

## OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 5

September 14, 2017

**SUBJECT: SERVICE AND ENFORCEMENT OF GANG INJUNCTIONS –  
REVISED**

**PURPOSE:** Gang Injunctions (GIs) have proven to be one of the most effective legal tools available to law enforcement in suppressing and disrupting the criminal and often violent activities of Los Angeles street gangs, and protecting the impacted communities and neighborhoods. The Department, in partnership with the City Attorney’s Office (CA), remains committed to successfully utilizing GIs in suppressing and disrupting the criminal activities of Los Angeles area criminal street gangs. Due to the Department’s responsibility for the service and enforcement of GIs within the City, protocols have been established to ensure that GIs are implemented uniformly and equitably. To maximize the effectiveness of this law enforcement tool, the Department and the CA have worked to create a GI Database, which will be used as the centralized system for tracking individuals served with and subject to GI enforcement. This Order revises and adds procedures for the service of GIs to require prior approval from an authorized Deputy City Attorney in the CA’s Anti-Gang Section (Gang CA), implements a new GI Database and a new Forbearance Period, and clarifies officers’ and supervisors’ responsibilities for the service and enforcement of GIs.

### PROCEDURE:

#### I. GENERAL GUIDELINES.

**A. General Information.** Recent appellate court decisions have found some aspects of GI provisions to be unconstitutional. Violations of the following four GI provisions **shall not** be used as reasonable suspicion to detain or probable cause to arrest a served individual:

- **The “Obey Curfew” provision;**
- **The “Obey All Laws” provision;**
- **The “Stay Away from Alcohol” provision; and,**

**Exception:** The “Stay Away from Alcohol” provision may be enforced only when a properly served individual is in physical possession of an open container of alcohol in public or drinking alcohol in public.

- **The “Stay Away from Drugs” provision.**

**Exception:** The “Stay Away from Drugs” provision may be enforced only when a properly served individual is 1) in physical possession of a controlled substance without a valid medical prescription, or 2) in physical possession of cannabis or cannabis products, in violation of Section 11362.1 of the Health and Safety Code, in public without a physician's recommendation, or 3) smoking or ingesting cannabis or cannabis products in public, except in accordance with Section 26200, subdivision (g) of the Business and Professions Code.

- B. Gang Injunction Pre-Approval Package – For Gang CA Approval.** An individual may be subject to a GI if, at the time of service, documented evidence establishes beyond a reasonable doubt that the individual being served is an active member of the enjoined gang in that his or her participation in the gang in the past **three** years has been **more** than nominal, passive, inactive, or purely technical.

A “GI Pre-Approval Package” shall be prepared for each individual for whom personal service of a GI is requested. The GI Pre-Approval Package shall include, but is not limited to:

- The completed Service Worksheet (SW), Form LACA GI FORM 1;
- Field Interview (FI) Card(s), Form 15.43.01;
- Crime and/or Arrest Reports, Form 05.02.00;
- Criminal History Report (State CII Rap Sheet);
- Consolidated Criminal History Reporting System (CCHRS) Report;
- Photographs including, but not limited to, those depicting scars, marks and tattoos; and,
- Booking photos or a recent photo.

- C. Service.** The service of a GI shall be completed only by sworn personnel who:

1. Are assigned to the Gang Enforcement Detail (GED) or Gang Impact Team (GIT); and,
2. Have received the requisite training from an authorized Gang CA within the prior 365 days; and,
3. Have access to the GI Database. Sworn personnel meeting these requirements are hereafter referred to as “authorized service personnel.”

**Note:** The GIT Officer in Charge (OIC) or his or her designee shall coordinate with the authorized Gang CA to ensure that all authorized service personnel shall receive the requisite training at least once every 365 days. The GIT OIC shall also ensure that all authorized service personnel have access to the requisite gang evidence, and have access to the GI Database.

After a GI has been served, the authorized service personnel shall enter all required information regarding the service into the GI Database before their end of watch.

- D. Gang Injunction Post Service Package – After Service of a Gang Injunction.** After a GI has been served, a “GI Post Service Package” containing the following documents, shall be completed for the served individual:

- A Record of Service (ROS), Form LACA GI FORM 2;
- A Proof of Service (POS);
- A Gang Injunction Checklist (GI Checklist), Form 12.16.25; and,
- A copy of the GI.

