

Crews, Cliques, Posses, Near Groups, and Criminal Street Gangs
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Abstract

Crews, cliques, and posses become integrated near groups because of societal rejection, labeling, and social conflict. Unfavorable stigmatization, channeling opportunities, social conflict, and rejection represent essential ingredients in the transition of these near groups to criminal street gangs. Even though, the gangster's lifestyle produces, offenders, victims, convicts, and funerals; gangsterism has become the number one attraction for boys seeking masculinity within the context of resource strained neighborhoods. Many males take pride in the statement "I'm a Gangster."

In our rush to prevent the gravitation towards gangsterism, it remains a distinct possibility that we have taken the wrong route. This presentation examines the genesis of a typical street gang. Additionally, the fundamental assumptions of the Street Gang Prevention Act are evaluated. Defense Attorneys may be interested in the conceptual flaws inherent in the Street Gang Prevention Act.

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Chapter 1 The Genesis of Gangs are Crews, Cliques, Posses, and Near Groups

It is imperative that there be some understanding that crews, cliques, posses, and near groups, while similar to street gangs are very different and may in fact be a normal function of collective delinquency. Crews, cliques, posses, and near groups fulfill the need for “like circumstanced youth” to associate, socialize, and in some cases act out frustrations, anger, and displeasure toward conventionalism (more popular within school systems).

- The origins of crews, cliques, and posses start with play groups or neighborhood friends ranging in ages from eight (third grade) to fourteen (middle school). These youth have a common bond and at this stage hang out for purposes of recreation, familiarity and comfort.
- Such groups are fundamental and in fact normal because crews, cliques, and posses socialize and assist in coping strategies for micro level (peer associations) and macro level (institutional/educational) interaction.
- Up to this point crews, cliques, and posses could come from any social class; however, the transition to the more serious “down for whatever groups” is a lower class specific phenomenon. Crews, cliques, and posses have the potential to become socially disruptive Near Groups given
 - There is some level of labeling (stigmatizing and channeling the opportunities of the stigmatized)
 - There is some level of social conflict: real or imagined person(s) and/or organizations that stand in opposition to the group
 - Unfortunately, the severity of labeling and perceived social conflict increases dramatically when these youth are nearing completion of middle school and entering high school.
- The Socially Disruptive Near Group is born via Social Conflict: When groups understand that there is a common enemy real or imagined, then they come to an understanding that the group has a “purpose” a reason to be together more powerful than the initial draw (which recall was for socializing, leisure, and recreation).
 - When the school system labels and sets aside (via detention, in school suspension) an enemy is created
 - When teachers label and caste individuals as “bad kids” and label them un-teachable or reachable, an enemy is created
 - When kids encounter other kids from a different neighborhood and personal problems become group problems an enemy is created
 - When school resource officers and ultimately the police are called in to handle group conflicts an enemy is created

- Gangs and gang members: at the point that individual(s) perceive rejection from mainstream society, and conventional institutions, near groups transition into gangs and individuals seek gang affiliation.
 - Frederic Thrasher (1927) *The Gang: A Study of 1, 313 Gangs in Chicago*
 - Albert Cohen (1955) *Delinquent Boys: The Culture of the Gang*
 - Jack Katz (1988) *Seductions of Crime: Moral and Sensual Attractions to Doing Evil*

