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9 Applications I

Eliminating overt drug markets: the “High Point” strategy

How might deterrence strategies built around these ideas look in practice? In this and the following chapter, we will look at two examples, the first concrete and the second speculative. Both are aimed at core public safety problems that have proved stubbornly resistant to traditional deterrence, enforcement, and prevention approaches.

The first, the subject of this chapter, was designed to address community drug markets. Drug markets are extraordinarily toxic to communities. Street sales and drug houses create crime hot spots; take over public spaces like sidewalks, parks, and stores; attract drive-through buyers and prostitutes; drive residents out and attract transients; drive out businesses and reduce the value of housing and commercial buildings; ease entry into criminality for young people; and facilitate drug use and addiction and the personal, family, and community harms they engender.

Routine drug enforcement also creates serious community harms. Overt markets are located almost entirely in poor minority neighborhoods, housing projects, and the like. In these neighborhoods, persistent drug enforcement frequently leads to very high levels of arrest, conviction, probation, incarceration, and parole for, especially, younger men. In some neighborhoods substantial majorities of younger men end up with criminal records and histories of incarceration or court supervision. Their criminal records inhibit them from finishing school and pursuing further education and cut them off from legitimate work and career advancement. High rates of arrest and incarceration can foster an informal street culture in which drug-dealing, arrest, and prison come to be viewed as routine, status-enhancing, and even a marker of adulthood. The routine use of intrusive enforcement measures, such as street stops, vehicle stops, and search warrants, often means that even law-abiding residents have hostile encounters with police.

Perhaps worse, powerful “narratives”—accounts of and explanations for what is going on—are developed by the affected communities, by law enforcement, and by drug dealers themselves. A dominant community narrative embeds drug issues and the community’s experience with drug enforcement in the historic experience of minorities, especially African Americans, in America. On this account, drug enforcement is part of an unbroken chain of

deliberate oppression that began with the enforcement of slave codes and slave-catching and continued through the legal and extra-legal repression of Reconstruction; law enforcement’s involvement with the Ku Klux Klan and other white racial terrorists; the use of law enforcement to enforce Jim Crow laws and the informal racist rules of the pre-civil rights era; and law enforcement’s attacks on civil-rights activists. The heroin epidemic of the late 1960s and crack epidemic of the late 1980s and early 1990s—which continues in force in many neighborhoods—are viewed as deliberate government actions to damage communities finally freed by the civil-rights movement from formal legal oppression. The community believes that the drug trade could not exist without at least the acquiescence of the police and other authorities, and authorities are believed to be complicit in drug-trafficking. It is believed that the real money in the drug trade goes to high-level figures outside the community, and that there are more drugs sold and used in majority neighborhoods, but that law enforcement has no interest in those people or those crimes. High levels of enforcement, arrest, and incarceration are seen as the intended outcomes of a deliberate outside attack, designed to destabilize the community, control strong young men, and provide work for law-enforcement agencies and prison staff.

A dominant law-enforcement narrative is that the affected communities have entirely lost their fundamental social and moral standards. On this account, the community as a whole no longer stands against drugs, violence, and other crime; sets and enforces no standards for its young people; takes no responsibility for itself but seizes any opportunity to blame outsiders, especially the police; does not insist that its young people finish school, go to work, care for their own children, and the like; and lives off drug money. Drug dealers themselves are seen as irrational and often predatory and sociopathic. They are not deterred by frequent arrest and incarceration or by high levels of homicide and other serious violence; they use violence to settle trivial personal disputes; their drug-dealing destroys their own communities; they corrupt very young children into the drug trade as runners, look-outs, and the like; and they care about nobody, including themselves.

A dominant narrative among street dealers and similar offenders is that they have no choice in what they do because of the barriers created by racist outsiders; that history and current conditions have left them no options; that whites and other outsiders commit more serious crimes—as exemplified by such things as the Iran–Contra and Enron scandals—but do not pay for them as severely; that arrest, incarceration, and death are inevitable and nothing to be afraid of; that “respect” is everything and disrespect must be met with violence; that the community tolerates or supports what they do; and that the police and others in law enforcement are racist predators.

These narratives are rarely voiced in any consistent way across the groups involved—community members say to each other that the police must be conspirators in the drug trade, but do not say it to the police; the police say to each other that it is impossible to do anything about drugs because everyone in the community is living off the trade, but they do not say it to

residents. These strong beliefs therefore go unexamined, unchallenged, and become even more deeply internalized. The result is a profound racial schism with impact and implications well beyond issues of crime and drugs.

The “High Point” drug market intervention—so called after the city of High Point, North Carolina, where it was worked out and first implemented—was framed around the ideas developed so far in this volume and was designed to address all these issues. Perhaps most interesting was that it explicitly recognized and addressed the “norms and narratives” around drug issues that are embedded in law enforcement, communities, and offenders. In so doing, it recognized implicit common ground among all these parties and crafted—despite wide initial polarization—a strategic response in which all parties could change their behavior for mutual benefit.

This chapter is not a formal evaluation of the intervention.¹ Some apparent impacts will be presented, and some reasons will be suggested to believe that those apparent impacts are likely to have been caused by the intervention. The main point here, however, is to show one way in which the ideas thus far presented could be applied in practice to an important public-safety problem.

High Point

High Point is a city with a population of approximately 95,000 in central North Carolina (it adjoins the much larger city of Greensboro). Shifting manufacturing patterns in its core furniture industry have led to a declining industrial base. The city is 60 percent white and 30 percent African American; some 13 percent of the population and 10 percent of families live below the poverty line. High Point started experiencing serious drug activity and gun violence in the mid-1990s, when its homicide rate climbed higher than the much larger adjoining cities of Greensboro and nearby Winston-Salem.

High Point, working with the author, became one of the first cities to replicate Boston’s focused-deterrence violence prevention strategy, launching the interagency Violent Crime Task Force (VCTF) in 1997. The VCTF grew to include the High Point Police Department (HPPD); the US Attorney; the Guilford County District Attorney; probation; parole; the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the Drug Enforcement Administration; the Federal Bureau of Investigation; numerous city agencies, service providers, churches, and community groups; and research partners from Harvard, Winston-Salem State University and the University of North Carolina, Greensboro. Violent crime in the city seemed to respond to that intervention. More than that, the focused deterrence/direct engagement approach became part of the way HPPD and its partners thought about and did its work.