**Note:** A “GI Folder” containing the GI Pre-Approval Package and GI Post Service Package shall be maintained for each individual personally served with a GI.

**E. Enforcement.** The enforcement of a GI shall be performed only by sworn personnel who:

1. Have received the requisite training from an authorized Gang CA within the prior 365 days; and,
2. Have access to the GI Database. Sworn personnel meeting these requirements are hereafter referred to as “authorized enforcement personnel.”

**Note:** The GIT OIC or his or her designee, shall coordinate with the authorized Gang CA to ensure that all authorized enforcement personnel receive the requisite training at least once every 365 days. The GIT OIC shall also ensure that all authorized service personnel have access to the requisite gang evidence and have access to the GI Database.

- **GI Database.** The GI Database is a compilation of enforcement lists of the City’s GIs. The GI Database will be located on the Department’s Local Area Network, accessible through the AFDR/Incident Tracking link on the Infoweb homepage.
  - **Prior to making any arrest for a GI violation,** authorized enforcement personnel shall confirm that the lawfully detained individual is currently listed in the GI Database. This confirmation check with the GI Database is a required step even if the officer has personal knowledge of service. If the detained individual’s information is in the GI Database, and the elements of a GI violation are present, then the detained individual may be subject to enforcement action. If the detained individual’s information is not in the GI Database, then he or she may not be detained further unless independent reasonable suspicion or probable cause exists.

**Note:** An individual may not be detained for the sole purpose of determining their inclusion in the GI Database.

- **Forbearance Period.** The Forbearance Period is a self-imposed limitation on the Department and the CA’s enforcement of the GI for 30 calendar days from the date of personal service, to give the served individual an opportunity to submit a Removal Petition or to go to civil court to challenge whether the served individual is an active member of the enjoined gang.

If the CA does not receive a Removal Petition within the 30-day Forbearance Period or notice that the civil court granted a stay on enforcement, the GI may be enforced by the Department at the end of the 30-day Forbearance Period.

If the CA receives a Removal Petition within the 30-day Forbearance Period or notice that the civil court granted a stay on enforcement, the Forbearance Period is extended until there is a determination of active gang membership.

A served individual within the Forbearance Period shall not be subject to a GI violation arrest. The GI Database shall be updated to reflect the Forbearance Period.

- **5-Year Enforcement Period.** The Department and the CA will restrict enforcement of the GI provisions on the served individual for a period of five years from the date of personal service. This restriction does not preclude re-service of that individual and a new five-year enforcement period, should he or she remain an active member of the enjoined gang. The GI Database shall be updated to track the date of service and remove that individual from enforcement unless he or she is re-served within the five-year period.

**F. Gang Injunctions on Juveniles.** Personal service of a GI on a juvenile should not be the first course of action by the Department. As part of the Gang CA Pre-Approval process in serving a GI on a juvenile, authorized service personnel shall work in conjunction with the assigned Gang CA to receive a list of available gang intervention and prevention resources. Authorized service personnel shall then make and document attempts to notify the juvenile and the juvenile's parent(s) or guardian(s) of such resources. After receiving Gang CA approval for service on the juvenile, authorized service personnel shall also attempt to make a notification to the juvenile's parent or guardian. The date and time the juvenile's parent or guardian was notified and the name of the authorized service personnel making the notification shall be documented in the "*If Juvenile Service, indicate manner or circumstances of service including attempts at parental notification.*" box on the ROS form.

When an in-person notification to the parent or guardian is not possible, authorized service personnel may attempt a telephonic notification. If a telephonic notification is not successful, the GIT OIC shall cause notification to be mailed to the parent or guardian of the juvenile. The date of the mail notification and the name of the individual mailing the notification shall be documented in the "*If Juvenile Service, indicate manner or circumstances of service including attempts at parental notification.*" box on the ROS form. If the mail notification is returned as undeliverable, the GIT OIC shall document this return in the "*Statements Made by Person Served, Unusual Circumstances, or Other Notes.*" box on the ROS form, as well as in the GI Database.