Chapter 2 Subcultures and Gangs

- Subcultures represent a set of normative expectations governing behaviors that are appropriate for the streets. Making it the “conventional way” or through socially acceptable means (e.g. earning an education and perhaps landing a job) becomes secondary to the immediacy of the streets.
 - such expectations often run counter to conventionalism
 - obedience to a code of street driven ethics relative to dealing with conflict
 - rationalizations, justifications and excuses to use violence to resolve conflicts
- Why the Streets? Deprivation (social, cultural, economic, and spiritual) and Social Dynamics (family organization and dysfunction) forces individuals (who have already faced rejection) into looking for alternatives to “earn a living” a sustainable level of income that would promote a respectable lifestyle (material acquisitions, and street respect). *The best organization suited to help individuals address deprivation and inadequacies in social dynamics is the “gang”*
- A Gang by Definition: The general consensus (amongst Criminologists) is that the gang is far too complex in organization, demographics, sub-cultural norms, rituals, and routine activities to offer a “best fit” definition.
- Hence it is far better to offer ingredients for a classical street gang
 - Group acknowledges themselves as a collective via names and often associate with one another and there is a distinct hierarchy in place
 - Have group solidarity, loyalty, and camaraderie
 - Have rituals
 - Hand signs
 - Clothing attire, with distinct colors, and flags
 - Have evolved to the letter system via use of Athletic Gear

- Group has approached a level where they have generational replacement and/or recruiting is obsolete. It logically follows that gangs would have older members
 - 9-11 looking to get on but sure=gang member
 - 9-17 already made the decision that he/she wants to be a soldier for the gang, represent at all times and claim the neighborhood as “set” willing to die or face whatever consequences by claiming and will voluntarily put in work (participate in violence and crime even lethal violence)=gang banger
 - 18-35 depending on successful adaptation and survival on the streets or in prison=Original Gangster (O.G.)
- In many respects the group has become transpersonal, meaning the “idea” of the gang does not hinge on one person or a group of persons. Rather the ingredients for seeking the gang, rests with deprivation and social dynamics.
- Group has become an institution in the neighborhood by replacing the family as the number one socialization agent.
- Claim a particular territory and will use violence to defend that claim
- Building reputations are critical for respect
 - Dying for the gang, a fallen hero where some younger individual will claim the fallen comrades name and carry on the torch
 - Going to prison is just another stage for proving oneself/not seen as punishment
 - Being wounded in battle, fighting, riding, and putting in work (routine deviance, crime, and violence for the good of the gang)
- Living in a Gangland: neighborhoods have become so impacted by white flight and black flight (physical isolation and segregation, and social alienation and isolation) that it has become a “hood” a defended enclave, where every hood has its strong arm organization, **the gang!**
 - A sustained level of urbanity and poverty
 - Resource strain, disruption in material flow to the neighborhood
 - Physical and social deterioration is evident
 - Population congestion and proximity issues

Chapter 3 The Case to be Made in North Carolina

- I am going to make a safe, conceptually logical assumption that may not be popular amongst legislators and prosecutors. If we accept information in Chapters 1 and 2 as having some value (the above information holds significant value for Criminologists) then it logically follows that North Carolina “does not have a gang problem.” Furthermore, North Carolina should not be considered a “gangland.” At worst North Carolina is beset by a transitioning of crews, cliques, and posses, to near groups that are beginning to show signs of progressing towards “gangsterism.” This assumption does not take away from the fact that places like Fayetteville, Durham, and Winston Salem have had a history of dealing with self proclaimed traditional Blood and Crip Sets migrating from California. At best, North Carolina is in jeopardy of having a gang problem because the ingredients (deprivation and inadequate social dynamics) for sub-cultural formation leading to classical street gangs have been in place for generations. Additionally, the historical migration from rural to more urban areas is shifting because many parents are finding that their kids are better off living in the south. Hence, many are sending their kids who have gangster associations to North Carolina. These very same kids become immediate leaders for an already on the edge group of individuals who are looking for that gangster lifestyle.

- What the Data Reveals between 1999 and 2004
 - Out of an estimated 332-387 gangs with 5, 068-8,517 total members only 97 gangs fit a certain criteria to be classified as a street gang
 - Acknowledge self as a collective group via names and graffiti
 - Commitment to criminal activity
 - Hang out in a specific geographic location
 - The majority of these 97 gangs were
 - Primarily Male
 - Minority (disproportionately Black and Hispanic)
 - Largely Concentrated in
 - Charlotte
 - Greensboro and High Point
 - Raleigh and Durham
 - Fayetteville and Wilmington
 - Greenville
 - Criminal Activity in ordered by higher participation/commitment to criminal activity (data reflects reports of 387 gangs in N.C.)
 - Drug crimes (approx 230 instances)
 - Vandalism (approx 185 instances)
 - Larceny (approx 160 instances)
 - Assaults (approx 155 instances)
 - Weapons (approx 119 instances)

