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CHAPTER

40 “Somebody’s Watching Me”: Surveying Police Surveillance of Gangs

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Abstract

Tension remains between how gangs are policed by law enforcement and whether such practices are overtly invading the privacy of citizens or infringing their Fourth Amendment rights. Such concerns have risen in the era of big data and predictive analytics. This chapter discusses the policing of gangs, both conventionally and through data-driven approaches. As the implementation and use of data-driven policing across the 18,000 police jurisdictions in the United States remains inconsistent and uneven, the Los Angeles Police Department’s (LAPD) anti-gang policing strategies will be the focus given their longstanding engagement with street gangs and their employment of a variety of innovative approaches over the years. Overall, this chapter concludes that the policing of gangs remains a low-tech process focused primarily on reaction to and investigation of crimes.

Keywords: [gangs](#), [policing](#), [surveillance](#), [intelligence](#), [big data](#)

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Street gangs remain one of the most debated issues in the field of criminology. There often seems to be little academic agreement on fundamental questions ranging from the definition of gangs to the nature and prevalence of delinquent or criminal behavior by gang associates¹ (Curry 2015; Goeuru 2022; Moore and Stuart 2022; Pyrooz and Mitchell 2015; Sullivan 2005; Van Hellefont and Densley 2021; Van Hellefont and Mills 2022). Even more contentious are questions surrounding how society responds to street gangs, particularly their policing (Barrows and Huff 2009; Brunson et al. 2015; Caudill et al. 2017; Decker 2003; Durán 2009; Fraser and Atkinson 2014; Goeuru 2022; Howell 2022; Katz and Webb 2006; Klein 1998, 2004, 2009; Valasik and Reid 2021; Wolf 2017). On the one hand, there is great concern within communities

saddled with chronic gang problems that not enough is being done to prevent youth from joining gangs and to hold gangs accountable for their actions (Bloch and Meyer 2019; Brunson et al. 2015; Leovy 2015; Murch 2015). On the other, there is great concern that heavy-handed policing tactics and mass incarceration serve to reinforce rather than undermine gangs (Brotherton 2015; Fraser and Atkinson 2014; Huebner, Varano, and Bynum 2007; Jackson and Rudman 1993; Klein 1998; Lessing 2017; Swaner 2022). Sometimes these twin criticisms are leveled at the same time through claims that communities are being both over- and underpoliced (Boehme, Cann, and Isom 2022; Martinez 2015; Murch 2015; Rice and Lee 2015; Rios 2011; Zatz and Portillos 2000).

p. 810 Further exacerbating the tension between these views is the increased use by law enforcement agencies of new technology as tools to counter serious and violent crime (Ferguson 2022; Gettinger 2017; Merola and Lum 2013, 2014; Saulnier and Thompson 2016). In particular, public perception about the use and potential abuse of novel “surveillance” technology by law enforcement agencies produces conflicting narratives (Ackerman 2021; Ryan-Mosley and Strong 2020). There is clear apprehension surrounding the use of “big data” to help determine where and when to deploy limited police resources (Ackerman 2021; Bakke 2018; Bartosiewicz 2015; Benbouzid 2019; Zhu 2016). This apprehension grows even more when the subject of “big data” involves policing street gangs (Brayne 2020; Densley and Pyrooz 2020; Howell 2022; Pittman 2020; Van Hellemont and Densley 2021). Yet it is also clear that “predictive policing, and big data surveillance, is not new: it is simply an extension of what has been long-practiced” (Minocher and Randall 2020, 1121).

While there needs to be greater transparency, routine audits, and standardized and systematic processes followed in how big data, computer algorithms, machine learning, and predictive modeling are used in policing gangs, there remains a disconnect between the promise of data-driven policing of gangs and the reality of policing of gangs (see Davis et al. 2022). The potential for corruption and misconduct in anti-gang policing (Domanick 2016; Kaplan 2009; LAPD 2020), specifically, and decentralized specialized police units (Fenton 2021; Woods and Soderberg 2020), generally, is a persistent risk without accountability and oversight. The moral panic that “surveillance” technology and data-driven policing represent are a severe threat to the privacy and security of the general public (e.g., Richardson et al. 2019) serves mostly to promote a “myth of big data surveillance as a new, nearly cataclysmic threat to public well-being” that must be dismantled (Minocher and Randall 2020, 1109). There are certainly problems with data or technology used in support of anti-gang policing. But, as Densley and Pyrooz (2020) point out, “the opposite of bad data is not no data, but good data” (24). There is value in collecting *good* information on gangs and gang associates and using this in *transparent* and *accountable* ways to aid in criminal investigations and prevent neighborhood violence.

