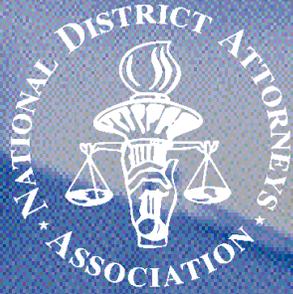


SPECIAL TOPICS SERIES

American Prosecutors Research Institute



Civil Gang Injunctions

A Guide for
Prosecutors

BJA Bureau of Justice Assistance
Office of Justice Programs ■ U.S. Department of Justice

Joseph Cassilly
President

Scott Burns
Executive Director

Brent Berkley
Director, National Center for Community Prosecution

2009 by the National District Attorneys Association

This project was supported by Grant No. 2006-DD-BX-K272 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United State Department of Justice.

Bureau of Justice Assistance, Office of Justice Programs
U.S. Department of Justice
810 7th Street, N.W.
Washington, DC 20531
<http://www.ojp.usdoj.govBJA>

Civil Gang Injunctions

A Guide for Prosecutors

June 2009

Max Shiner
Deputy City Attorney
City of Los Angeles, California
National District Attorneys Association

TABLE OF CONTENTS

<i>1</i>	<i>Introduction</i>
<i>3</i>	<i>Legal Theory Behind Gang Injunctions</i>
<i>13</i>	<i>Provisions of The Gang Injunction</i>
<i>17</i>	<i>Constitutionality of Gang Injunctions And Limits on Their Substantive Scope</i>
<i>21</i>	<i>Selecting a Target Gang</i>
<i>27</i>	<i>Planning the Injunction</i>
<i>33</i>	<i>Collecting and Preparing the Evidence</i>
<i>41</i>	<i>Drafting the Pleadings</i>
<i>45</i>	<i>Giving Notice to the Gang</i>
<i>51</i>	<i>Enforcing the Gang Injunction</i>
<i>55</i>	<i>Conclusion</i>

INTRODUCTION

As gang crime continues to escalate across the country, prosecutors, law enforcement, community leaders, and allied professionals continually seek innovative methods to reduce the spread of gang-related criminal activity. One method, pioneered by the Los Angeles City Attorney's Office, is the use of gang injunctions. While this use of civil injunction law is certainly an expansion of the traditional purview of prosecutors, existing law in most jurisdictions should provide the necessary framework to enable prosecutors to pursue a gang injunction. And while pursuing such a project takes time and effort, the far-reaching preventative aspects of an injunction are worth the additional work required to obtain them. This publication introduces prosecutors and law enforcement agencies to the specific steps necessary to put into place this innovative and effective process.

LEGAL THEORY BEHIND GANG INJUNCTIONS

Prosecutors obtain gang injunctions by applying the law of public nuisance to the particular harms criminal street gangs cause. We normally associate “nuisance” with trifling annoyances, and indeed nuisance law originally developed out of the need to address minor offenses. However, the nuisance doctrine applies equally to the activities of criminal street gangs, and is an effective tool for tackling serious gang violence.

Historically, public nuisance was a common law doctrine. The Second Restatement of Torts, Volume 4, Chapter 40 discusses nuisance law comprehensively, and has this to say of the development of public nuisance:

b. Common Law Public Nuisances. At common law public nuisance came to cover a large, miscellaneous and diversified group of minor offenses, all of which involved some interference with the interests of the community at large—interests that were recognized as rights of the general public entitled to protection. Thus public nuisances included interference with the public health, as in the case of keeping diseased animals or the maintenance of a pond breeding malarial mosquitoes; with the public safety, as in the case of the storage of explosives in the midst of the city or the shooting of fireworks in the public streets; with the public morals, as in the case of houses of prostitution or indecent exhibitions; with the public peace, as by loud and disturbing noises; with the public comfort, as in the case of widely disseminated bad odors, dust and smoke; with the public convenience, as by the obstruction of a public highway or a navigable stream; and with a wide variety of other miscellaneous public rights of a similar kind. In each of these instances the interference with the public right was so unreasonable that it was held to constitute a criminal offense. For the same reason it also constituted a tort. Many states no longer recognize common law crimes, treating the criminal law as entirely statutory. But the common law tort of public nuisance still exists, and the traditional basis for determining what is a public nuisance may still be applicable.

c. Statutes. With the elimination of common law crimes, general statutes have been adopted in most of the states to provide criminal penalties for public nuisances, often without defining the term at all, or with only a very broad and sometimes rather vague definition. These statutes uniformly have been construed to include the interferences with the rights of the public that were public nuisances at common law.

In other states the crime of public nuisance in this broad, vague and general sense has become anachronistic. It is regarded as inconsistent with the position that criminal conduct must be defined specifically and clearly and statutes are drafted to meet this requirement. In addition, all of the states have numerous special statutes declaring certain conduct or conditions to be public nuisances because they interfere with the rights of the general public. For example, a common type of statute declares black currant bushes or barberry bushes or other plants that harbor parasites such as rust that are destructive to grain and timber to be public nuisances. These statutes amount to a legislative declaration that the conduct proscribed by the state is an unreasonable interference with a public right. Municipal ordinances and administrative orders and regulations may have a similar effect. In these cases there may be no need for a court finding of unreasonableness.

d. Criminal Character. It has always been stated with some frequency that a public nuisance is always a criminal offense. This statement is susceptible of two interpretations. The first is that in order to be treated as a public nuisance, conduct must have been already proscribed by the state as criminal. This is too restrictive. The second is that any conduct that is found to be a public nuisance is for that reason a criminal offense, either at common law or under statute. While this has been true in most of the cases in which the statement has appeared and is still so in many states, it affords little assistance in determining what conduct amounts to a public nuisance. It no longer has significance in states where the general crime of public nuisance has ceased to exist. In any

event, there is clear recognition that a defendant need not be subject to criminal responsibility. Thus a municipal corporation, which cannot be prosecuted for a crime, may still be liable in tort for the creation or maintenance of a public nuisance if the conduct is such that a private individual would be liable. In addition, other remedies, such as the recovery of damages in tort by one who has suffered particular damages (see § 821C) or abatement of the nuisance or injunction may lie in favor of the state or even a private individual who suffers particular harm. Restatement (Second) of Torts § 821B (1977).

Thus in all states, there may be either a common law or statutory cause of action for public nuisance (some expression of the injury to or interference with rights common to the public) that an injunction may remedy. Applying the public nuisance cause of action to the activities of criminal street gangs may be novel in most states. However, public nuisance law has been used extensively in California. The next section examines the law of public nuisance in California, as both a guide to California prosecutors and a roadmap for prosecutors in other states who wish to adapt these concepts to their own legal frameworks.

California’s Statutory Definition of Nuisance

California Civil Code section 3479 defines “nuisance” as:

Anything 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, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

“Injury resulting in interference with the comfortable enjoyment of life or property” is a typical formulation of nuisance. While other formulations may differ in their wording or reach, they

usually encompass injury to health or property.¹

California’s definition provides four categories of activities that constitute a nuisance:

- (1) Anything which is injurious to health;
- (2) anything which is indecent or offensive to the senses;
- (3) anything which is an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property;
- (4) anything which unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway.

The wide range of activities that may constitute a nuisance illustrates the definition’s flexibility. Any criminal street gang’s harmful activities fall within at least one of these categories—most gangs will satisfy all four. This allows prosecutors to use extensive, varied evidence of the gang’s harmful, dangerous or offensive activities to support their public nuisance complaints.

California Civil Code section 3480 defines “public nuisance”:

A public nuisance is one which affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

A substantially identical provision of the California Penal Code defines public nuisance as a crime. *See* Cal. Pen. Code §§ 370–372.

¹ *See, e.g.*, definitions of nuisance from New York [conduct or omissions which offend, interfere with or cause damage to the public in the exercise of rights common to all, in a manner such as to offend public morals, interfere with use by the public of a public place or endanger or injure the property, health, safety or comfort (*Melker v. City of New York*, 190 NY 481, 488 (1908))].

Abating a Public Nuisance

Standing to bring a public nuisance action has traditionally been limited to: (1) individuals who have suffered injuries different in kind or in degree from those suffered by other members of the public, or (2) to the State. *See* Cal. Civ. Code § 3493 (“A private person may maintain an action for a public nuisance, if it is specially injurious to himself, but not otherwise.”) California Code of Civil Procedure section 731 explicitly authorizes prosecutors to bring public nuisance actions in the name of the People:

A civil action may be brought in the name of the people of the State of California to abate a public nuisance, as the same is defined in [Civ. Code § 3479], by the district attorney of any county in which such nuisance exists, or by the city attorney of any town or city in which such nuisance exists.