## II. SERVICE WORKSHEET PROCEDURES.

**Gang Officer's Responsibilities.** Prior to serving a GI on an individual, authorized service personnel shall obtain approval for service from a Gang CA, by completing the following:

- Complete an SW for the individual for whom service is being requested;
- Attach copies of supporting documents (e.g., FIs, Crime and/or Arrest Reports, Criminal History Reports, CCHRS Reports, and photos including, but not limited to, those depicting scars, marks and tattoos, booking photos, or a recent photo of the individual);
- Submit a GI Checklist with the completed SW and supporting documents to a gang supervisor for review; and,
- Upon receiving the approved SW and supporting documents back from the gang supervisor, submit the supervisor-approved SW and supporting documents to the Gang CA for service approval.

Upon receiving the approved SW from the Gang CA, authorized service personnel shall:

- Ensure the name of the approving Gang CA is on the SW;
- Ensure the date the Gang CA approved the SW, is properly documented;
- Prepare a GI Service Package (as noted later in Section III, under Gang Officer's Responsibilities); and,
- Complete the applicable section on the GI Checklist and submit the GI Checklist and the approved SW to the gang supervisor for review.

## III. SERVICE OF GANG INJUNCTIONS – OFFICER'S RESPONSIBILITIES.

Proper service of a GI is accomplished by personally serving the GI on the individual and completing the POS and ROS forms. If the individual refuses to accept the GI, it is permissible to leave it at the service location (e.g., at the individual's feet, on his or her residence doorstep, on his or her vehicle windshield). These facts shall be documented in the "*Statements Made by Person Served, Unusual Circumstances, or Other Notes:*" box on the ROS form.

**Note:** The need to serve an individual with a GI **does not** constitute a legal reason to detain that individual. However, the injunction may be served on an individual who is already lawfully detained or in custody for a separate and lawful reason, or when the contact is consensual. If this occurs, the reason for detention, custody, or an account of the consensual contact shall be documented in the "*Circumstances of Contact with Person Served, including reasons for the contact:*" box on the ROS form.

**Gang Officer's Responsibilities.** Upon approval of the SW by the Gang CA, authorized service personnel shall:

- Prepare a "GI Service Package" which shall include the following five documents:
  - Gang Injunction;
  - Gang Injunction Cover Letter (Forbearance Period);
  - Notice of Non-Enforcement of Specific Gang Injunction Provisions;
  - List of Prevention and Intervention Providers; and,
  - Petition for Removal from Gang Injunction Enforcement.
- Personally serve the GI to the individual, and provide all the documents included in the GI Service Package to that individual;
- Complete the POS and the ROS according to the instructions provided on each form;
- Attach a recent (within one year) photograph of the served individual to the ROS form;

**Note:** Non-booking identification and field photographs of gang members shall comply with Department Manual Section 4/269.60, which states that only gang officers, gang detectives, and gang sergeants are authorized to take non-booking identification photographs of active and affiliate gang members.

- Adequately document the legal reason for detention, custody, or consensual encounter in the "*Circumstances of Contact with Person Served, including reasons for the contact:*" box on the ROS form;
- Enter all relevant information of the served individual into the GI Database before the end of watch;
- Complete the applicable portions of the GI Checklist; and,
- Submit the GI Checklist with completed ROS, POS, and SW to a gang supervisor for review prior to his or her end of watch.

#### IV. ENFORCEMENT OF GANG INJUNCTIONS – OFFICER'S RESPONSIBILITIES.

**Prior to making any arrest for a GI violation**, authorized enforcement personnel shall confirm that the detained individual is currently listed in the GI Database.

**Note:** A served individual within the Forbearance Period shall not be subject to a GI violation arrest. This confirmation check with the GI Database is a required step even if the officer actually completed the personal service of the GI on that individual.

**Upon making any arrest for a GI violation,** authorized enforcement personnel shall:

- Verify and document in the arrest report that the individual was personally served with the GI, including the date and time of service and the name and serial number of the officer(s) who completed the service;
- Include all evidence from at least the past three years which proves the individual's active membership in the enjoined gang;
- **Attach** to the Arrest Report a copy of the GI, ROS, POS, and evidence of gang membership (e.g., FIs, criminal history report, CCHRS, prior arrest/crime reports, and photographs including, but not limited to, those depicting scars, marks, and tattoos, booking photos, or a recent photo of the individual);

**Note:** Do not attach the SW with the arrest report for filing consideration.

- Articulate specific facts establishing that the served individual violated one or more of the provisions of the GI within the specific boundaries (Safety Zone) set forth in the GI; and,
- Submit the Arrest Report to the gang supervisor for review prior to submitting the Arrest Report to the watch commander for approval.

