDT, OLR RESEARCH REPORT, CRIMES WITH MANDATORY MINIMUM PRISON SENTENCES—UPDATED AND REVISED (November 13, 2008), <https://www.cga.ct.gov/2008/rpt/2008-R-0619.htm>.

¹²² 18 U.S.C.A. § 1962(c) (West 1984).

States, chiefly the mafia “and other organized crime with great economic influence,¹²³ federal prosecutors began applying the statute to local group members in the 1980s;¹²⁴ Connecticut was by no means exempt from this trend.¹²⁵

Currently, federal prosecutors, particularly in Connecticut, also utilize conspiracy laws to penalize individuals suspected of being members of a criminal group.¹²⁶ Throughout the 1990s—the peak of the “tough on crime” era—prosecutors regularly charged defendants as co-conspirators for crimes they may not have even known their co-group members were planning to commit.¹²⁷ In some major group prosecutions, convicted co-conspirators may not have even known each other—and yet they all received the same sentences for the most severe crimes committed by one or more members of the group.¹²⁸ Though this has decreased in frequency as recognition of the unnecessary severity of punishments for drug crimes—in the past, some of the most severely punished crimes, and those particularly targeted under conspiracy laws—has decreased in recent years,¹²⁹ the possibility of group prosecution under these laws remains.

C. Enforcement: Police Operations

1. Enforcement procedures

Most federal, state, and local enforcement of group violence-related laws has been exclusively punishment-driven. In part, this is driven by popular understanding of who group

¹²³ Jordan Blair Woods, *Systemic Bias and RICO's Application to Criminal Street and Prison Gangs*, 17 MICH. J. RACE & L. 303 (2012).

¹²⁴ *Id.*

¹²⁵ *See, e.g.*, CHRISTOPHER REINHART, OLR RESEARCH REPORT, DEFINITION OF RACKETEERING (August 10, 2006), <https://www.cga.ct.gov/2006/rpt/2006-R-0484.htm>.

¹²⁶ *See* 18 U.S.C. § 371.

¹²⁷ Interview with Kelly Barrett, Federal Defender in the District of New Haven New Haven Federal Defenders (February 24, 2017).

¹²⁸ *Id.*

¹²⁹ *Id.*

members are, and why they join. “For most people, gangs represent a breakdown of the moral order, an evil in which racial or ethnic ties have been perverted for criminal gain.”¹³⁰

Accordingly, the seemingly logical response is to focus exclusively on punishment.

In 1993, at the height of the group violence boom, the United States Justice Department’s stated group violence-fighting goal was to “take back the streets and liberate our neighborhoods from the tyranny of fear.”¹³¹ Then-Attorney General Dick Thornburg painted a picture of fighting group-related crime as analogous to fighting the recently dismantled Soviet Union:

Our hearts lifted as joint military operations won a great victory over violence and aggression in the Persian Gulf. That victory is a textbook example of military might brought to bear upon a ruthless enemy. . . . Now we launch a coordinated attack on drug dealers, gangs, and criminal predators to free the target area of crime by combined Federal, State and local law enforcement.¹³²

The attitudes of law enforcement in New Haven echoed these concerns. As demonstrated in part A of this section, various stings, sweeps, and busts were common throughout the 1990s and 2000s.

Even among law enforcement in New Haven today, the punishment-driven model persists. Sociology Ph.D. student Michael Sierra-Arévalo, who was instrumental in setting up Project Longevity in New Haven, spoke about New Haven Police Department officers’ reluctance to participate initially in what they saw as a “hug a thug” process designed to coddle, rather than punish, group members.¹³³ “The way we sold it to the rank-and-file,” he described in

¹³⁰ Jeffrey J. Mayer, *Individual Moral Responsibility And The Criminalization Of Youth Gangs*, 28 WAKE FOREST L. REV. 943, 945 (1993).

¹³¹ *Id.* at 946.

¹³² *Id.*

¹³³ Interview with Michael Sierra-Arévalo, *supra* note 18.

an interview with me, was to assure them that their day-to-day police work was no different than normal.¹³⁴

2. *Problems with enforcement*

The increased targeting of young people alleged to be involved with violent groups both personifies and reflects some of the most egregious errors of the era of mass incarceration. In the 1980s and 1990s, while crime boomed, so too did incarceration rates. Steep increases in mandatory minimums, “truth-in-sentencing” laws that abolished parole and other forms of early release, “three-strikes” laws that imposed extremely punitive—even life—sentences for repeat offenders, and increased targeting of low-level offenders for ever-longer sentences culminated in a full one percent of the nation’s population being incarcerated in the nation’s prisons and jails at any given moment.¹³⁵ This trend existed at both the state and federal level.¹³⁶

At the same time, the nation found itself in a major state of anxiety around juvenile offenders in particular. The famously repudiated “superpredator” myth promised an onslaught of irrevocable juvenile offenders who, if not sufficiently controlled by the state, would become terrifyingly lethal adults.¹³⁷ In popular culture and in the media, “superpredators” were almost always black youth from America’s inner cities.¹³⁸ This led to prosecution of children as adults

¹³⁴ *Id.*

¹³⁵ Lorna Collier, *Incarceration Nation*, 45 AMER. PSY. ASSOC. 56 (2014).

¹³⁶ See CONNECTICUT GENERAL ASSEMBLY, MANDATORY MINIMUM SENTENCES BRIEFING (2005), https://www.cga.ct.gov/2005/pridata/Studies/Mandatory_Minimum_Sentences_Briefing.htm.

¹³⁷ Clyde Haberman, *Why Youth Violence Spurred “Superpredator” Fear*, N.Y. TIMES (April 6, 2014), https://www.nytimes.com/2014/04/07/us/politics/killing-on-bus-recalls-superpredator-threat-of-90s.html?_r=0.

¹³⁸ *Id.*

and increased targeting of largely minority youth in schools, a phenomenon now known as the “school to prison pipeline.”¹³⁹

Connecticut was not immune to either of these changes; rather, the state was a willing participant in them. The state raised the lengths of sentences significantly over the course of the 1980s and the 1990s, particularly for juvenile offenders.¹⁴⁰ It greatly reduced parole eligibility for almost all offenders;¹⁴¹ passed a law enabling the transfer of juveniles to adult court for a vast range of offenses;¹⁴² and focused prosecution efforts largely on minority youth in the cities of Hartford, New Haven, and Bridgeport—traditionally poor, violence-ridden cities.¹⁴³ Today, Connecticut ranks sixth worst in racial disparities among its incarcerated population.¹⁴⁴

However, it is not clear that any of these enforcement mechanisms eradicated group violence for any non-trivial period of time—or at least not to the extent that state and local police publicly proclaimed at the time of the arrests.¹⁴⁵ For every news article citing the eradication of

¹³⁹ *The Superpredator Myth and the Rise of JLWOP*, FAIR PUNISHMENT PROJECT (April 12, 2016), <http://fairpunishment.org/the-superpredator-myth-and-the-rise-of-jwlop/>.

¹⁴⁰ CONNECTICUT GENERAL ASSEMBLY, *supra* note 136.

¹⁴¹ *Id.*; see also Conn. Gen. Stat. § 54-125a (2005).

¹⁴² Conn. Gen. Stat. § 46b-127 (1995).

¹⁴³ The following source provides information on crime rates and conviction rates broken down by race in Connecticut: KEVIN MCCARTHY, OLR RESEARCH REPORT, CRIME RATES AND CONVICTION RATES BROKEN DOWN BY RACE (January 18, 2008), <https://www.cga.ct.gov/2008/rpt/2008-R-0008.htm>. Based on the racial demographics of Connecticut’s cities, see Derek Thompson, *Mapping Disparities by Race and Place*, CONNECTICUT VOICES FOR CHILDREN (January 2016), <http://www.ctvoices.org/publications/mapping-disparities-race-and-place>, I infer that prosecution was concentrated in these areas.

¹⁴⁴ Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, THE SENTENCING PROJECT (June 14, 2016), <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

¹⁴⁵ This is not to imply that crime in New Haven remains at peak 1990s levels. New Haven, like almost every city in the country, has experienced a large drop in crime since the turbulent 1980s and 1990s. However, as many theorists have noted, it is unclear what precisely caused this massive drop in crime, and, as recent news articles confirm, group violence remains a problem in New Haven. See Matt Ford, *What Caused the Great Crime Decline in the U.S.?*, THE ATLANTIC

one group, another describes the rise of a new group. News outlets have covered group violence (and group busts) as recently as March 2017, a mere month before the deadline for the final draft of this paper.¹⁴⁶

Moreover, the massive targeting of poor, predominantly minority youth in New Haven may have had adverse consequences even when the interactions were fairly minor. Studies have shown that repeat interactions with police, even in minor settings, can have adverse long-term outcomes in terms of behavior and perceptions of law enforcement.¹⁴⁷ Sociologist Victor Rios echoes this phenomenon, describing the perverse effects of police targeting and incarceration in his own life. In *Punished*, he tells the story of an officer beating him up for stealing a car when he was 14 and indelibly shaping his opinion of local police at such a young age; he was then briefly incarcerated, where he learned from a fellow inmate how he learned to become a better car thief while incarcerated briefly and subsequently stole more.¹⁴⁸

III. Project Longevity: Initial Rollout and Assessment

Project Longevity began in New Haven in 2011 as an alternative to traditional policing and a potential solution to group violence. It features a combination of carrots and sticks—services for those who want them, and increased targeting and prosecution for those who reoffend—and combines state, local, and federal law enforcement to specifically focus on

(April 15, 2016), <https://www.theatlantic.com/politics/archive/2016/04/what-caused-the-crime-decline/477408/>; see also Michelle Tuccitto Sull, *supra* note 116; Nok-Noi Ricker, *supra* note 117; Ryan Flynn, *supra* note 118.

¹⁴⁶ Associated Press, *US Attorney: 21 New Haven area gang members convicted as part of 'Operation Red Side,'* FOX 61 (March 21, 2017), <http://fox61.com/2017/03/21/gang-member-pleads-guilty-in-hamden-murder-latest-of-21-convictions-as-part-of-operation-red-side/>.

¹⁴⁷ Maia Szalavitz, *'Stop and Frisk' Stirs Up, Rather than Deters, Youth Crime,* TIME (July 26, 2013), <http://healthland.time.com/2013/07/26/stop-and-frisk-stirs-up-rather-than-deters-youth-crime/>.

