

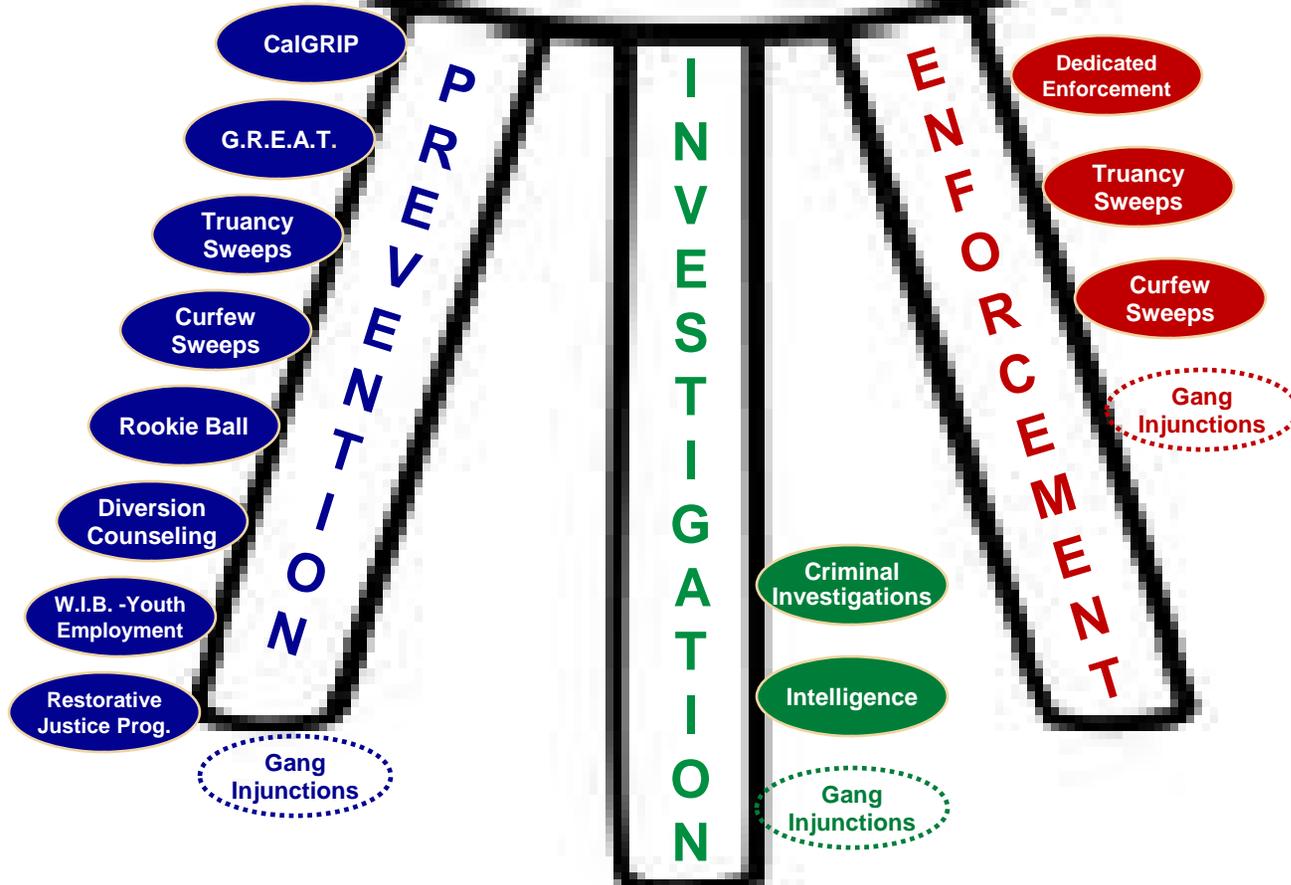
CITY OF
HAYWARD
HEART OF THE BAY

Gang Injunction Update

City Council Work Session
March 22, 2011



GANG VIOLENCE REDUCTION IN HAYWARD



HAYWARD'S PRIMARY INJUNCTION PROGRAM RESOURCES

➤ **PD Gang Investigations Unit (3 Full-time police officers)**

- ✓ Conducts complex gang-related investigations
- ✓ Investigates & validates gang intelligence information
- ✓ Coordinates with City Attorney for litigation preparation
- ✓ Primary coordination of injunction enforcement