- Breaking and entering (approx 55 instances)
- Murder (approx 44 instances) *ranks 7th in instances of crime*
- Auto theft (approx 40 instances)
- Source Richard Hayes (2005) *Gangs in North Carolina: A Comparative Analysis Between 1999-2004*. **North Carolina Criminal Justice Analysis Center, Governor's Crime Commission Report SystemStats**

Chapter 4 General Assembly of North Carolina Session 2005 House Bill 50 “North Carolina Street gang Prevention Act”

- The General Assembly finds that the state of North Carolina is in a state of crisis that has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. Such activities present a clear and present danger to public order, safety, and the constitutionally protected.
 - Drug crimes, mainly attempts at distribution/selling
 - Vandalism is a property crime
 - Larceny and assaults are usually intra-racial in nature and involve sub-cultural combatants more than civil citizens
 - Breaking and entering is perhaps the most significant crime against functional or civil citizens
- The General Assembly finds that there are criminal street gangs operating in North Carolina and that the number of gang-related murders is increasing.
 - Recall that murder ranked 7th amongst gang-related crimes in North Carolina
 - Murders usually involved offender/victims who were of the same race but the age of offender/victim was typically 7 to 10 years apart.
 - Murders typically involved combatant situations where it was more individualized, rather than gang-related.
 - Murders typically involved or occurred because the offender wanted to keep some damaging information from going “public.”
 - Source: I was a consultant for Project Safe Neighborhoods: The Center for Youth, Family, and Community Partnerships at the University of North Carolina-Greensboro served as the Project Safe Neighborhoods Research Partner for the United States Attorney's Office, Middle District of North Carolina. I examined recorded murder cases from 2002 through 2004.
 - Between 2002 through 2005 there was very little evidence that would strongly support the General Assembly's contention of a rise in gang-related murders.

- It is the intent of the General Assembly in enacting this Article to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs which together are the chief source of terror created by street gangs.
 - Criminal Street gang or street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, which engages in a pattern of criminal gang activity
 - Gang indicators: common name, identifying signs, symbols, tattoos, graffiti, attire or other distinguishing characteristics
 - Indicators for organization are not clearly stated
 - The brief presentation for indicators of a gang are not all that different from crews, cliques, posses, and near groups.
 - Pattern of Criminal Activity: commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit at least two offenses that occurred within three years (one occurred after December 1, 2005 and the last occurred within three years).
 - Activities occurring this far apart are more indicative of a person operating outside of the culture of the gang.
 - Gang activity is consistent.
 - Two actions don't make for a pattern, nor does the rather expansive time frame.

- Will The Street Gang Prevention Act Be effective?
 - Only time will tell but history suggests that incarcerating gang leadership does very little toward stagnating the growth of the gang. In fact, the more notorious street gangs of Chicago were either formed or strengthened behind the prison walls of Illinois and Michigan (e.g. Illinois Department of corrections=Gangster Disciples, Black P-Stones, and Vice Lords, and Melanics/Jackson Prison in Michigan, etc.,)
 - The assumption that incarceration will stunt the growth of gangs by eliminating leadership
 - Recall that classic street gangs are transpersonal, which means its longevity is not dependent on individuals
 - Recall that the ingredients for street gang membership are deprivation and social dynamic dysfunction.
 - Does incarceration do anything to address deprivation and social dynamic dysfunction?
 - Recall that the genesis of street gangs is crews, cliques, posses, and near groups who become gangs via social conflict.
 - Recognize that incarceration assumes
 - Warehousing is an effective deterrent to further participation in crime

