Protecting Communities With Anti-gang Injunctions





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National Crime Prevention Council 2001 Jefferson Davis Highway, Suite 901 Arlington, VA 22202 202–466–6272 www.ncpc.org Gang activity can overpower a neighborhood and terrorize its members. In many neighborhoods, people are not able to sit on their own front porches and children are unable to walk to school without being harassed by gang members. Historically, gangs have formed in large metropolitan areas such as Chicago and Los Angeles. Today, gangs are forming in suburban and rural areas as well, and becoming larger and more complex every day. The National Gang Center reports that there are 30,000 gangs in the United States as of 2011. Law enforcement, prosecutors, and community leaders are working on a solution to this problem.

There are a number of ways to combat gang activity: prosecution, intervention, and prevention strategies; re-entry initiatives; school education programs such as G.R.E.A.T. (Gang Resistance Education and Training); and anti-gang injunctions. This report will take a closer look at anti-gang injunctions and how they reduce gang activity and improve neighborhood safety.

What are Anti-gang Injunctions?

An anti-gang injunction is a restraining order against a group,

declaring that its collective activity is a public nuisance and asking for special measures to be directed towards prohibiting its activity.

Anti-gang injunctions are filed by

- The area in which the injunction applies
- The name of each member
- The activities that are prohibited

Prosecutors and police believe civil injunctions can be very effective in gang control.¹

What Can Anti-gang Injunctions Do for the Community?

Anti-gang injunctions create "safe zones" in neighborhoods once terrorized by gangs. For example, if an anti-gang injunction prohibits gang members from congregating in a park or playground, children can now play in the area without fear of bullying, intimidation, violence, or gang recruitment. Parents also can feel safer by knowing that their children have a secure environment in which to play.

In these "safe zones," anti-gang injunctions can prohibit legal, yet threatening activities:

- Congregating (this includes riding in cars, walking down streets, sitting in parks/yards together)
- Intimidating witnesses
- Acting as a lookout for gang activities
- Wearing or presenting gang clothing/symbols

Although there are many ways to combat gang activity, anti-gang injunctions are important because they help officers act against gang activity before it escalates to criminal behavior. Anti-gang injunctions apply the public nuisance **doctrine**. They are based on the legal theory that gang activity constitutes a public nuisance.2 Criminal street gangs claim areas within a community as their own, taking over public places such as parks, street corners, schools, and stores. Gang members often mark these territories with graffiti and make these public areas off limits to anyone who is not a member of their gang. This violates another's right to free passage or use of public property. When gang members assemble, they often engage in illegal activity, such as narcotic sales, gang recruitment, and violence. Because these activities intimidate the community, they qualify as public nuisances. The public nuisance doctrine is to protect citizens' rights that gang activity violates.

In 1999, an anti-gang injunction was implemented in Phoenix, AZ, against 13 members of the

Los Cuatro Milpas (LCM) gang. Members were prohibited from "standing, sitting, walking, driving, gathering, or appearing anywhere in public view" with any other LCM member. Each of these activities is legal; however, the LCM members had intimidated and terrorized the neighborhood residents and visitors. "Their illegal activities have persisted for years unabated and showed no signs of ceasing," remarked Assistant City Attorney Christina Koehn.³ By putting the injunction in place, and minimizing congregating on neighborhood streets, law enforcement has been able to prevent the LCM members from engaging in gang activity.

Reforming Gang Members

Anti-gang injunctions can sometimes reform gang members by serving as a wake-up call. Ken So of the San Diego City Attorney's office comments on how injunctions in his city are helping rehabilitate gang members: "Most of the gang members, if you talk to them by themselves, are good people, only when they are hanging with their homeboys do they act tough. With the injunctions, we identify them and help them try to change their lives by getting them into GED programs and into doing other things."4

Deputy City Attorney Makini Hammond of San Diego also comments on the effectiveness and ability to reform gang members through injunctions. "The expanded injunction removes nine of the 23 gang members who were originally targeted. Three are serving life sentences for two murders and an attempted murder. But the other six are success stories because they have had no contact with law enforcement for five years and have earned their way off the list by being lawabiding. This is a life-changing measure."5