The goal of this chapter is twofold: (1) discuss how gangs are policed using traditional and data-driven approaches and (2) temper fears that police spend all of their time actively surveilling the populace, violating our Fourth Amendment rights, and invading our privacy (see Ferguson 2021, 2022). While data-driven policing is fashionable, both in conventional and anti-gang policing, much like other notable policing approaches (e.g., community policing), its adoption and implementation remain an uneven process throughout law enforcement jurisdictions in the United States. For instance, out of approximately 18,000 police jurisdictions nationwide, only 187 police agencies (1.03%) report using some type of predictive policing software, one of the lesser forms of data-driven policing, compared to 3,163 police agencies (17.6%) that use body-worn cameras, the most used form of data-driven policing (Atlas of Surveillance 2022).² The result is a patchwork of systems and processes that are hard to reconcile with the notion of a panoptic surveillance state (Brayne 2020; Hennigan and Sloane 2013; McQuade 2019). Similarly, the use of traditional surveillance methods, such as wiretaps and even easily scoured social media posts on platforms such as Twitter, Instagram, and TikTok, is generally done in support of ongoing criminal investigations (see Berlusconi 2013; Patton et al. 2017). Such tools are generally not used proactively by law enforcement,

largely due to limited access, lack of training, and knowledge about social media (LexisNexis 2012). Thus, the policing of gangs, gang associates, and gang violence, historically and presently, remains overwhelmingly reactive and geographical in nature (Bloch 2020, 2021; Bloch and Phillips 2021; Muñiz 2015; Valasik and Tita 2018; Valasik and Torres 2020; Weisel and Shelley 2004). As a result, this chapter will focus on the Los Angeles Police Department, which, for better or worse, is one of the leaders in policing street gangs (Bloch and Phillips 2021; Brayne 2020; Gascón and Rousell 2019; Klein 1998, 2009; Tita et al. 2003; Valasik, Reid, and Phillips 2016). Overall, this chapter seeks to balance some of the hyperbole that has emerged around data-driven anti-gang policing (Brayne 2020, 119; see Ferguson 2017, 2021, 2022) with a sober portrait that focuses on the mundane nature of police work and how the basic data gathered about gangs and gang associates are used in practice.

Surveillance, Intelligence Gathering, or Investigating

Before discussing the traditional and data-driven approaches employed by law enforcement agencies to police street gangs, it is necessary to identify a few concepts that get obfuscated in the literature and the critiques of anti-gang policing operations. These indistinct terms are “surveillance,” “intelligence gathering,” and “investigation.”³

The first term is routinely used by scholars but rarely defined. Here, we define “surveillance” as the continuous observation of a place, person, group, object, or activity. Such activities can range from physical observations to digital monitoring of conversations (voice, video, or text), metadata, and geolocation. Surveillance can be either active, explicit observation, or passive/reactive (post hoc) monitoring. Relatedly, surveillance can be *directed*, focusing on “people and places deemed suspicious,” or undirected, “gather[ing] information on everyone, rather merely those under suspicion,” referred to as dragnet surveillance (Brayne 2020, 14).

A related concept is “intelligence gathering.” In the realm of policing, intelligence gathering is regarded as the collection of information to identify individuals or groups. The implicit purpose of intelligence gathering is to monitor, anticipate, or prevent possible criminal activity (see Katz and Webb 2006; Katz, Webb, and Schaefer 2000; Valasik et al. 2016). Brayne’s (2018, 2020) category of directed surveillance conceptually overlaps with the definition of intelligence gathering; however, her definition is centered on the data-driven aspects of predictive policing, place or person based, and not on the traditional understanding of surveillance as the continued observation of persons, places, or activities. Intelligence gathering can be discontinuous and does not rely solely on continuous observation, such as talking to an informant.

The last interconnected concept is “investigation,” broadly defined as the process of studying by close observation or systemic inquiry. For law enforcement, a criminal investigation is a formal examination to ascertain facts of illegal activity, usually conducted by police detectives in investigative units. For police, investigation differs from intelligence gathering only in the sense that the former is directed toward building legal cases around crimes that have already occurred, while the latter is directed toward future risks (see Ratcliffe 2016).

It is necessary to connect these entangled terms with the various approaches to anti-gang policing. Anti-gang policing remains predominantly reactive in nature, focused on the investigation of documented criminal activity. To the extent that police take a forward-looking approach to gangs, it mostly involves (opportunistic) gathering of intelligence (e.g., field interview cards, territorial mapping) that might—but mostly does not—prove useful for future investigations. The reactive stance in anti-gang policing is not only seen in how anti-gang units operate, but also in the details of anti-gang legislation (e.g. 1988

California Street Terrorism Enforcement and Prevention Act, or STEP Act), civil gang injunctions, gang

databases, and gang prosecutions, all of which are enacted or operate in response to ongoing gang-related issues in an area (Allan 2004; Barrows and Huff 2009; Bjerregaard 2015; Pyrooz, Wolfe, and Spohn 2011). Undirected surveillance activities such as checking license plates against a database by anti-gang (and all other) police units are undertaken to facilitate ongoing criminal investigations (looking for outstanding warrants, etc.). Otherwise, anti-gang policing passively observes places, persons, groups, or objects in response to criminal activity, such as a homicide, in the hopes of arresting a suspected offender. The objective of anti-gang policing surveillance is simply the production of legally actionable intelligence that could be used to arrest an offending gang associate or facilitate the prosecution of an offending gang associate (see Anderson et al. 2009; Caudill et al 2017; Pyrooz et al. 2011; Walker and Cesar 2020).

Traditional Surveying of Gangs

The initial response to street gangs by law enforcement is to use pre-existing resources (i.e., patrol, investigations, community relations) to distribute the responsibility for specific aspects of gang control (i.e., intelligence, prevention, enforcement, and follow-up investigation) among established departmental units (Dunn 2007; Huff and McBride 1993; Katz and Webb 2006; Needle and Stapleton 1983; Weisel, Painter, and Kusler 1997). Yet in jurisdictions where gangs and gang-related violence are more prevalent, there is a greater likelihood that a police agency will develop a specialized anti-gang unit (Huff and McBride 1993; Needle and Stapleton 1983; Weisel and Shelley 2004). The emergence of specialized anti-gang units was seen as a way to increase both the efficiency and effectiveness of the response to gang-related crime. The thought was that specialized anti-gang units would lead to better coordination with the community in preventing gang-related violence (Braga 2015; Weisel and Shelley 2004).