¹⁴⁸ RIOS, *supra* note 51.

eradicating gun violence. In some ways, Project Longevity built upon past police and/or community initiatives to prevent group violence. In other ways, Project Longevity represented a stark departure from past city policies. First, this section will explore the motivations behind Project Longevity and its initial rollout in New Haven. Second, I will discuss the lead-up to the creation of the project, the model upon which it is based, and the first few months of its implementation. Last, I will provide an assessment of Project Longevity, including an analysis of both its benefits and its limitations.

A. Background and History of Related Initiatives

Project Longevity is the most recent iteration of a number of anti-group violence initiatives in New Haven over the years. For example, prior to the creation of Project Longevity, state and local law enforcement agencies had attempted to implement a number of other group violence prevention initiatives.¹⁴⁹ In 2001, the United States Attorney’s Office in the District of Connecticut initiated Project Safe Neighborhoods, aimed at reducing gun violence by aggressive enforcement of state and federal firearms laws, prevention/educational programming in schools and community-based neighborhoods, and informing adult and youthful offenders, upon release from incarceration, of the dangers of joining gangs.¹⁵⁰ In 2005, the office also created an Anti-Gang Initiative, “designed to focus investigative efforts on street gangs operating in our cities.”¹⁵¹ According to the U.S. Department of Justice, the initiative is still in operation, though Project Safe Neighborhoods and the Anti-Gang Initiative now operate as one program:

Each PSN task force is composed of local and state law enforcement officers along with ATF, FBI and DEA special agents. A state and federal prosecutor is assigned to each task

¹⁴⁹ DEPARTMENT OF JUSTICE, UNITED STATES DISTRICT ATTORNEY’S OFFICE FOR THE DISTRICT OF CONNECTICUT, PROJECT SAFE NEIGHBORHOODS (April 14, 2015), <https://www.justice.gov/usao-ct/project-safe-neighborhoods>.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

force. The task forces meet regularly to discuss ongoing investigations, recent shooting incidents, pending gun cases and overall strategies to address gang violence.¹⁵²

The main impetus for Project Longevity was the failure of previous attempts to make any concerted dent in group violence. Between 1990 and 2000, the rate of violent crimes in New Haven declined significantly, from roughly 30 crimes per 1,000 residents to 15 crimes per 1,000 residents.¹⁵³ However, between 2000 and 2007, the numbers began to inch back up, though still nowhere near the city's pre-2000 levels.¹⁵⁴ While violent crime decreased in New Haven between 2010 and 2011 from a rate of 15.95 to 13.44 per 1,000, between 2011 and 2012, the city saw a 9 percent increase from 1,423 violent crimes to 1,555.¹⁵⁵ By 2011, the total number of homicides in the city "reached a high point of 34 . . . 18 of which happened between January 1 and the end of June," according to then-police spokesman David Hartman.¹⁵⁶

In response, the city recruited former New Haven police chief Dean Esserman, a proponent of community policing, to return to New Haven in late 2011.¹⁵⁷ Esserman, a former prosecutor, was assistant police chief in the city between 1991 and 1993, and from there went on to work in New York, NY; Stamford, CT; and Providence, RI.¹⁵⁸ Known as "smart and

¹⁵² *Id.*

¹⁵³ Mario Garcia, *Creating a Healthy and Safe City: The Impact of Violence in New Haven*, NEW HAVEN PUBLIC HEALTH DEPARTMENT (March 2011), <http://www.ctdatahaven.org/sites/ctdatahaven/files/Creating%20a%20Healthy%20and%20Safe%20City%202011%20sml.pdf>

¹⁵⁴ *Id.*

¹⁵⁵ Michael Sierra-Arévalo and Andrew Papachristos, *Applying Group Audits to Problem-Oriented Policing*, in *PREVENTING CRIME WITH NETWORK ANALYSIS* (Aili Malm & Gisela Bichler eds., 2015). (internal citations omitted).

¹⁵⁶ Rich Scinto, *Law enforcement, educators, activists talk stemming violence in New Haven*, NEW HAVEN REGISTER (July 16, 2014), <http://www.nhregister.com/general-news/20140716/law-enforcement-educators-activists-talk-stemming-violence-in-new-haven>.

¹⁵⁷ William Kaempffer, *New Haven's new top cop Dean Esserman vows return to walking beats, community policing*, NEW HAVEN REGISTER, <http://www.nhregister.com/article/NH/20111018/NEWS/310189936>.

¹⁵⁸ *Id.*

arrogant,” Esserman has made his career on community policing, starting in New Haven in the early 1990s.¹⁵⁹ He vowed to return to that model in New Haven when he returned in 2011.¹⁶⁰

B. Model

Project Longevity’s methods and strategies are based on Operation Ceasefire, a similar program that originated in 1995 in Boston and has since spread to a number of additional cities.¹⁶¹ Criminologist and professor at John Jay College of Criminal Justice David Kennedy is the brain behind the project’s basic tenets and philosophies. In *Don’t Shoot: One Man, a Street Fellowship, and the End of Violence in Inner-City America*, he lays out what he believes to be the best strategy to combat group violence: a combination of carrots and sticks that promise both severe prosecution for gang membership and the opportunity for change.¹⁶² The program’s exclusive focus is preventing gun violence. Under his ideal model, group members, mainly those already under court supervision (either probation or parole), are ordered to attend meetings in which various members of federal, state, and local law enforcement give presentations regarding the consequences of continuing to engage in gun crimes.¹⁶³ Clergy and youth outreach workers also attend the meetings to provide assistance with employment, housing, and other services for those who request it.¹⁶⁴

The general idea is to avoid what past policing strategies have adopted—arresting everyone in a geographic area, even for very low-level crimes—and focus on the major issues

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ Interview with Michael Sierra-Arévalo, *supra* note 18.

¹⁶² Commonwealth Staff, *Hold your fire*, COMMONWEALTH MAGAZINE (July 10, 2012), <https://commonwealthmagazine.org/criminal-justice/001-hold-your-fire/>.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

affecting the community.¹⁶⁵ In Kennedy’s words, “[W]hile you can bring crime down by occupying the neighborhood and stopping everybody, what you do in the process is lose that neighborhood. . . . You fuel the idea that the police are an occupying, inimical force in the neighborhood.”¹⁶⁶ The city of Boston adopted this strategy in 1995. Calling the new initiative “Operation Ceasefire,” the initiative

depends on making common cause with leaders of the affected neighborhoods, and it stands as the community-oriented alternative to the stop-and-frisk approach that has poisoned police-community relations in New York City. “We are destroying the village in order to save it,” Kennedy writes [in *Don’t Shoot*] of the “orgy of incarceration” that is sending so many black men to prison.¹⁶⁷

According to Kennedy, many individuals involved in group violence are particularly open to reform, given the proper resources.¹⁶⁸ They may have gotten “sucked in by the peer pressures of the street” and are eager to take advantage of a way out.¹⁶⁹

But Kennedy’s model also relies extensively on prosecution of those who reoffend. Those who do are often prosecuted in federal court, where they face steeper sentences than in state courts.¹⁷⁰ The case most emblematic of this strategy is that of Freddie Cardoza, a group member who received almost a twenty-year sentence, with no possibility of parole, for simple possession of a single bullet.¹⁷¹ The idea is that those who are given a chance to cooperate, but

¹⁶⁵ Fresh Air, *Interrupting Violence With the Message ‘Don’t Shoot,’* NPR (November 1, 2011), <http://www.npr.org/2011/11/01/141803766/interrupting-violence-with-the-message-dont-shoot>.

¹⁶⁶ *Id.*

¹⁶⁷ Commonwealth Staff, *supra* note 162.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ Telephone Interview with Peter Markle, U.S. Attorney, District of Connecticut (March 2, 2017); *see also* Interview with Michael Sierra-Arévalo, *supra* note 18.

¹⁷¹ *Id.*

do not, should be punished more severely for their failure, as a deterrent.¹⁷² This is the “stick”—the promise of more severe prosecution for failure.

The program’s signature feature is its “call ins.” First, local law enforcement identifies individuals suspected, or known, to be associated with a particular group.¹⁷³ Then, after a shooting or some other precipitating event, law enforcement orders those over whom it has control—such as those on probation or parole—to attend a meeting known as a “call in.”¹⁷⁴ At the call ins, federal, state, and local law enforcement—including prosecutors—demand that members stop the violence or face “swift, and certain, and severe” consequences, “not just to the individual involved in the shooting but to everyone in that individual’s gang.”¹⁷⁵ Last, for those who choose not to engage in future violence, the initiative makes services—including assistance obtaining jobs and housing—available to them.¹⁷⁶

C. Initial Rollout

New Haven Police Department had been discussing initiating call ins in New Haven as early as 2007, after a group of top officials saw the model working in High Point, North Carolina and sought to replicate it in New Haven.¹⁷⁷ However, the initiative in its earliest form focused exclusively on low-level offenders and never really took off until 2011, when, after the return of former police chief Dean Esserman, the department’s focus returned to community policing.

¹⁷² Interview with Michael Sierra-Arévalo, *supra* note 18.

¹⁷³ John Seabrook, *Don’t Shoot: A Radical Approach to the Problem of Gang Violence*, THE NEW YORKER (June 22, 2009), <http://www.newyorker.com/magazine/2009/06/22/dont-shoot-2>.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ Melissa Bailey, *Top Brass High on High Point*, NEW HAVEN INDEPENDENT (August 16, 2007), http://www.newhavenindependent.org/index.php/archives/entry/top_brass_high_on_high_point/.

Because of its community-based nature and its emphasis on cooperation, Project Longevity aligned with Esserman’s community-oriented policing approach.¹⁷⁸

Esserman was instrumental in bringing Kennedy’s model to New Haven, but he was not the only stakeholder involved. Yale Law School professor and criminal procedure expert Tracey Meares was also involved, in part due to her relationship with David Kennedy.¹⁷⁹ The state, which provides the main funding, was also supportive, as was the federal government; agencies involved included the Department of Justice and the FBI.¹⁸⁰ After a year of preparation, the project officially “went live” on November 26, 2012.¹⁸¹ Versions in Hartford and Bridgeport followed shortly thereafter.¹⁸²

At its initial rollout, the organizational structure of Project Longevity in New Haven included a Governing Board, Strategy and Implementation Team, Research Team, Law Enforcement Team, Community Service Provider Team, and Community Engagement Team; all were slated to meet regularly.¹⁸³ Project Longevity’s original Governing Board included the following: U.S. Attorney Fein, Governor Malloy, then-State Senator Toni Harp, State Representative Toni Walker, then-New Haven Mayor John DeStefano, New Haven Alderperson Jorge Perez, New Haven State’s Attorney Michael Dearington, Court Support Services Executive Director William Carbone, then-Connecticut Department of Correction Commissioner

¹⁷⁸ Interview with Michael Sierra-Arévalo, *supra* note 18.