In 2002, James Fealy, a career police officer in the Austin, Texas police department, was named chief in High Point and immediately decided to focus on overt drug markets. Fealy’s first tour of the city was enough to observe chronic street-corner dealing, crack houses, prostitution, and drive-through drug buyers. These markets were exclusively in poor minority

neighborhoods, though drug and sex buyers often came from outside. The markets drove a wide range of crime; community complaints were chronic. HPPD and its partners did a great deal of street drug enforcement, warrant service, and investigation of mid-level dealers, but to no effect; some of High Point’s open-air markets, such as that in the heavily hit West End neighborhood, had been active for more than twenty years. All of this was familiar to Fealy, who had the same experiences and frustrations from Austin.

In the fall of 2003, Fealy and HPPD Majors Marty Sumner and Randy Tysinger, Narcotics Unit Lieutenant Larry Casterline, and Assistant US Attorney Rob Lang began discussions with the author about framing a different approach to the problem. High Point’s goal was to eliminate overt drug markets citywide and to address the key problems associated with them: homicide, gun assault, robberies and other serious violence; sexual assault; prostitution; drive-through drug buyers; and broad community quality of life concerns. To these goals, the author added an additional set of issues: addressing racial conflict between communities and law enforcement, and the individual and community harm produced by traditional drug enforcement. The “High Point” strategy was developed by that team in the following fashion.²

Key themes in the strategy

Strategic problem definition: not a “drug problem”—a “drug market” problem

The strategy began with the idea that what had to be dealt with was not “the drug problem”—as it is usually framed—but a *drug market* problem. Many of the crime and community problems associated with “the drug problem” are a function of overt, disorderly drug markets, rather than with drugs as such. Street-dealing and crack houses create dynamics in communities that discreet drug markets do not. There are forms of drug markets that do not bring with them public dealing, drive-through buyers, or street prostitutes, and associated issues of violence, other crime, and disorder.³ Those problems are associated with particular forms of the drug market—with “overt markets”—rather than with drug-dealing and use as such. There is a clear parallel here to various forms of other illicit markets, such as that for prostitution. A street sex market creates greatly more harm, both for the affected neighborhood and for actual participants, than does an escort service. The project was thus framed not as *doing something about drugs* but as *eliminating overt drug markets*.

Contingent nonlinear dynamics: “tipping” in overt markets

Overt drug markets have strong sustaining dynamics. They are usually quite well defined geographically. Once they establish themselves in particular places, buyers know that they can buy there, and sellers know that they can sell there, so both have reason to continue in the same place even in the face of

real risks. There is safety for both sides in numbers. Enforcement rarely reaches the whole market at once—for instance, addressing all sellers and buyers simultaneously—so even large numbers of drug arrests over time do not shut the market down. Buyers and sellers subject to enforcement action return to a thriving market and are easily reincorporated. The constant but unsuccessful enforcement attention such markets usually receive emboldens dealers and buyers, demoralizes and angers residents, makes law enforcement look weak and foolish, and contributes to the various harms and narratives described above.

Overt markets do not suddenly emerge full-blown in particular places, however. They develop gradually over time. Similarly, if it were possible to deliberately shut one down for a time, even if it were to reestablish itself it would not do so instantly. A few dealers would begin again, other dealers and potential dealers would observe them and follow, buyers would learn the market was back and start patronizing it. Before long the market would be back in full force, but if this process were to be interrupted at the very beginning, it would be possible to prevent the market from returning. If the process were routinely interrupted early, the market could be routinely and consistently “headed off.” Over time this could mean that dealers would stop trying to sell there, buyers no longer bother to look there, and community confidence would be reestablished. The effort necessary to maintain the market in its “closed” position would then be greatly reduced.

This is a classic “tipping” dynamic—a big problem that nevertheless starts small and has two natural stable points: completely out of control, on the one hand, and almost completely quiet, on the other. The High Point strategy therefore focused on (1) deliberately shutting the market down all at once and completely, and (2) building in a maintenance strategy that had law enforcement steadily looking for the “first movers” seeking to open it again and preventing them from succeeding.

Create formal social control: Ensure predictable formal sanctions

Low-level drug dealers tend to accrue extensive criminal histories but tend to face low and almost completely unpredictable risks at any given moment. Research shows street dealers can average hundreds of transactions between arrests,⁴ and most drug arrests result in low-level sanctions: the prison risk per cocaine transaction has been calculated at 1 : 15,000.⁵ Even when a dealer in fact faces a real risk, he usually doesn’t know it until he’s been arrested and charged. The deterrence value of ordinary drug enforcement is probably, therefore, almost nil, even in the midst of very high levels of police activity. Ideally, dealers should know, when they think about going out to sell, that they face a real risk. An effective deterrence framework should thus produce a high risk of a meaningful sanction, and make that clear to offenders.

Formal sanctions should be minimized

High levels of drug enforcement do enormous damage to individuals and communities. Personal and social capital is damaged; individuals and whole cohorts have little reason to finish school and take entry-level jobs; families are disrupted; the stigma of conviction and imprisonment are reduced and even reversed; and relations between communities and law enforcement are poisoned. The actual application of formal sanctions should thus be minimized. Deterrence, rather than enforcement, should be the goal.

Community, family, and peer standards matter more than law enforcement, but local norms and narratives stand in the way

Individual morality, the views of respected family, peers, and role models, and clear community standards are the most powerful underpinnings of good behavior. These influences are not aligned against drug-dealing in troubled communities. Deeply racialized narratives identify drug enforcement with the long history of deliberate oppression of the minority community, implicate government conspiracies in the drug trade, and label law enforcement as racist. Among networks of offenders, informal norms require individuals to act as if jail and prison are nothing to fear, and violence nothing to avoid—that, indeed, they build credibility—early death is inevitable, disrespect requires violence, and the like. There are strong community feelings against drug offending, and offenders have real interests in stepping away from the street, but these “norms and narratives” keep them from being clearly expressed.

Mutual misunderstandings perpetuates these dynamics

Law enforcement, communities, and drug dealers misunderstand each other in important ways. Law enforcement and other outsiders see no clear stand from communities against drug offending and believe that the moral strength of communities has been lost. Communities see law enforcement pursuing transparently ineffective and destructive strategies and infer corruption and deliberate oppression. Drug offenders do not see clear stands against drug offending from their own communities and believe that their own actions are excused, tolerated, and even celebrated. Drug offenders see each other and believe that each is committed to deviance. Law enforcement sees offenders as irrational and even sociopathic.

None of these things is true. But systematic misunderstandings perpetuate the errors. Law enforcement does not say out loud what it says behind closed doors: Nobody in law enforcement thinks the drug war is being won, and law enforcement would love to do something that would in fact work, but they do not say so to the affected communities. Communities loathe the drug-dealing and violence and despair over the future of their young people,

but they do not say so to the police. Low-level dealers are afraid, do not want to go to prison, and are not making a lot of money, but they do not say so to each other, to their own community, or to the police. These norms, narratives, and dynamics are never explicitly addressed, misunderstandings are not revealed, and common ground is not apparent.