The organizational configurations of these units are quite varied, ranging on a spectrum from being fully centralized and integrated, with a robust chain of command, to decentralized and decoupled, with limited connections to other departmental units and lacking measures of accountability (Katz and Webb 2006; Weisel and Shelley 2004). The organizational disposition and operational procedures of anti-gang units also tend to reflect the differing perceptions of the level and type of gang issue recognized by the agency (Katz 2001; Rostami, Melde, and Holgersson 2015; Weisel and Shelley 2004). For instance, in Los Angeles County, the two largest law enforcement agencies, the Los Angeles Police Department (LAPD) and the Los Angeles Sheriff's Department (LASD), developed quite distinctive anti-gang units based on contrasting philosophies. Originally, the LAPD's anti-gang squads, called CRASH (Community Resources Against Street Hoodlums) units, focused on "total suppression" with pairs or groups of uniformed officers who, according to authorities on the matter, "harass gang members wherever they find them, at the same time collecting intelligence on gang activities" (Freed 1986, 1). By contrast, the LASD emphasized "targeted suppression," with plainclothes deputies selecting the most criminally active gangs to concentrate their resources on while disregarding minor transgressions of non-targeted gang associates (Klein 1998).

p. 813 LAPD's CRASH was originally highly centralized, being staged out of three of LAPD's four bureaus (i.e., South, West, Central, and Valley). Mimicking the LASD, CRASH was later decentralized to each of LAPD's 12 divisions (Freed 1986).⁴ The shifting of CRASH units away from administrative centers produced a host of unintended consequences. CRASH units were essentially decoupled from the daily operations and direct oversight of their local stations. This allowed CRASH officers more latitude in generating gang intelligence and greater flexibility in surveillance, but it also limited the amount of collaboration with other departmental units and hindered the sharing of information (Herbert 1997; Klein 2004). The cloistered environment of specialized CRASH units encouraged the emergence of organizational structures and behaviors mirroring what they were tasked with policing (Faturechi 2012), culminating in the LAPD's infamous Rampart Scandal⁵ (Domanick 2016; Kaplan 2009; Klein 2004; Rice et al. 2006). Similar outcomes

are seen with the Gun Trace Task Force in Baltimore (Fenton 2021; Woods and Soderberg 2020) and the LASD's culture of secret subgroups (Peterson et al. 2021).

In March 2003, the LAPD launched its present-day anti-gang unit structure, the Gang Impact Team (GIT). GIT is a full-spectrum approach to gang enforcement through collaboration and coordination, bringing together officers and detectives from the Gang Enforcement Detail, Narcotics Enforcement Detail, Community Law Enforcement and Recovery Unit, and the Gang and Narcotics Division (LAPD 2004, 2015). The primary responsibility of GITs is the collection and circulation of intelligence, followed by implementing strategies to reduce gang-related crime, maintaining both intra- and interdepartmental and agency relationships, and collaborating with the broader community (LAPD 2015; Valasik et al. 2016). According to the GIT mission statement, the unit has two primary components: uniformed officers and an investigatory section. Uniformed gang officers using marked patrol cars (lacking mounted light bars on their roofs) are responsible for intelligence gathering and making arrests, including probation searches of gang associates and civil gang injunction arrests (Hennigan and Sloane 2013; Valasik 2014). The intelligence collected is on the gang, its membership, and any noticeable gang activity. This gang intelligence is then disseminated to patrol and other investigatory units in the division and other LAPD community policing areas. Gang detectives in the investigatory section are responsible for following up on gang-related crimes and further reviewing these incidents (LAPD 2015).

Despite the strides that have been made by the LAPD to increase the accountability of their anti-gang units (e.g., removal of autonomy, direct oversight, implementing body-worn cameras), individuals still compose these units, meaning that they are not infallible. Misconduct, negligence, and corruption remain concerns that require continuous attention and thorough accountability (see Domanick 2016; LAPD 2020).

Collection and Use of Gang Intelligence: The Field Information Card

p. 814 Anti-gang units' principal function is to gather intelligence on gangs, their associates, and their activities to guide enforcement activities and strategic planning (Klein 1995; Valasik et al. 2016). The most readily discussed artifact of gang policing is the creation and maintenance of gang databases, which are then used at the local, state, regional, or federal levels (Barrows and Huff 2009; Bloch 2020; Densley and Pyrooz 2020; Fraser and Atkinson 2014; Huff and McBride 1993; Jacobs 2009; Kennedy 2009; Klein 2009; McQuade 2019; Muñoz 2022; Petering 2015; Pittman 2021; Short 2009; Spergel 2009; Vila and Meeker 1997). Despite questions about the quality and accuracy of gang databases (Chesney-Lind et al. 1994; Densley and Pyrooz 2020; Huff and Barrows 2015; Pyrooz and Sweeten 2015; Spergel 1995), their use by law enforcement agencies, prosecutors' offices, and correctional staff to identify and prosecute gang associates remains commonplace (see Caudil et al. 2017; Pyrooz, Decker, and Owens 2020). It is important to understand, therefore, how the information in gang databases is populated.