➤ **City Attorney's Office**

- ✓ Coordinates with Police Department for injunction preparation
- ✓ Evaluates and prepares for filing injunction applications
- ✓ Litigates injunction-related matters as needed



GANG ACTIVITY AS A PUBLIC NUISANCE

➤ Definition of Public Nuisance:

A nuisance is generally defined as “[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property...” California Civil Code Section 3479



GANG ACTIVITY AS A PUBLIC NUISANCE

➤ **Definition of a Criminal Street Gang:**

An ongoing organization of three or more persons, having as one of its primary activities the commission of criminal acts including, illegal weapons offenses and the sale of controlled substances, having a common name and common signs and symbols, and whose members individually or collectively have engaged in a pattern of criminal gang activity. California Penal Code Section 188.22(f)



GANG ACTIVITY AS A PUBLIC NUISANCE

➤ A Criminal Street Gang May Be Enjoined:

As an unincorporated association, sued under California law for engaging in nuisance behavior. California Code of Civil Procedure Section 369.5.



BEHAVIORS TYPICALLY ADDRESSED BY AN INJUNCTION

- Carrying weapons
- Recruiting new members into the gang
- Served gang members associating with known gang members
- Curfew violations (even adults) by served gang members
- Participating in or encouraging illegal or violent conduct within a defined safety zone
- Prohibited specific behaviors for served gang members, according to their documented criminal history
- Opt Out Provision, allowing enjoined gang members to prove to the court they are no longer in the gang or subject to the injunction



HAYWARD INJUNCTION PROGRAM STATUS

2010				2011									
SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT

Intensive investigation to identify most prolific gang. Focus is a Hayward gang with 400+ members & long history of violence. **Gang profile & case selection COMPLETED.**

Prepare case files on most violent gang members & determine geographic safety zones

Declaration process, case completion & full case eval by CAO

Application preparation & filing



MAINTAINING AN APPROVED INJUNCTION

- **PD patrol & special duty officers must exercise due diligence in enforcing the court's order**
- **PD must continue to dedicate a Gang Investigations Unit to the intelligence and investigative documentation function**
 - *Intelligence information to aid in effective deployment of resources*
 - *Investigative information to provide trend data for new applications or modifications of existing orders*
- **PD & CAO must continually confer on the progress of active injunctions to keep information up-to-date**
- **Prevention, enforcement, and investigative staff should frequently alert & deter those who are at risk of joining a gang**
- **All involved City staff should continually communicate to the community the existence, effect & progress of the injunction**



POTENTIAL CONTINGENCIES

➤ **Strategic adjustments, if necessary to improve successful filing**

- ✓ Staff has discussed and will be prepared to modify the application or requested conditions, if so directed by the court

➤ **Potential budget cuts**

- ✓ Gang Investigation Unit created with 3 of the 9 officers funded by Federal COPPS
 - Loss of these dedicated resources would make sustaining a gang injunction program extremely problematic

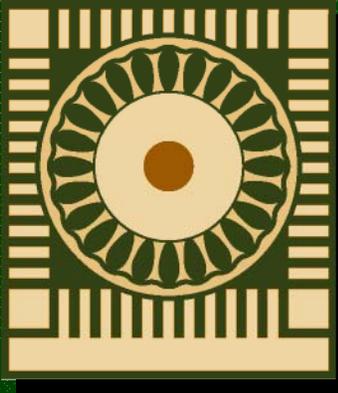


NEXT STEPS

- ✓ **PD & CAO to finish case preparation**
- ✓ **CAO to begin full case evaluation & filing prep**
- ✓ **Case to be filed**
 - Approval process controlled by the court
- **If approved, staff will showcase the new program via local media, City website, and Neighborhood Partnership meetings.**



Council Comments & Questions



HAYWARD

