



The public radio show about law and American life

# Justice Talking Radio Transcript

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*More than a dozen states are at loggerheads with the federal government over the warrantless wiretapping program. Strong divisions are formed over the question of offering immunity to the telecommunications industry for its role in the surveillance program. The nation is also immersed in a debate over the definition and use of torture. This edition of Justice Talking explores the struggle to maintain security while preserving liberties.*

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MARGOT ADLER: From NPR this is Justice Talking, I'm Margot Adler. Crime rates are still falling in some of America's biggest cities, but in others, violence is on the rise.

UNIDENTIFIED MALE: When you're standing on a block or whatnot with your friends and it's about 50 of you all out there, then every last one of them got guns on them.

MARGOT ADLER: And technology is changing the way police fight crime.

UNIDENTIFIED MALE: I think there's a real question about how this technology affects police behavior, you know, how do the police act differently when they've got a different set of tools.

MARGOT ADLER: Coming up after the news.

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MARGOT ADLER: This is Justice Talking from the University of Pennsylvania's Annenberg Public Policy Center. I'm Margot Adler. Big cities that were once notorious for crime and violence are pointing to dramatic declines in homicides and other crimes for most of the last

decade. The declines have been documented across the country, with national statistics showing criminal activities still hovering near a 30-year low reached in 2003. Police departments around the country say some of the credit goes to better policing techniques. But lately the picture has been getting more complicated. New York City, Chicago, and Los Angeles can boast about the growing safety of their cities, but other communities around the country are experiencing a wave of bloodshed. On today's Justice Talking, crime in America and how the police are responding. From Kansas City, Missouri, Rochester, New York and Oakland, California to Detroit, Baltimore and Atlanta, killings have soared in recent years. In some places the violence peaked and fell again, in others it has persisted. In Philadelphia, the city of brotherly love, there have been so many homicides in the last several years that city leaders have declared a crime emergency. Philadelphia's mayor is launching a law enforcement program to confiscate guns and change a street culture of vengeance. But some of the young people the mayor hopes to reach say it's hard to imagine a future free of violence. Bruce Schimmel has the story of two young offenders now in juvenile detention who know all too well what it's like to be on both sides of a loaded gun.

BRUCE SCHIMMEL: On this rough stretch of Market Street in Philadelphia, it's very likely that some of the passers-by on this winter's day are holding illegal guns under their winter coats. How many? Nobody knows. Last year in this city of 1.4 million, police confiscated about 5,300 weapons. Now Philadelphia's new mayor, Michael Nutter, is asking police to stop-and-frisk greater numbers of suspicious pedestrians to try to reduce a mountain of illegal weapons.

MICHAEL NUTTER: I have no idea how many illegal guns there are. They are readily accessible. Pennsylvania has some of the most lax gun laws anywhere in the United States of America, and too many people feeling like they have to have a weapon.

BRUCE SCHIMMEL: Owning a gun, say some children growing up in violent neighborhoods is a necessity, like this 18-year-old we're calling John. Now in juvenile custody, John says he wasn't always big and muscular. As a scrawny school boy he says he needed to defend himself.

JOHN: Growing up I was real little. I was a singer, I was a pretty boy who sang in the choir and stuff like that. I was always getting bullied at the school.

BRUCE SCHIMMEL: Soon the bullying got violent.

JOHN: Went home with black eyes and blisters and cuts all over my face to the point where I couldn't sleep at night.

BRUCE SCHIMMEL: So John turned to a favorite uncle for help. That uncle gave seven-year-old John a gun.

JOHN: He gave it to me, a little 22 revolver, stub nose.

BRUCE SCHIMMEL: When he started carrying the snub nose 22, John says it kept the bullies at bay. But then John became entangled in what he calls a family war. At 13, he was the sole witness to the same uncle's murder.

JOHN: I was sitting on the step and somebody walked up and just lit up like 12 times.

BRUCE SCHIMMEL: And since then John says he's seen a lot of gun carnage, too much, says the 18-year-old.

JOHN: I've seen about 60 to 70 people shot and dead in Philadelphia with my own eyes. I was there.

BRUCE SCHIMMEL: John thinks that taking away guns may save a few lives, but he's skeptical that people will surrender then peacefully. John's doubts about the mayor's plans are echoed by another young offender, also in juvenile custody, whom we're calling Conrad. Like John, Conrad began carrying a gun to stop bullying, though he soon discovered he actually didn't need a weapon himself.

CONRAD: I started carrying a gun or whatnot when I was about 13, 14 and after a while after the people stopped like trying to bully me and stuff like that and I actually got into my neighborhood and I actually put my mark down, I felt the need that I didn't have to carry a gun so I had sold it.

BRUCE SCHIMMEL: But selling that gun didn't end Conrad's life in arms. It marked the beginning of the 16-year-old's brief career as a gun dealer. It was easy he says because guns were so plentiful. You could sell about a gun a day he says, and at \$200 a weapon.

