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ENDORSED  
FILED  
San Francisco County Superior Court

SEP 5 2007

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BY: BERNADETTE THOMPSON  
Deputy Clerk

13  
14 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF SAN FRANCISCO

16  
17 PEOPLE OF THE STATE OF  
CALIFORNIA, by and through Dennis  
18 Herrera, City Attorney for the City and  
County of San Francisco,

19 Plaintiff,

20 vs.

21 CHOPPER CITY, a criminal street gang  
sued as an unincorporated association,  
22 EDDY ROCK, a criminal street gang sued  
as an unincorporated association, KNOCK  
23 OUT POSSE, a criminal street gang sued  
as an unincorporated association, and DOE  
24 ONE through DOE FIVE HUNDRED,  
inclusive,

25 Defendants.  
26  
27  
28

Case No. CGC-07-464493

[PROPOSED] BRIEF OF AMICI CURIAE  
AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA AND  
LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS OF THE SAN FRANCISCO BAY  
AREA IN OPPOSITION TO THE PROPOSED  
PRELIMINARY INJUNCTION

Hearing Date: September 18, 2007  
Time: 9:30 a.m.  
Place: Dept. 301  
Judge: Hon. Peter Busch

Complaint Filed: June 21, 2007  
Trial Date: None yet

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16 Judith Greene and Kevin Pranis, *Gang Wars: The Failure of Enforcement Tactics*  
 17 *and the Need for Effective Public Safety Strategies*, Justice Policy Institute,  
 July 2007, available at: [http://www.justicepolicy.org/reports\\_jl/7-10-](http://www.justicepolicy.org/reports_jl/7-10-07_gangs/GangsFullReport2.pdf)  
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1 I. INTRODUCTION

2 Ten years ago, the California Supreme Court authorized a novel and unprecedented law  
3 enforcement technique to deal with the problem of criminal street gangs – the issuance of a civil  
4 public nuisance injunction against the alleged gang members. *People ex rel Gallo v. Acuna*, 14  
5 Cal. 4<sup>th</sup> 1090 (1997). Since then, a number of gang injunctions have been issued throughout  
6 California. However, there are only a handful of appellate court decisions that discuss the  
7 standards and limitations that should apply in the gang injunction context, perhaps because many  
8 of the injunctions that have been issued were not opposed by persons represented by counsel.  
9 Importantly, each of the appellate decisions dealing with gang injunctions, including *Acuna* itself,  
10 recognized that this is in many ways an extraordinary remedy that has to be applied with great  
11 caution and that necessitates careful judicial scrutiny. See *Acuna*, 14 Cal. 4<sup>th</sup> 1090; *People v.*  
12 *Englebrecht*, 88 Cal. App. 4th 1236 (2001); *People ex rel Reisig v. the Broderick Boys*, 149 Cal.  
13 App. 4<sup>th</sup> 1506 (2007). Accordingly, the courts have made it clear that the prosecutor must meet a  
14 heightened standard of proof by presenting “clear and convincing” evidence that the necessary  
15 elements of a gang injunction are present before a trial court can invoke its injunctive powers.  
16 *Englebrecht*, 88 Cal. App. 4th at 1236.

17 Among the reasons for such careful judicial scrutiny are the following:

- 18
- 19 1. That gang injunctions affect and infringe the exercise of constitutional rights of  
20 those bound by its terms.
  - 21 2. That gang injunctions target commonplace and perfectly lawful activities, and thus  
22 can have a pervasive impact on the everyday lives of those bound and on their  
23 families, especially for those who live and work within the area covered by the  
24 injunction.
  - 25 3. That gang injunctions constitute in effect the imposition of probation-like  
26 conditions on a group of individuals accused of unlawful conduct, but without  
27 affording those individuals the due process protections that they would have under  
28 the criminal justice system, especially the right to appointed counsel. In fact, gang  
injunctions can impose restraints and sanctions on persons who have not had the  
opportunity or the means to mount any defense in a civil case. The relative ease  
and speed with which law enforcement can impose these restraints are  
undoubtedly a reason for their appeal, but this “efficiency” should also raise  
cautionary flags in terms of judicial scrutiny.

