

File No. 180127

Committee Item No. 4

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: June 13, 2018

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU                                          |
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| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

- |                                     |                          |                                                  |
|-------------------------------------|--------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Youth Commission Response - March 6, 2018</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI - March 6, 2018</u>              |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                                            |

Prepared by: John Carroll

Date: June 8, 2018

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

Youth Commission  
City Hall ~ Room 345  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4532



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## YOUTH COMMISSION MEMORANDUM

**TO:** John Carroll, Assistant Clerk  
**FROM:** 2017-2018 Youth Commission  
**DATE:** Thursday, March 8, 2018  
**RE:** Gang Injunction Fact Sheet to be entered as a public record for BOS File No. 180127

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Please include the attached document for BOS File No. 180127

- San Francisco Gang Injunction Fact Sheet in English

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Please do not hesitate to contact Youth Commissioners or Youth Commission staff (415) 554-6446 with any questions. Thank you.

# SAN FRANCISCO'S GANG INJUNCTIONS MUST END

**INJUNCTIONS = INJUSTICE**

## What are gang injunctions?

Gang injunctions are court-issued restraining orders prohibiting alleged "gang members" from participating in certain specified activities within a "safety zone." This is justified by classifying these alleged gang members as a "public nuisance." Because gang injunctions are civil actions, there is a lower legal standard than in the criminal system, and people are not afforded the same due process rights as under criminal law. While criminal laws are restricted to "criminal" behavior, injunctions can target noncriminal conduct. This gives law enforcement officers more power to detain people they suspect to be gang affiliated – even if they might not have had the right to detain them before and even if that person is not named on the injunction. People can then be punished in a criminal court for violating a civil order.

## What is the status of the injunctions in San Francisco?

There are 7 injunctions in the Bayview-Hunters Point, Mission, Visitacion Valley, and Western Addition. The injunctions were implemented through the City Attorney's Office in 2007. A total of 145 people are named on the injunctions. Every single one of them is a black or brown male.

## What does the injunction prohibit?

People who have been served with an injunction, or who law enforcement suspect to be being gang affiliated, are forbidden from engaging in a host of activities, some of which are already illegal – such as selling drugs, vandalizing, trespassing, and possessing weapons. Other restrictions involve everyday activities, such as congregating in groups, associating with particular people, being out after a designated time, or wearing certain colors.



## What is the penalty for violating an injunction?

Violations can be pursued civilly by the City Attorney for fines and up to five days in county jail or prosecuted criminally by the District Attorney as a misdemeanor for up to six months in county jail. Violations can also lead to gang enhancements in criminal court and lead to an additional two, fifteen, or twenty-five years in prison.

## Can a person get removed from the injunction?

There is an opt-out process, but it may be difficult to navigate. Additionally, since gang injunctions are tools of the civil court system, people would have to hire their own attorneys to challenge the filing of the injunction or to defend against a civil contempt proceeding.

**COALITION TO END THE SAN FRANCISCO GANG INJUNCTIONS**

Connect with us!

Facebook: [bit.ly/endSFganginjunctions](https://bit.ly/endSFganginjunctions)

Sign up for our email list: [EndTheInjunctions@gmail.com](mailto:EndTheInjunctions@gmail.com)

## SO WHAT ARE THE COMMUNITY'S CONCERNS?

### 1 "Gang Policing" criminalizes and stigmatizes entire communities.

Research shows that injunctions increase police harassment and surveillance (particularly for youth of color). Injunctions can give police even more reasons to detain and harass all members of a community. The injunctions have the power to prevent family members from associating with one another; at least seven sets of brothers are named in San Francisco's injunctions. Additionally, not all people named in the injunctions actually are – or ever were – gang members.

<https://www.thenation.com/article/how-gang-policing-is-criminalizing-whole-communities/>

### 2 Social and violence prevention programs should receive an equal or greater amount of funding than criminalization and imprisonment.

Studies show that investing in services and programs that keep people out of courts, jails, and prisons are more effective at improving public safety and promoting community well-being than investing in law enforcement. *Let's invest in education, stable housing, after-school activities, youth development, violence prevention, job training/placement, and drug treatment.*

### 3 Everyone named on the injunction is a black or brown male.

In a neighborhood like Hunters Point, this means *a permanent registry exclusive to African-American men.* The city must take a consistent stand in opposing a registry for African Americans, just as it has opposed the idea of a permanent registry exclusive to Muslims.