CONRAD: That would be six dollars an hour as a mutt selling guns to where the profit is like good, it's actually good business.

BRUCE SCHIMMEL: Now 18, Conrad says he's left the gun business after a shotgun ambush that nearly killed him. He wants guns gone but he wonders if Mayor Nutter's plans to stop-and-frisk will work. He says there are just too many weapons.

CONRAD: When you're standing on a block or whatnot with your friends and it's about 50 of you all out there, damn near every last one of them got guns on them.

BRUCE SCHIMMEL: But Mayor Nutter says they don't have to confiscate every gun to make an impact.

MICHAEL NUTTER: In a crowd of 50 guys, 52nd and Market, if they see the police coming some are going to start walking away, if not running.

BRUCE SCHIMMEL: Which is just what the mayor wants. It's very simple, Nutter says, fewer guns on the street means fewer opportunities for people to shoot each other. Conrad and John both say that all this talk about ending gun violence could mean lives will be saved. But then again, John says he can't even imagine it.

JOHN: Guns are so natural you're not even scared no more. You just walk around with guns like it's a cell phone. It's so regular now. It's so regular.

BRUCE SCHIMMEL: For Justice Talking, this is Bruce Schimmel in Philadelphia.

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MARGOT ADLER: Philadelphia is focusing on guns and how to get them off the streets. That might be sound policy — one prominent criminologist suggests crime is closely tied to young people with guns. Alfred Blumstein, a criminologist at Carnegie Mellon University in Pittsburgh says America's most violent period, between the mid-'80s and early '90s is easy to explain.

ALFRED BLUMSTEIN: That was pretty much all attributable to young people with handguns, largely a consequence of this growth in the crack markets. By '93, the word went out into the neighborhoods that crack was pretty bad for you, they saw what it did to adults, what it did to parents, to siblings, and so the demand by new users went down, the market didn't need these loose cannon kids and so this was very much of a national phenomenon. And between about '93 and 2000 we saw a wide-spread drop in the U.S. in violence of about over 40 percent, down to levels that we hadn't seen since the late 1960s. That rate has stayed essentially flat until today and there is a lot of interesting individual city variation rather than a common national phenomenon.

MARGOT ADLER: Now that's interesting because I live in Manhattan where crime is notoriously low, why do you think crime is so low there? And why, for example, in a place like Philadelphia, where we do this show, have we seen such a rise in crime? On the surface such a difference between two cities doesn't make sense.

ALFRED BLUMSTEIN: Bill Bratton, when he was police chief in the early '90s, developed this method called Comstat, where he collected data very quickly from 911 calls and then brought in the precinct commanders, held them responsible for the crime in their neighborhoods. They also had a major increase in the size of the police force, so they had the resources to grab hold of things. And the big cities have enough resources that when something starts blowing up in a neighborhood that they have the resources to throw into it, and we've seen over the past five years or so that the big cities, New York, Chicago, and Los Angeles have been pretty good at cracking down on whatever happens to be starting up. In the smaller cities or even a city like Philadelphia, which has far more limited resources and the demographic composition of Philadelphia is a lot tougher than it is in a place like Manhattan, for example.

MARGOT ADLER: Is crime low, now, you know, historically? Or is it just lower than, you know, it was at a certain point previously?

ALFRED BLUMSTEIN: It's nowhere near what it was in the '40s and '50s.

MARGOT ADLER: Nowhere near where it was in the '40s and '50s? And what about before that?

ALFRED BLUMSTEIN: Well, there were peaks during the Depression, during Prohibition, so we're nowhere near where we could have been, but, I think it's important to note that crime in the United States is not dramatically different from, say our counterparts in the industrialized countries, Western European, Australia and so on.

MARGOT ADLER: Really? Because you keep on thinking that there's so much more gun use and so much more killing.

ALFRED BLUMSTEIN: It's the guns that make a big difference so our homicide rates are a factor of ten higher than lots of other places, but the homicide is where we differ dramatically from other people, other countries we think about. But if you go to burglary rates, robbery rates, those are not dramatically different than a lot of the other places we identify with.

MARGOT ADLER: So as you look around the United States, what do you see in the future? Do you see crime rates continuing to rise?

ALFRED BLUMSTEIN: I would have anticipated over like the last five years when a lot of the conditions that contribute to crime rise were present and might have anticipated a real rise, but we haven't seen it. I think there's an intriguing opportunity to provide resources for crime control by investing in social services and family services and addressing the factors that contribute to crime and working out job skills to. To the extent that we don't do that, then it's reasonable to anticipate that, at least over the next few years, a declining economy, particularly as it affects people at the margin could contribute significantly to a rise in crime. You know, when we had the dot-com bust of the early 2000s, there was significant unemployment in Silicon Valley. But that didn't necessarily contribute to a major crime rise in Silicon Valley — those are people with lots of alternatives.