1  
2 4. While gang injunctions are intended to protect the safety of communities, they also  
3 can have a stigmatizing affect on the life of a community. This dilemma is  
4 underscored by the fact that every gang injunction in this State of which Amici are  
5 aware has been imposed on predominantly persons of color and in communities of  
6 color. The potential for racial profiling and racial stereotyping, something that has  
7 been a national problem as well as a documented San Francisco Police Department  
8 problem,<sup>1</sup> cannot be ignored in assessing this law enforcement tool.

9 This Court now has before it the second and third gang injunction cases that have been  
10 filed by the San Francisco City Attorney within the last year. These injunctions have targeted the  
11 Bayview, Mission and Western Addition neighborhoods. Amici American Civil Liberties Union  
12 of Northern California and the Lawyers' Committee for Civil Rights of the San Francisco Bay  
13 Area ("Amici") have been informed that in the cases before this Court, an alleged gang member  
14 intends to move to intervene and, importantly, will be represented by counsel. Amici understands  
15 that this proposed intervenor intends to challenge the injunction, and to present a factual record  
16 that will address the potential impact of the injunction on her constitutional rights and daily life.  
17 It is our understanding that the opposition papers will also include a number of declarations that  
18 will give voice to a variety of community concerns questioning the need for this remedy and  
19 asserting that it will have a detrimental impact on community and family life. In particular, the  
20 declarations submitted by the intervenor-defendant will explain the adverse effect that the  
21 proposed injunction will have on current efforts in the community to address the very real  
22 problems of crime and criminal street gangs.

23 Amici have had long-standing concerns about the impact of civil gang injunctions on  
24 individual constitutional rights, and attorneys for Amici represented the defendants in *Acuna*.

25  
26 <sup>1</sup> See *HIGH BLACK ARREST RATE RAISES CALL FOR INQUIRY: Range of explanations offered by*  
27 *experts, officials for S.F.'s disparity with other cities*, Susan Sward, Sunday, December 17, 2006 (reporting  
28 that San Francisco Police arrest African Americans for serious crimes at rates much higher than other  
California cities). Available at: <http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2006/12/17/MNGF8N04MD1.DTL>.

1 While Amici certainly understand that the California Supreme Court has authorized civil gang  
2 injunctions, we believe that the instant case is factually and procedurally distinct from *Acuna*, and  
3 that the presence of an intervenor *represented by counsel* at the preliminary injunction stage  
4 provides this Court with a unique opportunity to carefully consider not just the judicial  
5 authorization of this remedy, but the judicial cautionary notes that are also part of the controlling  
6 precedents. While the Plaintiff has submitted a bulky record, all from law enforcement files and  
7 from S.F.P.D. officers, this Court must carefully scrutinize this evidence, as well as carefully  
8 consider the record presented by intervenor-defendant, to insure that no injunction (including any  
9 preliminary injunction) is issued unless the Plaintiff has met its clear and convincing standard of  
10 proof.  
11

12 Amici fully understand that the role of the courts is limited to the legal claims and the  
13 legal rights before it. It is not the job of a court to assess and adopt social policies or law  
14 enforcement tactics and methods, and this Court's decision must be based on the law and not on  
15 community sentiment or social policy. However, the extraordinary nature of the relief requested  
16 – a public nuisance injunction– does require the Court to evaluate and make judgments about the  
17 efficacy and the necessity of issuing such a broad restraint in the Western Addition community.  
18 As the *Acuna* court emphasized, it is “this recognition and willingness to vindicate the value of  
19 community and collective interests it furthers, rather than to punish criminal acts, that lies at the  
20 heart of the public nuisance as an equitable doctrine.” *Acuna*, 14 Cal. 4<sup>th</sup> at 1109.  
21

22 Furthermore, both the applicable substantive legal standards and the governing equitable  
23 standard for issuance of a preliminary injunction necessitate that this Court engage in a careful  
24 balancing of interests – both to insure that the harms that will be prevented by the issuance of the  
25 injunction will outweigh the harms that it will cause, as well as to insure that any terms of an  
26 injunction burden no more constitutionally protected activity than necessary to achieve its goals.  
27  
28

1 These judicial tasks necessarily require the Court to make judgments about the real world effects  
2 of this injunction in this community, and to take into account the different circumstances before  
3 the Court than those that the California Supreme Court was addressing in *Acuna*.

