

Cities try wrangling gangs with civil suits

By Stefanie Frith, USA TODAY

Law enforcement agents fed up with increasing gang violence are turning to lawsuits to help keep gangs from terrorizing neighborhoods.

A growing number of municipalities are seeking injunctions — restraining orders that seek to bar gang members from talking to one another or standing together on public property, said Bruce Riordan, director of gang operations for Los Angeles City Attorney Rocky Delgadillo.

More than a dozen gang injunctions have been filed in California cities since March, including Rialto, San Clemente and Orange, say law enforcement officials from around the state.

Florida Gov. Charlie Crist signed a bill at the end of June that allows for civil injunctions against any of the state's estimated 1,500 gangs.

Massachusetts has a bill pending in the state House Ways and Means committee, said Alexis Finneran, chief of staff for Democratic Rep. Eugene O'Flaherty, the bill's author.

The driving force behind the practice is a nationwide rise in gang issues. Between 2002 and 2007, complaints about gangs increased 26% and gang arrests increased 18%, FBI spokeswoman Denise Ballew said.

The injunctions are civil suits that seek a court order declaring the gang's public behavior a nuisance in order to ask for limitations on their activity, Riordan said. They establish curfews and block members from wearing gang apparel and flashing gang signs in designated safety zones.

"Injunctions (provide) the power to keep gangs from gathering and holding meetings," Florida Attorney General Bill McCollum said.

Los Angeles started using gang injunctions in the 1980s to suppress gang violence. The city now has nearly 40 injunctions in place covering about 60 gangs, Riordan said. San Francisco and San Jose also use gang injunctions. The state Supreme Court upheld the practice in 1997.

Cities in Texas, Illinois and Minnesota have gang injunction laws in place, interviews with law enforcement officials and a review of state websites showed.

Peter Bibring, a staff attorney who specializes in police practices for the American Civil Liberties Union of Southern California, said the injunctions place prohibitions on lawful activity, including the right to gather publicly and be out past a certain time of night. For example, two brothers named in an injunction may not be able to eat together in a restaurant, he said.

"It criminalizes ordinary daily activity," Bibring said. "It places a huge burden on the basic freedom to live and engage in ordinary life."

Some states have been hesitant to introduce them, said Andrew Grascia, vice president of the National Alliance of Gang Investigators' Associations, which represents more than 30 states. There is concern about gang members' civil rights, Grascia said.

When used with increased enforcement and prevention, injunctions can decrease crime 25% to 33%, Riordan said.

Injunctions in San Clemente and San Juan Capistrano have cut crime in those communities by 33% and 85% since December, respectively, said Susan Kang Schroeder of the Orange County District Attorney's Office.

Cathedral City, Calif., Detective Larry Sanfillippo said the Barrio Dream Homes gang has been involved in 21 homicides and hundreds of crimes in the city from 1992 to 2006. Sgt. Earl Moss said his department has seen a 50% decrease in gang-related crime since the injunction was filed. Residents in the Dream Homes neighborhood say they are seeing more families spending time at the park, less graffiti sprayed about, more police and fewer people hanging out at night.

"I've seen less walking around," 16-year-old Francisco Alcaez said, looking at a wall recently covered with graffiti. "Nobody's out past 10. More families are going to the park."

Injunctions can be filed against either an entire gang or its members or associates, Riordan said. Law enforcement must show proof of a person's involvement through either crimes or self-identification as a gang member before they can be named in the suit, Kang Schroeder said.

Javier Pinuelas, 29, who is named in the Barrio Dream Homes injunction, said he served his time and changed his life after a

2004 conviction for receiving stolen property. He wants his name removed from it so he can be free to move about the safety zone at his construction job.

"If I am talking to another guy who they say is a gang member, that's not allowed," Pinuelas said. "I don't want to get arrested for some guy walking up to me and saying, 'Hi.' "

Jake Wark, spokesman for the Suffolk County District Attorney's Office in Massachusetts, said he is keeping a close eye on his state's proposed injunction bill.

"Taking legal action against a person for something they might do is the first step on a slippery slope," Wark said.

Frith reports for The (Palm Springs, Calif.) Desert Sun

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