Help matters

Drug offenders should have help to do better. Support and services—mentoring, treatment, education, employment, and the like—should be provided. If drug proceeds are in fact paying for rent, food, and the like, then families should get help making the transition to living without drug money. This is important for at least two reasons. If dealers and families in fact start leading legitimate lives, that is a good thing, and attachment to legitimate others and activities will help prevent their and the community's return to drug-dealing. If they do not, but a legitimate offer of help has been made, then they will no longer have any excuse for criminality, and the offender and community narrative that justifies drug dealing will have been undercut.

Small numbers of drug dealers

Even in communities with severe drug market problems, only a small number of offenders drive the problem. Research shows that at any given time only a few percent of (largely) young men are heavily involved. In-depth examination of particular drug "crews" and drug markets frequently shows that very small numbers—from less than ten to a few dozen—are involved. This means that if all the offenders in a given market need to be addressed, the challenge—whether from law enforcement, community engagement, or social services—need only be sufficient to those numbers.

The "High Point" drug market intervention

The operational, "High Point" plan that resulted from these considerations was designed to eliminate overt markets citywide by closing individual markets permanently one at a time. The belief was that the most powerful step that could be taken was for the community, and dealers' own families and peers, to make it very clear to dealers that selling drugs was unacceptable and must stop; in so doing awakening any latent norms and narratives within and amongst offenders that stood against drug-dealing; and establishing a consensual narrative that if law enforcement had to take enforcement steps then those steps represented the will of the community, not outside oppression.

In order to do those things, it would be necessary to address the conflict and misunderstanding between law enforcement and communities; to elevate positive norms within communities, families, peers, and offenders; and to

focus those influences on dealers. It would also be necessary to provide social services and support to dealers and perhaps to their families. If those steps failed, it would be necessary back them up with immediate, meaningful and predictable criminal sanctions.

Addressing law enforcement, community, and drug dealer norms and narratives

Central to the process was a series of discussions: first, within law enforcement, and then between law enforcement and communities. These discussions were, in effect, a specification of each group's own "norms and narratives," a translation of those ideas from one group to the other, and a discussion of the impact on the core drug market problem of how each group was behaving and interacting with the other. The discussions began in small and private groups and gradually expanded to include more participants and then into open sessions (history with similar conversations has shown that open-door meetings are impossible settings in which to talk about these issues, at least initially). The emergent central themes from these discussions were very clear.

Law enforcement needed to understand that its commitment to enforcement, even when it did not solve the problem, did unintended damage to communities and was seen by the community through the lens of a powerful historic and racial narrative that painted contemporary law enforcement as oppressive and often couched drug enforcement as a deliberate means to that end. Constant arrests, street stops, and even harsher measures like going into houses on warrants was not seen by the community as well-intentioned police work that was regrettably not producing the desired effect; it was seen as a destructive and even conscious attack on the community.

For many in law enforcement, this was not at all difficult to take in; Chief Fealy, in an early conversation, told members of the West End community that one of the worst moments in his career was when, upon completing a drug sweep in his native Austin, Texas, an elderly black woman in the neighborhood told him that he and the police were almost as bad as the drug dealers. The depth of the community beliefs came as a great shock to many in law enforcement, however. Community members frequently said, for example, that the police let the drugs come into the community because otherwise they would be out of work, a perspective that had never so much as occurred to the police, who knew perfectly well that they'd have more than enough to do regardless. Chief Fealy, in turn, told community members that nobody in law enforcement, from the head of the Drug Enforcement Administration on down, thought the drug war was winnable and that he couldn't keep drugs out of the community no matter what he did: an admission that equally shocked the community. This kind of exchange—facts understood in one way by one side but understood in completely different ways by the other side—was a routine occurrence in these

conversations. Fundamental attribution error was in full force. "We thought we were on good terms with the community, and that we understood each other," says High Point Major Marty Sumner. "We didn't understand each other at all." It didn't take long for many in law enforcement to see what they had been doing in substantially new ways. "Well-intended officers recognize these areas as problematic but apply tactics that alienate the community," said Lieutenant Larry Casterline, who ran the HPPD narcotics unit.

Community members, in turn, needed to understand that their silence about drug and violence issues was read by both outsiders and street offenders as tolerance, support, disinterest, or some combination thereof, that no community could flourish without setting clear standards about right and wrong, and that neither law enforcement nor anybody else could set and enforce those standards from the outside. Community members generally responded to this with frank assessments that this was true, frequently saying to each other that their own parents would never have tolerated such misbehavior and that the community today needed to return to those kinds of attitudes. Those in law enforcement who had written off the community as disintegrated, complicit, and even corrupt were in turn frequently shocked by what they heard.

Both law enforcement and communities needed to understand that low-level drug activity was frequently a product more of informal peer and "street" dynamics than of sensible economic calculation or organized criminal enterprise. Repeated arrests and returns to jail and prison may not mean that a young man is self-destructive or irrational; it may simply mean that he's running with other young men who constantly say they don't fear prison and death, whatever they actually believe privately. In both law enforcement and in the community, there were widespread myths and misunderstanding that needed to be addressed. Many on both sides, for example, believed that nonexistent "gang leadership" would not allow dealers to stop, or that low-level dealers routinely make vast sums in short times (minimum wage or less is closer to reality). As these conversations developed members of the community who were very close to the streets, such as ex-offenders and gang outreach workers, were enormously valuable, able to say from direct experience and exposure what the street drug trade and street life were really like—realities that were often quite far away from the images held by others.

These conversations were, for the most part, saying out loud what both community and law enforcement routinely said in private, dealing with the misunderstanding and mythologies, and recognizing that both sides were contributing to the terrible outcomes on the street. They went surprisingly easily. And clearly evident was important common ground: that everybody loathed the drug activity and the violence; that everybody wanted pointless heavy enforcement to stop; that everybody wanted dangerous offenders and those who would not listen to be controlled; and that everybody would rather find a way to work together than to continue in angry polarization. "The community was deeply angry at law enforcement and felt that we were

incompetent or doing deliberate harm," says Chief Fealy. "We did not see community opposition to drugs and violence. We did not credit at all that dealers were rational and reachable, as events have clearly proven."

These conversations started early and continued during and beyond the development and implementation of the drug market strategy (see Exhibit 9.1).