MARGOT ADLER: Alfred Blumstein is a criminologist at the Heinz School of Public Policy and Management at Carnegie Mellon University in Pittsburgh. Thank you so much for coming on Justice Talking.

ALFRED BLUMSTEIN: Thank you very much for having me Margot.

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MARGOT ADLER: Some American cities are experimenting with more surveillance to help fight crime. Coming up, a debate on closed-circuit cameras.

UNIDENTIFIED FEMALE: There are tens of thousands of cameras all over London. It is estimated that an individual in London is seen about 300 times a day on a video camera.

MARGOT ADLER: Public safety versus big brother and new police gadgets are in the works.

UNIDENTIFIED MALE: From sticky foam that would sort of glue you into place to sonic blasters that would hit you with a wave of sound that would sort of render you incapacitated.

MARGOT ADLER: Will these new technologies make it out of the lab? Stay with us.

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MARGOT ADLER: This is Justice Talking, the public radio show about law, justice and American life. On today's Justice Talking, we are talking about the nature of crime in America and new methods to improve public safety. Noah Shactman is a reporter for Wired Magazine. He writes on national security, law enforcement and technology. He joins me now to talk about some of the new technologies that interest law enforcement. Welcome to Justice Talking.

NOAH SHACTMAN: Hey, thanks for having me.

MARGOT ADLER: Noah you've been investigating things like closed circuit television in high crime areas. What are some of the technology developments that have captured the attention of police departments? What have you seen?

NOAH SHACTMAN: Well, one of the most interesting things I've seen recently is called shot spotter. It's a network of microphones that's put up in high crime areas. And it basically acts as a fool-proof call to 911. It turns out that in high crime areas, when a gun is fired as few as 10 percent of those are reported to 911. And so what you have instead is this series of microphones that listens for a gunshot and when the gun shot goes off, it can triangulate exactly where it is and call back to the emergency management center and say hey, send a cop car or send an ambulance over here.

MARGOT ADLER: So even if there's no person calling, just the shot triggers it.

NOAH SHACTMAN: Exactly. And it's also useful in terms of clearing up a number of negligent homicide cases for law enforcement. So there's a case in Washington recently where a cop was accused of shooting a teenage kid unlawfully, you know with no provocation, but then when they played back the shot spotter tapes it turned out that the kid had fired first.

MARGOT ADLER: Besides the shot spotter, among the new technologies that you've seen which in your opinion hold the most promise?

NOAH SHACTMAN: Well, I think the most promise in some ways is some of the software that's being connected to video surveillance cameras. There really is pretty advanced software now that can say hey, if somebody comes within x number feet of this building sound an alarm, hey, if someone leaves a bag on a subway platform ring an alarm, you. You know, all that is incredibly useful. But the actual act of physically networking all those cameras together has so far eluded pretty much every major metropolitan police department.

MARGOT ADLER: And of the technologies that you've been looking at which seem the most farfetched?

NOAH SHACTMAN: Oh, god, where do you start? You know the Los Angeles sheriff's department has a great guy there named Commander Sid Heal and he is sort of unofficial tester

of all wacky weapons from sticky foam that would sort of glue you into place to sonic blasters that would hit you with a wave of sound that would sort of render you incapacitated. And so in Sid Heal's lab he has got all kinds of wacky things including a microwave like pain ray that you would fire at someone to make them feel like their skin is on fire.

MARGOT ADLER: Ooh.

NOAH SHACTMAN: Yeah, ouch. We haven't mentioned Tasers, which you know have become so wide spread in police forces. But I think there's a real question about how this technology affects police behavior; you know how do the police act differently when they've got a different set of tools? And I'd argue in the case of Tasers that although they've been pitched as sort of replacement to handguns as more humane alternatives, in fact a lot of police are much more willing to whip out a Taser than they would be to whip out a gun.

MARGOT ADLER: And besides Tasers, do you see these new technologies changing the way police do their job in the future?

NOAH SHACTMAN: Yeah, absolutely. I mean, I think there's been a number of ways in which technology has already changed policing, you know, you think about how the New York City Police Department and now L.A. and others have used computer-based statistics, Compstat, to change the way they do their job. Certainly there's going to be an equally big revolution when every cop has a similar computer they can call up crime statistics, they can call up mug shots what have you in their cars or on their person. You know right now it's very difficult for a cop to say for sure whether someone's lying to them or not, you know, they take an ID and maybe it's fake, maybe it's not. And so actually getting the information that's in the headquarters computers and getting that out to the officers I think that's going to be the real big change.

MARGOT ADLER: Noah Shactman is a reporter for Wired Magazine and author of the blog, Danger Room. Thank you so much for coming on Justice Talking.

NOAH SHACTMAN: Oh, it's my pleasure. Thanks.

