Paper 3

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A Cooperative Approach to Gangs: Repairing Relationships with Law Enforcement in Gang-Affiliated Communities

Why are law enforcement and gangs better off negotiating and cooperating? To answer this question, I consider Christopher Blattman's bargaining model in *Why We Fight*. Blattman argues that gangs competing over business or turf are always better off negotiating because the "bargaining range" of profit and territory that is destroyed in conflict could otherwise be split so that both sides gain (Blattman 29). In addition to considering conflict between gangs, this model can be applied to the U.S. federal government's "war on gangs." The punitive suppression strategies commonly used by law enforcement to target gangs fail to reduce gang violence and further erode trust between law enforcement and gang-affiliated communities, perpetuating the cycle of overpolicing low-level crimes while underpolicing serious violent crime, which creates the desire for gang involvement and presence in the first place. I suggest a series of cooperative approaches to this harmful paradigm, in which law enforcement and gangs both concede resources and authority for the betterment of gang-affiliated communities. First, drugs should be legalized to eliminate gangs' main source of profit, and simultaneously, law enforcement should develop education and employment programs with gang members and communities to transition unemployed gang members away from illegal avenues of profit. Second, government and law enforcement officials should facilitate gang truces and increase communication with gang-affiliated communities to provide neglected services and resources that gangs provide. By

negotiating and cooperating with gangs to create diversion programs and fulfill neglected community needs, government and law enforcement would address the root causes of gang existence.

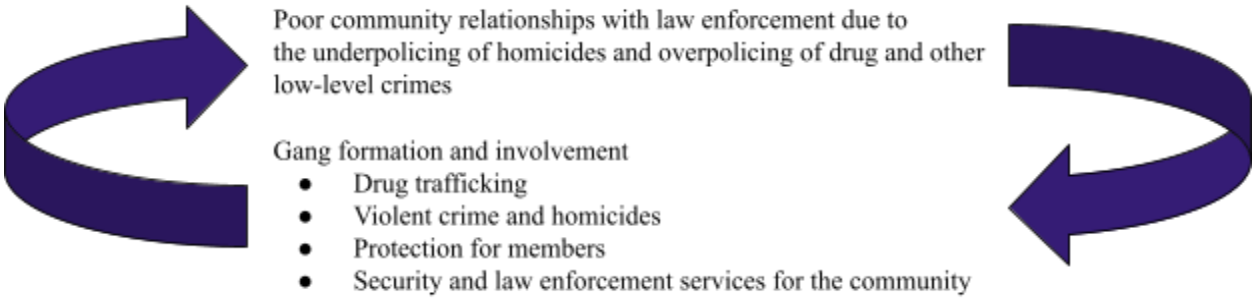
Gangs are born out of and further perpetuate the cycle of underpolicing and overpolicing of low-income communities of color. In *Ghettoside*, Jill Leovy attributes the prevalence of gangs in these communities to law enforcement's pattern of overpolicing low-level crimes such as drug use and loitering but underpolicing violent crimes and homicides in urban Black communities, leaving young Black men, especially, vulnerable to violence (Leovy 20). It is well known that low-income Americans of color are disproportionately arrested and incarcerated for minor offenses ("Criminalization"). However, when Black citizens are victims of violent crime, arrest and prosecution occur at disproportionately low rates ("Murder with Impunity"). A 2019 study by the Washington Post that analyzed data about murders in 55 large American cities over the past decade found that Black citizens accounted for the majority of homicide victims but that Black homicides were least likely to be followed by arrest ("Murder with Impunity"). The disproportionate lack of investigation and prosecution for Black homicides is in large part due to the disconnect and distrust between minority communities, especially Black Americans, and the police, which results in witnesses in these communities refusing to cooperate with investigations or contact the police at all when a violent crime occurs ("Murder with Impunity"). These circumstances of pervasive violence and lack of accountability create the need for gangs as protective institutions and are perpetuated by their existence. Gangs are both caused by and contribute to violence; in the United States, gang involvement is widespread in low-income areas of color with high rates of violent crime ("Neighborhoods and Violent Crime"). Gangs are *symptomatic* of violent environments; in a 2009 study of youth gangs in the U.S., Russel Sobel