California Civil Code section 3491 provides:

The remedies against a public nuisance are:

1. Indictment or information;
2. A civil action; or,
3. Abatement.

Abatement of a nuisance “is accomplished by a court of equity by means of an injunction proper and suitable to the facts of each case.” *Sullivan v. Royer*, 72 Cal. 248, 249 (1887). Therefore the district attorney or city attorney may bring an action for injunction to abate a public nuisance.

For an activity to be actionable as public nuisance, it must not only meet the elements of public nuisance, but the interference with public rights must be both “substantial and unreasonable.” This requirement is meant to differentiate “trifling annoyances” from “serious harms,” the latter of which must be tolerated “in order that all may get on together.” *San Diego Gas & Elec. Co. v. Superior Court*, 13 Cal. 4th 893, 937 (1996) (*quoting* Restatement (Second) of Torts § 822 cmt. G). “Substantiality” requires “proof of ‘significant harm,’ defined as a ‘real and appreciable invasion of

the plaintiff's interests,' one that is 'definitely offensive, seriously annoying or intolerable.'" *People ex rel. Gallo v. Acuna*, 14 Cal. 4th 1090, 1105 (1997) (quoting Restatement (Second) of Torts § 821F cmts. c, d.). Courts use an objective test to determine whether the interference is substantial. That is, if "normal persons in that locality would not be substantially annoyed or disturbed by the situation, then the invasion is not a significant one." *Id.* To determine whether the invasion is unreasonable, the court asks "whether the gravity of the harm outweighs the social utility of the defendant's conduct, taking a number of factors into account. Again the standard is objective: the question is not whether the particular plaintiff found the invasion unreasonable, but 'whether reasonable persons generally, looking at the whole situation impartially and objectively, would consider it unreasonable.'" *San Diego Gas & Elec. Co. v. Superior Court*, 13 Cal. 4th 893, 938 (quoting Restatement (Second) of Torts § 826 com. c).

Though the nuisance caused by the complained-of activity must be substantial and unreasonable, the conduct need not cause actual harm to be actionable. "[M]ere apprehension of injury from a dangerous condition may constitute a nuisance where it interferes with the comfortable enjoyment of property." (*McIvor v. Mercer-Fraser Co.*, 76 Cal. App. 2d 247, 254 (1946).

Injunctions may be used to prevent criminal conduct as long as it falls within the definition of nuisance. Cal. Civ. Code § 3369 ("Neither specific nor preventive relief can be granted . . . to enforce a penal law, except in a case of nuisance.") However, the abated conduct need not be criminal. *In re Englebrecht*, 67 Cal. App. 4th 486, 492 (1998).

A nuisance *per se* arises when lawmakers pass a statute or ordinance deeming a condition or activity a nuisance—regardless of whether the conduct meets the statutory definition of nuisance. "Nuisances *per se* are so regarded because no proof is required, beyond the actual fact of their existence, to establish the nuisance. No ill effects need be proved." *McClatchy v. Laguna Lands Ltd.*, 32 Cal. App. 718, 725 (1917). Thus, when it included the "illegal sale of controlled substances" in the definition of nuisance under California Civil Code section 3479, the legislature rendered this activity a nuisance *per se*. Local ordinances may designate certain activities engaged in by gang members nuisances *per se*. For example,

section 11.00(l) of the Los Angeles Municipal Code states that violation of designated provisions creates a public nuisance that may be abated by injunction.

Requirements for Issuance of Injunction

Before an injunction may issue, the complaining party must establish that there are grounds for equitable relief—that is, that the traditional legal remedy is inadequate. This is easily shown in the case of a criminal street gang’s activities because an ordinary damage award will not make a community whole for the harm the gang’s activities cause. Physical bodily harm, the loss of the enjoyment of a neighborhood and other actual and threatened injury constitute unique injury that should not be tolerated and cannot be adequately recompensed—despite the availability of damages actions and the threat of criminal prosecution. Further, injunctive relief is warranted because compensation for these ongoing wrongs would require a multiplicity of suits. Therefore, proof of the gang’s dangerous nature and continuous criminal and nuisance activities is again relevant and vital.

As an example of a the codification of these requirements, California Code of Criminal Procedure section 526(a) states in part:

An injunction may be granted in the following cases:

- (2) When it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action.
- (4) When pecuniary compensation would not afford adequate relief.
- (5) When it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief.
- (6) Where the restraint is necessary to avoid a multiplicity of judicial proceedings.

Since an injunction is an exclusively prophylactic measure, the acts sought to be enjoined must be ongoing or likely to resume. The evidence must show with reasonable certainty that the gang’s activities will continue

unless restrained.²

Requirements for Issuance of Preliminary Injunction

A request for a preliminary injunction (effective only during the pendency of the lawsuit) should typically be made upon filing of the complaint for injunction. There are several good reasons for seeking a preliminary injunction. Most obviously, the preliminary injunction restrains the harm caused by the gang while the case is litigated—a potentially lengthy process. Second, having a court rule on a preliminary injunction at the case’s commencement provides a preview of how the court evaluates the strength of the case and the legal issues involved.

In considering whether to grant a preliminary injunction, a court must typically consider two factors: (1) The likelihood that the plaintiff will prevail on the merits at trial; (2) the interim harm that the plaintiff is likely to sustain if the injunction were denied as compared to the harm the defendant is likely to suffer if the preliminary injunction were issued.³ The first factor requires the court to evaluate the evidence of public nuisance submitted in support of the preliminary injunction. The second factor requires the court to balance the hardships. Here, the court may consider the quantity and severity of the gang’s harmful activities to find that the gang is not unduly burdened by obeying the injunction’s restrictions. Since the restrictions imposed in the injunction ought to be relatively easy for a law-abiding person to obey, the community’s interest in restraining criminal and nuisance activities should easily outweigh any harm to the defendant gang.

² See, e.g., *Thome v. Honcut Dredging Co.*, 43 Cal. App. 2d 737, 742 (1941) (“To authorize the issuing of an injunction it should appear with reasonable certainty that the wrongful acts will be continued or repeated”); *Rosicrucian Fellowship v. Rosicrucian Fellowship Non-Sectarian Church*, 39 Cal. 2d 121, 144 (1952) (“An injunction is ordered against past acts only if there is evidence that they will probably recur”); *De Haviland v. Warner Bros. Pictures, Inc.*, 67 Cal. App. 2d 225, 238 (1944) (“An injunction is not proper to restrain the commission of acts in the future unless there is good reason to believe they will be committed if there is no restraint”).

³ *Acuna*, 14 Cal. 4th 1090 at 1109 (quoting *Cohen v. Board of Supervisors*, 40 Cal. 3d 277, 286 (1985).)

Procedure for Obtaining Preliminary Injunction

A preliminary injunction may be sought through a noticed motion, or more likely, through an order to show cause (OSC). The procedures for a noticed motion are generally straight-forward and well known. The OSC is a slightly different procedure that is advantageous because an application for an OSC can be made *ex parte*. Generally a preliminary injunction is sought at the moment the case is filed, in order to immediately impact the gang's activities. Filing an *ex parte* application for an OSC avoids the normal notice requirements for a motion, and the *ex parte* application can be served concurrently with the summons and complaint. In fact, this procedure may be mandated where the preliminary injunction is sought at the commencement of the case. Such is the case in California.⁴

An *ex parte* application for the OSC does require that the defendant be notified. In the typical case, this is done through a phone call to opposing counsel, but where the gang defendant is not represented, this is done by personally delivering a letter detailing the lawsuit, the date, time, and place of the *ex parte* hearing, and the relief requested by the proposed OSC to a sufficient number of the gang's members to provide notice to the gang, and to the individual defendants, if any. The rules relating to proper notice for *ex parte* applications differ from court to court, so consult the rules of court, any local rules, and the assigned judge's particular rules, for details on the notice requirements.

The OSC orders the defendant(s) to appear to show cause why an injunction should not issue. The proposed OSC must set forth the terms of the proposed injunction, provide a date for the hearing and set forth a briefing schedule. The OSC may also provide for the method of service of both the OSC and, importantly, all documents in the action. *See infra*, Proposing a Method for Service of Summons. It is best to have the court

⁴ *See, e.g.*, California Rule of Court 3.1150(a) states: "A party requesting a preliminary injunction may give notice of the request to the opposing or responding party either by serving a noticed motion under Code of Civil Procedure section 1005 or by obtaining and serving an order to show cause (OSC). An OSC must be used when a temporary restraining order (TRO) is sought, or if the party against whom the preliminary injunction is sought has not appeared in the action. If the responding party has not appeared, the OSC must be served in the same manner as a summons and complaint." (Emphasis added.)

approve the method of service on the gang at this early stage.