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MARGOT ADLER: Nowhere is the urgency for effective policing greater than in Philadelphia where the homicide rate has gone up almost every year for a decade. recently, the city has announced plans to deploy hundreds of closed circuit cameras in dangerous neighborhoods. Here to debate if this is a good idea or a bad one, Melissa Ngo. She is senior counsel at the Electronic Privacy Information Center, also known as EPIC, in Washington, D.C. And Everett Gillison. He is the Deputy Mayor for Public Safety in Philadelphia just appointed by a newly elected mayor. Gillison was also a local public defender for over two decades. Welcome both of you to Justice Talking.

MELISSA NGO: Thank you.

EVERETT GILLSON: Thank you.

MARGOT ADLER: Everett, in 2006, Philadelphia had just over 400 homicides. That number had been going up for nine years. Last year it dropped slightly. How would you characterize the situation Philadelphia faces when it comes to violence?

EVERETT GILLSON: One of the first acts that Mayor Nutter actually put into effect was a crime emergency, a declaration of a crime emergency. And Chief Ramsey came back after I think it was on January the 30th, and presented the citizens of Philadelphia with a crime plan that addresses this crime emergency. There is violence everywhere in our communities and we're trying to do the best we can through redeployment and all other means that are at our disposal to handle it.

MARGOT ADLER: Philadelphia's police commissioner recently announced his crime plan for the city. It includes things like deploying more officers to dangerous parts of the city, more stop-and-frisk and also increasing the number of police cameras from 26 to 250. How important, Everett, in your view, are surveillance cameras to the mayor's plan and why?

EVERETT GILLSON: Well, I think that the mayor's plan is trying to be a coordinated attack on the crime emergency that we have here. I think that the cameras are going to be a tool to replicate the numbers of officers that we wish we could have on the street, but really for all practical purposes can't.

MARGOT ADLER: Deploying the cameras is estimated to cost more than \$8 million. Melissa you have argued that this is a waste of resources. Why won't it help a beefed up police force fight crime?

MELISSA NGO: The goal of the system in Philadelphia seems to be to cut down on violent crime and there have been no studies that have proven that camera surveillance systems help cut down on violent crime. For an example, all you have to do is look at London. There are tens of thousands of cameras all over London. It is estimated that an individual in London is seen about 300 times a day on a video camera. If we look back to July 2007, there were a number of attempts to blow up cars in the city. The camera surveillance systems did not help the police find this out. What happened was that concerned citizens saw smoking cars and they called in and said there's a smoking car near me, we need the police, we need them to help. And that's what we talk about with camera surveillance systems; they don't cut down on crime, so the money that's being spent, \$8 million, could be spent on other more proven methods of security.

MARGOT ADLER: In a poll from April 2007, most Philadelphians felt that violence was the biggest problem facing their city and more than half, 61 percent, said they were more likely to vote for a candidate who supported using police surveillance cameras. So Melissa, if most Philadelphians want video cameras to help combat crime, why not give it to them? If I lived in a high crime neighborhood I could easily imagine feeling more safe and secure knowing that a police camera was at a nearby intersection.

MELISSA NGO: Well, that's the problem, is that individuals do not know that camera surveillance systems do not cut down on violent crime, that the money is being spent is not going to cut down on violent crime, that when you put up a police camera you should not feel infinitely safer because the camera is there. You need to continue to be vigilant in your safety.

MARGOT ADLER: Everett how do you respond to Melissa's points?

EVERETT GILLSON: If you agree to the premise that cameras are supposed to in themselves somehow cut crime I agree with her, cameras in and of themselves do not cut crime. The question really is not whether the camera cuts crime, the question is can cameras be used as a tool to cut crime. The studies that I have seen in being able to go over this particular matter show that when you actually engage the citizenry and say we have these cameras here, they are there to serve as additional eyes and sometimes ears of the police, but we still need you to be involved, we still need people as in London when they see a smoking car not just to relax and say well, somebody's going to take care of it, but to actively get involved. Part of the crime plan that Commissioner Ramsey put out basically is basic policing, you get involved in your community, you take care of your community and then police are there as an adjunct and this is a tool to help us get and take back the community that we have basically lost.

MARGOT ADLER: Well, let me take you in a different direction for a moment and then get Melissa's response; won't all these cameras lead to a different standard of privacy depending on who you are. For example, you're putting most of these in high crime areas and won't these poor and crime ridden neighborhoods which will end up with most of the cameras, won't that send a message to that community, and that message would be you should have a lower expectation of privacy than other Philadelphians?

EVERETT GILLSON: Well, the issue about privacy has pretty much been decided as far as when you're walking down the street, you don't have any particular privacy interest in your face or with everybody else, the cameras only do the same thing. I think the violations that have been noted over the many, many years that I've studied it and objected to it quite frankly, you know, I'm a privacy buff myself and I believe in it quite frankly more than I believe in a couple other issues that are in the Constitution, and an absolute right to privacy, however, in an area where we have high crime and when the citizens have asked us to do something there is a way to balance the privacy interest of those people that are there along with the having this tool available to the police officers to respond.

