

April 17, 2025

Call it what you will—a deluge, a firehose, flooding the zone—we’ve been right here with you trying to parse through the many, many critical national developments and we’ve been particularly focused on those related to enforcement and our criminal justice system.

We’re standing up “Just a Minute…” to pause on the faulty thinking about crime, safety and justice underpinning some of the most consequential discussions and decisions playing out in this American moment. We aim to offer concise corrections and necessary context to interrupt the ideas that, left unchecked, lead to harmful, ineffective policies.

If you have feedback on topics you’d like to see us cover, or someone you’d like added to this note, please reach out: rena@fwd.us.

For now—read on for some thoughts about why we should be even more skeptical about the sweeping use of gang designations for deportations, and more broadly.

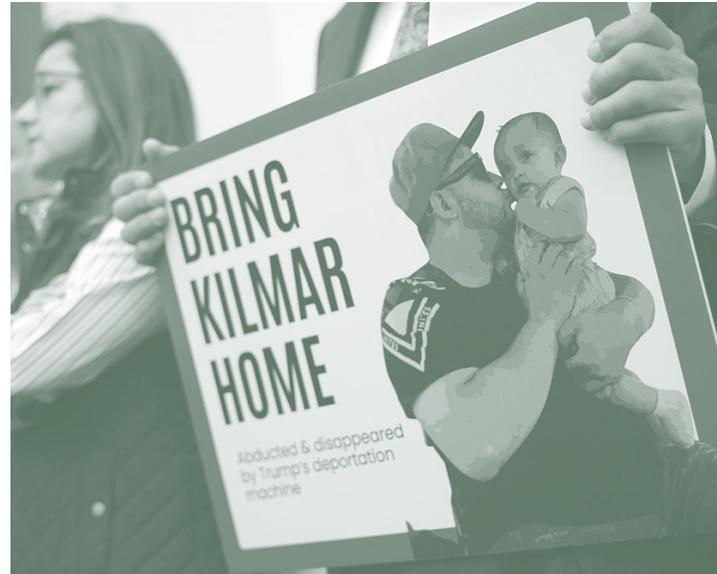
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Just a Minute on Gang Designations

Many of us have been following the stories of Kilmar Armando Abrego Garcia and Arturo Suárez Trejo, two of the hundreds of people deported to a prison complex in El Salvador. There are any number of consequential and far-reaching implications of their deportations and the question of their return. For us, the record first scratched when we read that they and others were initially selected for deportation based on alleged gang affiliation.



Alex Wong / Getty Images

We were sadly not surprised when we read the reports showing that the supposed gang ties for many of the deported and incarcerated men were baseless. We all want to live in a country that takes violence and organized crime seriously but those of us working in the criminal justice space know that our government's practice of playing fast and loose with gang designations has had extremely concerning results for a long time.

Let's Back Up

For years, our legal systems have tracked and labeled people as gang members, often on extremely shaky evidence. Law enforcement agencies in at least 44 states, DC and the federal government commonly keep internal lists of people they believe or suspect to be part of a gang. The scope of this intelligence gathering is vast and **hundreds of thousands of Americans and non-citizens have been labeled as gang affiliated.**

Quantity, however, does not equal quality. These designations of gang ties are often made based on incredibly imprecise and overinclusive criteria like hearsay, tattoos (sound familiar?) and social media activity. Transparency into these processes is limited as is the ability to challenge one's inclusion on the list yet these gang determinations can lead directly to devastating consequences like deportation, years or decade's long extensions on criminal sentences, and solitary confinement.

As the discussion of gangs, who is in them, and what that label gives the government license to do continues, keep in mind these reasons to be skeptical of gang determinations:

1 They are imprecise

Neither law enforcement, scholars or policymakers agree on a comprehensive or uniform definition of gangs or gang affiliation, making gang designations extremely variable from jurisdiction to jurisdiction. In New York City, a young person was labeled gang-involved for posting “happy birthday” on an alleged “known gang member’s” social media page. In some areas, standing on a specific corner while wearing a certain color is enough to be labeled.

2 They are notoriously inaccurate

California’s gang database was riddled with errors, including listing dozens of babies alleged to have “admitted” to gang membership before their first birthday. A panel of federal judges ruled that the Boston Police Department’s gang database relied on an “erratic point system built on unsubstantiated inferences” and deemed the list of items and activities that could lead to inclusion on the database “shockingly wide ranging.” The Los Angeles Police Department has repeatedly been forced to pause the use of the state’s database after officers were found to be falsifying entries to boost their numbers.

3 Mere inclusion on gang lists can carry enormous consequences

Appearance on gang databases has led to deportation, denial of asylum claims, loss of access to public housing, sentencing enhancements that can double prison terms, and indefinite stays in solitary confinement.

4 Gang designations flout due process

Despite the fact that they can be easy to get on, gang lists and databases are generally opaque and hard to get off. Rarely are people informed about their inclusion and most police departments lack any formal channel for someone to challenge their inclusion on a list or to be removed. While lawsuits have started to introduce guardrails, in many places people still resort to filing freedom of information requests to figure out if they’ve ever been labeled as gang-affiliated.

5 They deepen racial disparities

Reviews of major databases find between 95-99% of entries are Black and Latino, compared with populations that are roughly 50% Black and Latino. In Mississippi, law enforcement estimates that white people make up 53% of known gang members yet not a single white person was prosecuted under the state’s gang law from 2010 to 2017. The overrepresentation of Black and Latino people on gang lists is made even more conspicuous by the absence of historically white groups like the Aryan Brotherhood, Hells Angels, and the Proud Boys.

Some additional resources:

Read

David Pyrooz and James Densley's [peer-reviewed study](#) interrogating the California Gang Database, Mary Holper's law review article [Gang Accusations: The Beast That Burdens Noncitizens](#) and Ali Winston's [exhaustive 2016 reporting](#) on the California gang database.

Follow

[Andrea Flores](#) (@andreaflores.bsky.social) to learn more about the impacts of the Administration's invocation of the Alien Enemies Act.

Listen

WNYC and The Brian Lehrer Show's 2019 episode on the largest gang raid in New York City's history.

We can't afford to scale up, export, or leave unchecked what we've already gotten wrong. We'll be using this note to unpack the faulty thinking about crime, safety, and justice that underpins some of the most consequential discussions and decisions playing out in this American moment.

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JUST A MINUTE

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