Identifying and selecting an initial drug market

The HPPD felt that it was very important to be as objective as possible about identifying and selecting overt drug markets for attention. Police departments, particularly street level and narcotics officers, know perfectly well where their markets are without special analysis. HPPD wanted, however, to be able to show clear evidence to community members, politicians, and the media how and why they had selected particular markets and to use solid data to choose the most serious one and to justify not choosing others. "If somebody said, why are you picking on my neighborhood, or somebody else said, why didn't you come to my neighborhood, we wanted to be able to show it was objective and not prejudice or politics," says Major Sumner. HPPD mapped drug arrests, calls for service, field contacts, and Part I, weapons, sexual, and prostitution offenses. Within hot spots, serious crimes were individually reviewed for a drug connection. Information from patrol officers, vice/narcotics investigators, informants, and crime tip lines was analyzed. The West End, Daniel Brooks/Washington Drive and Southside

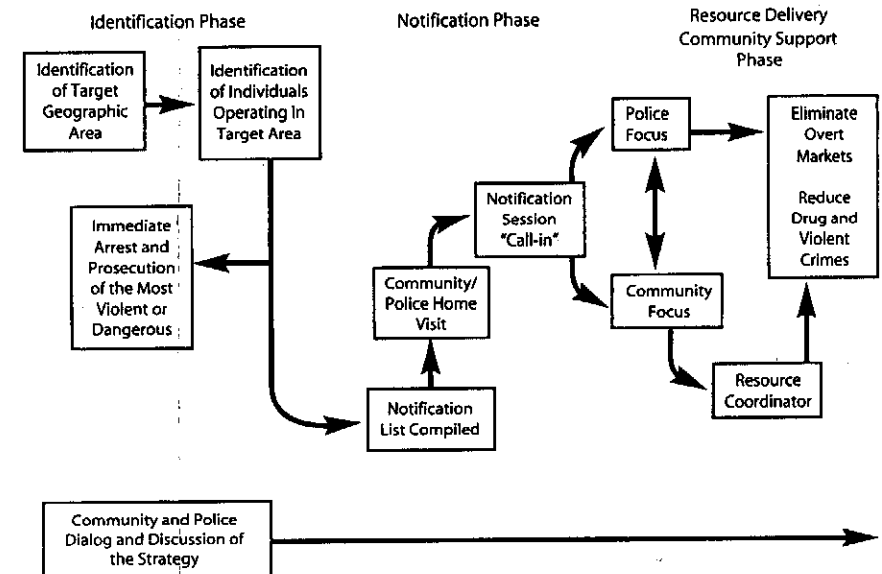


Exhibit 9.1 The High Point drug market process

neighborhoods were identified as major overt markets (see Exhibit 9.2); a fourth area, East Central, emerged later. The West End and Southside areas are largely rental housing; Daniel Brooks is entirely public housing. In the West End, which was selected for the initial operation, analysis showed that the small hot-spot area had generated roughly 10 percent of High Point's violent crime for over a decade. A recent home-invasion homicide in which three young men had gone from breaking into cars to murder in less than a year sealed the selection of the West End as the initial site. An important additional factor was the presence of a strong community network, High Point Communities Against Violence.

Careful identification of all dealers

Intervening simultaneously with all dealers in a market was seen as crucial to disrupting the market and the small-group/network dynamics supporting offending. For each market, vice/narcotics detectives surveyed patrol officers, probation officers, street narcotics officers and community members and reviewed every arrest report, incident report, and field interview associated with possible dealers. All known associates were reviewed. Suspects' current activities were checked. The relatively large initial list generated by this process was repeatedly trimmed as it turned out that dealer once active in the area no longer were, or were not actually dealing, or were in prison.

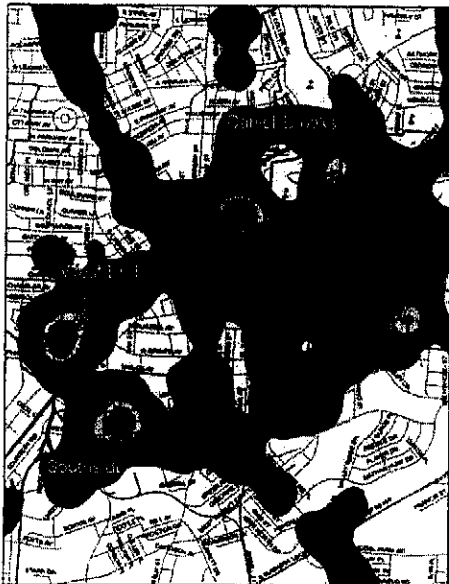


Exhibit 9.2 Drug market hot spots: from north, Daniel Brooks, the West End, and Southside

The process uncovered a very small number of active dealers. The West End turned out to have only sixteen active dealers (High Point's next site, the Daniel Brooks public-housing project, also had sixteen; its third site, the Southside neighborhood, had twenty-six; the final East Central neighborhood had thirty-two). "We'd been doing sweeps in the West End every month for years, and I thought there were hundreds of dealers there," says Major Sumner. "When it turned out to be sixteen, that's when it became manageable. I thought, we can do this." When Winston-Salem went through this process in its Cleveland Avenue neighborhood, in a public-housing project that had been an open market going back to the first heroin epidemic, they too thought they were essentially drowning in drug dealers. Careful police work identified thirty-one. "There were a lot of people hanging around, and a lot of users and just people in the mix, but not many actual dealers," says Winston-Salem chief of police Pat Norris. "The small number of dealers in any given market became quite apparent to law enforcement when we researched identified markets," says HPPD's Casterline. "This exercise helped officers realize that they may have been directing enforcement action toward individuals who lived in and around the drug market but who were not actually involved in it."

Creating certain formal sanctions: "banking" cases

It turned out to be relatively easy—if, in some quarters, somewhat controversial—to deter these dealers, to put them in a position where they knew that they would face meaningful formal consequences for any future drug-dealing. In each market, ordinary investigative techniques were used to make cases against each dealer. Undercover police officers or confidential informants got video and audio recordings of all buys. High-level and clearly dangerous dealers were arrested and, by prior arrangement with prosecutors, got careful state and sometimes federal attention. In general, if dealers had prior convictions for violent crimes or gun offenses, or there was intelligence that they were dangerous, they were arrested. The proportion of such "high level" dealers varies from market to market; in the West End, only four of the initial sixteen dealers were arrested.

For "low level" dealers without a history of violence, however, the cases were "banked": taken to the point that a warrant could be signed, and held there. This permitted law enforcement to tell dealers, at a time of their choosing, that if they continued dealing they would immediately be arrested—without further investigation—but that if they stopped nothing need happen to them. The chance that something meaningful would happen to them if they continued dealing was now not 1 : 15,000 but roughly 1 : 1—and they knew it.

