

Date: 10/9/08

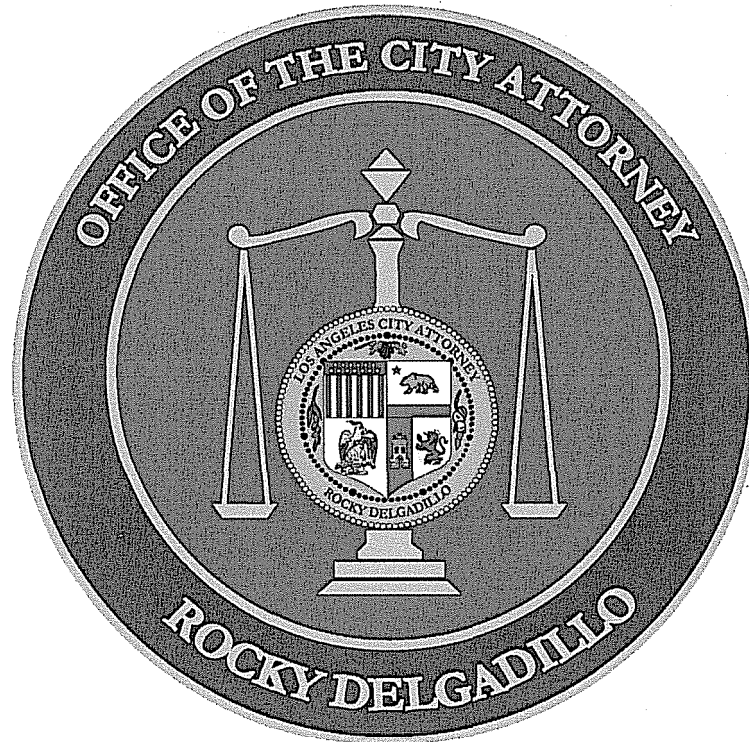
Submitted in Ad Hoc Gangs Committee

Council File No: 06-0727

Item No.: 2

Deputy: Adam R. Lid

**LOS ANGELES CITY ATTORNEY  
GANG DIVISION**



**RESPONSE TO AD HOC COMMITTEE  
ON GANG VIOLENCE AND YOUTH DEVELOPMENT  
COUNCIL FILE NO. 08-0150-S1  
COUNCIL FILE NO. 06-0727**

AD HOC COMMITTEE ON GANG VIOLENCE AND YOUTH DEVELOPMENT,  
**SPECIAL MEETING**

THURSDAY, OCTOBER 9, 2008

ROOM 1010 - CITY HALL - 11:00 AM  
200 NORTH SPRING STREET, LOS ANGELES, CA 90012

MEMBERS: COUNCILMEMBER TONY CÁRDENAS, CHAIR  
COUNCILMEMBER HERB J. WESSON, JR.  
COUNCILMEMBER JANICE HAHN  
COUNCILMEMBER JOSÉ HUIZAR  
COUNCILMEMBER ED P. REYES

(Adam R. Lid - Legislative Assistant – (213) 978-1076 or e-mail [adam.lid@lacity.org](mailto:adam.lid@lacity.org))

Note: For information regarding the Committee and its operations, please contact the Committee Legislative Assistant at the phone number and/or email address listed above. The Legislative Assistant may answer questions and provide materials and notice of matters scheduled before the City Council. Assistive listening devices are available at the meeting. Upon 24-hour advance notice, other accommodations, such as sign language interpretation and translation services, will be provided. Contact the Legislative Assistant listed above for the needed services. TDD is available at (213) 978-1055.

FILE NO.

SUBJECT

(1)

08-0150-S1

**CONTINUED FROM 6-26-08**

Motion (Alarcón – Cardenas) relative to receiving public input in regard to potential gang injunctions; requesting the City Attorney to review the process for receiving public input from Neighborhood Councils for gang injunctions; and related matters.

Community Impact Statement: None Submitted

DISPOSITION \_\_\_\_\_

(2)

06-0727

**CONTINUED FROM 11-3-06**

Motion (Cárdenas - Hahn - Reyes) relative to the City Attorney and the Los Angeles Police Department to report on gang injunctions.