4 Amici will address below three of the issues that they believe should be part of this  
5 Court's consideration of this case:  
6

- 7 1. Whether the proposed injunction meets the constitutional standard of a narrowly  
8 drawn restraint that burdens no more expressive activity than necessary.
- 9 2. Whether plaintiff has shown that the proposed injunction will result in the  
10 prevention of harm required by equitable standards.
- 11 3. Whether the proposed injunction can apply to persons who have not had their day in  
12 court to challenge whether the clear and convincing standard has been met as to them.

13 II. THE PROPOSED INJUNCTION IS NOT NARROWLY DRAWN AND  
14 UNNECESSARILY BURDENS CONSTITUTIONALLY PROTECTED  
15 ACTIVITIES.

16 When constitutional rights are involved, government must address the problems it seeks to  
17 fix with a "narrowly drawn, constitutionally sensitive response" that "is narrowly focused on the  
18 harm at hand." *Waters v. Barry*, 711 F.Supp. 1125, 1135 (D.D.C. 1989); *Carroll v. President of*  
19 *Princess Anne*, 393 U.S. 175, 183-83 (1968) ("An order issued in the area of First Amendment  
20 rights must be couched in the narrowest terms that will accomplish the pin-pointed objective  
21 permitted by constitutional mandate and...must be tailored as precisely as possible to the exact  
22 needs of the case.") In *Acuna*, the Court recognized that the restrictions on association involved  
23 in a gang injunction implicate First Amendment interests, and thereby applied the United States  
24 Supreme Court's *Madsen* standard of burdening "no more speech than necessary to serve an  
25 important government interest." *Acuna*, 14 Cal. 4<sup>th</sup> at 1121, citing *Madsen v. Women's Health*  
26 *Center*, 512 U.S. 753, 765 (1994). In its review of the preliminary injunction provisions, the  
27 particular facts of the case were central to the *Acuna* Court's holding. The proposed injunction  
28 covered only a four-block residential area, and none of the alleged gang members lived within

1 that small “safety zone.” This area was simply the “turf” where the gang committed its unlawful  
2 nuisance activities, and which the Court described as “occupied territory” and an “urban war  
3 zone.” *Id.* at 1100.

4 The instant case is factually distinct from *Acuna*. As will be documented in the  
5 declarations submitted by the proposed intervenor-defendant, many of the people targeted by the  
6 proposed injunction live near or within the “safety zone”, have relatives who live within the  
7 “safety zone” and conduct their daily lives within those bounds. Many of those targeted by the  
8 City also participate in political activities and in job, education sports and violence prevention  
9 programs within the “safety zone.” This means that the terms of the proposed order will cut into  
10 the fabric of people’s day-to-day activities, family lives, education, vocational activities and  
11 political participation. Whereas the *Acuna* court found that “the gangs appear to have had no  
12 constitutionally protected or even lawful goals within the limited territory of Rockspring.” *Id.* at  
13 1121, that is simply not the case for this injunction.

14 These factors are intrinsic to this Court’s determination of whether the proposed order  
15 burdens no more speech than is necessary to serve an important government interest. *Madsen*,  
16 512 U.S. at 765. By choosing to seek an injunction that targets people where they live, Plaintiff  
17 has insured that the proposed injunction will affect a great number of current associational  
18 activities and will inevitably chill future expressive activities.<sup>2</sup> The scope of the “no association”  
19 provision, as written, would apply not just to association outside in public view, but also to  
20 association inside any building “accessible by or to the public.” Thus, the act of walking into any  
21 public housing project or gathering inside the “safety zone” would incur a risk of violating the  
22 injunction depending on who else was present at the time. Even at the preliminary injunction  
23 stage, this Court’s duty to narrowly tailor any injunction requires a careful review of the proposed  
24 safety zone to determine whether Plaintiff has established by clear and convincing evidence the  
25 necessity of an injunction over these two areas in the Western Addition.

26 <sup>2</sup> See Scott E. Atkinson, *The Outer Limits of Gang Injunctions*, 59 Vand. L. Rev. 1693, 1716 (“Provisions  
27 forbidding all association necessarily include politically motivated assembly, thereby prospectively abridging gang  
28 members’ First Amendment rights--even if the enjoined defendants were not using those rights at the time the  
injunction was imposed..”)