Temporary restraining orders (TROs) are sometimes provided for by statute in order to restrain a party prior to the hearing on the preliminary injunction. These do not provide a great advantage in a gang injunction case because their notice requirements mirror those of the preliminary injunction, unless the moving party can show great or irreparable injury. It may be difficult to prove that the community will suffer great or irreparable injury during the short time period between the *ex parte* hearing and the hearing on the OSC re: preliminary injunction. Furthermore, some courts have ruled that a TRO that restrains constitutionally-protected activities is void if issued without notice. Finally, even if a TRO were sought and obtained, it must be served on individual members before they could be arrested for violating the order, which only lasts until the OSC hearing.

Checklist for Ex parte Application for OSC

1. Deliver notice letter to members of the gang and individual defendants, if any (may be done in conjunction with service of the summons and complaint if it has already been filed).
2. File *ex parte* application with proper court, along with (1) proposed OSC, (2) all documents in support (including evidentiary declarations), and (3) declaration(s) detailing notice given to the gang re: the *ex parte* application.
3. Attend *ex parte* hearing and obtain OSC re: preliminary injunction.
4. Serve OSC as directed by the court.
5. Obtain preliminary injunction at hearing on OSC.

Checklist for Filing/Serving Summons and Complaint

1. File complaint and file/have court issue summons.
2. Serve summons and complaint on members of the gang and individual defendants, if any (may be done in conjunction with delivery of notice letter re: *ex parte* application).
3. Await filing of answer to complaint — if answer not filed, seek entry of default and default judgment. If answer is filed, proceed with motions, discovery and trial as circumstances dictate.

PROVISIONS OF THE GANG INJUNCTION

The most important and effective provision of a gang injunction is the “do not associate” requirement. A “do not associate” provision restricts gang members’ ability to gather in groups and consequently deters concerted actions. The ability to act collectively makes gang crime more dangerous, threatening and difficult to combat through traditional means, so a restriction on the ability of gang members to associate in public directly addresses this problem.

In *Acuna*, the California Supreme Court explicitly upheld the challenged “do not associate” provision. The provision in *Acuna* prohibited “standing, sitting, walking, driving, gathering or appearing anywhere in public view” with any other gang member. California’s gang injunctions are generally modeled on this provision.

The prosecutor must explain and prove to the court why each injunction provision is necessary. Because gangs’ criminal and nuisance activities vary, injunction provisions should be tailored to each gang. The drafter must take care to ensure that each provision is narrowly-tailored to the harm caused by the gang, is clear and understandable, and is not over-broad. Provisions that have commonly been included in injunctions obtained by the Los Angeles City Attorney’s Office include:

- **Do Not Associate:** Driving, standing, sitting, walking, gathering or appearing, anywhere in public view or anyplace accessible to the public, with any known member of [gang], but not including: (1) when all individuals are inside a school attending class or on school business, and (2) when all individuals are inside a church; provided, however, that this prohibition against associating shall apply to all claims of travel to or from any of those locations.
- **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening, challenging, provoking, assaulting or battering any person known to be a witness to any activity of [gang], known to be a victim

of any activity of [gang], or known to be a person who has complained about any activity of [gang].

- **No Firearms, Imitation Firearms, or Dangerous Weapons:** Anywhere in public view or anyplace accessible to the public, (1) possessing any firearm, imitation firearm, ammunition, or illegal weapon as defined in Penal Code section 12020, (2) knowingly remaining in the presence of anyone who is in possession of such firearm, imitation firearm, ammunition or dangerous weapon, or (3) knowingly remaining in the presence of such firearm, imitation firearm, ammunition or dangerous weapon. For purposes of this provision, an imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- **Stay Away From Drugs:** Without a prescription, (1) selling, possessing, or using any controlled substance or related paraphernalia, including but not limited to rolling papers and pipes used for illegal drug use, (2) knowingly remaining in the presence of anyone selling, possessing, or using any controlled substance or such related paraphernalia, or (3) knowingly remaining in the presence of any controlled substance or such related paraphernalia.
- **Stay Away From Alcohol:** Anywhere in public view or anyplace accessible to the public, except on properly licensed premises, (1) possessing an open container of an alcoholic beverage, (2) knowingly remaining in the presence of anyone possessing an open container of an alcoholic beverage, or (3) knowingly remaining in the presence of an open container of an alcoholic beverage.
- **No Trespassing:** Being present on or in any property not open to the general public, except (1) with the prior written consent of the owner, owner's agent, or the person in lawful possession of the property, or (2) in the presence of and with the voluntary consent of the owner, owner's agent, or the person in lawful possession of the property.
- **Obey Curfew:** Being outside between the hours of 10:00 p.m. on any

day and 5:00 a.m. of the following day, unless (1) going to or from a legitimate meeting or entertainment activity, (2) actively engaged in some business, trade, profession or occupation which requires such presence, or (3) involved in a legitimate emergency situation that requires immediate attention.

- **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public property or private property of another, or possessing any spray paint container or felt tip marker.
- **No Forcible Recruiting:** Making any threats or doing anything threatening, including but not limited to striking, battering, destroying or damaging personal property, or disturbing the peace, to cause a person to join [gang].
- **No Preventing a Member From Leaving the Gang:** Making any threats or doing anything threatening, including but not limited to striking, battering, destroying or damaging personal property, or disturbing the peace, (1) to prevent a person from leaving [gang] or (2) to any person known to have left [gang].
- **Obey All Laws:** Failing to obey all laws (1) which prohibit violence and threatened violence including murder, rape, robbery by force or fear, assault and battery, (2) which prohibit interference with the property rights of others including trespass, theft, driving or taking a vehicle without the owner's consent, and vandalism, or (3) which prohibit the commission of acts which create a nuisance including the illegal sale of controlled substances and blocking the sidewalk.

These provisions are precisely drafted but also properly restrict activities that could not be prohibited by statute. For example, the “Stay Away From Drugs” provision places a burden on the enjoined gang member to remove himself from any place where he knows drugs are present. This is a sensible rule for a gang member, and also eliminates the obstacle to enforcement created by the need to prove individual possession when narcotics are present among a group of gang members.

CIVIL GANG INJUNCTIONS: A GUIDE FOR PROSECUTORS

Other provisions that courts have approved under appropriate circumstances are provisions ordering gang members to stay away from school grounds or other designated locations, not to act as lookouts for illegal activities or warn of the approach of the police, not to fight with others, and not to use gang gestures or wear or display gang paraphernalia in public. The provisions that may be sought are not limited to this list.

CONSTITUTIONALITY OF GANG INJUNCTIONS AND LIMITS ON THEIR SUBSTANTIVE SCOPE

Constitutional challenges to gang injunctions have taken various forms. California courts have addressed challenges based on the right to free association under the First Amendment, vagueness, and overbreadth. The courts have ruled that the challenged provisions of gang injunctions are constitutionally valid, and have articulated the standard for evaluating the provisions under a substantive due process analysis. The approach of the California courts is described below. Prosecutors from other states are encouraged to study these cases in anticipation of challenges to their own gang injunction work.

First Amendment Challenges

Free Association

Provisions preventing members of the enjoined gang from associating with each other in public may be challenged as violative of the First Amendment right to free association. In *Acuna*, the California Supreme Court explained that, “the United States Supreme Court has made it clear that, although the Constitution recognizes and shields from government intrusion a *limited* right of association, it does not recognize ‘a generalized right of “social association.”” *Acuna*, 14 Cal. 4th at 1110 (quoting *Dallas v. Stanglin*, 490 U.S. 19, 25 (1989)). To be protected, the claimed right of association must fall into certain categories—those with an “intrinsic” or “intimate” value, or those that are “instrumental” to forms of religious or political expression or activity. *Id.* The *Acuna* court held that the right of gang members to associate did not fall into either of these categories. Quoting the United States Supreme Court, *Acuna* states that “[f]reedom of association, in the sense protected by the First Amendment, ‘does not extend to joining with others for the purpose of depriving third parties of their lawful rights.’” *Id.* at 1112 (quoting *Madsen v. Women’s Health Ctr., Inc.*, 512 U.S. 753, 776 (1994)). Prosecutors must be aware of the possibility that the constitutions of other states may be interpreted by courts in those states to provide a broader right to free

association than the United States or California constitutions.