Community Impact Statement: None Submitted

DISPOSITION \_\_\_\_\_

Ad Hoc Committee on Gang Violence and Youth Development  
**Special Meeting**  
Thursday, October 9, 2008

(3)

08-0615-S2

Motion (Cárdenas - Parks) relative to developing protocols and guidelines for interaction with gang intervention workers when responding to gang-related, gang-associated and gang-motivated incidents and related matters.

Community Impact Statement: None Submitted

DISPOSITION \_\_\_\_\_

(4)

08-2257

Communication from the Mayor and City Administrative Officer (CAO) report relative to notification of submission of an application for, and acceptance of, a grant award in the amount of \$184,649 from the California Department of Corrections and Rehabilitation for the Fiscal Year 2008-09 Juvenile Accountability Block Grant Program.

**(On September 22, 2008, the Public Safety Committee approved the recommendations as contained in the CAO report and Communication from the Mayor)**

Fiscal Impact Statement submitted: Yes

Community Impact Statement: None submitted

DISPOSITION \_\_\_\_\_

Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 200 North Spring Street, Room 395, City Hall, Los Angeles, CA 90012 during normal business hours.

gang100908.doc





OFFICE OF THE CITY ATTORNEY  
ROCKARD J. DELGADILLO  
CITY ATTORNEY

September 26, 2008

Councilman Tony Cardenas, Chair  
Ad Hoc Committee on Gangs  
200 N. Spring Street, Room 455  
Los Angeles, CA 90012

RE: Los Angeles City Attorney's Gang Injunction Process

Dear Mr. Chairman:

Thank you for your recent inquiry into the status of the City's civil gang injunction process.

The Los Angeles City Attorney's Office is proud of a long and successful tradition of prosecution on behalf of the City and its residents. As you know, the City Attorney has worked in partnership with the LAPD, the Los Angeles County District Attorney's Office, the United States Attorney's Office, the Los Angeles County Probation Department and other local law enforcement agencies to reduce gang crime and gang violence in the city. But law enforcement alone cannot solve the gang crime problem. The input of community leaders and of the law-abiding residents of the city of Los Angeles is now and always has been a critical factor in this effort.

One important tool used by the City Attorney and the LAPD to reduce gang crime and gang membership is the civil gang injunction. In a recent study by the Los Angeles County Grand Jury, civil gang injunctions were found to be an effective component in any overall anti-gang strategy. We concur. In Los Angeles, there are currently 37 gang injunctions in the city covering 57 of the city's most notorious and dangerous criminal street gangs. The City Attorney prides itself on its enlightened enforcement of the city's gang injunctions. Indeed, in coordination with the LAPD, the City Council and your Committee, the City Attorney has instituted the nation's first "removal petition" process to allow interested and qualifying individuals the opportunity to remove themselves from enforcement of the city's gang injunctions. We look forward to working together on this groundbreaking project.



When fashioning its anti-crime and anti-gang strategies, the City Attorney and the LAPD take into consideration, where appropriate, input from neighborhood councils and other community organizations. Indeed, the process of seeking and obtaining a civil gang injunction only begins after the gang under investigation has become a criminal nuisance, with gang members committing a wide variety of felony and misdemeanor crimes ranging from graffiti and assault to drug dealing, extortion and even murder.

In fact, community complaints and concerns about a particular gang are often the impetus for reviewing a gang for possible injunction. Evidence regarding the impact of the gang on community members is essential to establishing that the gang constitutes a public nuisance under the law and should be enjoined. However, this evidence is also of a sensitive and highly confidential nature due to serious concerns about witness intimidation.

Witnesses routinely express concern for their safety and for the safety of their families from retaliation by gangs and gang members. The civil gang injunction acts to interject law enforcement professionals between the victim community members and the gang members who seek to injure and intimidate them. The process of seeking and obtaining civil gang injunctions is both labor-intensive and highly law enforcement sensitive. The confidentiality of the investigation is critical to the safety of the police officers and prosecutors involved as well as to the community members upon whom the officers and prosecutors rely for evidence and crime reports.