Not surprisingly, this step is difficult or impossible to swallow for many in law enforcement. Well after the initial High Point intervention, the National

Urban League approached Karen Richards, county prosecutor in Fort Wayne, Indiana, in an attempt to replicate the approach there, but she wanted nothing to do with it. "Why not slam 'em from the beginning and forget this foolishness?" she said. "Drug dealers are drug dealers [...] They won't have an epiphany and end up as model citizens."⁶ A participant in a workshop on the High Point strategy at the Justice Department's 2006 Project Safe Neighborhoods National Conference had similar reservations. "Can't we just arrest them all, and then do the rest of the strategy?" he asked.

For a variety of reasons, others—so far, most—in law enforcement who have considered the strategy have been willing to take the step. One reason is that they believe that more of the usual will not give different results. "I've been in narcotics enforcement my whole career," says Chief Fealy. "It's never worked." In the normal course of events, when these low-level dealers would be—to their surprise—arrested, they would be bonded out and returned to the streets, where they would be free to continue dealing (it is a commonplace among police that their dealing often increases at that point, as they have lost profits to make up and legal bills to pay). Most cases would then be pled, piecemeal, over the next year or so to probation—which would keep them on the street—or to relatively minor jail or prison terms; while on the street on probation little supervision would be exercised; when their jail or prison terms were over, little or none would. The apparently tough step of arrest and prosecution was in fact next to meaningless: which was clearly understood by no one better than the dealers themselves.

"Banking" the cases, on the other hand, meant that the dealers knew to a certainty *ahead of time* that they faced whatever inconvenience, expense, and formal penalties their arrests would precipitate. Since the charge was being held over their heads, they faced those consequences not just for the single drug transaction (or few drug transactions) for which they could be arrested at the moment, but for all transactions they might contemplate while the charge was banked. They were on the street but *not* free to continue dealing, unless they wanted to risk the very high chance of activating the case. Most, as it turned out, did not, making a mockery of the street bravado that nobody cared about the police or prison: it was easy to posture thus when it was too late to do anything about it, but much harder when there was in fact a clear choice. As backward as it seemed, banking the case was greatly more onerous than pursuing it.

Banking the cases also greatly changed the underlying moral calculus: it was a graphic and concrete way to show the community, dealers, and their families that the views they had of law enforcement as conspiring to harm the community and control young black men is wrong. Steven Hairston, Head of the Winston-Salem NAACP (National Association for the Advancement of Colored People), spoke at the first open community meeting about the prospective Winston-Salem drug market intervention. "I never would have believed that the police would hold our young men in their

hands, able to put them in prison, and not do it," he said. "If they can do that, we can do our part." Another is that an arrest and conviction does permanent harm to a dealer's future, should he later want to change. "We've come to see the damage it can do," says Marty Sumner. "I tell them, I don't want to turn you into a felon."

Identifying "influentials"

Following on the core idea that dealers would stop when those around them made it clear they should, a core hope was to enlist those close to offenders—parents, grandparents, guardians, elders in the communities, ministers—to create and reinforce positive norms and expectations. There was a great deal of concern in High Point about whether this would be possible, whether those close to the dealer would in fact stand for the right things, would accuse the police of setting up or profiling the dealer, were living on drug money, were in denial, or a range of other possibilities. For the most part, in practice, such fears have been unfounded: When approached, told their son or daughter or grandchild or friend was in serious trouble but could also get help, such figures have usually rallied. For each dealer, one or several "influentials" was identified—in practice, primarily mothers and grandmothers—by reviewing the dealer's contact history, booking records, probation officer contact logs, and jail-visit lists. When contacted—a process detailed below—most were willing, even grateful and eager, to step forward.

Organizing services

Services were identified and organized. The city of High Point hired a resource coordinator to work closely with dealers and their families (this was one of the few uses of new funding in the intervention). A group of ministers, service providers, healthcare workers, nonprofit organizations, educators, and elected officials worked to ensure that needs—most commonly employment, housing, transportation, and help enrolling in GED (General Equivalency Diploma: the equivalent of a high-school diploma) programs—were met. For the initial intervention in the West End, the High Point city manager even offered jobs to several offenders once they could pass a drug test.

Shutting the market down: The "call-in"

The key operational moment in the strategy was a "call-in" at which law enforcement, community members, and service providers delivered a unified message to dealers in the company of their influentials. When it was clear that a "beachhead" market could be maintained effectively, a new one would be identified and addressed. In the end, in High Point, only four operations were necessary: the West End (May 2004), Daniel Brooks (April 2005), Southside (June 2006), and East Central (August 2007).

Over the early months of 2004, the law-enforcement and community conversations took place in the West End, dealers were identified and investigated, services organized, and "influentials" identified (see Exhibit 9.1 for a flow model of the strategy). During the two weeks before the May 18 call-in, teams consisting (for the most part) of a HPPD detective and Revd. Summey, pastor of English Road Baptist Church in the West End, made home visits to the dealers and their "influentials." They were told that police had made undercover buys from the offender; that probable cause existed for an arrest; that an opportunity to avoid prosecution and an offer of assistance would be discussed at the call-in; and that family members and others were encouraged to attend. The offender received a letter from Chief Fealy inviting them to the call-in with a promise that no one would be arrested that night (see Exhibit 9.3).

For the initial West End notification, nine of the twelve dealers came to the meeting, accompanied by many "influentials" and others. They heard an uncompromising message from community speakers: "We care deeply about you, we'll help you, but you're hurting people and destroying the community and you need to stop." They heard an uncompromising message from law enforcement: "You could be in jail tonight, we don't want to do that, we want to help you succeed, but you are out of the drug business." Enlarged surveillance photos of drug locations lined the walls; the dealers' case books were on a table in front of them; and four chairs, bearing pictures of the dangerous offenders arrested as part of the operation, sat empty. Dealers' mothers and grandmothers cheered both the community and law-enforcement messages. Law enforcement's willingness *not* to act on existing cases seemed to make a profound impression on the dealers' families and other community members. Most of dealers signed up for services; the next morning the coordinator got a call from a dealer previously unknown to law enforcement asking if he too could participate. This same basic pattern has continued for subsequent call-ins in other markets (twenty of twenty invited dealers showed up at the third, Southside meeting).