The most common source of information in gang databases is the collection of gang intelligence through field interviews (FI). FI cards are used by law enforcement agencies for a variety of investigative reasons, such as interviewing witnesses at a crime scene; however, their regular use to gather gang intelligence by chronicling affiliations of gang associates and their public relationships with other gang associates and non-gang individuals is where most castigation is centered (Brayne 2020; Jackson and McBride 1983; Katz 2003; Katz and Webb 2006; Leovy 2015; O'Deane 2008; Rios 2011; Valasik 2014; Valasik et al. 2016). Ethnographic research by Vigil (2007) finds that police frequently monitor gangs with "officers stopping and questioning gang members to fill in [FI] cards even if no crime was committed so that the cards can later be used as evidence in courts to show gang affiliation"⁶ (21; see also Brayne 2020, 65). While every encounter between police and a civilian should produce a FI card, given police discretion this is likely not the case. The expectation (rightly or wrongly) is that FI cards are routinely completed when officers encounter

gang members to chronicle their ongoing gang activity.⁷ This makes FI cards an important and valuable resource for investigating and prosecuting gang-related crimes (Katz 2006; Klein 2009). As such, FI cards' "importance cannot be overstated" as they have the ability to link individuals over space and time through repeated interactions with police (Brayne 2020, 64).

Yet the assumptions that critics of this form of gang intelligence raise focus exceedingly on FI cards being the foundational component of data-driven policing (see Brayne 2020). The process of an officer manually filling out a FI card on a gang associate and that information showing up in an electronic gang database or being queried by some other data-driven approach is not as instantaneous or fastidious as it gets portrayed in the literature (see Brayne 2020; Ferguson 2017).⁸ A critical defect that Brayne (2020) glosses over in her discussion about FI cards as the "fundamental building blocks" of many data-driven policing strategies is the fact that they "have to be manually entered into databases" (64).

Research asserts that gang intelligence is reliably collected with officers being able to accurately identify criminally active gang associates (Katz et al. 2000). Yet even if a FI card is collected on an individual, an error can still be introduced into the system. First, when a police officer encounters a gang associate and completes a FI card by hand, the information collected may be inaccurate, recorded incorrectly (e.g., misspelled), placed in the wrong field, or may be illegible.

Second, when a FI card is entered into a gang database the same set of errors could be introduced secondarily or the initial errors will not be addressed when being archived. Even worse, an eligible FI card meeting the required criteria for inclusion may never be entered into the database (LAPD 2020). Given the likelihood that the individuals entering the FI into a database do not wish to be held accountable for any mistakes, even if fixing initial errors produces a more accurate and reliable database, it is more reasonable to expect that any errors in the database are the result of an officer not producing a clean FI at the point of contact with the gang associate. Van Gennip et al. (2018) highlight some of these issues with FIs having been entered with "misspellings, different ways of writing names, and even address changes over time" that "can all lead to duplicate entries in the database for the same person" which "bloat the storage size of the database" and "make analyses of the data much more complicated, much less accurate, and may render many forms of analyses impossible, as the data are no longer a true representation of the real world" (109–110). It is no surprise, then, that audits of gang databases identify "instances of questionable data entries related to individuals' birthdates, criteria dates, purge dates, and individuals' location information" (California State Auditor 2016, 17). For example, the California State Auditor (2016) uncovered that "42 individuals in CalGang whose birthdates indicated that they were less than one year old at the time their information was entered, 28 of whom were entered into the system in part because they admitted to being gang members." The problem here is not that law enforcement officers are accusing infants of being gang members but that "flawed documentation; inadequate or inconsistent quality control . . . ; or ineffective auditing" is the culprit of such errors (Huff and Barrows 2015).

Finally, officer negligence, or worse, the falsification of an individual's information to meet the criteria required to be entered into a gang database, may transpire (LAPD 2020). The inconsistent collection of information by officers, whether due to inadequate training, prejudice, bias, or other nefarious reasons, is extremely disconcerting (LAPD 2020). All in all, police agencies that rely on FI cards as part of their anti-gang policing strategy must not only have robust training on the collection, intended use, and archiving of such gang intelligence, but must also maintain a qualified support staff of analysts to regularly audit, document, and correct errors.

Data quality within gang databases is likely to have downstream effects on data-driven police systems (in addition to issues of trust in the police or violating individuals' civil liberties). The "need for stronger controls over the processes for entering, evaluating, and auditing the data" produced from FI cards is imperative for the functioning of data-driven systems (California State Auditor 2016, 39; LAPD 2020). This

is particularly the case for both focused deterrence programs and person-based predictive policing systems, such as chronic offender lists, which rely on accurate and legible record keeping (see Braga 2015; Brayne 2020; Ferguson 2017). However, the present reality when it comes to policing gangs is that the use and reliance on data-driven systems remains more symbolic than instrumental. Most filled-out FI cards are stored in a locked filing cabinet within a secured room at a police station where they stay until they are needed for a gang-related investigation or prosecution. Police officers are generally averse to data entry, as readily depicted in the first episode of *The Wire* (2002), and the notion that they are now “data-entry experts, interpreters, and technicians” is misdirected (Ferguson 2017, 104). While the information provided on FI cards has the potential to create networked sociograms linking gang associates, or geolocating where gang associates reside or hangout, as Ferguson (2017, 102) and Brayne (2020, 67, 111) caution, anti-gang units do not typically use the data from FI cards for this purpose, let alone proactive, continuous surveillance. Rather, gang databases are used primarily to aid detectives in closing criminal investigations, identifying suspects and their affiliations, and facilitating prosecutors in convicting offenders. The potential impact of errors and inconsistencies on FI cards (and the inclusion of those errors into gang databases) on investigations, arrests, and prosecutions remains a concern, nonetheless.