1 This Court must pay “close attention to the fit between the objectives of an injunction and  
2 the restrictions it imposes” so as to “ensure that the injunction [is] no broader than necessary to  
3 achieve its desired goals.” *Madsen*, 512 U.S. at 765. This Court adhered to this important  
4 principle in the *Oakdale Mob* case when it rejected the City Attorney’s request for a curfew from  
5 10 a.m. to sunrise, and imposed a narrower prohibition on nighttime “loitering.” *People v.*  
6 *Oakdale Mob*, San Francisco Superior Court, Case No. CGC-06-456-517, Order Granting  
7 Preliminary Injunction, at 4.<sup>3</sup> Any injunction issued in this case must also be narrowly tailored  
8 to the specific facts and circumstances, so that there is a nexus between the enjoined activity on  
9 the one hand, and the complained-of nuisance and the activities of the gang on the other.

10 It is therefore central to the *Madsen* analysis that the injunction proposed for this  
11 geographical area includes and prohibits many lawful and innocent activities, some of which are  
12 constitutionally protected. The combined effect of the non-association provision, and the blanket  
13 ban on all “gang symbols” and all “gang signs,” is that the proposed injunction will interfere with  
14 participation in political protests, social and community events and other activities that have  
15 nothing to do with gangs and that have nothing to do with any nuisance.

16  
17 The terms of the proposed injunction dealing with gang symbols and gang signs require  
18 particular scrutiny from this Court in applying the *Madsen* standard. The blanket prohibition on  
19 displaying any “gang signs” or “gang symbols” is not narrowly tailored. By not limiting the  
20 prohibition to symbols or signs that refer in any way to the named gangs, this injunction goes  
21 beyond the injunctions issued in *Acuna* and *Englebrecht*. *Acuna*, 14 Cal. App. 4<sup>th</sup> at 1136 (Mosk,  
22 J. dissenting) (preliminary injunction restricted gang clothing and gang signs that referred to  
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<sup>3</sup> In *People v. Varrío Lampara Primera* (Santa Barbara Superior Court No. 1148758), the Santa Barbara Superior Court (Iwasko, J.) narrowed a proposed gang injunction by limiting the association provision to prohibit association only “under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable [the gang] and/or its members to engage in the nuisance conduct prohibited in this order.” (Statement of Decision on Motion for Preliminary Injunction at 10.) Amici has been informed that intervenor-defendant will request that the Court take judicial notice of this decision and attach a copy to their request.

1 “VST” or “VSL”); *Englebrecht*, 88 Cal. App 4<sup>th</sup> at 1243 (injunction prohibited symbols or signs  
2 “which describe or refer to the gang known as Posole”).

3         The constitutional problems caused by such injunctive terms which sweep too broadly are  
4 compounded by their vagueness. “It is a basic principle of due process that an enactment is void  
5 for vagueness if its prohibitions are not clearly defined.” *Grayned v. City of Rockford*, 408 U.S.  
6 104, 109 (1972). Without more, the terms “gang signs” and “gang symbols” are  
7 unconstitutionally vague because they fail to provide adequate notice as to what acts are  
8 prohibited, and because, by failing to provide specificity and guidance to the police officers  
9 enforcing the injunction, these open-ended terms make the injunction highly susceptible to  
10 “arbitrary and discriminatory enforcement.” *City of Chicago v. Morales*, 527 U.S. 41, 56 (1999);  
11 *see also Kolender v. Lawson*, 461 U.S. 352, 357 (1983). In the context of a gang injunction, the  
12 potential for such discriminatory enforcement in the form of racial profiling is very real.  
13  
14

15         The need for careful judicial scrutiny has been underscored by the California Court of  
16 Appeal in establishing a heightened standard of proof in the gang injunction context. While it  
17 may seem counter-intuitive, there is a very clear and compelling reason that the *Englebrecht* court  
18 imposed a higher burden of proof on a plaintiff seeking an injunction against a criminal street  
19 gang than on one seeking an injunction against, for example, labor picketers or abortion clinic  
20 protestors. That is because injunctions on protest or picketing activity only affect individuals  
21 when they are at the site of the protest and are engaged in the act of protesting or picketing. No  
22 one could possibly equate living under such an injunction as being on probation or parole. A  
23 gang injunction, however, goes far beyond other types of injunctions— it has the impact of  
24 affecting the daily lives of its targets not only in their nuisance-related conduct, but also in their  
25 expressive activities and in common everyday tasks that have no remote relationship to the  
26 nuisance or any other unlawful conduct. Furthermore, they are not limited to the site of the  
27  
28