and Brian Osoba found a one-way causal relationship that violent crime causes an increase in gang violence, even finding that the "net result" of gangs is a reduction in violent crime due to mutual deterrence (Sobel and Osoba 997-998). Therefore, gangs are formed out of and perpetuate an indefinite cycle of violence and neglect from law enforcement agencies.

Gangs often operate as pseudo-law enforcement agencies by filling resource and service gaps through systems of mutual aid, further insulating their communities from legitimate law enforcement. Gang membership is appealing to youth in low-income areas where law enforcement is lacking because it provides protection from other youth and gangs as well as opportunities for profit, often through drug sales or extortion (Blattman et al. 12). In a 2022 study of gangs in New York City, gang members reported that it is routine to give and receive financial and other kinds of support from fellow gang members when needed. This mutual aid often extends to the geographic areas in which gangs operate, extending gang loyalty and, thus, a disconnect with law enforcement to other community members. In the same study, a majority of gang members reported that their gang "helps local kids (81%), is involved in community activities (73%), and provides help to neighborhood residents (70%)" (Swaner 105). In *Islands in the Street*, Martín Sánchez-Jankowski revealed that gangs in New York have often acted as unrestrained protective services for their communities by confronting unknown or suspicious people that enter the area, intervening in situations in which community members are put in danger, and escorting and even grocery shopping for the elderly or other vulnerable community members (Jankowski 185). Because gang members and community members in violent neighborhoods often receive security and other services from gangs, they adhere to "no-snitch" standards in return, which foster an insular community in which social norms against crime are eroded (Akerlof and Yellen). Therefore, gangs are formed and gain membership due to a need for

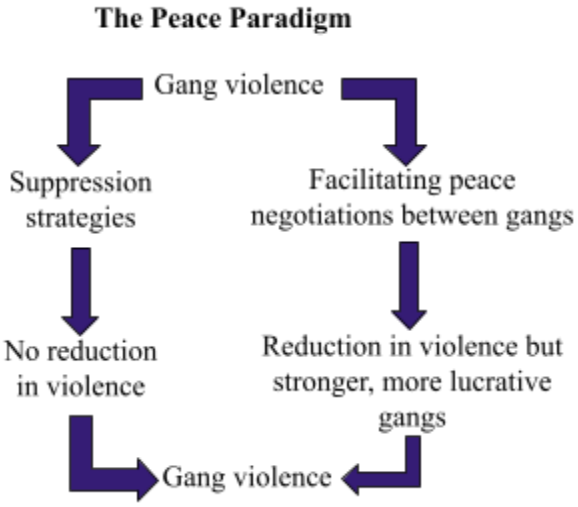
protection and resources, but the existence of gangs further harms their communities' relationship with law enforcement, creating a vicious cycle of violence and unaccountability.

Law enforcement has been largely unsuccessful in curbing gang activity in the U.S. Thus far, law enforcement has mostly utilized suppression strategies focused on surveilling and punishing gang members through the criminal legal system ("Anti-Gang Strategies"). These tactics subject gang members to cycles of arrest and incarceration, counterproductively cementing their poverty and reliance on gang membership and further distancing law enforcement from their communities. As aforementioned, this makes it less likely that serious violent crime is properly investigated and prosecuted and sustains the demand for gangs as protective mechanisms. Nationwide, some efforts have been made to balance suppression strategies with social services and proactive community programs, which have shown success in Chicago, but these programs are often treated as secondary to punitive strategies and are not well developed or resourced (Greene and Pranis 8). Punitive law enforcement initiatives that aim to target gangs have contributed to the disproportionate surveillance, arrest, and incarceration of young Black and Latino men, many of whom have no gang affiliation but are stereotyped as gang members (Greene and Pranis 8). Additionally, suppression efforts have actually been found to strengthen gangs by making them more cohesive, as well as increase police-community tensions ("Gang Suppression"). Even successfully breaking up gangs often leads to more violence, because the threat of gang retaliation often acts as a deterrent from instigating violence, and when gangs are dismantled, smaller and more fragmented gangs end up forming (Sobel and Osoba 1010). Suppression efforts have been mostly unsuccessful in reducing violence and have increased distrust between gang-affiliated communities and the police, sustaining high levels of gang violence in U.S. cities (Greene and Pranis 8).