Given that an anti-gang unit’s principal responsibility is the collection and dissemination of gang intelligence (i.e., FI cards), if anti-gang units were surveilling gang associates through data-driven systems, then an officer’s experience level in the unit should not impact their ability to collect gang intelligence. Any officer should be able to identify individuals who are gang associates and suppress gang activity through enforcement capabilities given access to data-driven reports, bulletins, maps, social networks, and lists of individuals (e.g., chronic offender lists) of elevated concern. Yet Valasik et al. (2016) reveal that this is not the case. They find that the temporary shutdown of an anti-gang unit produced a significant, permanent decline in the number of FIs collected involving a gang associate by newly assigned anti-gang unit officers. A reduction that, over the course of a year, was unable to return to earlier levels prior to the disbandment. Additionally, there was a “dramatic permanent decline in gang arrests,” and after one year neither the reconstituted anti-gang unit nor the division as a whole “had returned to their pre-intervention levels of gang suppression” (Valasik et al. 2016, 103).

These findings run counter to arguments that the LAPD’s anti-gang units are actively surveilling gang associates, let alone are able to locate and identify these individuals at will. Anti-gang units’ supportive role of providing accurate and actionable gang intelligence, which is imperative in solving gang-related crimes, such as homicides and drive-by shootings (Katz 2003, 504), is reliant on veteran officers in the unit, with their years of expertise and street knowledge to be effective and “yield distinct advantages to a department” (Klein 2004, 179).

FI cards remain an intelligence-gathering instrument, with anti-gang units engaged in reactive investigations surrounding a criminal incident or a suspect, focusing on past criminal events and potential suspects (Brodeur 2010). Policing gangs is rarely proactive in nature, such as preventing a gang associate from carrying out retaliatory violence. Despite advances in digital surveillance and the ability to sift through social media posts, law enforcement’s use of such techniques is greatly limited to only a handful of jurisdictions. In application, the territorial nature of street gangs means that policing them remains very much geographical in its approach, not technological (Bloch 2020; Bloch and Phillips 2021; Valasik and Torres 2020).

Data-Driven Policing of Gangs in the Twenty-First Century

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Given the track record of policing in America, there is genuine concern that data-driven policing methods may exacerbate racial biases or infringe on civil liberties (Brayne 2020; Ferguson 2017, 2021, 2022; Jefferson 2017). For instance, this could emerge with data-driven policing approaches that identify potential at-risk offenders, and broadly or more narrowly target gang associates before the commission of a crime through criminal profiling (Degeling and Berendt 2018). This overzealous scrutiny of targeted individuals by law enforcement, looking for a criminal code violation to support an arrest, further diminishes trust in the police and only fuels legal cynicism in the community (Martinez 2016). That being said, such data-driven methods are not that different from well-received, evidence-based “pulling levers” of focused deterrence programs, such as Operation Ceasefire, which focus their interventions on gang associates who are participating in violence and intimidating local communities (see Braga 2015).

A similar concern is often raised for place-based forecasting, which predicts a time and location where a crime is likely to occur by introducing a law enforcement officer into an area where they have an increased opportunity to exercise racial bias (Brayne 2020; Ferguson 2017). Lum and Isaac (2016) demonstrated the potential for racially biased results after conducting a simulation study of place-based forecasting with drug arrests as the outcome variable. While Lum and Isaac (2016) make several problematic assumptions, including both the framing of a data-generating process that guarantees their result and the use of an inappropriate outcome variable,⁹ their gambit is successful in demonstrating that attention needs to be paid to whether place-based predictive policing approaches produce biased outcomes.

A randomized controlled trial, however, revealed that despite there being more arrests in forecasted areas there are no significant differences in the proportions of arrests between whites, Blacks, or Latinos in treatment or control conditions (Brantingham et al. 2018). Brantingham et al. (2018) concluded that place-based forecasting did not contribute to racial bias in arrests. Research has revealed that increased police activity in documented hotspots does not negatively impact community perceptions of disorder, violent or property crime, perceived safety, satisfaction with police, or procedural justice, suggesting that the use of similarly related data-driven approaches would not automatically impact community residents in a deleterious manner (Ratcliffe et al. 2015). Benbouzid (2019) contends that such forecasting “is less a tool about the anticipation of crime a[nd] more like a dosage machine of safety in the continuity of Compstat” (11), which has been viewed as a successful crime reduction device that has become widely adopted by police agencies across the globe (Bratton and Malinowski 2008; Vito, Reed, and Walsh 2016; Weisburd et al. 2003; White 2014; Zimring 2012).

Degeling and Berendt (2018) stress that each data-driven policing approach relies on different theories and have unique assumptions that guide the forecasting algorithm. As such, it is necessary to be aware of this before evaluating a particular approach. Critics often conflate the methods for predicting potential offenders with those for predicting crime locations to suit arguments against the use of data-driven policing (Moses and Chan 2016; Perry 2013).