MARGOT ADLER: So you're walking down the street Melissa, I'm walking down the street, what expectation of privacy should I reasonably have?

MELISSA NGO: When you walk down the street you don't believe that your actions are going to be recorded and played back, even if you haven't done anything wrong. So when people consider privacy, they stop to think about, well, would I walk into that fertility clinic if I knew that I was being watched, if I knew that people could readily identify me and then therefore be able to trace exactly where I've been and where I'm going?

MARGOT ADLER: But Melissa you've written about many instances I gather where there have been incredible abuses and violations.

MELISSA NGO: There have been enormous abuses of the system, because when you think about it it's a technology that gives an enormous power and balance. Even walking down the street, if you see a police officer you know that that person's there and you know his actions. You do not know what's happening on the other side of a camera lens. And when you think about it there have been other situations in which people have been doing perfectly legal activities and yet they've been scrutinized. If you're out peacefully protesting something you have the right to do that and you have the right to not be afraid that you'll be identified later.

EVERETT GILLSON: What's the fear? And I say that as a person who has spent his entire life basically defending the rights of individuals to peacefully protest and have taken part in protests myself. I mean, I don't connect the fact that your picture is being taken with the fact that you are somehow being chilled from your right of expression. You have the absolute right to express it and the cameras don't do anything to take that right away.

MELISSA NGO: Individuals have a right to anonymous speech, which is completely turned around when there is a camera trained on you. And we're not just talking about cameras, we're talking about the whole system wherein there have been increasing uses of facial recognition systems so you can't walk down the street peacefully protesting anonymously. Camera trains on you, it can recognize who you are and all of a sudden instead of being one of many who's peacefully walking along the street trying to make your mark anonymously you are, in fact, identified.

MARGOT ADLER: I was thinking about surveillance and I realized that in my own building, a 12-story apartment building in New York City, there are surveillance cameras that actually track me, can watch me when I'm in the basement gym exercising. And that is a little bit freaky, I have to admit, there are security guards or doormen or whatever, that can watch my every move in the gym. And as I realized that Chicago and New York and Baltimore and Washington, D.C. and even smaller cities around the country have installed or are expanding their video surveillance systems, I've been wondering are we coming to a point where we're assuming a much lower level of privacy for ourselves in this world? And is that good or bad? I'll start with you Everett.

EVERETT GILLSON: Well, I think that there is a danger always of us surrendering our rights and surrendering our expectations out of the fear of being hurt and being damaged individually. However, I think that there are ways that we can as a society help to bridge the gap. I just think that where we are in Philadelphia, with this crime emergency, this is a tool that we can use to really get the best bang for our dollar, and I still think that as long as you have people who are vigilant to make sure that we are not compromising people's personal privacy matters, we are servants, we are public servants, we're not overlords.

MARGOT ADLER: Melissa, are we coming to a point where we're assuming a much lower level of privacy? And is that good or bad?

MELISSA NGO: Well, I don't like it when people say that because technology makes it easier to invade your privacy that means that your privacy rights are gone. People say that when they walk out their door, there's no expectation of privacy. But what you do expect when you walk out your door is that you can go about your daily life without being scrutinized if you've done nothing wrong. With permanent constant video surveillance what happens is there is a flipping of the system to where because you've walked out the door, even though you've done nothing wrong, you're still being scrutinized.

MARGOT ADLER: Melissa Ngo, is senior counsel and director of the Identification and Surveillance Project at the Electronic Privacy Information Center, EPIC in Washington, D.C. Everett Gillison is Deputy Mayor for Public Safety in Philadelphia. Thank you both so much for coming on our show.

MELISSA NGO: Thank you.

EVERETT GILLSON: Thank you. Thank you.

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MARGOT ADLER: Besides closed-circuit cameras, there are some other innovations in crime fighting taking hold around the country. In Chicago, former offenders are using persuasion to stop the violence on their streets.

UNIDENTIFIED MALE: You have to know who got in an argument yesterday. You have to know who slapped somebody yesterday. You have to know who's going to try to rob somebody. That's how you stop it on the front end.

MARGOT ADLER: And if the question is how to bring about a dramatic drop in crime one retired police captains says he's got the answer: legalize all drugs.

UNIDENTIFIED MALE: Whichever drugs you want 13-year-olds to be selling on the street corners of America, you keep those drugs illegal, because that's who's going to be selling them.

MARGOT ADLER: Stay with us.