The call-ins have been electrifying events, with police officers moved profoundly, drug dealers testifying to their gratitude for a second chance, community figures speaking in terms of both accountability and redemption, and family members speaking strongly and plainly to their children. "As hard as it was to believe that drug dealers would change their behavior," says Chief Fealy, "we now find it harder to understand how they would not." Larry Casterline says, "It turns out dealers *are* rational. Scratch another narrative." While not probative, there is some evidence that dealers in fact responded as the theory of the intervention hoped they might. Randy Dejournette, one of the West End dealers, told the *Wall Street Journal* that he was surprised by the community's new stand, ashamed at disappointing his mother, who continued to keep him in line after the meeting, and that "everybody's gone" now from the West End's streets. "I'm not going to go out there by myself and sit on the corner and look dumb."⁷

Jim Fealy
Chief of Police



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High Point Police Department

April 29, 2004

John William Doe:

As Chief of Police with the High Point Police Department, I am writing to let you know that your activities have come to my attention. Specifically, I know that you are involved in selling drugs on the street. You have been identified as a street level drug dealer after an extensive undercover campaign in the West End area.

I want to invite you to a meeting on May 18, 2004, at 6:00 PM at the Police Department. You will not be arrested. This is not a trick. You may bring someone with you who is important to you, like a friend or relative. I want you to see the evidence I have of your involvement in criminal activity, and I want to give you an option to stop before my officers are forced to take action. Let me say again, you will not be arrested at this meeting.

If you choose not to attend this meeting, we will be in contact with you along with members of the community. Street level drug sales and violence have to stop in High Point. We are giving you one chance to hear our message before we are forced to take action against you.

Chief James Fealy
High Point Police Department

Exhibit 9.3 The call-in letter

Impact

Closing the markets

There are no remaining overt drug markets in High Point. The quality of life in the affected neighborhoods has improved dramatically. "Most important, these changes are almost entirely self-sustaining," says Chief Fealy. "We

continue to work in these neighborhoods, but an active community consensus now stands against drug-dealing.”

The West End drug market vanished literally overnight. Street-corner and drug-house activity, drive-through buyers, and prostitutes were simply not in evidence. The character of the neighborhood changed immediately, with residents going outside again, children playing, people taking care of their properties, and a multitude of other signs of transformation. Particularly satisfying was that for the first time large numbers of local children attended one church’s summer program: The kids said that their mothers had told them it was now safe to walk to church. Street and narcotics officers soon picked up a clear sense from offenders across High Point that the West End had become a “no go” area for drug dealers.

The same occurred in turn in Daniel Brooks, Southside, and East Central, with the fascinating development that in Daniel Brooks the market collapsed when HPPD began public discussions with the community, and in Southside when HPPD delivered the invitations to the notification. Offenders clearly knew what was coming and complied immediately, a classic instance of the “anticipatory benefits” of effective deterrence communication strategies.

The markets are genuinely closed. In just over a month prior to the call-in, narcotics officers made multiple purchases from eleven different people at seventeen locations in West End. In Daniel Brooks, narcotics officers made multiple purchases from twelve different people at eight locations. In the Southside, fifty-one street buys were made at twenty-nine locations, multiple times at some locations. In each market, undercover officers and informants were able to make buys every time they tried. Following the call-ins, focusing on both these and other locations, HPPD was unable to make a single buy. Informants attempted to make buys in the West End and Daniel Brooks several times a week for three months, without success. Informants now spot-check these neighborhoods once a month. The West End has now been closed for over three years, Daniel Brooks for over two years, and Southside for a year. The same pattern is apparent in the recently closed East Central market.

No displacement has been evident. With the closure of the East Central market, no overt market remains anywhere in the city. HPPD investigators are aware of and continuing to pursue discreet drug dealing and higher-level traffickers, but are aware of no locations where there is public dealing or where strangers can make drug connections.

Violent and drug crime

In the West End, violent and drug crime also dropped dramatically, not just in the formal target area but also in the larger area recognized as the West End neighborhood. Small absolute numbers make for large percentage shifts, particularly for short comparison periods, but three years out the reductions in violent crime—defined as murder, rape, robbery, aggravated assault, prostitution, sex offenses, and weapons—appear to have stabilized at about 41

percent (see Exhibit 9.4). Most important, there has not been a homicide, rape, or gun assault in reported in the West End since the intervention. Gunshot calls for service have dropped by over 50 percent. Violent crime in the Southside area has followed a similar pattern (see Exhibit 9.5). Drug crime is similarly down and has shifted from dealing offenses to minor possession, paraphernalia, and the like (Exhibit 9.6). Violent crime citywide is down 20 percent over the more than three years of the initiative. In Daniel Brooks, what appears to be more realistic reporting of crime—a common phenomenon when police/community relations improve—and a serious domestic violence problem has kept numbers up; those numbers are now declining (see Exhibit 9.7). Early returns on the East Central intervention show it following the same pattern as the West End and Southside.

Some dealers doing well

The hardest part of the overall strategy has been helping dealers lead normal lives and get good jobs. Most of the dealers in the initial West End site, for example, did not make their way through to getting and keeping good jobs. The most successful approach seems to involve ex-offender mentors working with the dealers. In High Point’s Daniel Brooks initiative—in addition to the regular menu of services—a church-based ex-offenders’ group matched mentors with the dealers. Most of those dealers are now working regular jobs.

Maintenance

It has in fact turned out to be relatively easy to hold onto these gains and keep the markets closed. All the sites report that the areas are more or less recognized as off-limits by drug dealers and that clear community standards