It is also important to keep in mind that the information systems that data-driven policing rely on tend to be “a patchwork of legacy systems, each brought on at different times, used by different people in different divisions, and [are] often unable to operate in tandem or communicate from one platform to another” (Brayne 2020, 33). Brayne (2020) also notes that the “data use and integration are nowhere near seamless,” with usage varying by an officer’s role, their unit, and the division they are assigned to (33). It becomes clear that data-driven information systems are “not so much Orwellian as Kafkaesque . . . rather than being efficient and omniscient systems of total surveillance, they are buried under the weight of their own bureaucracy and inefficiency” (Bohigian 2022, 390).

The Reality versus the Possibilities of Data-Driven Policing

There is a big difference between the promise of data-driven systems and the reality. While there is much hysteria about data-driven surveillance by police in the news media, most use of data is not much different from the use of a search engine on the web. At most, police have been able to connect previously siloed data systems, such as FI cards, criminal rap sheets, license plates, traffic citations, and so on and facilitate searches of that information from a common interface (Brayne 2020). The results of such queries may be beneficial, or they could be of no use. It still requires a trained police officer to ascertain which information is worthwhile; the software just allows for the investigating to be performed in a timelier manner. Just as Valasik et al. (2016) observe that the expertise and street knowledge of veteran anti-gang unit officers is crucial in producing gang intelligence and suppressing gang activity, it is not the datasets that matter per se, but having a qualified individual able to synthesize the information that is being presented and interpret conclusions.

While data-driven policing does allow for “the proliferation of digitized records, mak[ing] it possible to merge data from previously separate institutional sources into an integrated, structural system in which disparate data points are displayed and searchable in relation to one another, and in which individuals can be cross-referenced across databases,” this process is far from an automatic, all-knowing endeavor that allows police officers to actively surveilling the populace (Brayne 2020, 53). For instance, this lack of automation was documented by Uchida and Swatt (2013) in LAPD’s Newton Community Policing Area during Operation LASER. A special crime intelligence detail (CID) was constructed specifically to conduct a daily review of not just FI cards but all “citations, release from custody forms, crime reports, and arrest reports” to create a potential candidate pool of “chronic offenders” that CID would then conduct “more in-depth analyses of those individuals to confirm that they have been appropriately targeted” (292). Furthermore, Brayne (2020) notes that “most staffers . . . use it [data-driven systems] for simple queries,” such as a license plates, phone numbers, or suspect demographic characteristics (42). The information that gets provided still needs to be examined, with some of the data being useful and other pieces not being helpful. It is not easy or automatic in any sense; it just facilitates the criminal investigative process.

Brayne (2020) raises concerns about using such systems in relation to anti-gang policing. When police collect a FI card for a gang associate, any individuals who are present will have their information collected in the “Persons with Subject” field or the narrative section, thereby making it look like these individuals are also affiliated with a gang (Brayne 2020, 111). While this is a valid concern, the reality is that there is only a limited amount of space on the index-sized FI cards. Name, date of birth, sex, gang moniker, and affiliation have explicit fields of entry and only four lines for a narrative. This greatly limits the viability of FI cards as the lynchpin to uncovering a gang’s social network. Additional data would be required to get a true sense of the structure of a gang, such as co-arrests (see Ciomek, Braga, and Papachristos 2020; Faust and Tita 2019; Papachristos, Braga, and Hureau 2012). At best, FI data could reveal the public patterns of connections among gang associates (see Valasik 2014). In the end, FI cards are primarily used to document criminal gang activity for future prosecutions and are not designed to be used as the building blocks of data-driven policing (see Valasik et al. 2016).

Brayne (2020) asserts that these associating individuals observed at a stop will be “gathered up in . . . the ‘secondary surveillance network’ ” by the sole fact that they have a social connection to a gang associate (111). This is an appropriate concern, though the issue is with the resulting intelligence rather than surveillance per se. It is important to remember that without rigorous processes of entering, assessing, and scrutinizing the data being entered into the database the data-driven system is using, there will be issues with what is being outputted to officers (see LAPD 2020). For instance, with person-based forecasting, the creation of chronic offender lists is troublesome as they focus law enforcement’s attention on individuals who have already become ensnared in the criminal justice system, either unintentionally or by design. As

the actions of these individuals become scrutinized more intensely it is more likely that overzealous policing will result in violating an individual's civil liberties or exposing a criminal infraction (e.g., traffic violation, jaywalking) that could result in an arrest. This is the principal reason why data-driven policing person-based forecasting is problematic—the targeting of individuals before they have violated the law.

Place-Based Approaches as the Alternative

Data-driven policing through place-based approaches are similar to hotspot policing with traditional heat maps based on prior criminal activities. The goal in both cases is to provide a rational basis for limiting attention to the places where and when a crime is most likely to transpire to better allocate limited police resources. People forget that crime heat maps are also generated by algorithms. The only difference with more recent forms of place-based data-driven approaches is that the algorithms used now are often (though not always) more behaviorally realistic and, more importantly, are generally able to adjust more quickly as crime patterns change. The logic is that just because an area experienced an uptick in criminal activity at a prior point in time does not necessarily mean it will continue to experience the same criminal activity in the future. Data-driven policing helps to provide a more nuanced and accurate expectation of where crimes are likely to occur. There are generally two broad place-based approaches: place-based forecasting and risk terrain modeling (RTM).