Saul Valdez of Los Angeles, CA, joined the 18th Street Gang when he was only 13 years old. Valdez admitted to joining the gang only because he lived in their territory. Valdez was served with an injunction after being incarcerated for selling crack cocaine when he was 17. After being released, he broke the injunction for congregating with his "homeboys," which the injunction had forbidden. He served 20 days in county jail for this. Afterwards, he was arrested again for the same activity and served four months. After a third arrest for having a beeper and littering, Valdez had had enough. He comments on the injunctions, noting that he finds them effective. Valdez says, even on the streets, "It's changing everything. It's all quiet."6

Do Anti-gang Injunctions Violate any Rights?

Many states have not implemented anti-gang injunctions because they believe that the injunctions violate a person's constitutional rights. Under the first amendment of the United States Constitution, citizens are given the right to peacefully assemble and present their beliefs. This could include advocating for voting rights, religious freedom, or protesting government policies.

Communities That Have Used Anti-gang Injunctions

Across the country, communities have used anti-gang injunctions to suppress gang activity, reform gang members, and ensure the safety and well-being of the community. The method has grown over the past several years and its use has become more prevalent in addressing gang activity.

California is known for its effective use of anti-gang injunctions. Gang injunctions first began in Los Angeles in 1987, when City Attorney James Hahn filed the first nuisance-abatement lawsuit against the Playboy Gangster Crips gang.⁷ Since then, injunctions have been implemented in other states, such as Florida, Utah, and Minnesota.

- In May 2009, a Ramsey County judge issued Minnesota's first ever anti-gang injunction against members of the Sureño 13 street gang, after a drive-by shooting during the 2008

 Cinco de Mayo celebration that injured two innocent teens.8
- In June 2008, former Florida Governor Charlie Crist signed

- a bill allowing for anti-gang injunctions against any of the state's gangs.⁹
- In September 2010, Utah's Second District Court Judge Ernie Jones issued a civil injunction against the Ogden Trece (O-13) gang. After the anti-gang injunction was passed, the gang members faced a criminal Class B misdemeanor for associating with each other in a public place within the boundaries of the City of Ogden.¹⁰

Testimonials

The officers that are brave enough to battle gang activity on the streets to better the community, report on the effectiveness of anti-gang injunctions:

Marty Vranicar, head of the gang unit for the Los Angeles
City Attorney's office: "From our experience, it has had a tremendous suppressive effect on gangs...It provides breathing space for the neighborhoods to get out from under the constant intimidation caused by the gangs in the area."

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Jeffery Grogger, St. Paul official: "The effects of anti-gang injunctions on reported crime... in the first year after the injunctions are imposed, they caused violent crime to decrease by 5 to 10 percent." 12

Sgt. Danny Rios, Lompoc Police Department: "The city of Lompoc adopted a gang injunction

in 2005. It has proven to be an effective tool and a great resource... It's working for us...It's definitely proven to be an effective tool, and we see it doing a lot of good for the city."13

Chief Mike Thompson, Oxnard, CA, Police Department:

"The gang injunction is not the sole solution to gangs or gang violence. It is another enforcement tool that has proven very effective since the injunction was granted in March 2004. We are very involved in prevention and early intervention strategies that address issues that cause young people to get involved with gangs. To this point we have not experienced the displacement of the gang into other areas." 14

Ben Hoover and Scott Reddell, Assistant Criminal District Attorneys in Wichita County,

Texas: "We had accomplished what we knew was so very important. A standard was set in our community for enforcement of the gang injunction. We believe that the countless hours of extra work put in by the collaborative efforts of the police department, city attorney's office, and district attorney's office were not in vain. At least for a few years, there are children in Michael Busby's neighborhood who will be able to play outside on a safer street." 15

Ken So, San Diego city attorney's staff: "The injunctions work. They suppress gang activity, The injunctions serve to prevent a crime from happening before it occurs or is planned."

ENDNOTES

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