The fact that some of the gang’s members live in the area covered by the injunction or have relatives who live in the area or who are also in the gang does not render the restriction on associating unconstitutional. The California Court of Appeal in *In re Englebrecht*, 67 Cal. App. 4th 486 (1998) held that these distinctions do not transform gang activities into “intrinsic” or “intimate” associational activities. Whenever gang members are associating in public, whether going to or from home and regardless of the familial relationship between the gang members, their activities remain nonintimate gang activities. *Id.* at 496 (“The familial nexus is not carte blanche for creating a public nuisance”; see also *People v. Englebrecht*, 88 Cal. App. 4th 1236, 1263 (2001). (“While the injunction may place some burden on family contact in the target area, it by no means has, in our view, a fundamental impact on general family association. . . . [A]ny liberalization of the injunction to try to allow greater familial contact in the target area would limit the effectiveness of the injunction.”) Because many gangs include several generations of people in the same family as well as numerous extended family members, an injunction would not be effective if it exempted family members from the prohibition on associating.

Overbreadth

The *Acuna* court addressed an overbreadth challenge to the terms of the injunction. A finding of overbreadth requires showing that there is a danger that First Amendment protections of parties not before the court may be significantly compromised. *Acuna* denied the overbreadth challenge, finding that such a danger is not as present in a judicial order arising from a proceeding prompted by particular events as it would be in an abstract statute. *Acuna*, 14 Cal. 4th at 1114. Although the injunction in *Acuna* did not bind the gang itself or its non-named members, later decisions expressly upholding the application of gang injunctions to non-party members of the targeted gang lend support to the conclusion that an overbreadth challenge would fail in that context as well.

Vagueness

The *Acuna* court identified two types of constitutional vagueness chal-

lenges: (1) where the meaning of the statute (or order) is insufficiently clear and concrete so as to provide inadequate notice as to what conduct is proscribed, and (2) where it provides insufficient guidelines to law enforcement so as to reduce the potential for arbitrary and discriminatory enforcement. The wording of the challenged provisions in *Acuna* was sufficiently clear, although the court resorted to reading a knowledge *mens rea* requirement into both provisions. For example, the prohibition on associating with “any other known” gang member was interpreted to mean any person *known by the defendant* to be a gang member. This illustrates the level of care required when drafting the injunction’s provisions, which should be as precise and unambiguous as possible.

The “Narrowly-Tailored” Limitation on the Scope of an Injunction

The *Acuna* court identified the proper standard in evaluating whether a provision of an injunction exceeds the limitations imposed by the Constitution. The court must ask “whether the two provisions comply with the constitutional standard announced by the Supreme Court, that is, whether they ‘burden no more speech than necessary to serve a significant governmental interest.’”⁵ *Id.* at 1120 (*quoting Madsen*, 512 U.S. at 765)(citation omitted). This standard is often referred to as “strict scrutiny lite,” because it applies the narrowly-tailored requirement of traditional strict scrutiny to a significant, though not necessarily compelling, governmental interest. As *Acuna* held that the interest in abating the nuisance created by a criminal street gang is significant, the standard is notable mainly for the requirement that the restrictions imposed by the gang injunction not go beyond what is *required* to abate the nuisance.

Thus, all of the provisions in the injunction must be narrowly-tailored, so that there is no less restrictive means available to abate the particular aspect of the gang’s nuisance targeted by each provision. This requires not just careful drafting, but also thorough evidence gathering and analysis, as each provision must be justified by the examples of the gang’s nuisance

⁵ Although the U.S. Supreme Court referred only to the burden on speech, the *Acuna* court applied the narrowly-tailored requirement to the restriction on social intercourse inherent in the “do not associate” provision.

CIVIL GANG INJUNCTIONS: A GUIDE FOR PROSECUTORS

activities that it seeks to abate. Caution dictates that several, if not many, examples of the specific harmful activity targeted by each provision be documented in the record to support the issuance of that provision. This has implications for the size of the area targeted by the injunction (hereinafter, the “Safety Zone,”) which must be no larger than necessary to abate the nuisance caused by the gang. *See infra*, Selecting a Target Gang, for a discussion of the considerations in defining the Safety Zone.

SELECTING A TARGET GANG

The target gang must be evaluated to determine if it is a suitable candidate for a gang injunction. The gang must fit certain criteria if the lawsuit seeking an injunction is going to be viable or successful.

Characteristics of the Gang

The conduct and activities of the gang must constitute a public nuisance.

This will be true for virtually all gangs that are actively engaged in criminal conduct, because these criminal activities interfere with the affected neighborhood's resident's right to the comfortable enjoyment of life and property. The prosecutor must determine the extent of the gang's involvement in criminal and nuisance activities, and the nature of those activities. It can be argued that each crime that the gang repeatedly perpetrates constitutes a nuisance in itself. For example, shootings endanger the lives of individuals living in the area, and terrify residents who are not even present. Likewise for robberies and other violent and potentially violent crimes. Property crimes create a nuisance by interfering with property. Graffiti is a special case of property crime that can both damage property and constitute a direct or implied threat from the gang, which typically will engage in graffiti in order to both publicize its dominance of the neighborhood and to intimidate residents into fearing the gang.

Even the gang's comparatively minor activities may be taken into account in evaluating the nuisance. Many gangs annoy, harass and intimidate neighborhood residents by publicly congregating in groups while drinking alcohol, blocking streets, sidewalks and driveways, causing loud disturbances, or trespassing on the property of others. Not only are these activities disturbing in and of themselves, but they collectively create an atmosphere of lawlessness and defiance that contributes to the gang's grip of fear over the neighborhood.

The nuisance activities must be continuous and ongoing. Since the injunction must be necessary to abate the nuisance, the prosecutor must prove that the nuisance is ongoing. A cessation of the gang's activities or a gap

between the last documented crime and the hearing on granting an injunction may raise questions regarding the need for the injunction.

The gang conducts its activities mainly within a defined geographic area.

To date, gang injunctions have mainly targeted traditional, turf-based gangs by focusing on restraining the activities of gang members within a defined Safety Zone. Arguably, the restrictions of a constitutionally viable injunction must be limited to a geographical area. Since the injunction may not be vague in its description or overbroad in the area covered, the injunction must have clearly-defined and established boundaries. This means that the gang's nuisance activities must be bounded, as is typically the case for turf-based gangs. The more stable and well-established the gang's claimed turf, the more viable the area defined by the injunction. The question of whether or how to pursue a gang injunction against a non-turf-based (or "transient") gang is not addressed herein.

The locations of the gang's documented crimes and other nuisance activities must be carefully considered. The Safety Zone should cover the entire area where the gang creates a nuisance, without unnecessarily covering additional territory. The locations of documented nuisance activities may be mapped, and this can serve as compelling visual evidence of the need for the Safety Zone of the requested size and shape. At a minimum, the Safety Zone should include the turf which is openly claimed by the gang, as this is typically where the majority of nuisance activities have occurred or will foreseeably occur. Still, it is persuasive and preferable to provide documented incidents to justify the extent of the Safety Zone. Gaps in the Safety Zone where there are no documented nuisance activities may present a problem in litigation.

On the other hand, the constitutional standard that the injunction be narrowly-tailored does not necessarily dictate that the Safety Zone be strictly limited to the gang's claimed turf. Under this standard, the extent of the Safety Zone is that which is necessary to abate the gang's nuisance. Several situations have arisen in Los Angeles in which the evidence has justified expanding the reach of particular gang injunctions:

- Where a gang travels outside of its claimed turf to commit

crimes targeting rivals in other neighborhoods, this may justify having the injunction cover those areas as well. In one case, an injunction covered the defendant gang's turf, and additionally restricted the gang's members from traveling in a vehicle with another member in the claimed turf of a rival located 1 ½ miles away. In another case the defendant gang was located in a part of Los Angeles where many rival gangs claimed small pieces of turf separated only by a street, and the gang's members were restrained from being present with any fellow gang member in the turf of any of 19 rival gangs.

- In a similar neighborhood with a high density of gangs, the injunction targeted ten gangs as defendants, and the Safety Zone covered the turf of all the gangs, with the restrictions of the gang injunction applying equally anywhere in any of the gangs' turf.
- Where the targeted gang occasionally committed crimes outside of its claimed turf and was not closely hemmed-in by the turf of another gang, the circumstances justified having the Safety Zone cover additional territory to prevent the gang from going just outside the boundaries to gather and commit crimes. The argument has been successfully made that the defined boundaries of the Safety Zone should stretch beyond the gang's claim turf to the extent necessary to prevent this type of easy circumvention of the injunction's restrictions.
- Similarly, geographic features such as roads, highways, rivers and mountains may play a role in defining the boundaries of the Safety Zone. In several cases, the Safety Zone has extended to the nearest physical boundary outside of the area where the nuisance was documented because no nearby visible boundary existed, and the need to provide adequate notice of the Safety Zone boundary dictated the use of the highway, river, etc. As a practical matter, prominent boundaries such as highways can serve as physical barriers to the gang moving its activities outside of the Safety Zone, so they should be preferred. The same

is true of the claimed turf of neighboring rival gangs.