Space has always been important in understanding patterns of crime, but particularly gangs and gang-related violence (Brantingham et al. 2012; Papachristos and Hughes 2015; Tita, Cohen, and Engberg 2005; Tita and Radil 2011; Valasik and Tita 2018). Theory suggests that place-based forecasting is most effective at predicting property crimes such as car theft, burglary, or theft from a motor vehicle, with their high level of occurrence and relatively high rate of reporting (Brayne 2020; Mohler et al. 2015; Ratcliffe et al. 2021; Taylor and Ratcliffe 2020). It is expected that violent crime, with its lower levels of occurrence and reporting (e.g., assault, homicide, rape) is not as effectively estimated through place-based forecasting (Brayne 2020).¹⁰ Police agencies, therefore, tend to focus more of their attention on the suspects and victims of violence through person-based predictions rather than place-based approaches (see the discussion below).

p. 820 That being said, gang-related violence is not random, but tends to cluster in particular areas (Papachristos, Hureau, and Braga 2012; Smith et al. 2012) and remains stubbornly concentrated over time (Papachristos 2013; Valasik et al. 2017). Though his argument is cliché, Ferguson (2017) concedes that both the theory around place-based predictions and its application should “forecast with some accuracy” since “the combination of territoriality and predictability means that future gang violence” is confined to a very limited area of the urban environment (71) (see Valasik 2018). Furthermore, contrary to Ferguson's (2017) equivocating that the underreporting of crime produces data issues in criminal forecasting, he fails to point out that the Department of Justice report informing his argument does not include homicide in the violent victimization measure (see Langton et al. 2012). Homicide has long been considered to be fully and reliably accounted for in official crime reports (Messner 1984; Skogan 1977). Specifically, looking at gang-related crime, research has shown “that police reports of gang measures—specifically homicide—meet the measurement requirements necessary to be used reliably and validly” and that “police reports of gang crime are not fraught with measurement error so as to be unsuitable for meaningful analysis” (Decker and Pyrooz 2010, 370). Therefore, using measures of gang-related violence, particularly homicide, would be more than appropriate for criminal forecasting.

RTM differs from other place-based forecasting methods in moving beyond event histories. RTM merges concepts from spatial analysis and environmental criminology, identifying statistically significant features of the built environment, social and physical landscapes, and their interactions about an outcome incident (i.e., gang-related homicides, gang-related assaults) to determine an area's level of spatial vulnerability or risk (Caplan and Kennedy 2016). Using RTM to examine gang-related violence, homicides, and assaults,

Valasik (2018) revealed that this data-driven approach can produce accurate forecasts. He found that areas spatially vulnerable to experiencing a gang-related homicide contend with concentrations of gang associates' residences and gang "set space" locations (well-known gang hangouts). Areas at risk of gang-related assaults are in close proximity to where gang associates are observed loitering by police while also being influenced by both environmental (i.e., metro rail stops) and social landscape (i.e., residential concentrations of local gang associates) features (Valasik 2018).

RTM differs from place-based forecasting in that it can identify the environmental risk factors associated with a type of crime and assess their spatial influence on an area's vulnerability to experiencing that type of crime in the future (Davis et al. 2022). Additionally, RTM does not require the inclusion of prior criminal incidents to identify areas spatially vulnerable to crime, which may temper the concern that police officer bias drives crime forecasts. Ultimately, Ferguson (2017) does concede that "as long as crime continues to happen in particular places, understanding those places and the environmental risk associated with those places is a clear measure of progress" (83).

Conclusion

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An exaggerated paranoia exists that novel technologies (e.g., data-driven systems) are being used to actively surveil citizens and invade their privacy. While this paranoia may be spot on at the federal level, it is the exception not the rule for local law enforcement agencies (see Ackerman 2021). This overestimation is particularly salient in regard to the policing of street gangs (see Brayne 2020; Howell 2022; Pittman 2021). The goal of this chapter was to provide an even-handed discussion of the realities of anti-gang policing under data-driven systems compared to fashionable theoretical argumentation on the potential "legal implications of big data policing" (Brayne 2020, 119; see Ferguson 2017, 2021, 2022). In particular, it was to show that the policing of street gangs remains an anachronistic practice of traditional police work.

It is important to keep in mind that just because law enforcement has access to data-driven approaches, it does not necessarily mean that any privacy, civil liberties, or Fourth Amendment protections are being violated. Brayne (2020, 134) notes that just because a data-driven system "increases the opportunities" for impropriety, it does not mean such improprieties are taking place. She did not observe any during her fieldwork with the LAPD. The rhetoric surrounding how police bias and discretion contaminate data-driven anti-gang policing masks the mundane and longstanding practices of law enforcement officers. This is not to say that data-driven anti-gang policing is infallible. There is always a human component to policing, and officer discretion will always be an unsettled part of the process (see Brantingham et al. 2018; Brayne 2020; Ferguson 2017). As such, there needs to be an ongoing effort to ensure transparency and robust standardization procedures for the systematic collection and entry of data. In addition, there should be routine evaluation and auditing of data-driven systems (see Davis et al. 2022; LAPD 2020).

A driving assumption by Brayne (2020) and Ferguson (2017) is that data-driven policing results in officers being proactive in their duties. Research regularly reveals that the most prevalent forms of proactive policing are traffic enforcement and random patrol, driving around a designated geographic area in an attempt to deter potential crime (see Lum et al. 2020; Weisburd and Eck 2004). Furthermore, Wu et al. (2022) highlight that even when police are tasked with targeting areas with elevated levels of crime such targeting is "often short-lived and ineffective" (358). These findings highlight the difficulty of securing officer support and buy-in when introducing novel technology and approaches (Brayne 2020). For instance, while in attendance at LAPD's 1st Annual Foothill Crime Fighters Conference on February 3, 2013, officers were allowed to anonymously share their thoughts and feelings about data-driven systems being used in the division. While there was a range of responses, many of them were not supportive of the new

approaches. It is no surprise then that data-driven anti-gang initiatives remain inconsistently implemented within and across jurisdictions (see Brayne 2020; Hennigan and Sloane 2013).