1 protest, but follow the target wherever they go in a defined (and in this case large) geographical  
2 area. It is clear, then, why it is important that this probation-like civil sanction not be imposed  
3 without “clear and convincing” evidence.  
4

5 III. PLAINTIFF MUST ESTABLISH THAT THIS INJUNCTION WILL BE  
6 EFFECTIVE AND THAT ITS BENEFITS OUTWEIGH THE HARMS IT WILL  
7 CAUSE.

8 This Court must carefully consider and determine whether the harms likely to occur in the  
9 community if the injunction does not issue outweigh the harms that will occur (to the individual  
10 and to the community) if it does, *Acuna*, 14 Cal. 4<sup>th</sup> at 1109; *Continental Bakery Co. v. Katz*, 68  
11 Cal. 2d 512, 527 (1968). Plaintiff makes a conclusory argument that the Western Addition  
12 community will suffer great harm if the preliminary injunction is denied. However, to balance  
13 the harms, the Court must look beyond the assertions in the Plaintiff’s declarations and take into  
14 account both the individual rights that will be imperiled by the injunction and the evidence  
15 submitted in opposition to the injunction that tends to establish the adverse affects of this  
16 injunction on the life of this community.  
17

18 In the public nuisance context, the legitimate purpose of an injunction is to protect the  
19 community as a whole from a substantial and unreasonable interference. *Acuna*, 14 Cal. App 4<sup>th</sup>  
20 at 1105. As the *Acuna* Court emphasized, it is “this recognition of – and willingness to vindicate –  
21 the value of community and the collective interests it furthers, rather than to punish criminal acts,  
22 that lies at the heart of the public nuisance as an equitable doctrine.” *Id.* at 1109.  
23

24 The proposed intervenor-defendant will be submitting declarations that will be relevant to  
25 the adverse affects that this injunction will have on the community. The Western Addition is an  
26 active cultural and political neighborhood that invests significant community resources in  
27 working preventatively and constructively on the problem of youth violence and gang activity.  
28

1 Organizations and individuals who live and work in the “safety zone” will present evidence to  
2 this Court detailing how the proposed injunction will interfere with their positive community  
3 work and stating why they believe it will be ineffective at addressing the problem of community  
4 violence.

5  
6 In fact, a recent groundbreaking study has concluded that gang injunctions can *cause* harm  
7 because they are ineffective and counterproductive ways of meeting the purported goal of  
8 community safety.<sup>4</sup> The Justice Policy Institute report (“JPI Report”) examined and analyzed  
9 “the successes and failures of approaches that have been employed to respond to gangs” and  
10 concluded that police suppression efforts like civil gang injunctions “can increase gang cohesion  
11 and police-community tensions, and they have a poor track record when it comes to reducing  
12 crime and violence.” *JPI report*, at 3, 5. The Report recommends redirecting resources from  
13 failed gang enforcement efforts to proven public safety strategies, finding that “gang injunctions,  
14 gang sweeps and ominous-sounding enforcement initiatives reinforce negative images of whole  
15 communities and run counter to the positive youth development agenda that has been proven to  
16 work.” *Id.* at 7.

17  
18 The issues raised by the JPI Report, and its conclusions, are relevant to the balancing of  
19 harms in which this Court must engage. It raises serious questions as to whether the proposed  
20 injunction will make the Western Addition safer and whether any incremental benefits of this  
21 tactic are outweighed by the costs. These questions go to the heart of the equitable considerations  
22 that this Court must resolve. As the California Supreme Court stated in *Acuna*, “the availability  
23 of equitable relief to counter public nuisances is an expression of the interest of the public in the  
24  
25

26 <sup>4</sup> Judith Greene and Kevin Pranis, *Gang Wars: The Failure of Enforcement Tactics and the Need for Effective*  
27 *Public Safety Strategies*, Justice Policy Institute, July 2007, available at: [http://www.justicepolicy.org/reports\\_jl/7-](http://www.justicepolicy.org/reports_jl/7-10-07_gangs/GangsFullReport2.pdf)  
28 [10-07\\_gangs/GangsFullReport2.pdf](http://www.justicepolicy.org/reports_jl/7-10-07_gangs/GangsFullReport2.pdf)

1 quality of life and the total community environment.” *Acuna* 14 Cal. 4<sup>th</sup> at 1107 citing *People ex*  
2 *rel Busch v. Projection Room Theater* 17 Cal.3d 42, 52 (1976).