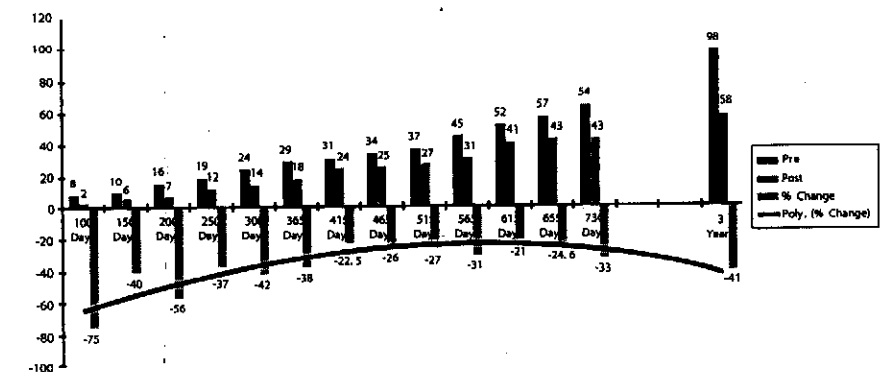


Exhibit 9.4 Serious crime in the West End

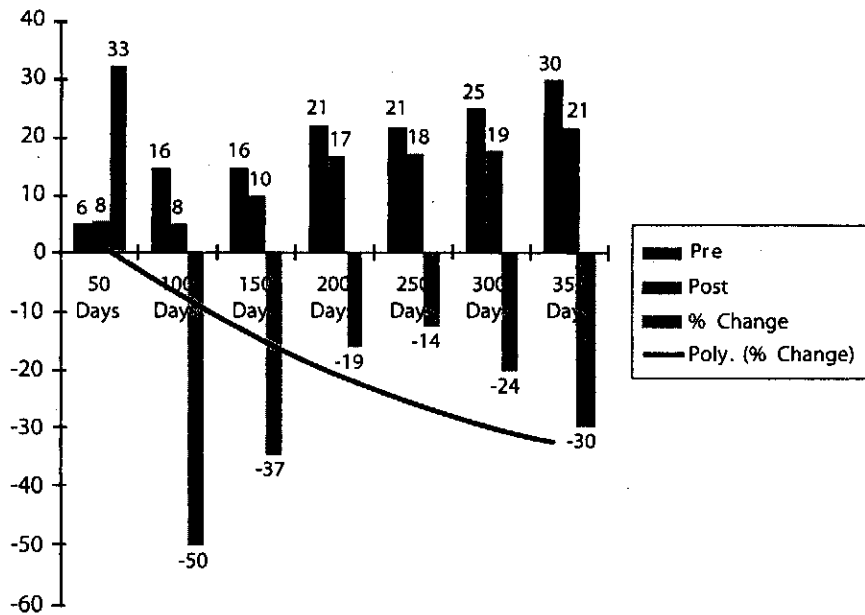


Exhibit 9.5 Violent crime in Southside

are doing a lot of the work of keeping them free of dealing. "I say, they got their outrage back," says Major Sumner.

The main lesson has been to frame any additional enforcement work in terms of *communicating deterrence*. "We realized that when we saw something, or got a complaint, we had to do something visible right away," says Major Sumner. If someone called about a drug house in one of the market areas, doing undercover work, setting up a warrant, and serving it might take a month. That process was, of necessity, secret, while residents and dealers alike watched and thought nothing was being done and that law enforcement's promises had been empty. HPPD therefore made sure that something clearly visible was done immediately upon getting information

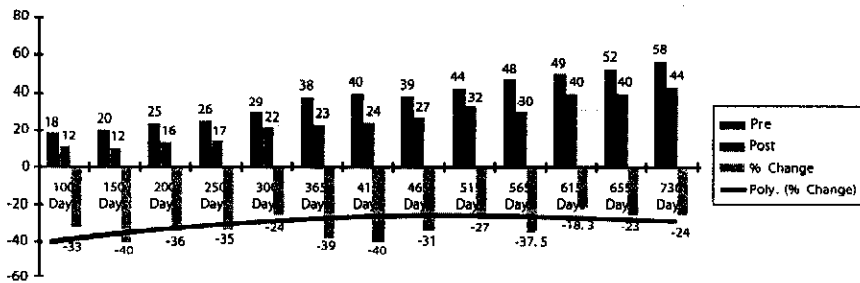


Exhibit 9.6 Drug crime in the West End

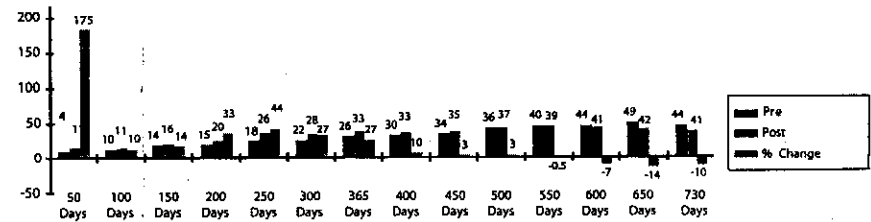


Exhibit 9.7 Serious crime in Daniel Brooks

that there was a dealing problem. Often it was relatively low-level: talking to the dealer or, if appropriate, a landlord; parking officers outside the location; and the like. Such steps were often effective, however. Drug complaints are responded to in numerous ways, which could include additional surveillance, an undercover buy, procurement of a search warrant, a consent search, personal notification of residents of the complaint location, or a visible disruption of the complaint location (i.e., posting an officer near or in front of the location). If more serious enforcement action was necessary, it was made a top priority, no matter how minor the actual dealing was. HPPD changed the way it managed informants so that instead of rewarding them for cases involving large volumes of drugs anywhere in the city, they were rewarded for cases of any kind involving dealers in the target areas. The overall intent was to make it clear on the streets that these were, and would remain, no-go areas.

It has also turned out to be critical to make sure that community members and other dealers are informed of any enforcement actions. The intended deterrent effect will not occur if steps are taken, but nobody outside law enforcement and those actually arrested knows about it. HPPD thus undertook repeated communication with notified drug dealers, their families, and the neighborhood, using home visits, telephone calls, newsletters, and community meetings.

Early replications

A number of other jurisdictions have applied the basic High Point approach since the initial West End intervention. At the time of this writing, Winston-Salem, North Carolina, shut down a market in the Cleveland Homes housing project;⁸ Rockford, Illinois has shut down two areas; and Raleigh, North Carolina, Newburgh and Hempstead, New York, Providence, Rhode Island,⁹ Nashville, Tennessee, and Milwaukee, Wisconsin have all shut down single markets. All of them report broadly equivalent outcomes, with abrupt and dramatic changes in drug activity and violent crime (in Winston-Salem, departmental dissatisfaction with its maintenance activity is leading it to revisit the market several years after the initial shutdown). In Providence, a year after that market was closed, overall calls for service in the drug market

area have dropped 58 percent, reported drug crime has dropped 70 percent, and residents' calls to police about drug crime have dropped 81 percent.¹⁰ Police-community relations have improved dramatically. "One of the things that's so important is the relationship the police have created with the neighbors," says resident Ken Cabral. "They're recognizing the difference between the kids that are doing bad and those kids just trying to have fun in their neighborhood. I've never seen this in any community in the city of Providence."¹¹

Raleigh rolled out its own version of the strategy on February 8, 2007. Fourteen drug dealers—twelve men and two women, aged from seventeen to seventy-one years—from one of Raleigh's most dangerous neighborhoods were invited to the call-in; all fourteen walked in the door. The police department played a DVD, edited down from hours of investigative surveillance, showing each dealer making a drug sale: The fourteen dealers watched in apparent shock. They then heard, in turn, from Kent Sholar, Deputy Chief of the Raleigh Police Department; District Captain Tom Earnhardt; Wake County District Attorney Ned Mangum; Sheriff Donnie Harrison; North Carolina Department of Community Corrections District Manager Doug Pardue; Assistant US Attorney Jane Jackson, Bureau of Alcohol, Tobacco, and Firearms agent James Avant; CCBI (City-County Bureau of Identification, which provides forensic and identification services to law enforcement) Director Sam Pennica; Wake County Public Defender Bryan Collins; Christian Faith Baptist Church Pastor and Chair of The Triangle Lost Generation Taskforce Revd. Dr. David Forbes; residents Betty Burrell and Siddiq Abdallah; Shaloam Community Church Reverend Lola Fuller; City Councilor James West; and the "My Brother's Keeper" social-services team: in the company of 150 neighborhood residents.

