

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 2

December 9, 2009

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

**EFFECTIVE: IMMEDIATELY**

**PURPOSE:** The State of California has approved the use of gang injunctions (GI) to combat chronic gang activity. Due to the Department's responsibility for enforcing GIs within the City, protocols have been established to ensure that GIs are implemented uniformly and equitably. This Order formalizes procedures for the service and enforcement of **permanent** GIs in accordance with the Los Angeles City Attorney's Office (CA) Gang Injunction Guidelines, published in June 2009. The CA's Gang Injunction Guidelines are accessible on the Department's Infoweb. The hyperlink to the Gang Injunction Guidelines is on the Guides page, under Reference Library.

**PROCEDURE:**

**I. GENERAL GUIDELINES.**

**A. Service.** The service of a permanent GI can only be completed by a gang officer who is assigned to a specialized gang detail and has received the requisite training from an approved CA representative - generally referred to as a Gang Deputy.

**Note:** A Gang Deputy is a Deputy City Attorney (DCA) assigned to the City Attorney's Gang Division.

**B. Enforcement.** Upon notification that a GI has been made permanent, the Gang Impact Team (GIT), Officer in Charge (OIC), from the respective Area shall contact and coordinate training with the assigned Gang DCA. Enforcement of the GI shall not occur until such training has been provided and documented in the injunction package. However, the enforcement of a GI can be administrated by any Department employee who has received the requisite training from an approved Gang DCA.

**II. SERVICE OF GANG INJUNCTIONS.** The formal service of an injunction is accomplished by completing the Proof of Service (POS) and Record of Service (ROS) forms and physically providing the GI to the gang member. If the

gang member refuses to accept the GI, it is permissible to leave it at the service location (e.g., at the gang member's feet, on the doorstep, on their vehicle windshield, etc.) and document it on the ROS.

**A. Documentation Required.** A gang member may be served with the GI if, at the time of service, there is documented evidence that establishes beyond a reasonable doubt that:

- \* The person being served is a gang member; and,
- \* The gang member's participation in the enjoined gang has, in the past five years, been more than nominal, passive, inactive, or purely technical.

**B. Prior Approval.** Prior to serving a GI to a gang member, employees shall receive approval from a Gang DCA. Prior approval may be obtained by completing and submitting a Service Worksheet form to a Gang DCA for approval.

**Exception:** If due to exigent circumstances, an employee serves a gang member with a GI without obtaining approval from a Gang DCA, that employee shall submit a Service Worksheet, ROS, and a written explanation as to why prior approval was not obtained from a Gang DCA, as soon as reasonably possible. The Gang DCA may approve the service retroactively if it is determined that the requirements for service were met and the employee was acting reasonably based on the totality of the circumstances.

There may be an occasion where the Gang DCA provisionally does not approve the person who was served and may require additional investigation and documentation. In this instance, the person served shall not be subject to enforcement. The service papers should be marked "CASE CONTINUED" and include documentation from the Gang DCA.

**Note:** The need to serve an individual with an injunction does not constitute a legal reason to detain that individual. However, the injunction may be served on an individual who is already detained, 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 recorded on the POS and ROS forms.

**C. Service of Injunction to Juveniles.** An employee serving a juvenile gang member with a GI shall also attempt to notify the juvenile's parent or guardian in person. The manner of notification, date, and the name of the employee making the notification shall be documented in the ROS form. When an in-person or telephonic notification to the parent or guardian is not possible, the GIT OIC shall cause notification to be mailed to the parent or guardian. The date and the name of the individual mailing the notification shall be documented on the ROS form.

**III. ENFORCEMENT OF GANG INJUNCTIONS.** The enforcement of a violation of a GI requires that a person was served with the injunction prior to making an arrest. Any injunction enforcement requires Department employees to sufficiently document evidence that establishes all of the following criteria that are applicable to the person involved:

- \* Membership in the enjoined gang, and therefore subject to the GI, at the time of the alleged violation;
- \* Violation of one or more of the provisions of the GI within the specific geographical boundaries set forth by the GI (i.e., the "Safety Zone"); and,
- \* Previous service of the GI and verification of service was made at the time of the violation.

**IV. OFFICER'S RESPONSIBILITIES.** Employees seeking to serve a GI shall:

- \* Complete and submit a Service Worksheet for each individual to be served;
- \* Submit the Service Worksheet to a Gang DCA for approval; and,
- \* Complete the ROS and the POS according to the instructions provided on each form.

Gang officers and gang detectives shall adhere to the following guidelines when photographing a suspected gang member or gang affiliate:

- \* Officers shall not use physical force or any other form of coercion or ruse in acquiring a photograph;
- \* Officers shall request and receive permission from the person prior to taking a photograph when that person is not being arrested or otherwise legally detained;
- \* Officers shall not pose the person with name or gang identification card(s);
- \* Persons photographed shall be unrestrained and on public property;
- \* Officers shall take the photograph at approximately the time of the completion of the Field Interview Report ("Card"), Form 15.43.00;
- \* Photographing may not extend the time necessary to complete the interview process; and,
- \* A full explanation shall be provided to the person as to the purpose of the photograph.

**Note:** The Record of Service provides for the attachment of a photograph of the person being served. Non-booking identification and field photographs of gang members shall comply with Department Manual Section 4/269.60, which states that only gang officers and gang detectives are authorized to take non-booking identification photographs of active and affiliate gang members.

**V. GANG IMPACT TEAM, OFFICER IN CHARGE, RESPONSIBILITIES.**

The Gang Impact Team, OIC, of each Area maintaining a permanent GI shall:

- \* Maintain an Injunction Package for each GI, including all source documents used in support of the GI application, permanent GI court order, POS and ROS pertaining to the GI, and any other documentation supporting a person's inclusion in the GI;

**Note:** In coordination with the CA's Gang Division, a periodic review of Area injunction packages will be conducted to verify evidence of ongoing gang membership.

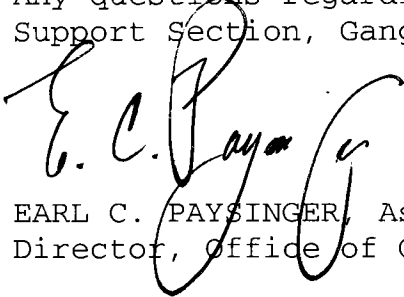
- \* Secure and coordinate the requisite GI service and enforcement training from the CA;
- \* Maintain a list of Department employees who are trained in GI service and enforcement;

- \* Establish a roster of Area gang experts, including who is court qualified and list the gangs to which their individual expertise applies;
- \* Ensure that upon service of the injunction on a juvenile, an attempt is made to notify the juvenile's parent or guardian; and,
- \* Maintain the following gang member lists:
  - (a) Number of gang members served with a GI;
  - (b) Gang members who have been served with a GI and remain subject to its enforcement (maintain and reconcile the list with the CA on a monthly basis); and,
  - (c) Gang members arrested for the violation of an injunction (maintain and reconcile the list on a monthly basis with the CA).

**VI. AREA COMMANDING OFFICER'S RESPONSIBILITY.** The Area commanding officer shall be responsible for ensuring compliance with this Order.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Internal Audits and Inspections Division, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

Any questions regarding this Order can be directed to Gang Support Section, Gang and Narcotics Division, at (213) 847-1771.



EARL C. PAYSINGER, Assistant Chief  
Director, Office of Operations

DISTRIBUTION "A"