¹⁷⁹ *Id.*

¹⁸⁰ William Kaempffer, *U.S. Attorney General Holder warns New Haven gangs of anti-violence initiative*, THE NEW HAVEN REGISTER (November 27, 2012), <http://www.nhregister.com/article/NH/20121127/NEWS/311279990>.

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ PRESS RELEASE, U.S. ATTORNEY’S OFFICE, DISTRICT OF CONNECTICUT, FEDERAL BUREAU OF INVESTIGATION, PROJECT LONGEVITY LAUNCHED TO REDUCE GANG AND GUN VIOLENCE IN CONNECTICUT’S CITIES (November 27, 2012), <https://archives.fbi.gov/archives/newhaven/press-releases/2012/project-longevity-launched-to-reduce-gang-and-gun-violence-in-connecticuts-cities>.

Leo Arnone, Director of the Center for Crime Prevention and Control at John Jay College of Criminal Justice David Kennedy, and Yale University's Vice President for New Haven and State Affairs and Campus Development Bruce Alexander.¹⁸⁴ The Strategy and Implementation Team was initially co-chaired by then-New Haven Police Chief Dean Esserman and New Haven businessman Howard Hill and included members of law enforcement, service providers, researchers, and community activists.¹⁸⁵

The original New Haven project manager was Reverend William Mathis, Pastor of Springs of Life-Giving Water Church in New Haven.¹⁸⁶ Mathis is also an attorney, former prosecutor, and adjunct professor at two local colleges: Quinnipiac University and the University of New Haven.¹⁸⁷ Mathis's role was to "develop[] effective and sustainable working relationships between law enforcement, service providers and community members to insure Project Longevity's success."¹⁸⁸ Later, after expanding to Hartford and Bridgeport, the project hired Brent Peterkin as statewide coordinator.¹⁸⁹

Regarding service providers, the original FBI report on the project listed the following nine service providers in the greater New Haven area, including:

Children's Community Program of Connecticut, Community Service Administration for the City of New Haven, Consultation Center (Yale), Gateway Community College, Elm City Communities, New Haven Family Alliance, Project Model Offender Reintegration Experience (M.O.R.E.), Workforce Alliance/CT Works, and United Way of Greater New Haven. The University of New Haven, Yale University, and the University of Cincinnati are working with law enforcement to collect and analyze crime data and provide research support to identify the groups and individuals that will be contacted through Project

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ Interview with Stacy Spell, New Haven Project Manager, Project Longevity (February 24, 2017); Telephone Interview with Peter Markle, *supra* note 170.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

Longevity. Many of these individuals are already known to law enforcement and/or are under the supervision of probation or parole officers.¹⁹⁰

It is unclear how many, if any, of these service providers remain partnered with Project Longevity, though the current reentry coordinator, Berta Holmes, remains based at Project M.O.R.E. and continues to provide referrals for housing, employment, mental health, and other social services.¹⁹¹ Other participating Justice Department agencies included the FBI; Drug Enforcement Administration (DEA); the Bureau of Alcohol Tobacco, Firearms, and Explosives (ATF); and the U.S. Marshals Service.

The structure of Project Longevity is as follows. First, law enforcement meets regularly to perform “group audits.” David Kennedy called this process the “mapping of the unknown universe”¹⁹²; academics Michael Sierra-Arévalo and Andrew Papachristos describe it as follows:

The idea of the group audit is straightforward: working sessions that bring together law enforcement, outreach workers, and researchers to conduct a —gang/group census. The main data collection objectives of the audits are to gather information on: (1) Which groups in a given city or jurisdiction are involved in gun violence; (2) Group membership, turf location, and (illegal) activities; and (3) Intergroup relationships— i.e. alliances, disputes, mergers, splits and so on.¹⁹³

The original audit found 19 active groups in the city, with nearly 600 members.¹⁹⁴

Then, if there is a shooting, suspected or alleged group members are invited (or mandated, depending on whether or not they are already under state or federal supervision) to a

¹⁹⁰ PRESS RELEASE, U.S. ATTORNEY’S OFFICE, DISTRICT OF CONNECTICUT, *supra* note 183.

¹⁹¹ Telephone Interview with Berta Holmes, Reentry Coordinator, Project Longevity (March 20, 2017).

¹⁹² Michael Sierra-Arévalo and Andrew Papachristos, *Applying Group Audits to Problem-Oriented Policing*, in PREVENTING CRIME WITH NETWORK ANALYSIS (Aili Malm & Gisela Bichler eds., 2015); *see also* Interview with Michael Sierra-Arévalo, *supra* note 18 (“You get paper, you get maps, and you start off with, ‘Who is the most violent group in city?’ ‘How many guys in that group?’ ‘Have you ever seen all 100 together?’ ‘Which ones have you seen together?’ “[You then] reiterate this process for every district/neighborhood”)

¹⁹³ *Id.*

¹⁹⁴ William Kaempffer, *supra* note 180.

call in, “a face-to-face meeting where partners engage group members and deliver certain key messages. First, that group members are part of a community, that gun violence is unacceptable and that the community needs it to end.”¹⁹⁵ For this part, members of law enforcement share with the individuals present that they are valued members of the community and that law enforcement is here to save their lives and keep them out of jail.¹⁹⁶

“Second, that help is available to all who will accept it in order to transition out of the gang lifestyle, and that social service providers are standing by to assist with educational, employment, housing, medical, mental health and other needs.”¹⁹⁷ The current reentry service provider, as noted above, is Berta Holmes.¹⁹⁸ After the presentation, Holmes and others generally stay around to see if anyone is in need of their services.¹⁹⁹ Most commonly, however, individuals who want help with transitioning out of their respective groups are too intimidated to do so at the call ins and instead will reach out subsequently, if at all.²⁰⁰

“Third, that any future violence will be met with clear and certain consequences. The next time a homicide is traced to any member of a violent group, all members of that group will receive increased and comprehensive law enforcement attention to any and all crimes any of its members are committing.”²⁰¹ Generally, both state and federal law enforcement agents are present. Assistant U.S. Attorney Peter Markle is a board member and enthusiastic participant,

¹⁹⁵ PRESS RELEASE, U.S. ATTORNEY’S OFFICE, DISTRICT OF CONNECTICUT, *supra* note 183.

¹⁹⁶ Interview with Stacy Spell, *supra* note 186; Telephone Interview with Peter Markle, *supra* note 170.

¹⁹⁷ PRESS RELEASE, U.S. ATTORNEY’S OFFICE, DISTRICT OF CONNECTICUT, *supra* note 183.

¹⁹⁸ Interview with Stacy Spell, *supra* note 186.

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ PRESS RELEASE, U.S. ATTORNEY’S OFFICE, DISTRICT OF CONNECTICUT, *supra* note 183.

and he gives a detailed rundown of what a federal prosecution looks like. Sometimes family members of victims of homicide also speak, as was the case at the original call-in in 2012.²⁰²

Later, Stacy Spell, former homicide detective with the New Haven Police Department, replaced Mathis as New Haven project manager. Spell brought with him years of both detective experience and community organizing experience, and he was instrumental in making two changes.²⁰³ First, he made what was formerly an occasional inter-agency, inter-jurisdictional meeting into a daily occurrence to facilitate improved intelligence gathering and case-building.²⁰⁴ Second, he used his background as a community organizer to facilitate improved community-police relationships, coordinating, for example, a joint police-community bakeoff, and a “selfie-with-a-cop” campaign for teenagers.²⁰⁵

Spell is a big proponent of both the daily intelligence, or “intel,” meetings and the community partnerships. Intel meeting partners within New Haven Police Department: New Haven Police Department’s intel unit, shooting task force, general investigations division, special victims unit, homicide, narcotics, robbery and burglary units, district managers, detectives, assistant chiefs, bureau of identification, and school resource officers.²⁰⁶ Partners from outside the department are West Haven, Hamden, Yale University and state police departments, the U.S. Attorneys Office, State Attorney’s Office, Juvenile Prosecutor’s Office, Adult Probation, Juvenile Probation, Adult Parole, Juvenile Parole, Project Longevity, the Bureau of Alcohol, Tobacco, Firearms and Explosives, FBI, Drug Enforcement Administration, Postal Inspection

²⁰² *Id.*

²⁰³ Interview with Stacy Spell, *supra* note 186.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ Juliemar Ortiz, *Daily intel meetings help New Haven’s Project Longevity prevent violent crime*, NEW HAVEN REGISTER (October 16, 2016), <http://www.nhregister.com/general-news/20161016/daily-intel-meetings-help-new-havens-project-longevity-prevent-violent-crime>.

Service and Homeland Security.²⁰⁷ “Our thing is, if we have to make arrest, then we failed,” Spell said. “Our partners in these meeting as well as in the community help us succeed.”²⁰⁸

For those who are ultimately arrested, the consequences are severe. Their cases are prosecuted either in state or federal court, depending on the severity and on jurisdictional issues; but if jurisdiction overlaps, then federal prosecutors identify the most significant cases and prioritize them for federal prosecution, which carries much steeper penalties (including more expansive pretrial detention, which is much more limited in the state context).²⁰⁹ Factors that drive the decision to prosecute in state versus federal court include: the person’s role in, or association with, a violent group; the person’s criminal history; the current charge; and their potential violence for the future.²¹⁰ Those who have participated in a call in and were subsequently re-arrested are considered priorities for federal prosecution.²¹¹ In the words of Assistant U.S. Attorney Peter Markle, “[T]hat person was given an opportunity and chose not to take advantage of it;” therefore federal prosecution is given higher consideration.²¹² The prosecutor on the case will also likely use the defendant’s participation in Project Longevity—even if ordered to attend by federal or state probation officers—as an aggravating factor at sentencing.²¹³

The rollout was not without its critics, even at the very beginning. According to one community critic:

This is covert racism, in effect, and this new law is one way for the white man to control the black community or people without power. They are going for the jugular here. These

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ Telephone Interview with Peter Markle, *supra* note 170.