One strategy that has been practiced and shown success in reducing gang violence is peace negotiations between gangs, which can be facilitated by the government and law enforcement bodies. Truces between Bloods and Crips in South Central Los Angeles during 1992 led to a 65% decrease in gang-related homicides and a 48% decrease in drive-by shootings (Katz et al. 133). In 2012, a truce between MS-13 and Barrio 18 gangs in El Salvador, which was incentivized by the government agreeing to transfer gang leaders from maximum to medium security prisons, reduced homicide rates by over 50% over the course of one year (Cruz and Duran-Martin 197). In 2016, in Raleigh, North Carolina, local activists and city leaders, including a police chief, facilitated a peace truce between five gangs after a series of fatal gang-related shootings ("Raleigh"). However, Blattman argues that while peace negotiations between gangs may reduce intergang violence, they can also strengthen gangs in the long run by legitimizing leaders and cementing gang loyalty, as well as increasing gang profit because gangs are able to reallocate the time and resources that would have been devoted to conflict to drug trafficking and other avenues of profit instead. Additionally, gangs are more accessible and reputable to their community when not engaged in gang wars, further reinforcing their legitimacy ("The Terrible Trade-Off"). As Kodluboy and Evenrud argue, gang truces buy "short-term peace at the price of long-term persistence of the gang" ("Inconvenient Truth"). An interesting paradigm emerges: efforts to "crack down" on gangs are largely ineffective in reducing violence,

and efforts to facilitate peace negotiations between gangs strengthen and maintain gangs, which eventually leads to more inter-gang violence.



Clearly, eliminating gangs requires a multifaceted approach. I suggest a cooperative, rather than punitive, two-sided approach to address this paradigm. First, the government should legalize drugs to cut off the main source of gangs' profit as well as develop robust education and employment programs to funnel newly unemployed gang members into. Second, the government and law enforcement should continue to facilitate peace negotiations between gangs to reduce short-term violence, but should also directly communicate and work with gangs and their communities to fill service and resource gaps and design more effective frameworks for law enforcement that undermine the need for gangs. If carried out simultaneously, these four tenets have the potential to reduce gang prevalence and violence in U.S. communities.

Gangs often make the majority of their profit by selling drugs, and law enforcement targets gangs by overpolicing drug crimes ("Police and Drugs"), which perpetuates a cycle of violence. Spending on drug enforcement has been found to have a positive correlation with homicide in the U.S. (Yablon 10). This can be partially attributed to the paradigm of overpolicing

and underpolicing discussed before: funneling resources into drug enforcement might "crowd out" other law enforcement initiatives, like those aimed at reducing violent crime, in target neighborhoods (Yablun 10). Therefore, legalizing drugs can allow for more resources to be devoted to areas of policing that are neglected in gang-affiliated areas. Most importantly, legalizing drugs would weaken gangs by eliminating one of their main avenues of profit. The "profit paradox" argues that the criminalization of drugs perpetuates gang prevalence and violence because efforts to limit drug supply make drug trafficking more lucrative, leading to greater profit for gangs and more turf wars (Lopez). The "Prohibition Era" from 1920 to 1933, often credited with "creating organized crime" in America, is one of the clearest historical examples of this paradox ("Prohibition Profits"). Prohibition spurred the formation of strong underground alcohol markets and bootlegging operations, leading to the creation of organized crime groups that expanded into other areas of criminal activity, like extortion, robbery, and contract violence ("Prohibition Profits"). During Prohibition, the homicide rate in the U.S. increased by 78% from pre-prohibition rates (Thornton). After Prohibition was repealed, homicide rates decreased (Jacks et al.; O'Neill); however, organized crime did not disappear — gangs no longer made money off of making and selling alcohol but instead turned to drug trafficking, prostitution, and other illegal means of profit ("Prohibition Profits"). Therefore, drug legalization would have to be accompanied by the creation of programs that make legal employment accessible to gang members.