3  
4 The JPI Report also deals with the cloud of racial profiling that hangs over gang  
5 injunctions. The Report details the fact that African American and Latino communities bear the  
6 cost of failed gang enforcement initiatives because “young men of color are disproportionately  
7 identified as gang members and targeted for surveillance, arrest, and incarceration, while  
8 whites—who make up a significant share of gang members—rarely show up in accounts of gang  
9 enforcement efforts.” *JPI Report* at 6. This fact is particularly disturbing in light of the fact that  
10 whites make up the largest racial group of gang youth, and white gang members commit  
11 delinquent acts at the same rate as their African American and Latino peers.<sup>5</sup> In balancing the  
12 harms, this Court should be cognizant of this disparity.

13  
14 IV. THE PROPOSED INJUNCTION VIOLATES DUE PROCESS PRINCIPLES BY  
15 PURPORTING TO BIND PERSONS WHO HAVE NOT HAD AN OPPORTUNITY  
16 TO CONTEST THE CASE AGAINST THEM

17 As the Court of Appeal recently reaffirmed, a gang injunction can only apply to an active  
18 gang member (as defined by the Court in *Englebrecht*), and a “person is subject to the injunction  
19 *if the State proves by clear and convincing evidence that the [Englebrecht] definition is met.*”  
20 *Broderick Boys*, 149 Cal. App 4<sup>th</sup> at 1517 (emphasis by the court), citing *Englebrecht*, 88  
21 Cal.App. 4<sup>th</sup> at 1256-1257. Therefore, if an injunction issues, it can only bind those individuals  
22 about whom Plaintiff has presented clear and convincing evidence of active gang membership to  
23 this Court.

24  
25 <sup>5</sup> According to the JPI Report, “The public face of the gang problem is black and brown, but whites make up the  
26 largest group of adolescent gang members. Law enforcement sources report that over 90 percent of gang members  
27 are nonwhite, but youth survey data show that whites account for 40 percent of adolescent gang members. White  
28 gang youth closely resemble black and Latino counterparts on measures of delinquency and gang involvement, yet  
they are virtually absent from most law enforcement and media accounts of the gang problem. The disparity raises  
troubling questions about how gang members are identified by police.” *Id.* at 4.

1           However, the proposed preliminary injunction, as stated in the Order to Show Cause,  
2 would apply to the “all... members and associates, and all persons acting under, in concert with,  
3 for the benefit of, at the direction of, or in association with Defendants.” *People v. Chopper City,*  
4 *Eddy Rock, Knock Out Posse, Order to Show Cause Re: Preliminary Injunction* at 1-2, 4. Thus,  
5 this form of injunction will, on its face, apply to any person whom the prosecutor or the police  
6 deem to be a “member” or “associate” of the Defendants or “acting in concert with or  
7 participating” with Defendants. This leaves the door open to the police to serve with the  
8 injunction individuals who have not yet even been named by Plaintiff in its court papers. Any  
9 injunction issued by this Court should make it clear that it can only bind individuals who have  
10 first had the opportunity to appear in court and to have the Court determine whether they are  
11 active gang members. Only such an explicit narrowing of the proposed injunction is consistent  
12 with the Court’s admonition in *The Broderick Boys* that an injunction can only apply to persons  
13 who have been proven to be active gang members by clear and convincing evidence. *Id.* at 1517.

16           V.     CONCLUSION

17           For the foregoing reasons, this Court should not issue the Proposed Preliminary  
18 Injunction.

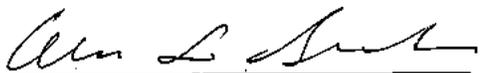
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DATED: September 5, 2007

Respectfully Submitted,

LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS OF THE SAN FRANCISCO BAY  
AREA

AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA

By:   
Alan L. Schlosser

By:   
Juniper Lesnik

Attorneys for Amici Curiae