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*

are laws that are passed by white folks, and if they really wanted guns out of the community they could, but they are making their money off the deaths of young black men in this capitalistic society.²¹⁴

The “punish all for the failures of one” attitude also drew its fair share of critics. “I don't think it's fair by giving us labels of gangs, because of where we live. They are trying to make it seem like we are all part of the same thing,” said one teenage New Haven resident.²¹⁵ Said another, “I think they are out to get the black and Latino community and those who wear baggy jeans.”²¹⁶ Detective Sgt. Al Vazquez, who at the time headed the city’s homicide unit, gave a response straight from Jill Leovy’s playbook: “Doing nothing is covert racism. We are trying to change behavior of young people in this city.”²¹⁷

Moreover, statewide defense attorneys, who were not part of the conversations around the development and rollout of Project Longevity, did not seem to know what to make of it. One defense attorney thought that the initiative would lead to major increases in state prosecutions.²¹⁸ Today, most defense attorneys still only have a vague sense of the structure and methods of Project Longevity—despite the effects it has on their clients’ cases.²¹⁹ As a general rule, defense attorneys are not invited to the call ins.²²⁰ All they really hear is information after the fact—when a prosecutor makes an argument for a harsher sentence at sentencing, for example, because the individual was invited to a call in but reoffended.²²¹ This causes them to be skeptical of any

²¹⁴ Shahid Abdul-Karim, *Some see racism in New Haven anti-gang initiative; Project Longevity focuses on blacks, critics contend*, NEW HAVEN REGISTER (December 5, 2012), <http://www.nhregister.com/article/NH/20121204/NEWS/312049918>.

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ Email from Thomas Ullman, Chief Public Defender, New Haven Public Defender’s Office, to Taylor Henley, Law Student, Yale Law School (February 12, 2017).

²¹⁹ Interview with Kelly Barrett, *supra* note 127.

²²⁰ *Id.*

²²¹ *Id.*

positive outcomes attributed to the initiative. As one longtime federal public defender recently noted, “[I]f you are really trying to change someone’s life, why wouldn’t you bring in social service providers, judges, defense attorneys”—in other words, the individuals who are working with clients on a daily basis facing the same issues that Project Longevity seeks to combat.²²²

D. Assessment

Project Longevity began in New Haven with very high expectations. As a highly touted violence prevention program, it promised to lower crime rates and improve the lives of New Haven’s most vulnerable citizens. Ultimately, it has been demonstrated to have lowered rates of shootings in New Haven by a non-trivial amount. But despite lower crime rates, it has not been as successful at improving the lives of the city’s most vulnerable, and its long-term sustainability remains an open question.

1. Predecessors to Project Longevity

According to a number of empirical evaluations, Project Longevity’s most notable predecessor, Operation Ceasefire in Boston, successfully contributed to a drop in group violence in the late 1990s. In a 2013 assessment, for example, Operation Ceasefire resulted in a 31% decrease in violent crime, down from ~60 percent estimated by earlier evaluations.²²³ However, the results of Operation Ceasefire and its progeny are not universally positive. As one author notes, “In some cities (Minneapolis), his program reduces crime. In others (Baltimore), the team

²²² *Id.* Note that as stated above, Project Longevity does in fact include some social service providers. Judges and defense attorneys are not involved, however.

²²³ Anthony Braga, David Hureau, & Andrew Papachristos, *Deterring Gang-Involved Gun Violence: Measuring the Impact of Boston’s Operation Ceasefire on Street Gang Behavior*, 30 J. QUANT. CRIM. 113 (2014).

can't even start the process because of turf-battles and in-fighting"²²⁴ But even where Operation Ceasefire has been most successful—in Boston, its place of origin—it has proven unsustainable without concerted effort otherwise. According to one 2012 source,

Ceasefire been implemented in dozens of cities, often with almost immediate decreases of 25 or even 50 percent in gun violence. But it's not easy to sustain. The effort in Boston fizzled out after a few years, and the same thing happened in many of the other early-adopter cities. The strategy depends on the relentless focus of a large cast of law enforcement and community players, something that [founder of the initiative David] Kennedy says requires a full-time coordinator and explicit commitment to its use from everyone involved.²²⁵

Moreover, there is some skepticism around decreased homicide rates nationwide, but particularly in a city like Boston, with its multiple world-renowned hospitals and trauma centers.²²⁶ According to a 2012 Wall Street Journal analysis,

After a steady decline through the 1990s, the annual number of homicides zigzagged before resuming a decline in 2007, falling from 16,929 that year to an estimated 14,722 in 2010, according to FBI crime data. At the same time, medical data and other surveys in the U.S. show a rising number of serious injuries from assaults with guns and knives. The estimated number of people wounded seriously enough by gunshots to require a hospital stay, rather than treatment and release, rose 47% to 30,759 in 2011 from 20,844 in 2001, according to data from the Centers for Disease Control and Prevention's National Electronic Injury Surveillance System-All Injury Program. The CDC estimates showed

²²⁴ Sudhir Venkatesh, *David M. Kennedy's Don't Shoot Reviewed: David M. Kennedy on Fighting Inner-City Crime*, SLATE (November 21, 2011), http://www.slate.com/articles/arts/books/2011/11/david_m_kennedy_s_don_t_shoot_reviewed_if_the_police_don_t_protect_citizens_from_criminals_who_should_.html; see also Justin Fenton, Luke Broadwater and Doug Donovan, *Anti-gun Ceasefire program struggling in Baltimore*, THE BALTIMORE SUN (May 30, 2015), <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-ceasefire-troubles-20150530-story.html>.

²²⁵ Commonwealth Staff, *Hold Your Fire*, COMMONWEALTH MAGAZINE (July 10, 2012), <https://commonwealthmagazine.org/criminal-justice/001-hold-your-fire/>.

²²⁶ Wikipedia lists eight trauma centers in the Greater Boston area, see *List of Trauma Centers in Massachusetts*, WIKIPEDIA (January 22, 2017), https://en.wikipedia.org/wiki/List_of_trauma_centers_in_Massachusetts#Greater_Boston_Massachusetts_Trauma_Centers. Dozens more facilities offer non-critical services throughout the city. In my experience working in a Boston public defender's office, I witnessed Boston criminal defense attorneys commonly refer to the much-touted drop in homicide rates as the "so-called Boston Miracle" because of the ties to better life-saving techniques rather than improved crime-fighting strategies.

the number of people injured in serious stabbings rose to 23,550 from 22,047 over the same period. Mortality rates of gunshot victims, meanwhile, have fallen, according to research performed for The Wall Street Journal by the Howard-Hopkins Surgical Outcomes Research Center, a joint venture between Howard University and Johns Hopkins University. In 2010, 13.96% of U.S. shooting victims died, almost two percentage points lower than in 2007.²²⁷

This indicates that at least some—if not much—of the decline in homicide rates is attributable to medical advances in treating gunshot and stab wounds rather than any changes in policing.

“Emergency-room physicians who treat victims of gunshot and knife attacks say more people survive because of the spread of hospital trauma centers—which specialize in treating severe injuries—the increased use of helicopters to ferry patients, better training of first-responders and lessons gleaned from the battlefields of Iraq and Afghanistan.”²²⁸ In the words of one Baltimore doctor: “Violence down? I don't think so.”²²⁹

2. Benefits of Project Longevity

Project Longevity’s most valuable innovation—and one that has seen success, at least in terms of prosecuting individuals suspected of committing crimes—is its daily intelligence, or “intel,” meetings. Before the intel meetings, there was almost no collaboration among any of the various agencies involved in law enforcement and prosecution in the greater New Haven area.²³⁰ For a state full of small towns and fluid boundaries, the strict jurisdiction-by-jurisdiction approach to policing was clearly inefficient. Longtime police chief “Archie” Generoso’s recent remarks on the partnerships show both the depth of the missed opportunities for communication in the past, and the innovation of the new approach: “It’s incredible. To have all those people in

²²⁷ Gary Fields and Cameron McWhirter, *In Medical Triumph, Homicides Fall Despite Soaring Gun Violence*, THE WALL STREET JOURNAL (December 8, 2012), <https://www.wsj.com/articles/SB10001424127887324712504578131360684277812>.

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ Interview with Stacy Spell, *supra* note 186.

one room, sharing information, creating partnerships, making decisions right here in this room, it's really something special. . . We've been able to stop crime before it happens, identify suspects, identify potential victims, all because of this type of communication."²³¹ Even now, around 30 to 40 people attend the daily meetings.²³²

There are undoubtedly benefits to information sharing—particularly among departments and agencies that do not normally collaborate. Most significantly, such information sharing is reflected in decreased rates of homicides and homicide attempts in the short term. According to one Yale-affiliated study, Project Longevity led to a reduction in group-member-involved incidents (shootings, mainly) of almost five per month.²³³ In 2015, federal prosecutors and local police officers attributed Project Longevity's information-sharing model to solving a number of cases involving the Guerrilla Brims, described as the most violent group in New Haven at the time.²³⁴ Moreover, though it is not clear that Project Longevity is precisely the reason for the decline in homicides since 2011, there is likely some relationship between the two. As one journalist pointed out in late 2015, "The city recorded 34 homicides and over 100 shootings in the peak year of 2011; more than three-quarters into 2015, the city had seen 12 homicides and 55 shootings."²³⁵

²³¹ Juliemar Ortiz, *supra* note 205.

²³² *Id.*; see also Interview with Stacy Spell, *supra* note 186 (describing his attendance at daily intel meetings and the various groups who collaborate with them).

²³³ Michael Sierra-Arévalo, Yannick Charette, and Andrew V. Papachristos, *Evaluating the Effect of Project Longevity on Group-Involved Shootings and Homicides in New Haven, Connecticut*, CRIME & DELINQUENCY 1–22 (2016).

²³⁴ Paul Bass, *Novel Strategy Felled Deadly 'Brim' Gang*, NEW HAVEN INDEPENDENT (October 9, 2015), http://www.newhavenindependent.org/index.php/archives/entry/new_tack_swept_up_deadly_brim/.

²³⁵ Paul Bass, *U.S. Attorney Cites Social-Science Math To Credit 'Project Longevity'*, NEW HAVEN INDEPENDENT (October 25, 2015), http://www.newhavenindependent.org/index.php/archives/entry/math_puzzle_how_much_has/.

