

Youth Commission
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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

Please include the attached document for BOS File No. 180127

- San Francisco Gang Injunction Fact Sheet in English

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

Sign up for our email list: 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.