

# CIVIL GANG INJUNCTIONS



**YVONNE R. MERÉ**  
**CHIEF OF COMPLEX & AFFIRMATIVE LITIGATION**  
**SAN FRANCISCO CITY ATTORNEY'S OFFICE**

**JUNE 13, 2018**

# Overview



- **WHAT ARE CIVIL GANG INJUNCTIONS?**
- **WHO IS SUBJECT TO A CIVIL GANG INJUNCTION?**
- **WHERE ARE THE CIVIL GANG INJUNCTIONS IN SAN FRANCISCO?**
- **HOW CAN AN INDIVIDUAL BE REMOVED FROM THE GANG INJUNCTION**
- **WHY DID SAN FRANCISCO USE GANG INJUNCTIONS AND DID THEY WORK?**
- **WHERE ARE WE NOW?**

# What is a civil gang injunction?



- **A gang injunction is a civil lawsuit against a criminal street gang based on the public nuisance created by its members.**
- **Injunction itself is a court order that in San Francisco is enforceable against active and served members of a criminal street gang within the Safety Zone. ALL MEMBERS WE SEEK TO ENJOIN ARE IDENTIFIED IN THE COURT-FILED DOCUMENTS AND HAVE AN OPPORTUNITY TO ARGUE AGAINST THEIR INCLUSION.**
- **Subject to modification or dismissal at any time**
  - **“Permanent” is a term of art**

# What does a San Francisco civil gang injunction do?



- **Orders that active gang members refrain from doing the following activities in public within the Safety Zone:**
  - Committing crimes
  - Committing acts of nuisance
  - Committing certain gang activity
    - associating with known member
    - displaying gang symbols /signs

# What does a San Francisco civil gang injunction NOT do?



- **NOT A STAY AWAY ORDER**
- **DOES NOT ENJOIN JUVENILES OR USE JUVENILE COURT RECORDS IN ANY WAY**
- **DOES NOT PROHIBIT MOST ASSOCIATION**
- **ONLY ENFORCEABLE AGAINST INDIVIDUALS FOUND BY THE COURT TO BE ACTIVE GANG MEMBERS AND WHO HAVE BEEN SERVED WITH THE INJUNCTION**
- **ONLY APPLIES WITHIN THE DESIGNATED GEOGRAPHIC AREA, OR “SAFETY ZONE”**

# Common Misconceptions About SF's Civil Gang Injunctions



- **POLICE CANNOT DETAIN INDIVIDUALS THEY SUSPECT ARE “GANG AFFILIATED” FOR THE PURPOSES OF A CIVIL GANG INJUNCTION VIOLATION**
- **DO NOT LEAD TO RACIAL PROFILING**
- **DO NOT INCLUDE A CURFEW**

# Limitations of Civil Gang Injunctions



**NEVER DESIGNED TO SUPPLANT COMMUNITY ORGANIZATION AND INTERVENTION, EMPLOYMENT AND EDUCATIONAL OPPORTUNITIES, INVESTIGATIVE POLICE WORK, OR ROBUST PROSECUTIONS**

San Francisco's civil gang injunctions are unlike any other



# How are San Francisco's civil gang injunctions different?

## SAN FRANCISCO

1. COURT DETERMINES WHO IS AN ACTIVE GANG MEMBER AT PUBLIC HEARING
2. INJUNCTION IS LIMITED TO A DISCRETE LIST OF COURT ORDERED ACTIVE GANG MEMBERS
3. USE ALL METHODS OF SERVICE/NOTICE

## LOS ANGELES

1. POLICE DEPARTMENT DETERMINES WHO IS AN ACTIVE GANG MEMBER
2. INJUNCTION IS BOUNDLESS, BASED ON LAPD DETERMINATIONS OF GANG MEMBERSHIP
3. MORE LIMITED SERVICE/NOTICE