### 4 Gang injunctions fuel gentrification and displacement.

San Francisco is living through a crisis of gentrification and displacement. Residents are increasingly unable to afford housing in the city and Black San Franciscans now make up less than 6% of the city's population. Gang injunctions have been implemented in some of the San Francisco neighborhoods hit hardest by gentrification. It is difficult to see this as a coincidence.

### 5 Gang injunctions are a failed experiment.

Other California counties, some much less progressive than San Francisco, have already lifted their injunctions. Oakland ended its gang injunctions in 2015. Los Angeles has conducted an audit of their injunctions and lifted many injunctions and removed thousands of names from them after finding them irrelevant. Portland also scrubbed its gang database in September 2017.

### 6 More than 10 years later, the City Attorney still has not done a review of the injunctions.

According to the City Attorney's MOU, a review of the injunctions was supposed to happen every 3 years from their implementation. Either these reviews have not happened or their results have been hidden from the public. We know that individuals currently named on some of the injunctions are deceased, *including Mario Woods, who was shot by police in his own neighborhood.* If the reviews of the injunctions did indeed occur, why weren't deceased individuals removed from the list?

### 7 Recent CA court cases have called into question the constitutionality of gang injunctions...

...including the December 2017 appellate court decision, *Sanchez v. People*. The CA Supreme Court may soon revisit the issue constitutionality of it and reverse the 1997 ruling. San Francisco should not wait for the Court to lift the injunctions. San Francisco policy should reflect restorative justice.

### 8 San Francisco has historically led the nation in progressive public policies and reforms.

Given the blatant attacks on civil and human rights by the Trump administration, the City of San Francisco should continue to defend the rights of all San Franciscans by lifting the injunctions. Our City must continue to lead by developing creative solutions to public health and well-being that do not rely on fear mongering and hate.

Youth Commission  
City Hall ~ Room 345  
1 Dr. Carlton B. Goodlett Place  
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**YOUTH COMMISSION**  
**MEMORANDUM**

**TO:** John Carroll, Assistant Clerk, Public Safety & Neighborhood Services  
**FROM:** Youth Commission  
**DATE:** Tuesday, March 6, 2018  
**RE:** Referral response to BOS File No. 180127 [Hearing on the efficacy and impact of San Francisco gang injunctions; and requesting the Office of the City Attorney to report]

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At our **Monday, March 5, 2018 meeting**, the Youth Commission voted unanimously to support the following motion:

**To support BOS File No. 180127** – Hearing on the efficacy and impact of San Francisco gang injunctions; and requesting the Office of the City Attorney to report.

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**Youth Commissioners also approved the following questions and comments regarding this legislation:**

Comments:

- Youth Commissioners really encourage after school hearings so young people can attend

Questions:

- What is the process of opting out and the resources going in to help people opt out?
- Have the people who are on the injunction list been educated on the opt out process?
- How do those on the list get off the list if they actually aren't in gangs?
- Do those on the list know about this hearing as it would be vital to have them speak for themselves?
- Can evidence be reviewed and ask why those on the list didn't have legal representation and can this be changed moving forward?
- What is an effective way to decrease the gang injunctions?

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

Handwritten signature of Chiara Lind in cursive script.

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Chiara Lind, Chair  
Adopted on March 5, 2018  
2017-2018 San Francisco Youth Commission

BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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TDD/TTY No. 554-5227

## MEMORANDUM

TO: Jon Givner, Deputy City Attorney, Office of the City Attorney  
Kiely Hosmon, Director, Youth Commission

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee

DATE: February 6, 2018

SUBJECT: HEARING MATTER INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following hearing request, introduced by Supervisor Fewer on January 30, 2018:

**File No. 180127**

**Hearing on the efficacy and impact of San Francisco gang injunctions; and requesting the Office of the City Attorney to report.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 JUN 23 PM 4:53

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Fewer, Ronen

Subject:

Hearing on San Francisco Gang Injunctions

The text is listed:

Hearing on the efficacy and impact of San Francisco gang injunctions; and requesting the City Attorney's office to report.

Signature of Sponsoring Supervisor:

*Brandon Lee Fewer*