10-001 Gang Injunctions

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

GANG INJUNCTIONS

Purpose

The purpose of this Field Operations Directive is to establish policy and procedures for the application, maintenance, enforcement, and management of Gang Injunctions.

Background

When members of a gang commit crimes and claim a geographic area as their sole territory, law-abiding citizens within that neighborhood lose their sense of community and live in constant fear. This environment of fear and intimidation causes entire communities to submit to the will of the gang while allowing the gang complete freedom to carry out their criminal enterprise. A court-ordered Gang Injunction is a tool that can motivate gang members to improve their lives and allow the citizens in the community to take back their neighborhood and improve the quality of life.

Definition - *Gang Injunction*: A "Gang Injunction" is a court order issued from a civil court that is directed at a criminal street gang that engages in a pattern of criminal gang activity. The purpose of a gang injunction is designed to eliminate gang activity, which is a public nuisance, caused by the targeted gang within a designated "Safety Zone."

Policy and Procedures

Management of all Gang Injunctions shall be the responsibility of the Area Commander responsible for Operation Safe Streets Bureau (OSS). Operational management and record keeping shall be the responsibility of OSS. Enforcement of Gang Injunctions shall be the responsibility of the Unit Commander who has jurisdiction for the safety zone.

Obtaining a Gang Injunction

Operation Safe Streets Bureau, with approval of the OSS Area Commander and in conjunction with the Los Angeles County District Attorney's Hardcore Gang Division (HGD), shall determine the necessity of seeking a Gang Injunction. The OSS Area Commander shall compose and send a memorandum requesting a gang injunction to the Sheriff. The Sheriff has the sole authority to request a Gang Injunction from the Los Angeles County District Attorney.

Guidelines for Obtaining an Injunction

It is the policy of this Department that a Gang Injunction may only be sought when:

- There is clear and convincing evidence that an identifiable criminal street gang is engaged in an ongoing public nuisance within a defined geographic area (the proposed "Safety Zone"); and
- There is substantial reason to conclude that the Gang Injunction is likely to succeed to a significant degree in abating the nuisance activity.
- For the purpose of this directive, a "public nuisance" consists of anything that simultaneously affects an entire community or neighborhood or any considerable number of persons, *and* is:
- Injurious to health, including but not limited to the illegal sale of controlled substances so as to interfere with the comfortable enjoyment of life or property; or
- Indecent or offensive to the senses so as to interfere with the comfortable enjoyment of life or property; or
- An obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property; or
- Unlawfully obstructing the free passage or use in the customary manner of any public park, square, street or highway; or
- A nuisance per se.

Gang Injunction Service and Enforcement

Training

Department personnel shall receive Gang Injunction "service and arrest" training prior to serving or enforcing any Gang Injunction.

Training will consist of viewing the "Gang Injunction Service & Arrest" video and issuance of a "Law Enforcement Officer's Guide for the Gang Injunction." The video training will only be facilitated by a member of OSS or the District Attorney's Hardcore Gang Division.

> **Note**: All personnel who complete the above training shall complete an APIS roster and be entered into the Training Record System.

Criteria to Serve an Individual

Sworn Department members shall only serve a gang member from the enjoined gang with a court-ordered Gang Injunction when that person qualifies as a gang member by the established criteria in Field Operations Directive 00-10 cited below:

- If the individual admits to being a gang member while in-custody, or;

If the individual has two of the following qualifiers, they may also be considered a gang member. The individual is/has:

- Required to register as a gang member pursuant to section 186.30 of the California Penal Code.
- Admitted gang membership in a non-custodial situation.
- Identified as a gang member by a reliable informant or source.

- Identified as a gang member by an untested informant or source with corroborative evidence.
- Seen wearing gang-type clothing.
- Seen displaying gang symbols and/or hand signs.
- Identifiable gang tattoos.
- Frequents gang areas.
- Seen affiliating with documented gang members.
- Arrested with known gang members for offenses consistent with usual gang activity.

Service

When sworn Department members serve a Gang Injunction to a person whom they believe to be a member of the enjoined gang, they shall:

- Verify gang identification criteria (FOD 00-10)
- Complete a Field Identification Record;
- Issue a copy of the Gang Injunction;
- Issue a copy of the Gang Injunction Information tri-fold;
- Complete a Proof of Service;
- Submit all documentation to the station OSS team.

***NO PERSON SHALL BE SERVED UNLESS THEY MEET THE GANG IDENTIFICATION CRITERIA OUTLINED IN FOD 00-10.**

Verification

When an OSS team receives a Gang Injunction Proof of Service, the OSS Area Lieutenant shall be the only person authorized to approve the entry of persons into the California Restraining and Protective Order System (CARPOS) as a restrained gang member. In making a determination that an individual is suitable for inclusion in a Gang Injunction, the OSS Lieutenant shall be guided by the following:

- Review all source documents supporting gang membership;
- Ensure those documents are complete and qualify under Field Operations Directive 00-10;
- Consult with the identified OSS expert investigator.

When a person is determined to be suitable for inclusion in a Gang Injunction, the OSS Lieutenant will direct the entry of that person into the CARPOS. The unit commander shall be notified of all persons who reside within the unit commander's area of responsibility that are included in a Gang Injunction and entered in CARPOS.