# San Francisco's differences were deliberate



**WANTED TO FIND A WAY TO  
ENSURE A PUBLIC AND INCLUSIVE  
PROCESS WHILE FIGHTING TO  
REDUCE NUISANCE AND CRIME**

# Who is subject to our civil gang injunctions?



- **INDIVIDUAL, IDENTIFIED ADULT GANG MEMBERS WHO HAVE BEEN FOUND BY THE COURT TO BE ACTIVE MEMBERS OF A CRIMINAL STREET GANG AFTER A PUBLIC HEARING**
  - Evidence-based
- **THESE ACTIVE GANG MEMBERS MUST BE SERVED WITH THE INJUNCTION TO BE BOUND TO ITS TERMS**

# Where are these injunctions currently?



## **6 GANGS IN 4 NEIGHBORHOODS**

- Oakdale Mob in Bayview/Hunter's Point
- Eddy Rock and Chopper City in Western Addition \*
- Norteño in Mission.
- DBG and Towerside in Visitacion Valley

\*KOP was dismissed by the Court on June 7, 2018 as part of the City Attorney's Motion

# How can an individual gang member seek to be removed from the gang injunction?



- **THREE WAYS TO BE REMOVED FROM THE CIVIL GANG INJUNCTION**
  - Seek an “opt out” from the San Francisco City Attorney’s Office
  - File a motion with the San Francisco Superior Court
  - San Francisco City Attorney’s Office initiates removal following review
    - 2009, 2011, 2013, 2018

# Opt Out Process

## SAN FRANCISCO CITY ATTORNEY'S OFFICE PETITION FOR REMOVAL FROM GANG INJUNCTION

This form is for use by persons living in the City of San Francisco who have been served with a Gang Injunction and who want the opportunity to demonstrate that they should not be restrained by the Gang Injunction because they are not active gang members. A Gang Injunction will be enforced against you only if you have been personally served with it. If you are on a gang injunction enforcement list and have been personally served with the injunction, you must provide sufficient information for the City Attorney's Office to show that: 1) You are not an active gang member; and 2) You are not participating in any of the activities prohibited by the Gang Injunction.

### THE REVIEW PROCESS:

The San Francisco City Attorney's Office has put in place a review process for those persons living in the City of San Francisco who believe they (a) have been wrongly included on a Gang Injunction enforcement list and want to petition for removal before an injunction is issued; or (b) were enjoined and placed on a gang injunction list by a court but are not now an active gang member.

The review process is intended to provide individuals a fair and accessible way to establish that they are not an active gang member and so should be removed from the Gang Injunction enforcement list.

An individual always has the right to file a motion directly in Court seeking removal from a gang injunction. You can file such a motion in San Francisco Superior Court and bypass this administrative process, if you prefer.

### The steps of the review and removal process are:

1. **FILING YOUR PETITION:** You can complete this form, or submit other documentation, as evidence that you are not an active gang member. Instructions on where to file your petition are below.
2. **REVIEW OF YOUR PETITION AND DECISION BY THE CITY ATTORNEY:** The City Attorney will contact you to schedule an interview with you to discuss your petition. You have the right to representation at that meeting. The City Attorney will also consider any other available and reliable information concerning your past and present membership in or involvement with criminal street gangs.
3. **DECISION BY THE CITY ATTORNEY:** After the City Attorney meets with you and reviews the evidence, he will make a determination as to whether he will support or deny your request for removal. You will be given a written decision, within 30 days, granting or denying your petition to be removed from the Gang Injunction and stating

- **SFCAO WILL CONSIDER ALL FORMAL AND INFORMAL OPT OUT REQUESTS**
- **OPT OUT PACKETS WERE SERVED ON ALL ENJOINED GANG MEMBERS**
- **SINCE ITS ADOPTION, 9 PEOPLE SOUGHT AN OPT OUT AND 2 WERE GRANTED.**
  - Of those 9, the City Attorney's Office removed 3 individuals in 2013 and is seeking to remove another 5 now