Other Prerequisites

The gang has identifiable members. Identifying individual members of the gang who actively engage in criminal and/or nuisance gang activities is necessary not only in building the case that the gang’s members create a public nuisance, but also because certain individual gang members must be designated as representatives of the gang to receive notice on behalf of the gang of the legal action against it (see below.) The police agency investigating the gang must therefore document the gang’s membership and provide evidence of each member’s gang membership which can be used to identify a sufficient number of individual members.

Documentation of the gang’s activities is available. To an extent, the gang’s criminal activity is going to be documented in police reports. In seeking an injunction, the prosecutor will rely primarily, indeed almost totally, on these reports. So it is necessary that the gang’s criminal and nuisance activities in the Safety Zone be documented in some way by the police. In addition, the prosecutor must show that the crimes and nuisance activities were committed by gang members, so the police must have some method for identifying the perpetrators as members of the gang. The documentation may be in the form of crime reports (either initial reports of crime or detectives’ investigations), search warrant requests, or nearly any other document the agency produces that may evidence the nuisance caused by the gang and its members. Broad access to police files by the attorney preparing the injunction is necessary.

In addition to crime reports, police agencies may keep records of field interviews (“FIs”), typically on FI cards. Where admissions of gang membership are documented on these cards in the absence of a criminal investigation, they can assist in proving the gang membership of individuals, and may also document the frequency with which gang members congregate in the Safety Zone and engage in nuisance activities such as loud noise, drinking in public, littering, blocking sidewalks and other intimidating and antisocial activities for which they were not cited or arrested. These FI reports are, however, secondary to crime reports, which

should largely suffice to prove both the nuisance activities of the gang and the gang membership of the individual suspects.

Court records evidencing criminal convictions by members of the gang are strong evidence of the nuisance. These can typically be submitted with a request for judicial notice. Where a gang is problematic enough to merit the consideration of a gang injunction, the sheer volume of criminal activity engaged in by the gang should result in an impressive stack of conviction records which can be identified through normal criminal history checks on the gang members documented as such in the other documents filed with the court.

Photos may constitute the most compelling evidence in support of the injunction. Booking photos of gang members should be ordered, particularly where gang-related tattoos are photographed, in order to prove that individuals are members of the gang. Since members of the gang may appear in court dressed not as gang members, these photos will provide the court with an idea how the gang members present themselves to the community, and will easily defeat claims that the person is not a gang member. Photos of evidence recovered in searches of gang members, particularly of weapons, narcotics and other contraband, are highly valuable as well. The gang's own personal photographs, often seized in searches and kept as evidence by police, can be used to show the gang as it sees itself. Party photos typically show gang members posing together, throwing gang hand signs, often holding guns, and engaging in a wide variety of frightening behaviors. Finally, and usually most easy to come by, photos of the gang's graffiti can be submitted to show that the gang defaces property, that it claims turf, the size of the turf that it claims, that it has a large number of members, that it communicates with its membership and with other gangs using graffiti, that it uses graffiti to intimidate neighborhood residents and create a sense lawlessness and feeling of control of the neighborhood by the gang.

An expert on the gang is available to testify. Testimony from an officer who qualifies under the rules of evidence as an expert with respect to the gang is virtually essential to obtaining the gang injunction. The expert's declaration in support of the injunction is the most important

single document in support of the injunction. A suitable officer with the experience, knowledge, training and particular familiarity with the gang in question must be available to assist in preparing the lawsuit. The requirement that the expert have specialized knowledge that will assist a trier of fact is readily met when the subject is the workings of criminal street gangs about which the average person knows little. Nevertheless, the officer expert should have extensive experience investigating the gang, and should have not just training but have percipient knowledge of the gang's activities. Since the expert should be familiar with all aspects of the evidence in support of the gang injunction and since the expert's opinion on the various issues concerning the gang will in part dictate the size of the Safety Zone, the provisions of the injunction, and other issues, it is preferable that the officer be assigned to work on the project from the beginning and for its duration.

PLANNING THE INJUNCTION

A gang injunction is a labor-intensive, long-term project, but the end result is an enforcement tool that is lasting and powerful. Its success requires careful planning. Some of the necessary decisions will be made during the evidence gathering phase of preparation, but all must be made before the case is filed.

Dedicate Resources

A motivated prosecutor and a police officer or detective who is an expert on the target gang are vital to the project's success. The prosecutor must possess not only knowledge of criminal law and an understanding of gangs, but must know (or learn) the intricacies of civil practice and procedure. On top of that, the prosecutor must be meticulous and be able to weed through and organize a potential mountain of evidence in the form of police reports, photographs, and other documentation. If the injunction lawsuit is to be properly prepared and the complaint filed in a reasonably timely manner, this normally requires that the prosecutor be assigned solely to the injunction project, for as long as the case is pending.

The police agency investigating the gang injunction must also be dedicated to providing the support in obtaining the injunction, as well as being committed to enforcing it when it is in place.

Decide on the Parties

Every gang injunction sought in Los Angeles since 1993 has named the gang itself as a defendant. The California Supreme Court suggested this approach was valid in the watershed case of *People ex rel. Gallo v. Acuna*, 14 Cal. 4th 1090 (1997). Although *Acuna* was a case in which only individual gang members were named as defendants, in upholding the injunction the court noted that the district attorney could have named the gang itself as a defendant. The approach of suing the gang itself rather than just individual members has come to be the norm in the gang

injunction field. In 2007, the California Court of Appeal explicitly validated the idea that a gang is an entity that can be sued in *People ex rel. Totten v. Colonia Chiques*, 156 Cal. App. 4th 31 (2007). In that case, the court held that a gang is a “jural entity” (an entity that is subject to suit) and that, in accordance with the jurisprudence applying injunctions to entity defendants and long-standing custom and practice in the injunction field, an injunction against the gang may properly bind non-parties to the proceedings who are active members of the gang.⁶ The term “gang injunction” is now synonymous in California with the concept of naming the gang as a defendant.

The law that non-parties to the lawsuit may be bound by an injunction against an entity is well-settled. Indeed, in *In re Lennon*, 166 U.S. 548 (1897), the United States Supreme Court held that “[t]o render a person amenable to an injunction it is neither necessary that he should have been a party to the suit in which the injunction was issued, nor to have been actually served with a copy of it, so long as he appears to have had actual notice.” *Id.* at 554. The *Acuna* court applied this rule to gang injunctions:

“[the liability of gang members] is indistinguishable from time-honored equitable practice applicable to labor unions, abortion protesters or other identifiable groups. Because such groups can act only through the medium of their membership, ‘... it has been a common practice to make the injunction run also to classes of persons through whom the enjoined person may act, such as agents, servants, employees, aiders [and] abettors. . . .’” *Acuna*, 14 Cal. 4th at 1124 (quoting *Berger v. Superior Court*, 175 Cal. 719, 721 (1917)).

Though it is now the routine practice to name the gang—the entity—as a defendant, agencies that bring gang injunction suits hold different views about whether the lawsuit should also name individual gang members. Because every gang’s membership is fluid, a gang injunction

⁶ *Colonia Chiques* based this holding on the *Acuna* decision as well as an analysis of certain statutes, primarily California Code of Civil Procedure section 369.5(a), which provides: “A partnership or other unincorporated association, whether organized for profit or not, may sue and be sued in the name it has assumed or by which it is known.”

becomes significantly less useful if the injunction is limited only to those individuals who are named as defendants in the civil lawsuit. Current members recruit new members to join; older members drop out or become inactive because they move away, are incarcerated, or get killed. Where a suit names the gang itself and the injunction runs to its members—the individuals through whom the gang may act—the injunction becomes flexible enough to adapt to changing membership. When an injunction binds the gang as a whole, every new member who receives adequate notice of the injunction will be bound by it—even if he joins the gang long after the final judgment granting the injunction is issued. To enforce the injunction against any gang member, the prosecutor need only ensure that the documentation is sufficient to prove the individual’s gang membership and that he or she has been served with the judgment granting the injunction. The prosecutor need not take any further action in the issuing court.

Because a case must come to a final judgment, going back to court to join new defendants as they become active in the gang may not be possible. Likewise, repeatedly seeking injunctive relief against individual new members as they join the gang may not—because of the time and resources required—be practicable.