The final decision on the proposed size and scope of gang injunctions are entirely evidence-based determinations made by the City Attorney, the District Attorney and the LAPD and approved, after close review, by a Judge of the Los Angeles Superior Courts. Each injunction is unique, but the City Attorney regularly consults with the Police Commission, the LAPD, the Mayor's Office, your Committee, and other community leaders and stakeholders with regard to best practices and appropriate enforcement strategies.

Injunctions are ultimately enforced in the criminal courts of California and all of our criminal and civil gang cases are part of the public record. In court, the city prosecutors represent the People of the State of California, to whom they owe a duty of loyalty, and, on behalf of whom, they bring criminal prosecutions.

After a request for a civil gang injunction is filed, the City Attorney can and does engage in public education on the subject of gang crime, gang membership and gang injunctions. The City Attorney consults with the law enforcement and city leaders as well as neighborhood councils, community based organizations and neighborhood block clubs in the impacted area. Where appropriate and within the prevailing Rules of Court and ethical obligations that bind prosecutors as officers of the court, City Attorney prosecutors also participate in community

Councilman Tony Cardenas, Chair  
September 26, 2008  
Page -3-

meetings to educate and inform all interested residents and community stakeholders about the injunction and removal petition process.

For example, the City Attorney recently participated in educational forums sponsored by the Sylmar and Mission Hills Neighborhood Councils and the Sylmar Block Captains regarding the proposed San Fer Gang injunction. At the conclusion of these community meetings, all three organizations voted to endorse and support the injunction effort.

The City Attorney looks forward to continuing to consult with its partners in law enforcement, in all branches of city government and with a wide variety of other community stakeholders as they exercise their independent discretion to seek civil and criminal remedies where appropriate against any persons, including gang members, and any organizations, including gangs, who act to threaten and disrupt the public safety of the City and its law-abiding residents.

Very truly yours,



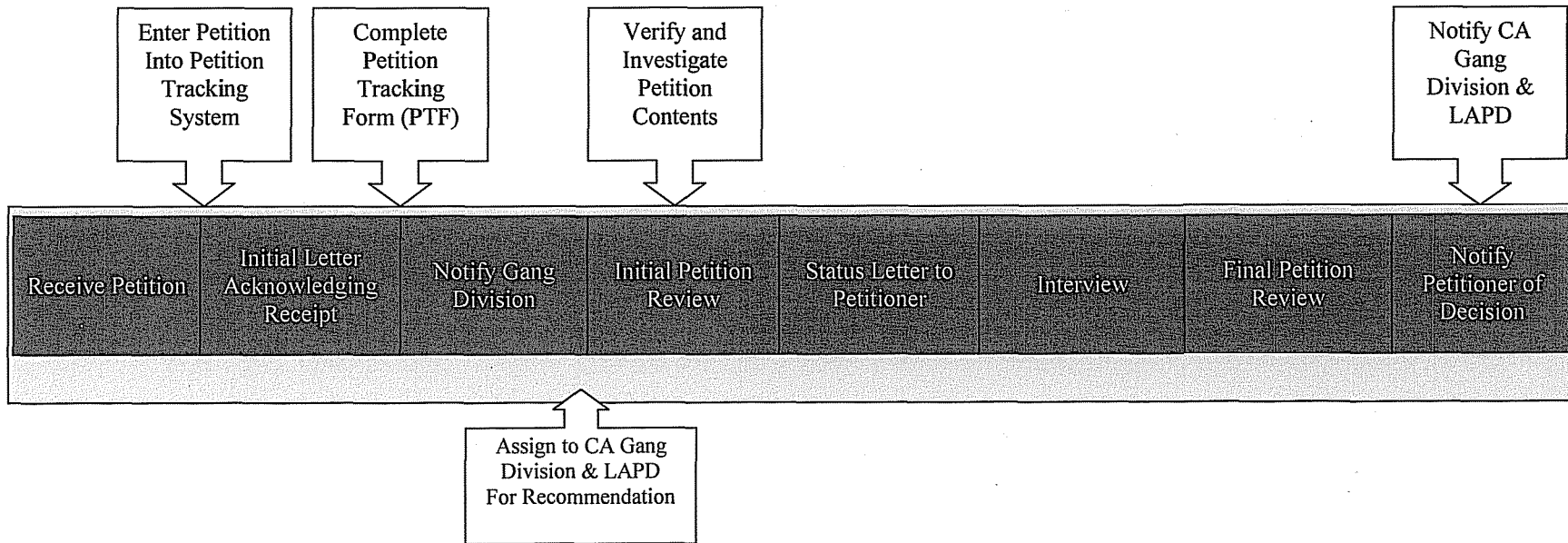
BRUCE RIORDAN  
Sr. Assistant City Attorney  
Director, Anti-Gang Operations

