

Under Suspicion

Somerville's antiloitering ordinance may disperse violent gangs, but at what cost?

By Deborah Asbrand | February 27, 2005

Keeping urban neighborhoods safe is a complex task. Part of Somerville's solution is a controversial antiloitering ordinance signed into law last year. We asked two community advocates to discuss the ordinance, which has not yet gone into effect. William Roche, 51, is the East Somerville alderman who proposed the ordinance. Jesus Gerena, 30, is a community organizer for the Hyde Square Task Force, a community development organization in Jamaica Plain. Roche filed the proposal in 2002, following accusations of rape and assault against alleged gang members and fears of a rise in activity by MS-13, a gang known for its violence.

ROCHE When we started realizing it was an organized gang, I went on the Internet, typed in MS-13, and over 1,000 entries came up. I found out that in most cities and towns, they start out small and then basically took over parts of the city. So the purpose of the ordinance is to identify areas that are trying to be taken over by gang members. If the police identify an antiloitering area and then identify those hanging around as members of a gang, they can ask them to vacate the area immediately and not return for three hours.

GERENA What we try to do is create opportunities. Young people join gangs because they don't have the support systems at home, in school, or in the community. Teenagers need guidance, affection, and people to look after them. We have a group of 15 teenagers who come in several times a week. Two of our youth are members of the Jamaica Plain Neighborhood Council. They created a committee to address the needs of young people in the neighborhood. One issue they've been addressing is violence. They're being proactive about it, dealing with it now so next summer they don't have to. It's all about making sure young people are at the table when decisions are being made on their behalf. It's amazing what happens when you help and educate young people.

ROCHE This ordinance alone is not going to get rid of the gang problem. Mayor [Joseph] Curtatone has brought in [the youth organization] Teen Empowerment to go out into the community and talk to people who are suspected of being brought into a gang. The Chamber of Commerce has organized to offer jobs to youth. We've got a program through the school system to educate students and their parents about gangs. As you said, everyone working together is going to solve the problem.

GERENA It seems like you're targeting a group of people and saying to them, "Because you look a certain way and act a certain way, we're going to treat you a certain way." That brews discrimination. When a girl was stabbed at the Jackson Square T Station in our neighborhood, we had young people saying, "Listen, we need help." To their credit, the police stepped forward. If you go to Jackson Square today, it's a much different T station than it was six months ago.

ROCHE What you were describing sounds like random acts of violence at the T station. Absolutely the way to solve that is increased police presence and community policing. However, if it was gang members, and you had this ordinance in effect, you could have the police in force so whatever gang was there intimidating people, it would be hard to continue to hang around.

GERENA But this is a violation of your civil rights, no? To be moved around when you're not committing a crime?

ROCHE The state Senate counsel doesn't think this is a violation of your First Amendment rights. I'll be perfectly honest: I'd rather apologize to someone for moving them off a street corner than to a woman for being raped.

GERENA So if I'm a gang member, freed from jail and turning a new leaf, and I'm hanging around with two of my friends who also used to be gang members, and we're at Dunkin' Donuts talking the police have the right to move us along, even though we're not even thinking about committing a crime? That's a violation of your rights.

ROCHE Under the law, if you tell them you're no longer a gang member, they can't move you.

GERENA But it comes down to the interpretation of the law by the cops. You can agree with me that cops sometimes

overstep their boundaries. So why give them a loaded weapon to use against people when, as you have learned, there are ways to deter this kind of behavior that don't violate people's rights? Out of curiosity, did you approach young people to talk to them about this at all?

ROCHE Young people showed up at our public hearings. Young Latinos spoke on both sides of the issue. Some said, "My parents can't leave the house at night." Others said, "I'm going to be targeted." It got to the point where people refer to it as the anti-Latino law.

GERENA You can see how that would happen.

ROCHE I absolutely can. Right now, the problem we have is with Latino gangs. But I don't care what nationality the gang is. I don't want illegal gangs hanging around Somerville.

GERENA We're continually putting people in a box and drawing conclusions about them. If I was to have some of my youth come down here, you'd never guess that they're leaders in the community, because of the way they dress, their mannerisms, and the way they speak. ■