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MARGOT ADLER: This is Justice Talking where we make the connection between law, justice and American life. I'm Margot Adler. Many experts say policing reached a whole level of sophistication over the last decade. The public hears most often about technological tools, such as the Comstat system, which maps crime and coordinates a quick police reaction. But there are legal innovations too. Law enforcement agents in Syracuse, New York are going after gangs, borrowing a legal tool designed to bring down the mob. Federal racketeering laws empower police to arrest a network of people and charge them all with crimes related to advancing a criminal enterprise. But some people say the sweeping indictments go too far, sending kids who are just hanging out on the street to federal prison. Chris Bolt has this story.

CHRIS BOLT: The Elk Street neighborhood in Syracuse is a collection of older homes, some that have been freshly painted and kept up, a few others in disrepair, vacant with slumping porches and boarded up windows. Charles Pierce El lives here. He describes the area as pleasant and convenient though he knows it's changed.

CHARLES PIERCE EL: I first moved on this block probably about 30 years ago, of course you know my son's only 25 so therefore he wasn't even born. And me and the neighborhood was one, two, three, four, only four other residents on this particular block were here at that particular time.

CHRIS BOLT: He's been thinking about these changes, the neighborhood's safety and its young people since police used sweeping arrest powers to round up 16 African-American men they consider a street gang. Pierce's son was one of them and now faces serious prison time. But Pierce explains the kids hang out and have fun around here, and he thinks the arrests were a mistake.

CHARLES PIERCE EL: In the summertime they'll sit out on the corner right there, they hang on that corner. They'll hang over here in the summertime, a group of kids. They'll talk, they'll play games with each other, they'll come by and pull each other's pants down and stuff like that. But as far as gang and being intimidated no one in this area has ever been intimidated by none of these young men.

CHRIS BOLT: But police say this is gang territory belonging to the Elk Block gang. The indictment of the 16 men, all neighbors alleged intimidation and protecting the gang turf along with drug trafficking, gun charges and murder. Prosecutors also charged all the defendants with racketeering under the RICO laws, originally developed to crack down on the mob. A handful of the defendants, including Pierce's son Ishmael fought the charges. He does admit his son has minor drug offenses. Ishmael Pierce was also named in an unrelated indictment for being in the car during a drive-by shooting. Former U.S. Attorney, William Snyder, who teaches law at Syracuse University, says he understands why prosecutors are turning to racketeering laws to go after gangs.

WILLIAM SNYDER: You can't put the gun in a person's hands, you can still charge the racketeering violation. If you can put the gun in a person's hands you charge both.

CHRIS BOLT: And he says juries might convict on either. Snyder used RICO or the racketeering influenced and corrupt organizations act against gangs in Pittsburgh. He says the key is to prove the gang is an enterprise than all the crimes that furthered that enterprise can be charged against any defendant tied to the gang. Here in Syracuse, U.S. Attorney Glenn Suddaby lists the reasons the Elk Block gang should be tried under racketeering laws.

GLENN SUDDABY: Look at the territory that they're trying to protect for their drug sales, how they protected the violence that they used to protect that area, the way they affiliate together, conspire to pull off various criminal activities.

CHRIS BOLT: Suddaby first used RICO against the Boot Camp gang whose territory included this part of South Ave. With most of Syracuse's most violent gang locked up, there's new investment here, a dry cleaners and market are some of several stores getting a face lift. Right down the street, the store front Foundation of Life Church holds meetings of a group working on inner city issues. Lisa Johnson believes the gang arrests have made her neighborhood a little safer.

LISA JOHNSON: Do I think they help? For the time being, I don't know I can't really say so, but I just know that when you move out more move in.

CHRIS BOLT: Another neighbor, Gwendolyn Mack, agrees violence is down in some ways in the neighborhoods.

GWENDOLYN MACK: In my opinion they are getting better, it's at a place where we can't see it right now, it's not a thing where snitches get stitches now. They're crying out help me, there's nothing for them to do today. If they're standing on the corner the first thing you want to say is that they're doing something bad. Not all kids are doing bad things.

CHRIS BOLT: Syracuse police chief, Gary Miguel has held meetings with neighbors. He's heard stronger reactions from people who feel safer on their streets and front porches.

GARY MIGUEL: Take a look at Boot Camp where this Boot Camp gang primarily operated and what was going on, the number of calls, the number of serious incidents of shots fired, and then take a look at that today. That's a tremendous impact. If you're living on that street and all of a sudden a gang has pretty much been controlling much of that street that intimidated you and your family and now they're gone.

CHRIS BOLT: Police credit the RICO laws for making the area safer and a point to a decline in police calls. But critics say RICO is too far-reaching. They worry people will be charged with racketeering on flimsy evidence linking them to crimes and to gangs. Charles Pierce El contends that's what happened in his son Ishmael's trial when guns from the sweep were shown as gang evidence.

CHARLES PIERCE EL: I mean, the police department got to understand forensic is that those guns that are on display right there do not belong to none of these five defendants that were on trial. But yet the jury was allowed to see those guns all through the seven week's trial and that's what the connection was.