Still, some agencies prefer to name individual gang members as defendants in addition to the gang itself. In making this decision, consider:

- Naming individual members as defendants may ensure that the injunction binds the gang’s key members, where there is a concern that the court may balk at issuing an injunction against the gang as an entity. This may be important in jurisdictions in which gang injunctions are new and untested. However, unless the strategy is to keep the lawsuit open indefinitely while new parties are added, or to bring new lawsuits to enjoin new members of the gang as they become known, the court must ultimately be persuaded to issue the injunction against the gang.
- Naming individual members may strengthen the argument that

the gang has sufficient notice of the lawsuit. While the method for service of summons on an individual is established, the code may not provide for a method of service on an entity such as a gang. Service per the code on a number of individual gang members may strengthen the argument that service of the gang itself was proper. The court must ultimately approve a method of serving the gang entity, however, regardless of individual service requirements.

- Naming individuals can preempt defense arguments that due process requires that each individual potentially subject to the injunction be given notice and an opportunity to be heard on whether it should issue. Because naming individual defendants avoids this argument, a later contempt of court prosecution of an individual who was a named defendant in the injunction action is simpler than that of a gang member who was not. However, this argument is in opposition to the idea of suing the gang at all, and must ultimately be confronted and defeated if an injunction against a gang as an entity is to be successfully obtained.

Where an injunction action only names individual defendants, or where only named individuals are prosecuted for violations of the injunction, the injunction will lack the flexibility of one that names the gang as an entity, and which, by its terms, runs against all members of the gang. The gang's membership will change surprisingly quickly—or the gang will soon adapt and only members who were not named will engage in the nuisance activities.

Gangs' ever-changing membership also supports naming the gang as the defendant in another way. Where a judgment granting an injunction is issued against an individual defendant due to his gang activities, the judgment is permanent, and will bind the individual permanently regardless of whether he later leaves the gang, unless he can successfully obtain relief from that judgment in the civil court. Where nonparties to the litigation are prosecuted for contempt of court for violating the injunction as members of the defendant gang, each prosecution requires proof that

the individual was a member of the gang at the time of the alleged violation. This lends credibility to the argument that the gang injunction encourages members to seek to leave the gang. Added to this is the fact that in the criminal prosecution the defendant is provided counsel, and a jury trial, and that proof of gang membership (as with everything) must be beyond a reasonable doubt, and it is clear that the procedural protections are greater where nonparties to the civil suit are prosecuted.

These considerations of fairness justify themselves, but they also help to quell the controversy that typically surrounds the use of gang injunctions. Where the method chosen to prosecute a gang injunction is shown to have inherent procedural protections, this will assist in convincing the judge that the injunction is appropriate and will help withstand criticism from defense counsel and the public.

Decide on the Individuals to Identify in the Injunction

The evidence submitted in support of the injunction will identify individual members of the gang as the perpetrators of activities contributing to the gang's nuisance. The prosecutor must document the gang membership of the perpetrators to demonstrate that the conduct is attributable to the gang. But identifying individual members also serves the purpose of designating the individuals who are to be sued or who may be designated to receive service of the summons and complaint on behalf of the gang.

Whenever an individual is identified, the documented evidence of the individual's gang membership should be unassailable. It is also advisable that the evidence show that the individual has *personally* engaged in nuisance activities. This may be especially true where the individual is named personally as a defendant, as there is obviously a stronger argument for enjoining an individual with an extensive criminal history.

However, it is important to note that the United States Supreme Court has held that an organization and its individual members may properly be enjoined without a showing of "specific intent to further unlawful group aims" on the part of the individuals, as would be required in a damages

action.⁷ The California Supreme Court adopted this rule in *Acuna*, holding,

Although all but three of the eleven defendants who chose to contest entry of the preliminary injunction . . . were shown to have committed acts, primarily drug related, comprising specific elements of the public nuisance, such individualized proof is not a condition to the entry of preliminary relief based on a showing that it is the gang, acting through its individual members, that is responsible for the conditions prevailing in [the Safety Zone]. *Acuna*, 14 Cal.4th 1090 at 1125.⁸

Because the focus of the case is on the nuisance caused by the gang, the individuals who are identified so that they may be designated for service of the summons and complaint on behalf of the gang need not be the leaders of the gang or the worst perpetrators of gang crime. They simply must be the individuals whose gang membership is most well-documented.

Decide on the Safety Zone

The boundaries of the area covered by the injunction must be determined. See *Selecting a Target Gang*, *supra*, for a discussion of the factors in this decision.

⁷ See *Acuna*, 14 Cal.4th 1090 at 1122-1125 (contrasting the U. S. Supreme Court's decision in *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982) requiring specific intent in damages actions with its decisions in *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753 (1994) and *Drivers Union v. Meadowmoor Co.*, 312 U.S. 287 (1941) upholding injunctions against organizations and their members without a showing of specific intent to further unlawful group aims).

⁸ For further discussion of the requirements to prove an individual's gang membership for purposes of being bound by a gang injunction, see *People v. Englebrecht*, 88 Cal.App.4th 1236, 1257-1261 (2001). ("It does not appear . . . *Acuna* requires for a sufficient demonstration of membership any showing the individual had engaged in nuisance activities.")

COLLECTING AND PREPARING THE EVIDENCE

Gathering all of the documentary evidence relating to the gang's existence, its activities, and its membership can be a monumental task. Organization and a planned approach are necessary to be able to assess the state of the evidence and to avoid needless duplication of effort.

Gathering the Reports

The focus should first be on gathering all the crime reports relating to the gang and determining if the criminal or nuisance conduct documented therein can be shown to be attributable to the gang's activities. The approach taken depends on the record-keeping system employed by the police agency. Some will classify reports as gang-related, which may greatly expedite the process of gathering the bulk of useful reports. Otherwise (and perhaps in addition, if seeking to cast a wider net), a search for reports can be made both by the geographic area and by a gang member's name.

The approximate area in which the crime occurs should be known at an early point, and a search for crime reports in this area will return most of the reports desired. The reports resulting from the search should then be reviewed to cull those that are not related to the gang.

The identities of many of the gang's members should also be determined early on, and a check of their criminal histories will result in many useful reports. Secondly, a name search of the agency's report database will return more useful information, because oftentimes some of the most compelling evidence comes from those reports wherein the targeted gang member is listed as a victim or witness to a crime. These incidents are often more likely to result in the gang member admitting his gang membership than an incident where the gang member is the suspect. The search by name should be conducted in addition to the geographic search because it may reveal that the gang is engaging in criminal activity outside of the expected area.

The question of how far back to go while collecting evidence of the gang's activities is a matter of judgment, taking into consideration that the most recent evidence is most salient because of the need to prove the nuisance created by the gang is current and ongoing. In a seriously gang-impacted community, the evidence of crime from the past two or three years ought to overwhelmingly demonstrate the gang's harmful effect on the community. Inclusion of older incidents may be deemed useful to increase the bulk of evidence or to demonstrate that the gang has been conducting criminal activities for a long time and therefore is unlikely to cease unless extraordinary steps are taken.

Document management can quickly become a difficult issue when dealing with large numbers of documents. Some sort of database or spreadsheet which can be used to log each document and describe its contents, the type of document, the gang member or members it relates to, and the officers involved is probably essential.

Finally, remember that each document can be used for different purposes, and even unsolved crime reports with no named suspect can be shown to be attributable to the gang through the known circumstances of the crime, the modus operandi, and/or the expert's testimony about the habits of the gang and its rivals.

Drafting Percipient Declarations

The evidence submitted in support of the injunction must be in the form of properly executed declarations (affidavits) containing admissible evidence which (collectively) establishes each necessary element of public nuisance and justifies the restrictions of the requested injunction, as well as documenting the gang membership of each individual designated either as a defendant or as a person to receive service on behalf of the gang (see below.)

Each report which is to be used to support the request for injunction may be converted into a declaration signed by a law enforcement officer who was percipient to the facts contained in the report. As some officers will be the authors of several or many of the selected reports, it is not

necessary to execute a different declaration for each. Rather, some officer declarations may incorporate the contents of many reports, dealing with many issues and many gang members.

Typical gang injunctions are supported by hundreds of separate incidents of gang activity, so it is not necessary to go into great detail for each event. The goal is to show that the criminal or nuisance activity took place and is attributable to the gang, and the context of the entire evidentiary picture should determine the choice of what to include. All important details, especially the most compelling ones, should be included in the declarations, but no extraneous ones (for example, facts relevant to show probable cause for a traffic stop, while relevant to a criminal case, are unnecessary in the declaration). In addition, the testimony in the declarations must conform to the evidentiary rules for percipient testimony, such as the rules governing hearsay. If statements of people other than the declarant are included, the foundation for the hearsay exception justifying admissibility must be apparent. Thus when a statement of a member of the gang is recounted, the declaration should make clear that the speaker is a gang member and therefore a party-opponent whose statement is not hearsay.