BR:pd  
Cc: Peter Shutan,  
Deputy City Attorney  
Anne Tremblay,  
Deputy City Attorney





# Review Process Timeline Gang Injunction Removal Petition





# LOS ANGELES CITY ATTORNEY'S OFFICE

## GANG DIVISION

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# ROCKY DELGADILLO

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Los Angeles County Grand Jury Report On Civil Gang Injunctions

Petition For Removal From Gang Injunction

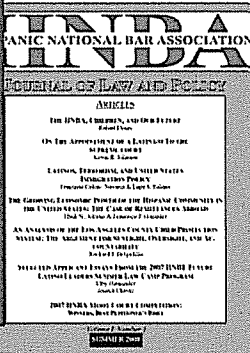
Removal Petition Information

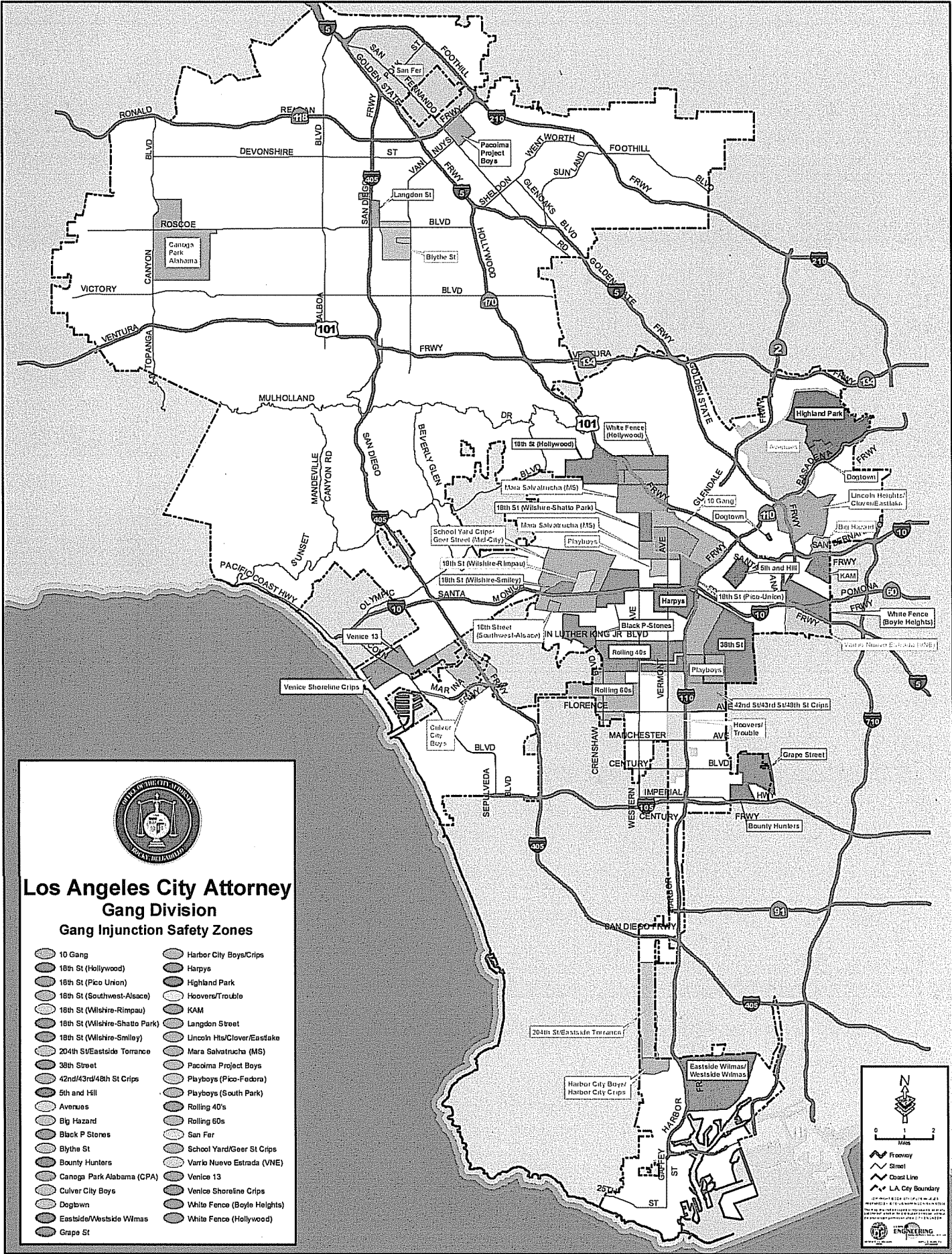
Taking Out Urban Gang Headquarters (TOUGH) Program