The message was clear and consistent: Your involvement in drug-dealing harms the community, and it must stop today; there are serious consequences if you choose to continue your involvement in drug-dealing or commit a violent act; we believe you can succeed by making better choices with support from the community; we hope you accept our offer of assistance to turn around your lives. Dr. Forbes stood before the dealers and said to them that they hailed from the cradle of civilization, that the blood of kings and mathematicians ran in their veins, and that the community needed them to live up to that and would help them to do so. Police officers watched approvingly and lent their own voices of support. The meeting ended with the entire room sharing a buffet dinner; police officers served the dealers pizza, and the meeting broke into small conversational groups of dealers, residents, law enforcement, ministers, and others. Two hundred days later, violent crime in the area was down 42 percent, fourteen of the sixteen dealers were in a recovery program and doing well; a number of them were working; and more than 100 additional people from the neighborhood had come forward voluntarily and joined the fourteen in their quest to leave the streets.¹²

One of the original fourteen, Burlee Kersey, spoke publicly at a North Carolina event in December of 2007. He gave eloquent testimony to the common ground on which effective deterrence can be built:

My name is Burlee Kersey. I am seventy-two years old and I have been on drugs for forty years. I was given a second chance when I was chosen to be in the CHOICE project. I was given hope when I thought there was no hope for me.

I am forever thankful to the Raleigh Police Department for choosing me. The right name was given to the program. The police department called it CHOICE, because you have a CHOICE to either turn your life around or go to jail. When God asked Cain, "Where is thy brother?" and Cain replied, "Am I my Brother's keeper?" I believe God probably answered him back and said, "Yes, you are your brother's keeper." The CHOICE program showed all of us that they really are their brother's keeper.

When I was first asked to be part of the project, I was asked "Do you want to be on drugs all of your life?" I made it up in my mind I didn't want to be, so I am struggling to stay clean every day, every minute. But today I have support. I know I have people who don't look down on me.

I had been on drugs for so long until I had lost everybody that cared about me. I didn't think no one else cared so I got to the point where I didn't care. I was living on the streets. I sold everything I could get my hands on. My family and nobody else had trust in me. My daughter and I had not spoken in twenty years. Today all of that has changed. My family cares and looks out for me. I have a nice place to live and I'm not out on the streets. I am kicking my drug habit one day at a time. But I thank God today that I am clean.

The people in the program treat you with dignity and respect. They let you see the good in them. So tonight I want to thank the people that were a part of My Brother's Keeper because a name doesn't make a program. It's the people who carry out the intent of the program.¹³

At a Justice Department conference on the High Point strategy held in October of 2007, Kersey also gave testimony—pithier, but no less eloquent—to the idea that direct communication with offenders can work. Asked what he told his friends in the target neighborhood after the February call-in, he said, "I was Paul Revere. 'The British are coming! The British are coming!'"

Conclusion

As noted above, this chapter does not purport to be a formal evaluation of these drug-market interventions. It seems reasonable to conclude, however, that something real happened in High Point and the other sites. To believe otherwise is to suppose that in all these places drug markets that had been in

place for years, often decades, spontaneously collapsed at just the moment these interventions were put in place— something altogether unlikely.

The participants are convinced. A little over a month after the strategy was put in place in Nashville, Tennessee, a resident in the neighborhood sent the following e-mail to Nashville Police Department Chief Ronal Serpas:

Let me give you a bit of a picture of what this area was like a year ago. On Hancock St. between Dickerson Rd. and N 2nd (a two block strip), it was not unusual for there to be a dozen or more people milling the streets. This went on 24/7. No attempt was made to hide the drug deals or prostitution. A decent uninterrupted nights sleep was impossible due to people yelling up and down the streets all night long. Men and women alike used the alleyways and peoples yards for restrooms. I live on a corner, and there were times I would have to water down the side yard of my house just to cut through the stench of urine. There were *bags* of trash to be picked up daily from my yard. The litter consisted not only of fast food wrappers and beer cans and liquor bottles, but crack pipes, debit cards, condoms and other personal hygiene items of which I will spare you the details. Pretty disgusting. It was not unusual to find people hanging out in my yard. (Upon the advice of the officers patrolling the area, I posted a "No Trespassing" sign and was able to have a couple of them arrested.) It was not unusual to leave for work at 6 a.m. and be approached by a panhandler. When I would work in my yard, constant interruptions were the norm by people bumming money, a glass of iced tea, anything they thought they could get out of you, or just plain talking smack. Anything left outside was inviting theft. I had to have my trash can replaced three times last year due to theft. Now it is like a whole new neighborhood. The drug dealers and prostitutes are gone. There aren't people hanging out in the streets all of the time. The volume of litter is down. The nights are quiet. I see the residents coming out of their homes again, the children are beginning to play outside. I can work in my yard without having to fend off bums and without feeling like I have to "watch my back" constantly.¹⁴

"In a thirty-year law enforcement career, I have never seen an effort like this," says High Point Chief of Police James Fealy.

It produces results that are so dramatic it's almost incredible. It is sustainable. It does not produce the community harms that our traditional street-sweeping, unfocused efforts of the past have. The most important benefit of this work by the people of High Point is the reconciliation that emerges from the dialogue between the minority community and the police. It's nothing short of miraculous.

"We confronted these people who had been a terror in the community," says James Summey, pastor of English Road Baptist Church in the West End.

But at the same time we embraced them, by saying at the same time, you're worth something. It's redemptive. So many times the police and the community don't see eye to eye, but on this we could. We're working together like we never have in our lives. This is the most fantastic thing I have ever seen.

For the purposes of this discussion, the central point is that it appears to be possible to apply in practice the ideas previously developed in theory. It is possible to approach a knotty crime issue like "drugs" and parse it into a more manageable key problem such as "overt community drug markets." It is possible to apply a deterrence framework to that problem: to create strategies, using mostly existing capacities deployed in new ways, to ensure predictable formal sanctions; to greatly minimize the use of those sanctions; to address and even alter law enforcement, community, and offender norms and narratives; to mobilize informal social control; to focus both formal and informal social control on identified offenders; to identify nonlinear "tipping" dynamics and to make lasting changes in those dynamics. It is possible to enter into relationships with offenders that are legitimate and mutually beneficial. Authorities, communities, and offenders do in fact share common ground. The "High Point" strategy suggests that we really can make deterrence operate in these ways.¹⁵