In Los Angeles, we have limited the use of declarations to police officers. Civilian declarations are not used, because all of the declarations are public record and will in fact be served on the gang members. The temptation to use civilian statements is great because they can provide powerful evidence and prosecutors are conditioned to avoid relying entirely on police officers to make a case. However, the need for civilian declarations should be scrutinized. Endangering civilians by having them testify against the gang is generally unnecessary as police should have much more evidence in their possession than is necessary to meet the burden of proof that the gang creates a nuisance in the neighborhood. Remember that witness reluctance to testify can itself be compelling evidence of the gang's intimidating control over the neighborhood. Compelling use of other types of evidence, like statistics on reports of shots fired, number (or lack of) 911 calls in the area, the infrequency with which willing witnesses come forward, can substitute for civilian testimony. If the decision is made to use civilian declarations, they should

be filed under seal for the protection of the witness.

Drafting the Expert Declaration

A declaration by an officer who qualifies under the rules of evidence as an expert on the gang is essential to the success of the case. One or more expert declarations should provide detailed testimony describing why each element of public nuisance is satisfied by the gang's activities and explaining the need for each injunctive provision requested.

An officer who is experienced in investigating the gang's crimes and who has had many contacts with the gang's members should easily qualify as an expert. Rules of evidence typically require only that, to qualify as an expert, a witness possess specialized knowledge, training, education or experience that would assist the trier of fact to understand the evidence or determine a fact in issue. The behavior of street gangs being strange and unfamiliar to the average person, this is an appropriate realm for expert testimony. In fact, in those states where the criminal law makes special provision for gang-related crime, many officers routinely qualify in criminal court as experts on the gang to testify to the gang-related motivation of the crime or the gang membership of the defendant.

Expert testimony is valuable because the expert may testify as to his or her opinion as to any relevant fact including the ultimate issue to be decided by the trier of fact, and may, in forming the opinion, rely on a wide range of facts or data subject only to the limitation that the facts or data be of a type reasonably relied upon by an expert in the particular field. In addition, the facts and data which constitute the basis for the expert's opinion, even if of a type not normally admissible, may typically be admitted for the purpose of explaining the reasons for the opinion. For this reason, the expert's declaration can be wide-ranging, touching on virtually everything he or she knows about the gang.

A reading of the expert declaration should convince the judge, or any reader, that the gang is a public nuisance. At a minimum, the expert declaration should contain a discussion of the following topics:

A statement of expertise

This should include the number of years of law enforcement experience, particularly those dealing with the target gang; any non-law enforcement experience with gang members; the number of personal contacts with gang members and members of the target gang; the number of gang crimes investigated or in which the expert assisted in the investigation; any formal or informal training or education on the subject of gangs; and the number of times the expert has testified as an expert on gangs, if at all. For a gang enforcement officer with several years of experience, a statement of expertise can quickly become lengthy.

Background on the gang

Virtually everything that is known about the gang may be included as background, both to provide the court with an understanding of the gang and to emphasize the expert's degree of knowledge. In particular, this should include:

The gang's history. Include its origins and any major events.

The gang's names and symbols. Include any alternative names and signs or symbols used by the gang.

The gang's activities. Discuss the purpose of the gang and its primary activities, including what crimes the members commit, and the nature of any other nuisance activities.

The gang's membership. Provide an estimated number of members.

The gang's structure. Explain how the gang is organized, including whether it has any cliques or subgroups, levels of membership, leaders, affiliations with prison gangs or allied street gangs, and how members join and leave the gang. It is also important to describe how and how effectively the gang communicates among its members, as establishing that the gang's members efficiently communicate about issues of importance to the gang is critical to later establishing that the gang was effectively notified of the lawsuit.

The gang’s culture. The expert must explain the gang ethos, which is foreign to most outsiders. This includes the scorn for police and disapproval of talking to the police (especially cooperating with police investigations). It also includes the concept of “putting in work” for the gang (or requiring members to engage in criminal activities to further the gang’s agenda). How the gang enforces its rules for behavior and demands on its members should also be discussed.

How the gang commits crimes. Discuss the gang’s typical modus operandi, including the importance of having multiple gang members assisting in crimes as accomplices or lookouts and providing support after the fact by maintaining safehouses and engaging in witness intimidation, as examples.

The gang’s turf. Describe the boundaries of the gang’s turf, as well as the reasons the gang is territorial and the advantages and consequences of claiming turf.

Relationships with other gangs. Any gangs that are rivals should be identified and the nature of the rivalry should be explained.

The gang’s criminal activities and nuisance behavior

The crimes the gang regularly commits should be emphasized and discussed in detail. Where the expert has personal knowledge of particular incidents from participating in the investigation, these should be recounted. The distinct nature of the effect that gang-related crime has on the residents of the Safety Zone should be explained. The commission of violent crimes (targeting rival gangs as well as non-gang members), the frequency of threats and threatening behavior, the possession and use of weapons, the gang’s involvement in narcotics, and the commission of property crimes (everything from robbery to vandalism) should all be covered. Nuisance behavior, though less serious, though should also be documented.

Opinion on the gang membership of individuals identified

The expert should express his opinion that each member identified in the supporting documents is a gang member, and explain the reasons he holds this belief. He should do this for both individual named defendants and for identified gang members designated to receive service on behalf of the gang. Linking these individuals to the gang also helps establish that the gang is responsible for the criminal incidents by individuals or groups of members recounted in the percipient declarations.

Opine on whether the gang fits any pertinent legal definition of a gang

In California, for example, the Penal Code defines “criminal street gang.” This definition is helpful in establishing the organization’s criminal nature.

Opine on the necessity of a gang injunction and each requested restrictive provision

The expert should explain why each injunction provision is important. He can draw on experience as a police officer and the difficulties he has encountered in policing gang crime to explain how each requested provision will help abate the gang’s activities. The expert should also explain why the Safety Zone needs to be of the requested size.

Request for Judicial Notice

The prosecutor may wish to submit records of gang members’ convictions as evidence demonstrating their criminal activities. Having identified numerous gang members elsewhere, it should be easy to gather a large number of criminal convictions of members of this group. Court records are a proper subject for judicial notice. Hence, these records will be unimpeachable evidence of the gang’s criminal activity.

DRAFTING THE PLEADINGS

Preparing civil pleadings requires great care and attention. Small mistakes can have serious consequences because under the rules of civil procedure, the plaintiff (or the moving party) bears the burden of both prevailing on the substantive issues and complying with the procedural requirements laid out in the state code of civil procedure, the rules of court, the local rules and the judge’s own rules. These rules can be difficult to navigate, particularly for a prosecutor unaccustomed to civil practice. However, the prosecutor must make every effort to comply because overlooking a rule may result in losing an important motion (or the case).

Summons and Complaint

A summons initiates a lawsuit. It is generally available as a court-provided form. The complaint must allege a cause of action for public nuisance and all the conduct by the gang and its members that constitutes the nuisance. The allegations must satisfy every element of the public nuisance cause of action. The complaint should also allege facts that justify the court’s equitable power to grant injunctive relief, describe the parties (including that the gang is an organization in fact capable of being named in a lawsuit under the rules of civil procedure, and that individual identified members are members of the gang), and contain a prayer for relief for an injunction listing precisely the form and content of the injunction sought.

Proposed Preliminary Injunction

The proposed preliminary injunction should mirror the injunction provisions prayed for in the complaint. Each provision of the injunction and the boundaries of the Safety Zone must be supported by evidence from the supporting declarations. The need for the provisions can be explained in the expert declaration(s), discussed *supra*, and summarized in the supporting memorandum of points and authorities. Each provision must be “narrowly-tailored” to abate the nuisance resulting from the gang’s activities.

***Ex parte* Application for Order to Show Cause**

The *ex parte* application requests that the court issue an Order to Show Cause (OSC) why a preliminary injunction should not issue. The application simply sets forth the terms of the requested OSC, in identical language, and briefly states the basis for the application and recites the documents filed in support of the application.

An *ex parte* application requires that all parties be notified prior to the *ex parte* appearance. The required nature and content of the notice may be set forth by statute or court rule.⁹ The prosecutor should draft a letter detailing the nature of the lawsuit, the relief requested by the proposed OSC, and the date, time, and place of the *ex parte* hearing. The letter should be personally delivered to every party and to a sufficient number of gang members to convince the court that the defendant gang was given notice of the *ex parte* hearing.