Additionally, there is benefit to making alleged group-involved individuals feel that their lives are valuable and worthy of protection. This, too, is something new for the New Haven Police Department—or any police department. In 2012, Detective Sgt. Al Vazquez, who was then the head of the New Haven Police Department’s detective bureau, remarked in response to allegations of racism within Project Longevity, “Doing nothing is covert racism. We are trying to change behavior of young people in this city. . . . This program will help, because if they are involved in gangs we are giving them options to change their behavior and lifestyle.”²³⁶ His response echoes Jill Leovy’s most salient concerns in *Ghettoside*: that “doing nothing”—failing to try to stop gun violence in the face of predominantly black and Latino victims—is racism. It also highlights Project Longevity’s greatest benefit: caring about the lives of black victims—or future potential victims—of homicides and homicide attempts in New Haven.

More recently, Project Longevity affiliates have pioneered a process known as “custom notifications.” In a New Haven Register forum in 2014, David Kennedy weighed in on the custom notification process and its benefits, calling them

an innovative national practice that has police commanders, along with community representatives and service providers, pay home visits to men believed to be involved in street disputes or whose criminal records place them at high risk for victimization, let them know their legal risk, and offer them support.

In a recent interview, Stacy Spell also touted the custom notification process, explaining that it continues to be an integral aspect of the initiative today. Assistant U.S. Attorney Peter Markle added that this is an attempt to reach them and “let them know that we want to help.”²³⁷ This also occurs after a shooting, to prevent retaliatory violence on the part of the victim’s fellow group

²³⁶ Shahid Abdul-Karim, *supra* note 213.

²³⁷ Telephone Interview with Peter Markle, *supra* note 170.

members.²³⁸ In this regard, the custom notifications become a deterrent for future violence as well as a reaction to past violence.²³⁹

Lastly, as noted above, Project Longevity does provide access to social services—certainly more than previous gang busts and other exclusively incarceration-focused initiatives. Reentry coordinator Berta Holmes understands that rehabilitation takes time and effort, particularly for those who have been institutionalized for most of their lives. She creates an individualized plan with every client who comes into her office and sets up her clients with various community engagement activities not limited to showing up for check-in meetings or applying for jobs.²⁴⁰ Her motto is, “You do something for the community and yourself, and Project Longevity will do something for you,” and she strives to have all of her clients lead by example in the community.²⁴¹ To accomplish this goal, she follows up with her clients every week if possible, and every day if needed, and makes referrals to life support agencies and counseling as well as job training and housing assistance organizations.²⁴²

3. *Limitations of Project Longevity*

However, despite these benefits, Project Longevity is not without many faults and costs. First, there are serious concerns regarding the accuracy of information in group databases, as well as evidence that such databases disproportionately target young black and Latino men, regardless of actual affiliation.²⁴³ These databases often fail to distinguish among active group

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ Telephone Interview with Berta Holmes, *supra* note 191.

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ Michael Cannell, *Assumed Dangerous Until Proven Innocent: The Constitutional Defect in Alleging Gang Affiliation at Bail Hearings*, 63 DEPAUL L. REV. 1027, 1027-28 (2014); *see also* Susan L. Burrell, *Gang Evidence: Issues for Criminal Defense*, 30 SANTA CLARA L. REV. 739, 751 (1990) (noting that “[a]lthough no one agrees what gangs are or what constitutes gang

members, loose affiliates, and fringe members.²⁴⁴ Though the purpose of Project Longevity is to improve these databases through information-sharing among different law enforcement agencies, it is not far-fetched to imagine that these agencies, when put together, tend toward group think; information from one agency is easily corroborated by rumors from another, for example, and officers on the beat hold an outsized role in what information gets shared.²⁴⁵ Early criticisms of the initiative focused on increased racial targeting of black men in particular.²⁴⁶ One city resident's above-mentioned comments are worth repeating here: "I think they are out to get the black and Latino community and those who wear baggy jeans."²⁴⁷

Second, though there are benefits to mutual conversations—where both sides listen to each other and learn from each other—it is unclear whether this is actually happening. The structure of the call-ins is exclusively one of talking *at* the group members rather than talking *with* them. The purpose of the presences of the state's attorney and the United States' attorney is to show the group members that there will be serious consequences for future errors²⁴⁸, not to

membership, Black, Hispanic, and Asian youths often 'become' gang members based on law enforcement guesswork. A childhood nickname may be transformed into a gang 'moniker,' and neighborhood playmates into 'homeboys.' Innocent sounding questions at a field interview, such as 'What do they call you?' or, 'Where are you from?' can result in long term sinister complications for young people growing up in areas of high gang activity.")

²⁴⁴ *Id.* at 1029.

²⁴⁵ Interview with Stacy Spell, *supra* note 186.

²⁴⁶ Shahid Abdul-Karim, *supra* note 213.

²⁴⁷ *Id.*; see also Zoe Greenberg, *Brothers' Keepers*, THE NEW JOURNAL (December 6, 2013), <http://www.thenewjournalat Yale.com/2013/12/brothers-keepers/> ("The other Kensington Street residents who were called in to Project Longevity had similar criticisms. One young man in a red sweatshirt is angry about the infringements on rights. He says the cops are targeting whole groups of people for individual crimes, even when many of those targeted have nothing to do with those crimes. He says he's not in a gang and he doesn't want to be treated as if he is. The loose red sweatshirt he's wearing now is the same one he was wearing recently when a cop stopped him and said he could go back to jail for wearing red, because this is a Bloods area. But he just got out of jail, he says, and he has to wear what he has. Another teenager says he isn't a Blood, and he doesn't understand why he was called in as an alleged member of the gang.")

²⁴⁸ Interview with Michael Sierra-Arévalo, *supra* note 18.

listen to the group members' stories and hear what they think will help them. As some participants have reported, "[T]hey brought us in, they bought us pizza and soda, and all they did was threaten us."²⁴⁹

As noted above, there are some (limited) opportunities for discussion after the fact; individuals can approach Stacy Spell and others after the presentations to reach out and connect with them regarding getting help.²⁵⁰ Moreover, Project Longevity has sponsored or co-sponsored a number of local initiatives to foster increased understanding between the community and the police. For example, as referenced above, Project Longevity co-sponsored a community-police cookie baking session (a "cookie caper") in February 2017, and recently organized a "selfie with a cop" initiative featuring local community members and local officers.²⁵¹ But these discussions should be at the forefront, not the afterthought, of group violence prevention-related initiatives. And Stacy Spell is the driving force behind the renewed interest in police-community relations; in his own words, he is able to get the New Haven police department behind his ideas in part because of his background as a former homicide detective for them.²⁵² Reverend Mathis, the first New Haven director, was not, and was accordingly not as able to inhabit both worlds, as Spell describes.²⁵³ Should Spell leave, it is unclear whether even these small initiatives will continue.

Third, there are also some indications that increased law enforcement attention to groups and group violence is merely forcing these groups further underground rather than eradicating them. In 2014, for example, the New Haven Register reported that groups were changing—

²⁴⁹ Greenberg, *supra* note 243.

²⁵⁰ Interview with Stacy Spell, *supra* note 186.

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

mainly toning down their use of colors and visible tattoos/graffiti as identifiers.²⁵⁴ Accordingly, law enforcement claimed it more difficult to identify group members, and turned to more intrusive practices such as stopping people on the street and forcing them to roll up their sleeves.²⁵⁵ This has implications not only for constitutional rights of individuals stopped by police for such questioning but also for the New Haven Police Department's stated efforts to repair and reform police-community relations, and for the sustainability of the short-term decrease in violent crime.

Fourth, and most importantly, Project Longevity keeps no statistics on how many of its individuals obtained (and kept) jobs, housing, etc., nor does it keep statistics on recidivism rates among its participants. The focus is clearly on prosecution, not on providing social services. And even with the prosecution, groups re-emerge. The notorious Newhallville "R2" gang described above as allegedly dismantled by a major bust in 2010 in fact returned in 2014;²⁵⁶ there is no reason to suggest that without offering proper replacement services to fulfill the functions that these groups have taken in the members' lives, the same reoccurrences will not keep happening.

Before he was replaced by Spell, Reverend Mathis spoke out about the lack of funding for reentry initiatives for a program that is designed to be both punitive and rehabilitative. In 2014, he told a *New Haven Register* reporter that the program "lacks resources to holistically

²⁵⁴ Dave Collins, *Connecticut Police: Street Gangs Tone Down Use of Colors, Tattoos*, NEW HAVEN REGISTER (September 16, 2014), <http://www.nhregister.com/general-news/20140916/connecticut-police-street-gangs-tone-down-use-of-colors-tattoos>.

²⁵⁵ *Id.*

²⁵⁶ Paul Bass, *Data Released on Project Longevity. Sort of.*, NEW HAVEN INDEPENDENT, (December 19, 2014), http://www.newhavenindependent.org/index.php/archives/entry/cops_stats_on_project_longevity/.

coordinate needed resources for individuals.”²⁵⁷ He added, “We can talk about what we want to do in theory and be very selling about it, but if you don’t put the resources behind it ... then it just becomes a façade . . . That probably isn’t going to be liked by everybody.”²⁵⁸ Others have echoed their concerns. Doug Bethea, a street outreach worker and local community activist, also told a report in 2014 that “there needs to be more follow-up and wraparound services for those who truly want to get out of the street life.”²⁵⁹ As he puts it, “You can’t tell me, ‘Stop being in streets selling drugs . . . All right, what are you going to replace [that income with]?”²⁶⁰

Current program director Stacy Spell echoed these concerns in a recent interview, explaining that the little funding earmarked specifically for the project goes to salaries, and therefore the organization relies almost exclusively on the support of partnering and community nonprofits to provide the actual resources to its clientele.²⁶¹ Social service coordinator Berta Holmes added that funding is inconsistent at best, and nonexistent at worst:

At this moment we have funding issues for client. There have been times when we didn’t have any funding. It’s better if we have our funding because when you have to refer, refer, refer people to everything, they lose their sense of wanting to continue—it’s easier if we have money for driver’s licenses, phones, coats, etc.—it’s faster and better. . . . To have to go and keep asking for things it’s much harder—the more people they work with, it becomes harder and harder for them to continue.²⁶²

Without the necessary resources to back it up, the initiative’s promises risk becoming empty words. And given that the individuals who are “given” the opportunity to “get out of the life” by being mandated to attend a call-in as a condition of their probation are being prosecuted

²⁵⁷ Rich Scinto, *Murphy, Blumenthal lead New Haven roundtable on violence*, NEW HAVEN REGISTER (February 7, 2014), <http://www.nhregister.com/article/20140207/NEWS/140209366?source=jBar>.

²⁵⁸ *Id.*

²⁵⁹ Rich Scinto, *Project Longevity to lose Connecticut coordinator a year after he joined project*, NEW HAVEN REGISTER, July 17, 2016.