When a person is determined NOT to be suitable for inclusion in a gang injunction, the OSS Lieutenant will cause Department correspondence to be sent to that individual, advising them that the service has been reviewed and they are no longer subject to enforcement.

The OSS Lieutenant shall maintain a current list of all persons served with a Gang Injunction and the status of the services. The lieutenant shall ensure the list is readily available to the concerned station commander and supervisors. The OSS Lieutenant shall ensure that the privacy interests of persons served on the list are

protected.

Enforcement

Only sworn personnel who have been trained shall enforce the Gang Injunction.

Arrest Procedure

When a deputy intends to arrest a person for violating a Gang Injunction, the deputy must verify the person is entered into CARPOS and is within the Safety Zone area of the enjoined gang. **An arrest shall not be made unless the person has been entered into the CARPOS as a served gang member.**

Arrest Documentation

When a deputy arrests a person for violating a Gang Injunction, the deputy must document that:

- The suspect is a gang member;
- The suspect has been served with the Gang Injunction;
- The suspect violated a provision of the court order;
- The violation occurred in the Safety Zone.

Gang members arrested for a violation of the Gang Injunction should be charged with violating Penal Code Section 166(a)(4), Criminal Contempt of a Court Order, a misdemeanor. A copy of the Proof of Service must be attached to the Incident Report (SH-R-49).

Gang Injunction Removal Procedures

Gang Injunction Request for Removal

In order for an enjoined gang member to qualify for removal from Gang Injunction enforcement, he/she must contact a Sheriff's Station watch commander and request removal from the Gang Injunction.

Upon receipt of a removal request, a "Watch Commander's Service Comment Report" (WCSCR) shall be completed as a "Service Complaint, Other." The person requesting removal shall be advised he/she is still subject to Gang Injunction enforcement during the review period. The Watch Commander Service Comment Report shall immediately be forwarded to Operation Safe Streets Bureau Headquarters.

All gang injunction removal requests will be reviewed by the responsible OSS Lieutenant. The OSS Lieutenant will ensure the following steps are completed in the review process:

- The person requesting removal has been interviewed
- A Removal Application Form has been completed
- All relevant and reliable information has been reviewed
- Character witnesses have been interviewed
- Expert OSS investigators have been consulted
- HGD has been consulted for a recommendation

The completed WCSCR will be forwarded to the OSS Area Commander for final determination. The OSS Area Commander shall communicate the final determination regarding the removal request to OSS and the requesting person. All persons whom the OSS Area Commander approves for removal from the Gang Injunction shall be immediately removed from the CARPOS system.

Gang Injunction Removal Criteria

To be eligible for removal from a Gang Injunction and exempt from enforcement, a person must provide sufficient, relevant, and reliable information for the OSS Area Commander, in consultation with the HGD, to positively confirm that:

38. They no longer are or never were a member of the enjoined gang; and
39. They are not now acting and will not in the future act to promote, further, or assist any of the activities prohibited by the Gang Injunction on behalf of the enjoined gang; and
40. They are not a member of any other criminal street gang.

Community Intervention/Prevention

Unit commanders shall hold semi-annual “town-hall-style” meetings in order to discuss the Gang Injunction and gang-related issues within the community. Unit commanders are also encouraged to procure the attendance of an HGD Deputy District Attorney to address legal questions. Unit commanders will also be required to create the Gang Injunction Enforcement Information tri-fold, which provides information regarding local prevention or intervention programs that may assist gang members in their jurisdiction. The tri-fold shall be approved by the OSS Area Commander.

Responsibility and Records Management

All Proof of Service records and original supporting documentation shall be maintained by OSS.

All Gang Injunction arrests shall be assigned to OSS.

A Gang Injunction list of persons who have been served with the Gang Injunction shall be kept and managed by OSS. Proof of Service forms shall be made available to patrol personnel for submission with arrest reports.

Although not required by law, in an effort to offer an avenue of communication to those served, OSS will send correspondence via U.S. mail to the parents of all juveniles served with a Gang Injunction. Additionally, those parties who are determined not to be subject to enforcement by the OSS Lieutenant will also receive correspondence via U.S. mail advising them of their status.

Gang Injunctions that share Safety Zones with other police agencies will be enforced in a collaborative manner. OSS will only be responsible for records, arrests, and requests for removal that were initiated by LASD personnel. All other services, entries into CARPOS, and arrests will be handled by the initiating agency. The OSS Lieutenant shall approve any exception.

OSS Area Commander

The OSS Area Commander will assess the viability of each Gang Injunction annually and perform periodic

audits of each Gang Injunction by querying the injunction entry process and records.

Affected Directives/Publications

FOD 89-06 Gang Member Release Policy

FOD 89-07 Prosecution of Street Gangs

FOD 00-10 LARGIN/CALGANG Procedures and Tracking Gang-Related Crimes

FOD 01-03 Proposition 21 Gang Release

FOSS Newsletter 08-05 Gang-Related Crimes (Statistical Code “860")

Cites/References

CA Penal Code Section 186.22

FOD 89-06 Gang Member Release Policy

FOD 89-07 Prosecution of Street Gangs

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Glossary

OSS - Operation Safe Streets Bureau

HGD - Los Angeles County District Attorney’s Hardcore Gang Division

CARPOS - California Restraining and Protective Order System

WCSCR - Watch Commander Service Comment Report