In the end, the jurisdictional complexity of policing fails to produce the perceived “seamless information sharing environment envisioned” by scholars and instead results in a “series of overlapping and often conflicting programs” (McQuade 2019, 78). Furthermore, law enforcement’s use of both conventional (i.e., wiretaps) and digital (e.g., social media platforms) surveillance techniques remain a predominantly reactive endeavor to facilitate a criminal investigation (see Berlusconi 2013; Patton et al. 2017). The handful of large police agencies that can direct resources for more proactive surveillance of social media platforms remains limited. The vast majority of police jurisdictions lack training, have limited access, and are without a knowledge base about social media (LexisNexis 2012). As such, anti-gang policing remains relatively anachronistic, geographically targeting areas where gang associates are most likely to be loitering (e.g., residences, gang set space) and not technologically guided through data-driven systems. Anti-gang policing results primarily in the accustomed collection of intelligence (i.e., FI cards). This intelligence is not the driving component of a data-driven surveillance system, but rather is used to aid in the arrest and prosecution of offending gang associates (see Anderson et al. 2009; Caudill et al. 2017; Pyrooz et al. 2011; Valasik et al. 2016; Walker and Cesar 2020).

Notes

1. It is necessary to acknowledge the potential breadth of individuals who are identified as being part of a gang, due to the complexities of gang life or law enforcement’s discretion in identifying constituents. The term “gang associate” is used in this chapter, instead of gang member, to identify individuals who are perceived as, labeled as, or self-reported as an actual gang member (see Rios 2017; Stuart 2020).
2. It is important to remember that data-driven policing is not squarely a gang-focused strategy, so these numbers are a rather generous estimate to the use of data-driven techniques to surveil street gangs. Studies to date on the use of data-driven policing remain in only a handful of very large police jurisdictions that have resources to commit to such endeavors, such as the Los Angeles Police Department, Chicago Police Department, New York Police Department, and the Metropolitan Police Department (London) (Brayne 2020; Densley 2013; Patton et al. 2017; Stuart 2020).
3. The definitions used in this chapter are synthesized from Dictionary.com, Merriam-Webster Dictionary, and Britannica Dictionary.
4. Note that today there are 21 geographically distinct divisions or community policing areas that makeup the LAPD’s jurisdiction boundaries.
5. On August 25, 1998, LAPD gang CRASH unit officer Rafael Pérez was arrested and eventually convicted for stealing 8 pounds of cocaine from an LAPD evidence locker. Pérez accused other CRASH officers of police misconduct, including planting evidence, false imprisonment, illegal search and seizures, unprovoked beatings, perjury, bank robbery, stealing and selling narcotics, framing suspects, assault, murder, and concealing a crime (Domanick 2016; Reese 2005; Rice et al. 2006). The fallout from the Rampart Scandal resulted in the LAPD entering into a consent decree with the US Department of Justice, requiring dozens of reforms including the abolishment of CRASH units and the development of new management procedures with stringent checks and balances designed to inhibit the possibility of future corruption (Chemerinsky 2000; Stone, Foglesong, and Cole 2009). Also, over 150 individuals had their convictions overturned and were released from prison, with at least \$125 million being dispensed in settlements (Klein 2004).
6. The LAPD Department Manual (Line Procedures 4/269.20) defines the indicators for gang membership as when an individual meets at least two of the following criteria: admits to being a gang associate, arrested for offenses consistent with gang activity, been identified as a gang associate by a reliable source, observed associate with documented gang associates, observed brandishing gang symbols/hand signs, observed frequenting gang areas, observed wearing gang dress, or has gang tattoos.
7. As of 2020, it is explicit LAPD policy that contacts with gang associates should not produce an FI unless the individual has

knowledge of or has been involved in criminal activity or is a parolee/probationer or an arrestee.

8. If the stop involves a gang associate, additional information is collected documenting their gang membership (tattoos, attire, etc.) and the observed gang activity. "Upon supervisory review and approval of the FI Card containing gang-related information, it shall be routed to the Area GIT [gang unit] where the FI Card was completed for review and verification. Only a GIT officer shall complete a CAL/GANG Card if the criterion for a gang member or gang affiliate has been met. After completing the CAL/GANG Card or if a card already exists, the Area G-CAD [gang crime analyst division] shall enter the new information into the CAL/GANG System within three working days. The FI Card shall then be routed through the Area Records Unit for normal processing" (LAPD 2012).
- p. 823 9. Drug-related crimes, compared to other property and violent crimes (e.g., robbery, burglary, assault) are some of the most proactively enforced by police, which sets up divergence in police practices that could account for the biased results (Lynch et al. 2013). Most crime detection by police remains reactive in nature and dependent on the local citizenry (Black 1970).
10. Unpublished analyses suggest that this contrast is too simplistic. Analyses of predictive accuracy show in general that robbery tends to be the most predictive of all crimes, beating property crimes like burglary by a substantial margin. One possible explanation for this finding is that potential robbery targets (e.g., convenience stores) are far less numerous than burglary targets, and therefore repeat victimization is easier to predict for robbery.

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