²⁶⁰ *Id.*

²⁶¹ Interview with Stacy Spell, *supra* note 186.

²⁶² Telephone Interview with Berta Holmes, *supra* note 191.

far more severely for subsequent offenses than those who are not, Project Longevity risks alienating and ultimately hurting its most vulnerable populations rather than helping them.

IV. Alternative Formulations Of, and Suggested Improvements To, Project Longevity and Related Programs to Better Combat Group Violence in New Haven

A. Limits to the Incarcerative Model of Violence Prevention

Project Longevity is largely a continuation of this trend of incarceration over rehabilitation. At its core, Project Longevity is focused on incarceration as a tool to combat group violence. Its arrests, not its stories about rehabilitation, are touted as successes in local newspapers.²⁶³ The FBI publishes articles about how many “criminals” that Project Longevity has locked up, not how many of those individuals received job training or housing access.²⁶⁴ Even the leadership of the New Haven Police Department had to sell the program as no different from ordinary police work to appease its “rank and file” officers.²⁶⁵ Accordingly, Project Longevity should be situated within a long history of various levels of group violence “crackdowns” engaged in by New Haven law enforcement—most of which fail in the long term.

Project Longevity and related interventions attempt to solve the problem of group violence with a two-pronged approach: offer support on the one hand, and extremely punitive punishments for failure on the other. This is undeniably an improvement over the past punishment-only approaches; here, at least, there are more opportunities for individuals to extricate themselves and (some) support for them once they do. But giving teenagers and young

²⁶³ Paul Bass, *supra* note 233.

²⁶⁴ PRESS RELEASE, FBI, MORE THAN TWO DOZEN CHARGED AFTER FBI TASK FORCE INVESTIGATION INTO HARTFORD DRUG AND GUN TRAFFICKING (June 16, 2015), <https://www.fbi.gov/contact-us/field-offices/newhaven/news/press-releases/more-than-two-dozen-charged-after-fbi-task-force-investigation-into-hartford-drug-and-gun-trafficking>.

²⁶⁵ Interview with Michael Sierra-Arévalo, *supra* note 18.

adults one shot to change does not change the underlying reasons why they joined the gang in the first place—safety, security, consistency, camaraderie, peer pressure, a support system for those who grew up without ones, etc.—and it does not address the collateral consequences of gang involvement that are not quick fixes, such as PTSD and other trauma-related mental health issues. Getting a former gang member a job is a lot easier (and cheaper) than giving him the tools to keep that job; threats of prosecution won't deter someone who is struggling with the debilitating after-effects of a lifetime of traumatic occurrences that, for many, began when they were child witnesses to the violence and crippling poverty that characterizes our inner cities.

U.S. Attorney Peter Markle, who works extensively with Project Longevity, captures this disconnect most saliently in the following passage, which he shared with me in a phone interview about his work with Project Longevity:

Most of these group members are rather young; it's sort of the best or the worst of things. When you get to know them, you realize they are young, you also realize that the violence—they are immune to it. It's frightening to see in people so young, or at any age. On the other hand, you do see a lot of potential—even for those who have engaged in violent activity—but it's so hard to get to them. They need a lot of help, and once they have a record, we are dealing with that too. Once you get people out of the group mentality, the comfort they get from it for some reason—it's so hard. It's easy to investigate and prosecute these guys compared to what they are trying to do to help them, because this is just an arduous journey. It's incredibly hard to get people to hire them; so we are every proud of what project longevity can do along this lines, but we know we are talking low numbers in these regards bc it is so difficult in this regard. Their work is really an eye-opener to me, because again, as a prosecutor, I never really saw that side; I didn't have to help people get jobs, or write resumes, or get treatment. It was easier to keep your eyes on the courtroom.²⁶⁶

In his words, it is easier to prosecute individuals than to get them jobs. This, in a nutshell, is the greatest problem with Project Longevity—it falls back on the prosecution, when the minimal resources it provides do not succeed. In so doing, it falls into the same trap as other anti-group violence initiatives.

²⁶⁶ Telephone Interview with Peter Markle, *supra* note 170.

Moreover, the incarcerative model that Project Longevity adopts also fails to account for the nuances of group members' lives. As sociologist Sudhir Alladi Venkatesh explains,

Gang members were also schoolchildren, nephews, churchgoers, fathers, husbands, and so on. They were “gang members” at certain times and in certain contexts, such as narcotics trafficking and meetings in open park space, but most of the time their lives were characterized by involvement with work family, school, and peers. Their identity as “gang members” sometimes conflicted with other identities they held.²⁶⁷

Any model that does not take these complexities into account will necessarily be short-sighted.

B. Improving Long-Term Outcomes By Redirecting Resources Towards Support

“Looking back, I realize that I had a one-track mentality. I believed that I was destined to go to prison, that I was not going to survive to the age of 18, that I was a good-for-nothing criminal. This attitude led me to commit acts that put me at risk. If I had known a better world was possible, that one day I could lift my family out of poverty, that my attitude was not the only way I could solve my problems, I would have stopped committing crimes.” Dr. Victor Rios, Street Life: Poverty, Gangs, and a Ph.D, p. 66.

In *Punished: Policing the Lives of Black and Latino Boys*, Dr. Victor Rios explains how teachers, police, court officials (particularly probation officers), treatment/service providers, employers, and other non-criminalized individuals expect group members to be able to remove themselves from negative situations at will.²⁶⁸ They accordingly perceive members' reluctance to abandon their “street” ways as a lack of will, whereas the members believe (and correctly so, as Rios demonstrates) that to abandon it would be to open the path for others to exploit their weakness.²⁶⁹

The problem with Project Longevity and related incarceration-based initiatives is that change is never as immediate as those who plan these initiatives want it to be, and the solution is to incorporate more long-term (financial and otherwise) support into the Project Longevity

²⁶⁷ SUDHIR ALLADI VENKATESH, *American Project: The Rise and Fall of a Modern Ghetto* xiv (Harvard University Press, 2000).

²⁶⁸ RIOS, *supra* note 51.

²⁶⁹ RIOS, *supra* note 51.

model. Rios found the way out of gang life when someone finally showed him the support he needed—when his teacher, Ms. Russ, treated him like the child with potential that he was, not like the “criminal” that others saw him as. But even for someone as motivated as Rios, change was not immediate. As Rios explained:

I had to make many sacrifices to [change]. The first week of junior year [of high school], one of my enemies at school came up to me and called me a ‘pendejo’ [idiot]. He pushed his shoulder into me as he walked past me. A group of students witnessed the event. Instead of following my instinct to punch him in the face, I gave him a dirty look and walked away. I felt that I needed to challenge myself and be willing to let go of some of my pride if I was going to successfully catch up on my credits and earn my high school diploma. From this day onward, the guys who did not like me at school called me ‘coward,’ ‘punk,’ ‘pussy,’ and ‘sissy.’ These names hurt. I felt as if I had lost control of my life.²⁷⁰

Too often, however, those who are threatening punishment for those who do not take the single opportunity they give them to change do not have a good understanding of what it takes to extricate oneself from these kinds of environment—including many of those involved with the administration of Project Longevity. For example, in the spring of 2016, I participated in an “inside-out” style class at Manson Youth Institute (MYI), a juvenile detention facility in Cheshire, CT, that brought together students from Yale Law School and inmates from the facility to study the criminal justice system and opportunities for reform. Throughout the semester, the “inside” students echoed the very same concerns that Rios raises in his book. They told stories of their probation officers telling them to avoid “hanging out” with their peers or their enemies—even making it a condition of their probation—when “hanging out” could mean running into their old friends in school, or on the streets where all of them lived. As every parent knows too well, telling a teenager to change his friends or to ignore peer pressure and bullying is not generally a successful strategy—particularly when the teenager is surrounded by these friends at

²⁷⁰ RIOS, *supra* note 51, at 78.

school, at home, in extra-curricular activities, and more, and is facing peer pressure and other external factors that have been demonstrated to have larger impacts on adolescent brains than on those of adults.²⁷¹ Social ostracism is a powerful sword.

Contrast, then, someone like Ms. Russ, the teacher who provided the inspiration for Rios's transformation:

Ms. Russ was patient with me. She knew that it would take awhile for me to turn my life around. No matter how bad I was, or how many times I got kicked out of school, she always welcomed me back to her classroom after I had paid my dues. She did not show rancor or fear. She knew that if she was going help make a change in my life, she had to have faith that I could redeem myself and learn to interact with a teacher . . . One other crucial practice was that Ms. Ross understood her students' social situations. She took the time to understand each of our individual worlds by meeting our families, getting to know them, and seeing where we were from. She understood our struggles.²⁷²

Ms. Russ even took the time to visit Rios and her other students at their homes once every semester—a twenty-minute visit that “went a long way.”²⁷³

Accordingly, Rios recommends a “youth support complex,” which he defines as a “ubiquitous system of support that nurtures and reintegrates young people placed at risk”; one that “find[s] creative ways to teach young people when they have made mistakes” rather than incarcerating them.²⁷⁴ His motto is the following: “If we provide them the right resources to catapult themselves out of marginalization, young people will deliver.”²⁷⁵ . . . Rios himself has engaged in this type of mentoring of at-risk youth, and he focuses his counseling on making his students feel self-worth and respect from an adult—something that is often lacking in a society

²⁷¹ Studies have shown that adolescents take more risks when in the presence of their peers; “awareness of peers selectively amplifies activity in the . . . brain’s incentive processing system, which in turn influences subsequent decisions about risk.” Brief For The American Medical Association & The American Academy Of Child And Adolescent Psychiatry As Amici Curiae In Support Of Neither Party, *Miller v. Alabama*, 132 S. Ct. 2455 (2012) (No. 10-9646) at 17, 30.

²⁷² RIOS, *supra* note 51, at 78-79.

²⁷³ *Id.* at 80.

²⁷⁴ *Id.* at 161.

²⁷⁵ *Id.* at 161.

that criminalizes everything from their clothing style to their language.