- Imprisonment further exposes one to an environment that is sure to have more potent forms of gangs, so the individual may re-integrate into society with a more lethal dose of gangsterism ready to expose to street youth.
- It could very well be that The Street Gang Prevention Act is nothing more than a sentence enhancement for lower class juveniles who actively participate in street level delinquency because situational circumstances push or force them into making crime choices over conventional choices.
 - The sanctioning mechanism of House Bill 50 is longer term incarceration/exposure to prison life, which is where gangs are sure to capture the imagination of the incarcerated who will one day emerge as a better gang member.
 - The Social Fact is that Gangs Control Most Prisons as individuals are loyal to their race and region more than anything else
 - It's difficult to be an individual in prison given protection is best achieved by some type of association
 - Theoretically instead of eradicating the gang, this piece of legislation may very well be creating future gang leadership who are becoming finely trained gang members over longer periods of time.
 - Once freed, the convict is embraced into the bosom of the gangster lifestyle, where he is free to expose others to prison teachings and tactics
 - Better more lethal gangs, with deadlier combat tactics, with prison connections!
 - Logically, it is far too soon to offer whether this legislation will prove effective
 - Until there is data on the activities of those incarcerated under House Bill 50
 - What happened to them once they were finally released?
 - Did they recidivate?
 - Organize or become leaders of a new generation of gang members?

Chapter 5 Defending The Client against the Gangster Label

- The Conceptual Battle: Police and Prosecutors spend a great deal of energy promoting or pushing the “gang involved” offender. The defense’s position is to not assume that the person is a gang member. How does the defense conceptually attack the prosecutor’s assumption?
- House Bill 50 Report of Disposition; Criminal Street Gang Activity implies that when a defendant is found guilty of an offense, the presiding judge shall determine whether the offense was committed for the benefit of , at the direction of, or in association with, any criminal street gang.
- The Defense’s Ideal Position is to have a Client with Some Social Value. Social Value functions as credibility credits and could possibly influence the judges discretion regarding classification
 - Worthwhile conventional associations that would support the client
 - People willing to offer sentiments on behalf of the client
 - Their reputations become significant factors in the risk assessment of the client
 - Family dynamics, husbandry, functional fatherhood
 - Employed, Seeking advanced schooling
 - Prior criminal record
 - Social Economic Standing
 - Social Risk Assessment
 - Is there a conventional social reputation at stake? If so, the client is inclined to want to clear their name
- Defense will have to prove that the client’s illegal conduct was for individual gain rather than for the “furtherance” of a street gang
 - Here it becomes important to conceptually attack whether the client is assumed to be a member of a formal group versus informal group
 - Even though the legislative definition of gang includes “informal group” a conceptual attack could be waged here forcing the prosecution toward the direction of infringing on one’s protected rights relative to freedom of expression and association
 - Hence clients have a legal right to associate with informal groups who harbor similar beliefs, so long as those beliefs don’t contribute to unlawful acts.
- What about those clients, who willfully admit to being a gang member?
 - It seems that legislation is directed at leadership, rather than followers.
 - If it can be proven that the client was coerced or forced into activity
 - If it can be proven that the client acted out of fear of reprisals if he/she did not go along

- If it can be proven that the client acted alone and that the action was not to “further” the purpose of the gang
- Legal Agents must be persuaded that the client is not worthy of an enhanced sentence
 - Such a sentence would do more harm than good
 - Unfortunately, the successful defense depends heavily on what the client is bringing to the table
 - Relative to prior activity
 - Social biography
 - Future potential of risk versus functional citizenship

Chapter 6 Closing Remarks

- The purpose of this presentation was to have a conversation about the dynamics of gangster classification and the trajectory from simple peer groups to gangs.
- The information here is not offered as data for criticism, rather the information was offered as a conceptual analysis that could and should lead to more debate.
- Where I seem critical of the assumption of North Carolina having a gang problem or being a haven for gang members. I only offer that such an assumption is a reach at this time.
- Certainly, there are offenders that are in need of removal from society because they present a clear and present danger.
- I would like to believe that The Criminal Justice Machine is looking to achieve the highest achievement of justice for every person, offender and victims alike. I hope that this presentation has in some way helped in that achievement of justice.