# Motion to Modify the Civil Gang Injunction

1 DENNIS J. HERRERA, State Bar #139609  
City Attorney  
2 PETER J. KEITH, State Bar #206482  
Chief Attorney  
3 Neighborhood and Resident Safety Division  
JENNIFER E. CHOI, State Bar #184038  
4 MARC PRICE WOLF, State Bar #254495  
Deputy City Attorneys  
5 Fox Plaza  
1390 Market Street, Sixth Floor  
6 San Francisco, California 94102-5408  
Telephone: (415) 554-3887  
7 Facsimile: (415) 437-4644  
E-Mail: jennifer.choi@sfcityatt.org  
8 E-Mail: marc.price.wolf@sfcityatt.org

**FILED**  
San Francisco County Superior Court

JUN 07 2018

CLERK OF THE COURT  
By \_\_\_\_\_ Deputy Clerk

9 Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO  
12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF CALIFORNIA,  
14 by and through DENNIS J. HERRERA, City  
Attorney for the CITY AND COUNTY OF  
15 SAN FRANCISCO,

16 Plaintiff,

17 vs.

18 CHOPPER CITY, a criminal street gang, sued  
as an unincorporated association; EDDY  
19 ROCK, a criminal street gang, sued as an  
unincorporated association; KNOCK OUT  
20 POSSE, a criminal street gang, sued as an  
unincorporated association; and DOES 1  
21 through 500,  
22 Defendants.

Case No. CGC-07-464493

~~UNRECORDED~~ ORDER GRANTING PLAINTIFF'S  
MOTION TO MODIFY PERMANENT  
INJUNCTION RELATED TO CHOPPER CITY,  
EDDY ROCK, AND KNOCK OUT POSSE  
(California Civil Code §3424, California Code of  
Civil Procedure §533)

Date Action Filed: June 21, 2007  
Trial Date: N/A

Reservation No. 04240607-14

23  
24  
25 Plaintiff PEOPLE OF THE STATE OF CALIFORNIA's Motion To Modify Permanent  
26 Injunction To Remove Defendant KNOCK OUT POSSE Criminal Street Gang and Thirty-Four  
27 Named Gang members came on regularly for hearing at 9:30 a.m. on June 7, 2018, in Courtroom 302  
28 of the above-captioned Court. Plaintiff appeared through its counsel of record, Deputy City Attorneys

- SFCOA OR INDIVIDUAL CAN FILE A MOTION
- COURT DETERMINES WHETHER TO GRANT OR DENY THE REQUEST

# Why did San Francisco seek civil gang injunctions?



## **TO REDUCE CRIME IN AREAS AND NEIGHBORHOODS PLAGUED WITH STREET GANG VIOLENCE AND PUBLIC NUISANCE ACTIVITY**

Families reported that they didn't feel safe in their homes, walking outside, taking out their garbage.



# Did San Francisco's civil gang injunctions work?



- **IN ALL 4 GANG INJUNCTIONS, CRIME BY ENJOINED GANG MEMBERS WITHIN THE SAFETY ZONE DROPPED.**
  - Felony convictions before the injunctions totaled 104. After the injunction, the amount dropped to 58.

# 2018 Comprehensive Review



**SAN FRANCISCO CITY ATTORNEY'S OFFICE HEARD CONCERNS AND DECIDED TO DO A COMPREHENSIVE REVIEW OF ALL GANGS AND ALL ENJOINED MEMBERS.**

# Results of 2018 Review



- **SEEKING COURT ORDERS TO REMOVE A SIGNIFICANT NUMBER OF FORMERLY ACTIVE GANG MEMBERS**
  - Oakdale – 14 to be removed; 18 remain enjoined
  - KOP, Chopper City, Eddy Rock – 34 were removed; 8 remain enjoined. [KOP does not continue to exist as a criminal street gang so we filed a dismissal of the action against KOP. Court granted that dismissal and removed the 34 formerly active gang members on June 7, 2018.]
  - Norteño – 16 to be removed; 8 remain enjoined
  - DBG/Towerside – 22 to be removed; 19 remain enjoyed



# Status of City Attorney's 2018 Motions



**COURT HAS REMOVED 1 GANG ENTIRELY AND 34  
FORMERLY ACTIVE GANG MEMBERS AT THE CITY  
ATTORNEY'S REQUEST.**

**52 OTHERS ARE PENDING REMOVAL.**

THANK YOU