Moreover, Rios is not the only former group member advocating for such support. Many of the “inside” students at MYI grew up in similar environments, and they also cited the lack of supportive environments and genuine opportunities for academic and social enrichment, both in school and in extracurricular activities, as a large factor in their own adolescent troubles. And, more recently, a group of inmates at Osborn Correctional Institute in Somers, CT, frustrated with the lack of rehabilitative programming available at their facility, began a program called “Skills for Socialization.”²⁷⁶ SOS, as it is now known, is an entirely inmate-led and inmate-run reentry-oriented program designed to reduce prison recidivism.²⁷⁷ In the founders’ words, it is “a program designed to effectively reverse criminality and criminal behavior, and to instill a sense of pride and self worth in all of its participants.”²⁷⁸ As its manual describes:

Many of the facilitators, and its participants, were products of their environment. We allowed the influences of gangs, drugs, and the ideology of a thug image to shape our entire existence, and chose a path of criminality as the course of our lives. . . . Many of us didn’t value education, the value of hard work, the structure of rules and laws, and most importantly, we didn’t value ourselves. Many of us idolized drug dealers, hustlers, the most notorious womanizers, and in extreme instances, ruthless killers. But if we learned to adopt these caricatures as values, we can un-learn improper values, and learn proper values.²⁷⁹

The ultimate goal is to “provide not only hope and optimism for room to grow for each

²⁷⁶ Vinny Vella, *At Somers Prison, Inmates Work From Within to Reduce Recidivism*, HARTFORD COURANT (September 30, 2016), <http://www.courant.com/news/connecticut/hc-somers-inmate-program-1001-20160930-story.html>. I had the immense privilege of visiting an SOS facilitator’s workshop in January 2017. I witnessed the remarkable efforts of the program’s facilitators and their dedication to improving the lives of their participants by using their stories and sharing the skills they have acquired over years of self-improvement. They are true mentors who understand their mentees and the struggles they face, and they do not give up on any participant for failure. Rather, they seek to do everything they can to prove to that participant that he is worthy, and valuable, and can make something of himself.

²⁷⁷ SKILLS OF SOCIALIZATION MEMBERS BIOGRAPHIES AND PAMPHLET, OSBORN CORRECTIONAL INSTITUTE (Obtained by permission of the founding members).

²⁷⁸ *Id.* at 1.

²⁷⁹ *Id.* at 3.

participant but also to help with developing fundamental new skills to approaching life. . . .”²⁸⁰

On its face, SOS does not sound remarkably different from the social services aspect of Project Longevity; both intend to provide group-involved individuals with opportunities for improvement and reform. However, SOS’s format and chosen techniques are entirely distinct. First, the facilitators lived real-life experiences similar to those of their students,²⁸¹ unlike many if not most of the individuals speaking to the Project Longevity participants at the call ins. Second, the workshops are voluntary, not mandated by federal or state probation officers, or in this case, corrections officers.²⁸² Third, the facilitators lead by example; the founders are all models of proper behavior, which is incredibly difficult in a challenging prison environment where every move is scrutinized.²⁸³ Fourth, the workshops are “no nonsense,” which in some regards echoes the attitude of Project Longevity; but the tone is not one of condemnation but rather one of pride and support.

Fifth, SOS describes itself as a “movement” rather than a program that understands that reform cannot be a short-term process:

SOS’s goal, even from its inception, was never to simply offer an 8 to 12 week curriculum to its participants and believe they would be ‘fixed’ and all of their criminal behavior rooted out. Its goal was to provide the participants with the ‘tools’ to help them to build themselves, and in building themselves, they would build better households and better communities. SOS’s commitment is a life-long process.²⁸⁴

This is in direct contrast with Project Longevity, which provides no long-term support; rather, its model is entirely dependent on offering one chance out of the group lifestyle, and severe punishment for those who slip up—as SOS facilitators recognize is almost inevitable, and by no

²⁸⁰ *Id.*

²⁸¹ *Id.* at 6.

²⁸² *Id.*

²⁸³ *Id.* at 7.

²⁸⁴ *Id.* at 7-8.

means an indication of a lack of desire for change. Last, “SOS taps into the inherent powers of each.”²⁸⁵ SOS seeks to provide a “comfortable, nurturing environment” where members can “tap into and cultivate their inherent strengths and gifts to their fullest potential.”²⁸⁶ They are not treating their members as criminals to be punished but rather as individuals whose talents and values deserve to be harnessed.

The program has become so successful that it has spread to other facilities. The team of leaders is currently piloting its first program with youth at MYI, who are being bussed to Osborn twice a week for twelve weeks to participate—a logistical headache for the prison system, but one they considered sufficiently worthwhile.²⁸⁷ The program is also due to start at Willard-Cybulski Correctional Institute shortly, and the co-founders at Osborn are currently training facilitators to continue their programming their.²⁸⁸ Lastly, and perhaps most importantly, program participants are seeking ways to continue the program upon release. Hundreds of inmates have gone through the programming since it began in 2015.²⁸⁹ It is not unforeseeable that in the near future, New Haven might have a branch of SOS for those who need the support and encouragement—and true understanding of their situations—that it provides.

Programs like SOS and Rios’s “youth support complex” make up for what the incarcerative model lacks: support for rehabilitation, and true opportunity for success. What someone, like Rios, who has grown up in an environment so devoid of the nurturing and support he needed to reach his full potential, finds in a group is a sense of belonging, of feeling worthy and valued. But so many, like Rios, are hungry for something else—something that does not also

²⁸⁵ *Id.* at 8.

²⁸⁶ *Id.*

²⁸⁷ Conversations with Inmates at Osborn Correctional Institute, SOS founders (January 27, 2017).

²⁸⁸ *Id.*

²⁸⁹ *Id.*

lead to violence, death, destruction, incarceration, and abuse. In Rios’s own words:

I believe that young people who are placed at risk are like oysters—they rarely open up. We never know when a young person will be ready to change, when he or she will open up. Therefore, it is important to provide steady and constant stream of guidance, opportunity, and unconditional nurturing, so that when that young person is ready to change, when he or she finally opens up, he or she can find the resources to do so.²⁹⁰

A “pipeline of opportunities” is what is needed—not a restriction of opportunities based on location of birth.²⁹¹ Berta Holmes echoes this same sentiment: “Most of my clients are beyond a second chance—they need *another* chance. It’s gonna take time to redeem themselves in the community.”²⁹² But as noted above, due to resource constraints, Holmes struggles to be able to take the time she needs to give her clients the full opportunities they need to succeed. Project Longevity would do well to incorporate some of Rios’s and the SOS team’s strategies into its own social services component, which appears to have far lower completion rates than SOS—and far less participant satisfaction, which is important for long-term sustainability.

New Haven already has some precedent for supporting these types of opportunities. In 2013, Bridgeport, Hartford, and New Haven received grants in 2013 from the Judicial Branch to implement the Youth Violence Prevention Initiatives grants program (YVPI), which funds programs aimed at decreasing urban youth violence.²⁹³ YVPI is entirely distinct from Project Safe Neighborhoods and other prosecution-based anti-group violence initiatives in that it focuses exclusively and proactively on providing resources to help teens at risk for violence find alternative outlets, rather than waiting until they become involved in groups and then targeting them for prosecution while providing very limited resources to help them choose another path.

²⁹⁰ RIOS, *supra* note 51, 76.

²⁹¹ RIOS, *supra* note 51, at xii.

²⁹² Telephone Interview with Berta Holmes, *supra* note 191.

²⁹³ KATHERINE DWYER, OLR RESEARCH REPORT, YOUTH VIOLENCE IN CONNECTICUT CITIES (February 1, 2013), <https://www.cga.ct.gov/2013/rpt/2013-R-0042.htm>.

According to a 2013 statewide report, “The city will work with community-based organizations to provide job readiness training, mentorship, and conflict mediation to high-risk youth, including those involved in gangs. Some of the money will also go towards organizing safe, pro-social activities.”²⁹⁴

The procedure for allocating funding to particular organizations through the grants involves the city’s Board of Alders, who were tasked with devising a strategy for awarding the funding to “programs that addressed youth who might be at risk for youth violence in three categories:” 1) “youth job readiness, training and certification;” 2) “youth leadership, mentorship and mediation;” and 3) “other youth violence prevention initiatives, including but not limited to” literacy; physical health and wellness; social; emotional and behavioral health, mental and sexual health; homeless and special needs youth.”²⁹⁵

Community members and government officials alike have deemed the program successful²⁹⁶—including law enforcement. In February 2014, in a letter to the Justice Department asking for additional funding for YVPI grants, the Office of the Mayor cited the city’s decreased homicide rates and attributed them to the program; then-New Haven Police Chief Dean Esserman, in support of the grant, stated, “I would hope that every American Police Chief would agree that the best way to fight crime is to invest in our youth and not arrest them.”²⁹⁷ As

²⁹⁴ *Id.*

²⁹⁵ Markeshia Ricks, *City Scores \$500k to Fight Youth Violence*, NEW HAVEN INDEPENDENT (December 2, 2014), http://www.newhavenindependent.org/index.php/archives/entry/half_mil_to_fight_youth_violence/

²⁹⁶ *Id.*

²⁹⁷ JASON BARTLETT, CITY OF NEW HAVEN OFFICE OF THE MAYOR, TESTIMONY OF THE CITY OF NEW HAVEN BEFORE THE APPROPRIATIONS COMMITTEE REGARDING JUDICIAL DEPARTMENT FUNDING (February 19, 2014), <https://www.cga.ct.gov/2014/APPdata/Tmy/2014HB-05030-R000219-JUD%20-%20Youth%20Violence%20Initiative%20Program%20-%20City%20of%20New%20Haven%20-%20%20Bartlett,%20Jason-TMY.PDF>.

recently as 2014, the city received \$500,000 in federal funding to implement YVPI grants.²⁹⁸ However, as of this writing, I have been unable to find any recent news about the program.²⁹⁹

Moreover, former Chief Esserman is not the only member of law enforcement who recognizes the importance of providing genuine opportunities for alternatives to group participation and violence. In late 2015, as part of its efforts to reduce mass incarceration, the Obama administration earmarked funding for one to two “Reentry and Community Outreach Coordinators” in every state.³⁰⁰ Coordinators are based out of U.S. attorney’s offices; Holly Wasilewski, a former district manager and later a lieutenant with the New Haven Police Department, is the coordinator for Hartford, Bridgeport, New Haven, and Waterbury.³⁰¹ She began her position at the end of January 2016.³⁰²

In her brief time so far with the U.S. Attorney’s Office, Wasilewski is already making a difference. As a police officer, she earned a reputation in the community as the go-to person for individuals seeking help with employment.³⁰³ She went out of her way to refer individuals to services within the city, and some of her most problematic individuals—from her perspective as a neighborhood cop—started seeking her out: “I hear you are the person to go to if I need help getting a job.”³⁰⁴ While on the force, Wasilewski was, as she describes it, “a one person show”—none of her fellow officers participated in her referrals or advice-giving. Now, she provides as

²⁹⁸ *Id.*

²⁹⁹ In an interview, U.S. Attorney Peter Markle said that the program still exists but distinguished it from Project Longevity because it focuses on a wider range of behaviors (rather than exclusively on gun violence). As he is not involved in that initiative, however, he could not speak to it. Telephone Interview with Peter Markle, *supra* note 170.