Considering the results of drug decriminalization and legalization in other countries can provide insight into the positive effects of these strategies and why full legalization is favorable. In Portugal, the full decriminalization of drugs in 2001 has been overwhelmingly successful in reducing drug-related crime and incarceration rates. Additionally, illicit drug consumption

among adolescents dropped, which suggests that the illicit drug sale was also reduced (Ferreira; "Violent Crimes"). In the Netherlands, "soft drugs" like marijuana are decriminalized, but there are strict regulations on their sale and use. This legal discrepancy has resulted in fewer arrests and incarcerations for many drug crimes but also maintained a strong illicit drug market that supplies the "coffee shops" that sell soft drugs (Hernandez). In the U.S., due to the piecemeal legalization of marijuana in some states and the slow roll-out of regulations, legalization has been unsuccessful in significantly mitigating the illicit sale of marijuana, as demand remains higher than legal supply (Fertig). Although both drug decriminalization and legalization have been found to reduce illicit sale and use, fully legalizing the buying and selling of drugs is more effective because, as illustrated, the regulations that persist in places where drugs are only decriminalized still provide profit incentives for underground drug markets. These examples also imply that drug legalization is most effective when enacted swiftly at the federal level and when legal drugs are easily accessible for buyers and sellers.

Although drug legalization can limit gangs' profits, as previously illustrated by continued organized crime after prohibition, drug legalization alone will not eradicate gang violence or the prevalence of gangs. It has been argued that legalizing drugs may reduce violence related to drug crimes but can increase other avenues of profitable violence like extortion, robbery, and kidnapping (Rios). Therefore, it is crucial that resources previously used for drug law enforcement be put towards creating accessible and reputable social services and employment programs for gang members. In 2022, $10.6 billion was spent on domestic law enforcement related to drug control in the U.S., while only $2.3 billion was spent on drug prevention services ("Economics"). Some of the billions that would be saved by legalizing drugs can instead be devoted to developing services that offer gang members alternatives to criminal avenues of

profit. For example, Homeboy Industries, founded in Los Angeles in 1988, is the largest gang rehabilitation and re-entry program in the world (Frederick) and helps over 10,000 former gang members each year complete their GED, apply to college, and provide job training and placement programs ("Our Mission"). Collaboration between the government and current or former gang members to design similar programs can legitimize these programs in gang-affiliated communities, ensure they are tailored to community needs, and begin to build trust between gangs and the government. Additionally, enacting federal laws explicitly prohibiting employment discrimination on the basis of criminal records, and implementing "ban the box" policies that mandate the removal of questions about conviction and arrest history from job applications could also greatly ease transitions from organized crime to legal employment ("Ban the Box"). Having accessible pathways for gang members to pursue legitimate avenues of employment once drugs are legalized is crucial to avoiding other forms of organized crime.