Regarding Denial of Health Insurance Claims or Coverage

2008

al Bar Association graciously asked me to write an article for Journal of Law & Policy, I immediately knew what I should





**Los Angeles City Attorney  
Gang Division  
Gang Injunction Safety Zones**

- 10 Gang
- 18th St (Hollywood)
- 18th St (Pico Union)
- 18th St (Southwest-Alsace)
- 18th St (Wilshire-Rimpau)
- 18th St (Wilshire-Shatto Park)
- 18th St (Wilshire-Smiley)
- 204th St/Eastside Torrance
- 38th Street
- 42nd/43rd/48th St Crrips
- 5th and Hill
- Avenues
- Big Hazard
- Black P Stones
- Blythe St
- Bounty Hunters
- Canoga Park Alabama (CPA)
- Culver City Boys
- Dogtown
- Eastside/Westside Wilmas
- Grape St
- Harbor City Boys/Crips
- Harpys
- Highland Park
- Hoovers/Trouble
- KAM
- Langdon Street
- Lincoln Hts/Clover/Eastlake
- Mara Salvatrucha (MS)
- Pacoima Project Boys
- Playboys (Cipo-Fedora)
- Playboys (South Park)
- Rolling 40's
- Rolling 60s
- San Fer
- School Yard/Geer St Crrips
- Varrjo Nuevo Estrada (VNE)
- Venice 13
- Venice Shoreline Crrips
- White Fence (Boyle Heights)
- White Fence (Hollywood)

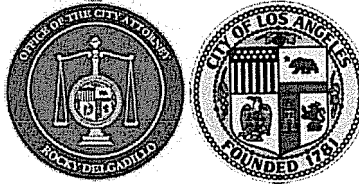
Map legend and scale:

- Freeway
- Street
- Coast Line
- LA City Boundary

Scale: 0 to 2 Miles

North Arrow

City of Los Angeles Engineering Department



## Important Facts to Know About Gang Injunctions

The following are some important facts about gang injunctions:

