

## 89-007 Prosecution of Street Gang Members

Los Angeles County Sheriff's Department

### FIELD OPERATIONS DIRECTIVE

Field Operations Support Services



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#### PROSECUTION OF STREET GANG MEMBERS

In an effort to stem the dramatic increase of gang activity within Los Angeles County, the District Attorney's Office is taking a new direction regarding the prosecution of street gang members. Any active member of a street gang will be prosecuted by the District Attorney's Office to the maximum extent provided by law. The intention of this new approach is to force any street gang member who violates the law to receive the maximum possible legal consequences.

#### Policy for Cases Against Gang Members

Active gang members shall be required to plead all charges filed, whether felonies or misdemeanors. This policy shall apply to all charges involving active gang members, irrespective of whether the crime was gang related. A maximum sentence shall be aggressively sought for any gang member convicted of, or pleading to, any offense.

- All alternative felony/misdemeanor charges shall be filed as felonies.
- (Any exception to this policy in the interests of justice shall be approved by the appropriate Head Deputy District Attorney, or deputy in charge.)
- All enhancements, including those included in the anti-gang statute, Penal Code Section 186.22, probation violations, and prior convictions shall be filed against gang members. The in-lieu probation violation program shall not be utilized when the defendant has been identified as an active gang member. Bail deviations and source of bail motions pursuant to Penal Code Section 1275 shall be filed when applicable.
- For this policy to be operative, street gang members shall be identified by Sheriff's Department personnel at the time a criminal complaint is issued by the District Attorney's Office, or as soon thereafter as possible.
  - A gang member is defined as an individual who is actively involved in a criminal street gang as defined in Penal Code Section 186.22 (d). The District Attorney's Hardcore Gang Division will provide assistance in identifying gangs meeting this criteria.
  - It will be the responsibility of Sheriff's department personnel that request a filing against a gang member to present credible admissible evidence of active gang membership by that defendant, including the availability of an expert witness. Examples of credible evidence which tends to prove gang membership include the circumstances of the crime, wearing of "colors" by the defendant, tattoos, admission, or other evidence indicative of active gang membership.
  - A memorandum shall be placed in the case file stating that the defendant is an active gang member, the credible evidence for the opinion and the name of the expert witness. The file shall be

prominently marked as a gang case. (Refer to attached Los Angeles County Sheriff's Department Gang Identification Form.)

**Los Angeles County Sheriff's Department's Gang Identification Form Procedures**

This form is to be completed by the gang expert and presented to the District Attorney's Office when the case is being filed. Responsibility for filing the case shall remain with the handling unit as per the case assignment manual.

If you have any questions regarding this Directive or need assistance, please call Safe Streets Bureau at [REDACTED TEXT]

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