³⁰⁰ Telephone Interview with Holly Wasilewski, Reentry and Community Outreach Coordinator, U.S. Attorney’s Office for the District of Connecticut (February 27, 2017).

³⁰¹ *Id.*

³⁰² *Id.*

³⁰³ *Id.*; *see also* Interview with Kelly Barrett, *supra* note 127.

³⁰⁴ *Id.*

much assistance as possible to individuals seeking reentry services post incarceration. She helps her clients find a job; create a resume; talk through job interviewing skills and appropriate dress obtain licenses and driving permits, GEDs, social security cards, health insurance, food stamps; use cell phones; grocery shop and manage money; and refers them to counseling, among other things.³⁰⁵ She also attends the SOS program referenced above on a weekly basis to listen to, and to give advice to, inmates participating in the program.³⁰⁶

Wasilewski has only had one client reoffend thus far.³⁰⁷ According to Wasilewski, the current U.S. Attorney is very much on board with her work.³⁰⁸ She has earned the credibility of the police department, the U.S. Attorney's Office, and even the Federal Defenders of New Haven for her work with group members and formerly incarcerated individuals returning to the community.³⁰⁹ However, with the new Trump administration, it is unclear whether her position will even be funded much longer. And even under Obama's administration, she lacked the necessary funding to really do what was needed for this vulnerable population. To have one individual servicing much of the state raises serious capacity issues, even under a reform-minded administration.³¹⁰

Wasilewski is most successful because of the depth of her understanding of the true

³⁰⁵ *Id.* This is only a brief overview of the things that Wasilewski does for her clients. When I spoke to her, she told me how the week before she went to help a client set up a bank account because he had no idea how to do it himself. She also spent her Sunday night helping a client search for an affordable apartment, and when she got home, texted back and forth with another client who recently started a new job.

³⁰⁶ *Id.*

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*; Interview with Kelly Barrett, *supra* note 127.

³¹⁰ *Id.* In an interview, Wasilewski told me that as of now, she has absolutely no funding for reentry services and cannot even give her clients money for a bus pass; she sends them to another local reentry initiative to get them bus passes, but the organization also frequently runs out. This is only one example of the serious funding issues facing reentry initiatives in New Haven and elsewhere.

issues her clients face. As she noted during our interview, “Some people have never had anyone to encourage them; they have no hope. They have never had anyone who care.”³¹¹ She is intimately familiar with the difficulties in finding people employment and housing, and she has a nuanced understanding of recent “Ban the Box” initiatives in Connecticut to attempt to eliminate discrimination in employment against former felons.³¹² She refers a “great number” of people to counseling, calling it the “most important thing” because of the trauma that many individuals face before incarceration and while incarcerated.³¹³ And she does a lot of follow up work; she keeps a list of her clients and calls them frequently—after their first few days of work for example—to check in, let them know she cares, and ask if she can be of help.³¹⁴

Wasilewski’s statements about mental health echo those of the young man I met in Lynn, Massachusetts over two years ago, and they echo what Victor Rios described as well. Stacy Spell also referenced mental health concerns as an important factor in his work;³¹⁵ but it remains a sideline to the true purpose of Project Longevity, which is to fight crime via information sharing and increased prosecution. Many of these institutional actors in programs such as Project Longevity fail to understand that trauma inflicted at young ages can have long-term and unexpected consequences. The traumas Rios details in his book—childhood abuse and neglect, police beatings, watching friends and family die, exposure to drugs and alcohol at a young age—are very much prevalent in New Haven³¹⁶ and only add to the depth of misunderstanding

³¹¹ *Id.*

³¹² *Id.*; see also Daniela Altimari, ‘Ban the Box’ Bill Wins Final Passage, HARTFORD COURANT (May 5, 2016), <http://www.courant.com/politics/capitol-watch/hc-ban-the-box-bill-wins-final-passage-20160504-story.html>.

³¹³ *Id.*

³¹⁴ *Id.*

³¹⁵ Interview with Stacy Spell, *supra* note 186.

³¹⁶ See, e.g., Shahid Abdul-Karim, *New Haven psychologist addresses urban trauma; challenge blacks to seek mental health professionals*, NEW HAVEN REGISTER (February 11, 2017),

between those who grew up in the “culture of punishment,”³¹⁷ and those who did not.

There is a legitimate question as to whether the state’s U.S. Attorneys’ Office—or any other agencies of law enforcement—should even be providing these services in the first place. Ideally, of course, such services would be readily available to all who need them. However, even with the current political environment’s recognition of the need for such services and their importance in lowering recidivism, adequate funding for such organizations remains an as yet unattainable goal. It is much more politically palatable for funding to be funneled towards organizations whose primary functions are enforcement for lawbreakers rather than assistance. Accordingly, individuals like Holly Wasilewski are best positioned to be able to provide the services that these individuals so clearly need, and that they are not getting from other sources.

Conclusion

In my research, I have read newspaper article after newspaper article over the past thirty years alone detailing the alleged triumphs of local law enforcement over one gang or another. “Saying Drug Gang is Broken, New Haven Police Arrest 15,” reads one headline from 1990.³¹⁸ “Feds Indict 105 in Tre Bloods Probe,” read another from 2012, quoting a local law enforcement

<http://www.nhregister.com/general-news/20170211/new-haven-psychologist-addresses-urban-trauma-challenge-blacks-to-seek-mental-health-professionals> (describing Dr. Maysa Akbar’s research studying “urban trauma” in New Haven). For more information on the effects of trauma on culpability and childhood development, see Miriam Gohara, *Grace Notes: A Case for Making Mitigation the Heart of Noncapital Sentencing*, 41 AM. J. CRIM. L. 41 (2013).

³¹⁷ RIOS, *supra* note 51; see also Donna Henken, *Symposium: Stealing Innocence: Juvenile Legal Issues And The Innocence Project Panel 1: Legal Issues Affecting Juveniles*, 18 CARDOZO J. L. & GENDER 577, 596 (Spring 2012) (“I would like for prosecutors to look at the clients that I represent as they look at the victims in their cases, because they really often are. They have mental health issues. They have drug abuse issues.”)

³¹⁸ Associated Press, *Saying Drug Gang Is Broken, New Haven Police Arrest 15*, N.Y. TIMES, April 30, 1990, at B3.

officer: “We put a big dent in the gang violence in this city.”³¹⁹ And in 2015, just a year after New Haven Police Department deployed three separate SWAT teams to arrest 11 alleged gang members,³²⁰ “Operation Red Side” led to this headline: “Violent New Haven gang dismantled, ‘plague’ taken off city streets.”³²¹

Every year, local law enforcement touts their arrests as “successes,” suggesting that if only they make a few more arrests, they will “dismantle” or “break” gang violence in the city. Not once did any of these articles mention the underlying reasons why those arrested joined gangs in the first place—safety, security, consistency, camaraderie, peer pressure, the only support system readily available, and much more—that arrest and incarceration cannot solve. Nor do they address the collateral consequences of gang involvement, such as mental health issues, that are often exacerbated by imprisonment.

This paper argues that Project Longevity and similar initiatives treat group involvement and many other criminal behaviors as individual moral failings rather than systemic responses to resource-starved environments. Even when our chosen methods of holding group members accountable fail to solve the problem and hurt the people they purport to help by constraining their abilities to extricate themselves from problematic situations, we continue to demonize them as the worst offenders, year after year, decade after decade. And even when—despite nearly

³¹⁹ Paul Bass & Nicolás Medina Mora Pérez, *Feds Indict 105 in Tre Bloods Probe*, NEW HAVEN INDEPENDENT (May 22, 2012), http://www.newhavenindependent.org/index.php/archives/entry/tre_bloods_indictments_top_100/.

³²⁰ Rich Scinto, *New Haven police arrest alleged gang members*, NEW HAVEN REGISTER (January 24, 2014), <http://www.nhregister.com/general-news/20140123/new-haven-police-arrest-alleged-gang-members>.

³²¹ Ryan Flynn, *Feds: Violent New Haven Gang Dismantled, ‘Plague’ taken off city streets*, NEW HAVEN REGISTER (October 1, 2015), <http://www.nhregister.com/article/NH/20151001/NEWS/151009971>.

insurmountable obstacles—they manage to take steps towards rehabilitation, we fail to provide them with the resources they need to truly recover from their often traumatic youths.

Time will tell whether the short-term effects on crime for which Project Longevity has taken credit will last. Though the initiative relies far too heavily on incarceration as a deterrent (made most salient by the requirement that only those on probation attend the call-ins), it does offer the opportunity for access to resources, albeit limited; this, at least, represents a welcome departure from past arrest-only initiatives. The “if you screw up, you’ll be arrested and prosecuted to the fullest extent, but if you don’t, we’ll help you find a day job” mentality is far from ideal, but it is at least a welcome departure from the mentality of “if you screw up, you’ll be arrested and prosecuted to the fullest extent, and if you don’t, you’ll likely be arrested anyways at some point because you’re in a gang and a troublemaker and a criminal.” But it is a far cry from what those who have grown up in these communities see as the real solutions to their problems, and there are plenty of non-incarcerative alternatives that likely make much better long-term solutions, as described above.

In sum, it is important that those who are involved in group violence are not offered one take-it-or-leave-it chance and then neglected going forward. Ultimately, programs such as Project Longevity are not going to end all group violence in resource-starved inner cities until they come to terms with the limitations of their own models. Project Longevity and related initiatives are a start, but they are by no means the perfect solution and would fulfilled their stated goals of eradicating crime if they adopted some of the crime-fighting strategies outlined in Part IV(B). Only by combining accountability with ample opportunity and support will many, if not most, young people involved in violent groups be capable of genuine change. “We must take a leap of faith, place trust in these young people, and believe that if we provide them with the

right opportunities, they will respond and become productive citizens.”³²² Until we start giving inner-city kids plentiful opportunities to succeed, rather than one single take-it-or-leave-it job opportunity that comes with the threat of full prosecution for any future transgression, we will never fully eradicate group violence.

³²² RIOS, *supra* note 51, at 166.