

1 [Resolution supporting the strengthening of the City's ability to eradicate criminal and public  
2 nuisance activity caused by criminal street gangs in our community.]

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5

6 WHEREAS, The Board of Supervisors of the City and County of San Francisco  
7 recognizes that the City and County is experiencing a crisis caused by violent street gangs  
8 whose members intimidate, threaten, harass, terrorize and commit numerous crimes against  
9 the peaceful citizens of their neighborhoods; and

10 WHEREAS, The Legislature of the State of California finds that "[t]hese activities, both  
11 individually and collectively, present a clear and present danger to public order and safety and  
12 are not constitutionally protected," (California Penal Code Section 186.21); and,

13 WHEREAS, Pursuant to California Penal Code Section 186.25, the Board of  
14 Supervisors is expressly authorized to adopt and enforce laws aimed at deterring gangs and  
15 gang violence; and,

16 WHEREAS, It is the intent of the Board of Supervisors of the City and County of San  
17 Francisco to support the strengthening of the City's ability to eradicate criminal and public  
18 nuisance activity caused by criminal street gangs in our community; and,

19 WHEREAS, The Board of Supervisors finds that an effective means of deterring and  
20 abating the public nuisance activity caused by criminal street gangs is through the use of civil  
21 gang injunctions; and,

22 WHEREAS, The injunctions, while civil in nature, play an important role in the overall  
23 law enforcement approach to combating criminal gang activity in our community because they  
24 directly address the public nuisance created by this type of criminal enterprise; and,  
25

1           WHEREAS, The Board of Supervisors also believes that in some instances these  
2 injunctions provide a reasonable and effective alternative to pursuing criminal sanctions  
3 against youthful offenders; and,

4           WHEREAS, Pending State legislation would allow the City Attorney and those  
5 designated Deputy City Attorneys to review criminal history records in limited circumstances  
6 and allow them to accurately ascertain those individuals who should appropriately be subject  
7 to a gang injunction and/or Drug Abatement action; now, therefore be it,

8           RESOLVED, That the Board of Supervisors supports State legislation clarifying that the  
9 City Attorney and those designated Deputy City Attorneys who investigate, draft and file civil  
10 gang injunctions under the Civil or Penal Codes, or civil drug abatement cases under the  
11 Health and Safety Code, are "prosecuting city attorneys" within the meaning of California  
12 Penal Code Sections 11105 and 13300.