CHRIS BOLT: Former U.S. Attorney William Snyder says those fears are real, but safeguards in federal law do work.

WILLIAM SNYDER: Congress knew that this was a very powerful statute. Congress said right from the beginning that all RICO prosecutions have to be approved by a central authority at the Department of Justice in Washington, D.C. So there is some check on an overzealous prosecutor trying to use the statute too much.

CHRIS BOLT: Charles Pierce El says that's exactly what happened here, the U.S. Attorney using RICO to paint a much more dangerous picture in his Elk Street area than is really the case. Pierce admits his child and his friends are not angels. Son Ishmael was found guilty in court and is now awaiting a sentence that could be seven years in federal prison. Despite the criticisms, New York prosecutors are satisfied with how these cases turned out and are pursuing other RICO cases. For Justice Talking I'm Chris Bolt in Syracuse.

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MARGOT ADLER: While Syracuse expands the reach of the RICO laws, in Chicago there is a group looking to turn around young people in troubled communities before they've succumbed to the violence around them. Tio Hardiman is the director of mediation services for Cease Fire, an anti-violence organization that works in high crime neighborhoods in Chicago. Welcome to Justice Talking.

TIO HARDIMAN: Glad to be here.

MARGOT ADLER: Tio, you have a paid team, you call them violence interrupters, made up almost entirely of former offenders. It's their job to build relationships with young people on the streets and learn about violence before it happens. Once they hear about something, what do violence interrupters do next?

TIO HARDIMAN: Well, what happens next is they go out and they talk to all the parties that may be involved in a particular incidence and they begin to work out some type of understanding to try to de-escalate the situation first and foremost.

MARGOT ADLER: Give us an example of just one of those kind of incidence, something that happened recently, some incidence like that, so we can sort of understand how it works.

TIO HARDIMAN: Yeah, there was a young Latino guy over in the Albany Park community, he was like 17 years old, and the guys from a particular gang had been beating him up every day of the week. And it was a Friday coming up, it was like Wednesday at the time, but that Friday they had put an SOS out, which means shoot on sight. And his mother and grandmother called us and I was able to dispatch a couple of violence interrupters in that community and they went out and talked to the gang members that were about to, you know, take this guy's life and we worked out a situation where we were able to get them to get out of the gang.

MARGOT ADLER: And what were they mad at him for?

TIO HARDIMAN: For one, he was with one gang and he tried to get out and go to another gang. And he kept going back and forth. And that's like a no-no in a lot of the gang culture.

MARGOT ADLER: Now there is a lot of mistrust of police in black and Latino communities. And do you think that that's deserved? Does your organization do anything to address that problematic relationship?

TIO HARDIMAN: Well, that's a good question, to be honest with you because we've been kind of stuck in the middle there on that particular issue, because. Because the communities, the guys we work with, as you know in Chicago police shootings rose by about 34 percent, okay, here in Chicago, so there was a lot of issues in the community one time or another with the police and the community. So every now and then we may step up and voice our concerns one way or the other, on trying to bridge that gap between the police and the community. It's not easy though, okay?

MARGOT ADLER: I bet. Some criminologists say that crime has been going up in cities with large minority populations where there's a lot of poverty and people have few prospects. The theory goes that violence in these places is spiking over fragile egos, people getting offended, one juvenile defender told us he's see dozens of murders over the stupidest things.

TIO HARDIMAN: Right.

MARGOT ADLER: Do you think there's anything to this?

TIO HARDIMAN: It's very true. Most of the violence that you hear about is over females, over a misunderstanding, I'm talking about senseless acts of violence that take place every day. A guy might just bump into you.

MARGOT ADLER: And what turns that around?

TIO HARDIMAN: You have to be out there like on a regular basis, you have to have multiple messengers that can go out there and talk them guys down. And see the only way you're going to stop a shooting from occurring you have to know who got into the argument yesterday, you have to know who slapped somebody yesterday, you have to know who's going to try to rob somebody. That's how you stop it on the front end. And then you go talk to those individuals. I mean, straight up talk to them.

MARGOT ADLER: You say that you were in the life, as you call it, a long time ago, you were making your money outside the law, and you described yourself as a hustler, as opposed to someone working their way up a gang hierarchy. First of all, what does that mean? What's the difference?

TIO HARDIMAN: Just you know short cons, you know, work with the women, you know, and I sell and fake jewelry.

MARGOT ADLER: Right, so that was 19 years ago. What got you out of that life?

TIO HARDIMAN: What happened, I'm a recovering person as well, been clean and serene for 19 years. So what got me out of it really is that it was four o'clock in the morning, it was another one of those days I stayed up all night, and I got into an argument with two of my best friends. And my friends told me, man, you know, you're going crazy, man, you need to get you some help. And the next thing you know I went and got some help and I didn't look back.