- As of September 2008, in the City of Los Angeles there are 37 injunctions covering 57 gangs. This means that less than 15% of the City's estimated 400 gangs are currently subject to injunctions.
- A gang injunction is a civil court order that prohibits a gang and its members from conducting certain specified activities within a defined geographic area known as a "safety zone."
- Members of a gang under an injunction may be subject to prosecution if they are aware of and on notice of the injunction. Personal service of the court-ordered injunction and related paperwork are the most common form of notice.
- The civil court order declares the gang a public nuisance and prohibits certain activities.
- Common restrictions and prohibitions of the court ordered injunction include:
  - Do not associate with other gang members.
  - Do not use gang hand signs and/or wear gang colors and attire.
  - Do not use, possess, sell or transport drugs.
  - Do not drink or possess alcohol.
  - Do not own, use or possess any dangerous or deadly weapons.
  - Do not commit graffiti/vandalism and/or possess graffiti/vandalism tools.
  - Do not intimidate, threaten or harass people.
- Many of the activities prohibited in the injunction are in and of themselves violations of the law.
- Violating the terms of the injunction, also known as contempt of court, is a criminal misdemeanor punishable by up to 6 months in jail and/or a \$1,000 fine.
- Criminal prosecutors must prove the contempt of court charge beyond a reasonable doubt to a judge and jury.

For more information regarding gang injunctions, including the removal process and public safety outcomes, please visit the Los Angeles City Attorney's website at [www.lacity.org/atty/](http://www.lacity.org/atty/).

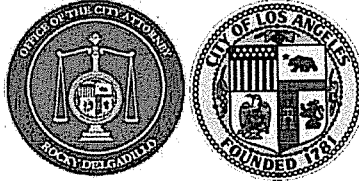


## Datos Importantes Relacionados Con Las Restricciones Legales Contra Pandillas

Los siguientes son datos importantes relacionados con las restricciones legales contra pandillas:

- Hasta el mes de Septiembre de 2008, en la Ciudad de Los Angeles había 37 Restricciones Legales contra Pandillas, abarcando 57 pandillas. Esto significa que menos de un 15% de las 400 pandillas estimadas son sujetas a restricciones legales.
- Una Restricción Legal contra Pandillas es una orden civil por parte de la corte que prohíbe a una pandilla y a sus integrantes en realizar ciertas actividades dentro de un área geográfica conocida como "Zona Segura".
- Los miembros de una Pandilla bajo restricción legal pueden ser procesados penalmente si tienen conocimiento y son avisados de la restricción. Las formas más comunes en las que estos son avisados de la restricción, son servicio de entrega de documento en persona, así como los trámites por escrito.
- La orden civil de la corte declara que una pandilla es molestia pública, y le prohíbe ciertas actividades.
- Las restricciones y prohibiciones comunes dentro de la restricción legal incluyen:
  - No asociarse con otros pandilleros.
  - No hacer con las manos gestos relacionados con pandillas, ni llevar puesta ropa con colores pandilleriles.
  - No usar, poseer, vender o transportar drogas.
  - No vender ni poseer alcohol.
  - No poseer ni usar armas peligrosas o mortales.
  - No cometer actos de vandalismo/grafitos, ni poseer herramientas de grafitos-vandalismo.
  - No intimidar, amenazar o acosar a personas.
- Muchas de las actividades prohibidas en la restricción son en si mismas violaciones a la ley.
- La violación de los términos de la restricción, también conocida en inglés como *contempt of court*, en una ofensa criminal menor, castigada con hasta 6 meses en la cárcel y/o una multa de \$1,000.
- Los fiscales del área criminal deberán probar el cargo de *contempt of court*, sin que haya duda razonable, ante un juez y jurado.

Para mayor información relacionada con las restricciones legales, incluyendo el proceso de remoción y resultados relacionados con la seguridad pública, por favor vaya a la página Web de la Procuraduría de la Ciudad de Los Angeles, [www.lacity.org/atty/](http://www.lacity.org/atty/).



## Gang Injunction Removal Petition Information

Thank you for your interest in the Gang Injunction Removal Petition process. Petitioning for removal from enforcement of an injunction represents a significant step towards creating a healthier, safer, and more productive future. Please be advised that regardless of the outcome of the Petition, you, like all other persons, remain subject to and must abide by all federal, state and local laws.

The Removal Process itself promotes:

- A symbolic step toward leaving the gang life and creating a better life for you and your family.
- An investment of time to gather background information and positive character references that has many benefits for future school or job applications seeking the same information. This is known as creating a "positive paper trail."
- An opportunity to learn about and utilize the various programs and services available throughout the City of Los Angeles.