In addition to developing programs to facilitate transitions away from organized crime, law enforcement and government officials should begin forging pathways for communication with and service to gang-affiliated communities. Government-facilitated gang truces and negotiations with gangs can build trust and dismantle the overpolicing and underpolicing paradigm that cause gang involvement. Again, these efforts can be supported by the monetary and human resources that are no longer dedicated to drug-related law enforcement. Negotiation between gang-affiliated communities and law enforcement can be a first step and a pathway to direct discussion between law enforcement and gang members, which has the potential to reduce violence in the short term and diminish the need for gangs in future generations. In 2018, in Medellin, Colombia, meetings were held between city officials and community members in gang-controlled areas during which both sides agreed on a list of commitments to provide

services to the community in exchange for cooperation. Additionally, the city assigned a full-time liaison to each community sector, who helped strengthen community organizations and communicate local concerns to the government. While these negotiations were not done directly with the gangs in the areas, they purposefully did not encroach upon gang activities or control, and as a result, gangs did not challenge city intervention or liaisons (Blattman et al. 35). As Blattman argues, "Importantly, the aim of the intervention was not to directly challenge gang rule or crowd out their services. Rather, the aim was to increase the visibility, accessibility, and speed of state services" (Blattman et al. 34). Medellin's framework is one example of how government officials can engage gang-controlled or affiliated communities in constructive ways to address the root causes of gang violence and rebuild trust.

As gangs observe law enforcement or government officials serving their communities, they may be more inclined to directly cooperate with law enforcement or engage in government- or law enforcement-facilitated intergang peace truces. Law enforcement might also have more success initiating truces or collaboration if they offer immediate concessions. As aforementioned, the March 2012 peace truce between MS 13 and Barrio 18 and the gangs' agreement to stop killing law enforcement officers in El Salvador were prompted by government officials agreeing to transfer gang leaders to lower-security prisons (Cruz and Duran-Martinez 205). Communities frequently have mutually beneficial relationships with gangs that stem from poor relationships with law enforcement and institutional neglect. As a result, providing neglected services to gang-controlled or affiliated communities, as well as offering incentives for gang negotiation, can foster trust and communication and serve as a first step toward re-establishing police authority in gang-controlled neighborhoods. Once relationships and a pipeline of services and

resources are established, gangs might be willing to assist law enforcement in developing frameworks for effective policing and communication in the future.

So, why are the government and law enforcement better off negotiating and cooperating with gangs rather than continuing to target gangs with punitive suppression tactics? My suggested framework offers strategies that recognize and take advantage of, rather than destroy, the bargaining ranges of resources and authority eliminated in various dimensions of the government's "war on gangs." By legalizing drugs, rather than policing their sale and consumption, gangs' main method of profit can be undermined, and government and law enforcement resources can be put towards working with current or former gang members to design robust education and employment programs that channel gang members away from other avenues of illicit profit and into legal employment. Gangs have authority and legitimacy in their communities, where law enforcement lacks both. Therefore, gangs are sources of untapped knowledge about the neglected needs of their communities, which they have the ability to inform law enforcement and government bodies of. Rather than continuing to undermine trust by oversurveilling and policing gang activity, law enforcement should both facilitate peace truces between gangs and negotiate directly with gangs and their communities to provide needed services and design more effective law enforcement frameworks. By moving away from punitive policing techniques, law enforcement risks losing legitimacy among those who support punitive policing against gangs but gains legitimacy and authority among gang members and community members with whom they practice mutual aid. Ideally, over time, the neglected and improperly policed communities from which gangs arise will become recipients of robust social services and law enforcement services that will lower the risk of violence that youth face and alleviate

poverty, undermining the incentive to join gangs. If gang violence and drug trafficking are reduced, law enforcement's legitimacy in the public eye will ultimately be restored.

The solutions offered are not individual panaceas, but when pursued together, they have the potential to reduce immediate gang involvement and violence while also addressing root causes. Continuing to use suppressive strategies to police gangs only perpetuates the cycle of violence that births and maintains strong gangs. The demonization of gangs discounts their intimate knowledge of their communities and facilitation of important security and social services, which can inform better policing. As Blattman argues, "war's destruction means that, beforehand, both sides are almost always better off finding a peaceful split than going to war" (Blattman 29).

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