MARGOT ADLER: Tio Hardiman is the director of mediation services for Cease Fire in Chicago. Thank you so much for coming on Justice Talking.

TIO HARDIMAN: Thank you.

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MARGOT ADLER: In working on today's show about crime and its causes, experts, politicians, cops and offenders often focused on the same things, the availability of guns, a culture of retribution in poor communities and they talked about drugs. But there's one organization founded by retired law enforcement agents whose members say they have an answer to that last problem; legalize all drugs. The group is Law Enforcement Against Prohibition or LEAP. Peter Christ is a retired police captain and a spokesperson for LEAP. Peter, LEAP is a national membership organization but a healthy percentage, 10 percent of its members, have come from law enforcement and criminal justice backgrounds. Your position is that it's time to do away with the drug laws. What in your experience as a cop convinced you that this is the way to go?

PETER CHRIST: Well, actually I know this is going to sound terribly hypocritical of me, but I felt this way about drug policy before I came on the police department. But when I got the job I decided to put all that old thinking on the back burner and take an honest look at it because I raised my hand and took an oath that said I would enforce these laws, so I had to give it a fair shot. And I didn't speak about it or anything, I just did my job for the first five years I was on the job, and by the time I was on the job five years I was absolutely positive that I was right before I walked in the door.

MARGOT ADLER: So let me ask you this, arguments to de-criminalize marijuana are pretty commonplace in our society. It's often characterized as less harmful than drugs like crack or heroine, but you say that that's not going far enough, that we have to do all drugs.

PETER CHRIST: One of our former board members, Jerry Cameron, a retired police chief from down in Florida...a lot of times we get the question phrased a little differently and that is well, you want to legalize all these drugs, what about methamphetamine. And Jerry Cameron says it's real simple, whichever drugs you want 13 year olds to be selling on the street corners of America, you keep those drugs illegal, because that's who's going to be selling them. I don't want 13 year olds to be selling any drugs on the street corners of America, so therefore I want them all regulated and controlled under a legal, some form of a legal licensed regulated marketplace.

Now that marketplace, we have no position at LEAP on what that marketplace should be.

MARGOT ADLER: So let me ask you the question that I think is on a lot of people's minds, let's say you're right and finally the day comes and drugs are legal. Everyone's afraid that at least at first there's going to be a huge increase of rampant drug use. What do you say?

PETER CHRIST: Well, that was the threat of ending alcohol prohibition. That's what we were told was going to happen; everybody would become a drunk, and we ended alcohol prohibition in 1933, right at the beginning of the Depression. And during that period of time we had alcohol

legal, we had a lot of angry people in America out of work, unemployed, 40 percent unemployment rates in some areas, and we didn't all become drunks. Will drug use go up if we legalize drugs? That's the way that it's usually phrased to me. And my answer to that question is absolutely through the roof, skyrocket. I know that everybody listening to me out there is just waiting for that first hit off the crack pipe once it's legal, boy, they just can't wait to do that. And when I do that at a rotary club people look at me like I'm crazy because they know that whether it's legal or not they're not going to do it. And then I tell them, I give them this example, I have noticed over the last couple of years that there all of a sudden seems to be gay people everywhere in America. Now, it wasn't like this 10 years ago. Now I have to ask myself the logical question, why are all these straight people turning gay, because the only way there's more gay people in America is if people are changing. And the reality is this, we don't have one more gay person in America now than we did ten years ago. The only thing that changed is the rest of us stopped being jerks about it and made these people feel comfortable in saying who they are.

MARGOT ADLER: So you're saying essentially that we may see some more drug users if this first happens, because people will be freer to be out in the open with it, but there will in fact not be any more.

PETER CHRIST: I don't think there will be, I don't think there will be. And the other thing about it is how do we know if there's an increase? In order to know whether something goes up or down you have to have a thing called a baseline. You have to know where it is today. And how do we attempt to find out how many illegal drug users there are in America today? Well, we send around government people with clipboards and they knock on people's doors and they say, hi, I'm from the government, have you used any illegal drugs in the last six months?

MARGOT ADLER: And everybody says no.

PETER CHRIST: Of course. So we don't know how many there are. Once we find out how many there are then we can start bringing tools that we know work into play.

MARGOT ADLER: Peter Christ is a retired police captain and a spokesperson for Law Enforcement Against Prohibition. Thank you so much for coming on our show.

PETER CHRIST: Thank you.

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MARGOT ADLER: Crime in America today, what's the best way to keep our communities safe without jeopardizing our civil liberties? Tell us what you think at [Justicetalking.org](http://Justicetalking.org). You can post on our message boards, learn more about our guests and sign up for our free podcast, and check out our blog where many of the nation's leading commentators give their views on law and American life. Thanks for listening. I hope you'll tune in next week. I'm Margot Adler.

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