If your petition is granted, the benefits include:

- The LAPD and City Attorney will no longer enforce the gang injunction against you.
- Public association, adult curfew, and "stay away" orders are among some of the injunction prohibitions that will no longer be enforced against you.
- Freedom from injunction enforcement and the *opportunity* to build a more productive life for yourself and your family.

The City Attorney's Office accepts applications of any length and format. During the review process, the City Attorney will contact personal references, seek input from law enforcement, and conduct a face to face interview. The applicant's motivation for removal and authenticity of the petition documents rank high in determining whether the City Attorney's Office approves the request. We seek individuals who demonstrate a strong desire to further their goals and make a fresh start.

In addition to the benefits outlined above, the City of Los Angeles, and those agencies whom the City partners with, offers many resources to assist you throughout the application process and beyond. These resources include: job training, development, and placement; housing assistance; tattoo removal; educational support; recreational services; and other beneficial individual and family services.

**For more information regarding the Removal Petition Process, please contact:**  
The Office of the City Attorney at (213) 978-7192 or visit our website at [www.lacity.org/atty/](http://www.lacity.org/atty/).

**For more information regarding support services, please contact:**  
The Mayor's Office of Gang Reduction and Youth Development at (213) 473-7798 or visit their website at [www.mayor.lacity.org/index.htm](http://www.mayor.lacity.org/index.htm).



## Restricciones Legales Contra Pandillas Información Sobre Petición Para Ser Removido

Gracias por su interés en el proceso para ser removido de una restricción legal. El pedir ser removido de una restricción legal representa un paso significativo para la creación de un futuro más sano, seguro y productivo. Por favor tome en cuenta que, independientemente del resultado de la petición, usted, como cualquier otra persona, permanece sujeto, y debe cumplir con todas las leyes federales, estatales y locales.

El Proceso de Remoción Promueve:

- Un paso simbólico dejando la vida de las pandillas, y creando una vida mejor para usted y su familia.
- Una inversión de tiempo, para recopilar información de antecedentes e información positiva, que le ayude en futuras solicitudes escolares o de trabajo.
- Una oportunidad para aprender sobre cómo utilizar los varios programas y servicios disponibles alrededor de la Ciudad de Los Angeles.

Si su petición es aprobada, los beneficios incluyen:

- El Departamento de Policía y la Procuraduría de la Ciudad ya no podrán aplicar la restricción en su contra.
- La asociación en público, toque de queda para adultos y las ordenes de alejamiento de la zona, ya no le serán impuestas a usted.
- La libertad respecto al tener que cumplir con la restricción, y la OPORTUNIDAD de una vida más productiva para usted y su familia.

La Procuraduría de la Ciudad acepta solicitudes de cualquier tamaño y formato. Durante el proceso de revisión, la procuraduría va a contactar las personas que usted puso como referencias personales, escuchará el punto de vista de los agentes del orden público involucrados en su caso, y lo llamará a una entrevista en persona. Las motivaciones del solicitante para ser removido de la restricción y la autenticidad de los documentos de la petición, tendrán mucho que ver, respecto a la aprobación o negación de la solicitud por parte de la procuraduría.

Además de los beneficios mencionados arriba, la ciudad de Los Angeles, así como todas las agencias con las que esta colabora, ofrece varios recursos, incluyendo, entrenamiento de trabajo, desarrollo y colocación profesional; asistencia en vivienda, remoción de tatuajes, apoyo educacional, servicios recreacionales y otros beneficios a nivel individual y familiar.

**Para mayor información relacionada con el Proceso para Ser Removido, por favor contacte:**  
Procuraduría de la Ciudad, al 213-978-7192 o en la página Web [www.lacity.org/atty/](http://www.lacity.org/atty/).

**Para mayor información en relación a los servicios de apoyo:**  
Oficina del Alcalde *Gang Reduction and Youth Development*, al (213) 473-7798 o su página Web [www.mayor.lacity.org/index.htm](http://www.mayor.lacity.org/index.htm).