**V. GANG ENFORCEMENT DETAIL/GANG IMPACT TEAM SUPERVISOR'S RESPONSIBILITIES.**

**A. Service of a Gang Injunction.** The GED/GIT supervisors shall review each GI Checklist, ROS, POS, and SW, upon completion of such forms, prior to end of watch, but no later than the next working day, and ensure the following:

- Review and approve each ROS, POS, and SW by writing his or her initials, serial number, and date on the bottom right corner of each page;
- All relevant information regarding the served individual was appropriately entered into the GI Database;
- The applicable requirements on the GI Checklist were properly completed by the authorized enforcement personnel;
- The applicable supervisor sections of the GI Checklist are completed;
- The GI Checklist is maintained in the served individual's GI Folder;
- Upon completion, submit the ROS, POS, SW, and GI Folder to the GIT OIC who will maintain these documents in each served individual's GI Folder; and,
- A copy of the completed ROS and POS forms were forwarded to the Gang CA.

**B. Enforcement of Gang Injunction.** A GED/GIT supervisor shall review the arrest report for required content and place his or her initials and serial number at the conclusion of the narrative portion of the arrest report prior to its submission to the watch commander for approval.

**Note:** The reviewing GED/GIT supervisor shall not be involved in either the service or enforcement of the GI.

**VI. GANG IMPACT TEAM, OFFICER IN CHARGE, RESPONSIBILITIES.** The GIT OIC or his or her designee of each Area maintaining a GI shall:

- Secure and coordinate the requisite GI service and enforcement training from the Gang CA;
- Maintain a list of sworn Department employees who are authorized to serve and authorized to enforce and have access to the GI Database;
- For juvenile service, ensure that:
  - Personal service of a GI on a juvenile is not the primary objective of the Department;
  - Prior to submission for Gang CA approval, authorized service personnel attempted to notify the juvenile and the juvenile's parent or guardian of available gang prevention and intervention resources;
  - After receiving Gang CA approval for juvenile service, authorized service personnel, in addition to personally serving the juvenile, also attempted to notify the juvenile's parent or guardian, first by personal notification and if unsuccessful, by telephonic notification. The date and how the parent(s) or guardian(s) were notified shall be documented in the "*If Juvenile Service, indicate manner or circumstances of service including attempts at parental notification.*" box on the ROS form; and,
  - If telephonic notification is also not successful, notification is mailed to the juvenile's parent or guardian. The date of the mail notification and the name of the individual mailing the notification shall be documented in the "*If Juvenile Service, indicate manner or circumstances of service including attempts at parental notification.*" box on the ROS form. If the mail notification is returned as undeliverable, the GIT OIC shall document this return in the "*Statements Made by Person Served, Unusual Circumstances, or Other Notes.*" box on the ROS form, as well as in the GI Database.
- Maintain a separate GI Folder for each individual served with a GI at the Area level and have it available for audits;
- Review and approve the GI Checklist and the GI Folder and sign the GI Checklist within two days of receipt;
- Ensure each ROS, POS, and SW includes the reviewing supervisor's initials, serial number, and date on the bottom right corner of each page; and,
- On a quarterly basis, reconcile the current list of served individuals subject to GI enforcement with the Gang CA and document the date such reconciliation occurred and the names of the Gang CA and GIT OIC who were involved in such reconciliation.

**VII. AREA COMMANDING OFFICER'S RESPONSIBILITIES.** The Area commanding officer is responsible for ensuring compliance with this Order.

**VIII. BUREAU GANG COORDINATOR'S RESPONSIBILITIES.** Each Bureau Gang Coordinator (BGC) shall monitor compliance with this Order and completion of the GI Checklist. In addition, the BGCs shall establish a roster of Area gang experts, to include Department personnel who are court qualified and list the gangs to which their individual expertise applies.

Any questions regarding this Order can be directed to the Gang Support Section, Gang and Narcotics Division, at (213) 486-5330.



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