One or more declarations detailing the notice given and the responses, if any, of the individuals notified should be drafted and filed with the *ex parte* application. The contents of the declaration may be governed by statute, court rule, and/or the judge's courtroom rules.¹⁰

Proposed Order to Show Cause

The proposed Order to Show Cause sets a date, time, and place for the hearing on the OSC and sets forth the terms of the proposed preliminary injunction. The OSC should also provide a briefing schedule, and

⁹ See, e.g., Cal. R. Ct. 3.1200 et seq.

¹⁰ See, e.g., Cal. R. Ct. 3.1204:

Contents of notice and declaration regarding notice

- (a) **Contents of notice** When notice of an *ex parte* application is given, the person giving notice must:
- (1) State with specificity the nature of the relief to be requested and the date, time, and place for the presentation of the application; and
 - (2) Attempt to determine whether the opposing party will appear to oppose the application.
- (b) **Declaration regarding notice** An *ex parte* application must be accompanied by a declaration regarding notice stating:
- (1) The notice given, including the date, time, manner, and name of the party informed,

may provide an approved method of service of the OSC and all documents in the action on the defendant gang. This order regarding service of documents (including the summons and complaint) is necessary in the absence of a statutory method of service applicable to a gang. The order regarding service on the gang may be part of a separate order but economy dictates incorporating it into the OSC.

Memorandum of Points and Authorities in Support of *Ex parte* Application and Preliminary Injunction

The memorandum of points and authorities summarizes the facts (contained in the declarations and other evidence filed in support) that constitute a public nuisance created by the activities of the gang. Within the page limit allowed, the brief must: cite the legal authorities defining public nuisance; explain why the gang's activities constitute a public nuisance; explain why the gang is an entity or association subject to suit like any other organization; explain why the proposed method of service on the gang will be constitutionally sufficient; explain how all the requirements for provisional injunctive relief have been satisfied (e.g., the harm to the members of the gang is outweighed by the harm it inflicts on the community); and explain why the terms of the proposed injunction are necessary to abate the nuisance caused by the gang.

the relief sought, any response, and whether opposition is expected and that, within the applicable time under rule 3.1203, the applicant informed the opposing party where and when the application would be made;

- (2) That the applicant in good faith attempted to inform the opposing party but was unable to do so, specifying the efforts made to inform the opposing party; or
 - (3) That, for reasons specified, the applicant should not be required to inform the opposing party.
- (c) **Explanation for shorter notice** If notice was provided later than 10:00 a.m. the court day before the *ex parte* appearance, the declaration regarding notice must explain:
- (1) The exceptional circumstances that justify the shorter notice; or
 - (2) In unlawful detainer proceedings, why the notice given is reasonable.

GIVING NOTICE TO THE GANG

The unique nature of the gang defendant requires prosecutors to pay special attention to the method by which the gang is served with the documents filed in support of the lawsuit seeking an injunction. This is particularly true of the summons and complaint, which provide the constitutionally-required notice to the defendant that a lawsuit against it has commenced. A gang is a organization that acts as such, and the interests of justice therefore require that it be subject to suit. However, gangs fail to adhere to formalities usually associated with legally-recognized organizations, such as the appointment of officers or agents for service of process, designation of a business address, or filing of articles of incorporation. In fact, while gangs take ruthless advantage of their ability to act as entities, they purposely conceal their organizational structure to avoid the legal consequences of their actions. Because there is generally not a statutory method to provide constitutionally-adequate service of the summons on a gang, the prosecutor must suggest an appropriate method for service on the entity that would meet this standard. This method should provide for service on the gang by service on a practicable number of the gang's members, as well as any other efforts reasonably calculated to provide the gang's membership with notice.

In light of this, is important that the evidence submitted in support of the injunction demonstrate that the gang *is* truly an organization and behaves like one, and that it has methods of efficiently communicating important information to its membership. Examples of how the news of law enforcement actions like an arrest of a member spreads through the gang quickly are helpful.

The Constitutional Standard for Notice

The Due Process clause of the United States Constitution requires that defendants be given notice of a lawsuit and an opportunity to be heard. The United States Supreme Court in *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) held that a fundamental element of the notice requirement is that it be “reasonably calculated, under all the cir-

cumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”¹¹

Actual notice is not required—only a method reasonably calculated to provide it. *Jones v. Flowers*, 547 U.S. 220, 226 (2006). Nor does due process require “heroic efforts.” *Dusenbery v. United States*, 534 U.S. 161, 170 (2002). However, “[t]he means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it.” *Mullane*, 339 U.S. at 315. “The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected.” *Id.*

Statutory Procedures for Service of Summons

Typically, state statutes lay out appropriate methods of giving a civil defendant notice through service of a summons. Statutes also provide an alternative person upon whom service may be affected if the defendant is a corporation, partnership, public entity, or other type of organization rather than an individual person. These statutory provisions are designed to satisfy the requirements of due process. For example, the California Code of Civil Procedure provides for service on an “unincorporated association” that lacks officers or an agent for service of process through personal service on one or more of the unincorporated association’s members as well as mailing to its last known address.¹²

However, the state statutory scheme may not provide a method of service for an entity like a gang. Thus, it may not be possible to comply with the statutory procedures. For example, in a gang injunction case, complying with California’s statutory procedure for service on an unincorporated association requires plaintiff to petition the court for relief from the requirement that the summons be mailed because a gang has no last known address.

¹¹ *Mullane v. Cent. Hanover Bank & Trust Co.* 339 U.S. 306, 314 (1950).

¹² Cal. Code Civ. Proc. § 416.40.

Proposing a Method for Service of Summons

In the absence of a statutory procedure, the prosecutor must propose a method for service and request that the court order service by this method. This may be incorporated into the proposed Order to Show Cause. The moving papers should discuss why the proposed method is a reasonable and effective one.

The proposed service method should track the statutory rules governing service on similar entities. Fundamentally, the proposed method must comply with the due process requirement that it be reasonably calculated, under all the circumstances, to inform the gang and its members of the judicial action against them.

Even technical compliance with a statutory method of service may fail to provide constitutionally adequate notice. For example, in *People v. Broderick Boys*, 149 Cal. App. 4th 1506 (2007), the California Court of Appeal held that although the service of summons on only one gang member complied with the “one or more” requirement for service on an unincorporated association, the chosen method still was not “reasonably calculated” to notify the gang. The court emphasized that the prosecutor missed opportunities to serve other gang members, that the prosecutor did not know the served member’s rank or status in the gang, and that, when served, the gang member had expressed his indifference by immediately saying he would not appear.

The prosecutor must design a service method that will spread news of the pending lawsuit throughout the gang. Personal service should be made on a sufficient number of the gang’s members so as to convince the court that the prosecutor is “desirous of actually informing” the gang. The reasonableness of the method is critical here—not the number of individuals served. Thus, if efforts have been made to serve every known member but the members are evading service, documentation of these efforts may very well suffice. In addition to personal delivery of the summons, the prosecutor may consider mailing the summons to the designated members’ known addresses, or publicizing the proposed injunction by

posting notices in the gang's turf, by publication, or by other methods.

Convincing the court that the efforts made to put the gang on notice also requires that the court understand the way gangs communicate. The expert's declaration should discuss examples of the ways in which the gang's members react to any law enforcement action—like simultaneous warrant service—by immediately informing other members of the gang. The key point is that, in a gang, communicating this information is not just common; it is the rule in a criminal organization whose members are expected to demonstrate their loyalty by warning other members about law enforcement's actions.

When service is completed as approved by the court, the prosecutor must file proofs of service attesting to personal service on the designated individual members. One or more additional declarations may be needed to document all of the efforts made to notify the gang of the action, and document any evidence that the gang is in fact on notice (for example, any phone calls received by individual gang members, graffiti responding to the proposed injunction, statements by gang members or their families, etc.)

Obtaining Judgment Granting Permanent Injunction

Preparing a gang injunction lawsuit requires a great deal of work, and this work all leads up to filing the complaint for injunction and obtaining the preliminary injunction. The ultimate goal, however, is to secure a judgment granting a permanent injunction against the gang. The permanent injunction can be obtained after trial, by default, or by a stipulated judgment between the plaintiff and the opposing parties. There can be no easy template or roadmap for how to obtain the judgment except in the case of a default. Where a party or parties oppose the injunction, the litigation will proceed differently according to the nature of the opposition's strategy and tactics. The important thing to remember is that civil litigation requires that the plaintiff pay careful attention to deadlines (such as discovery and motion cut-off dates) and file all necessary motions promptly. Unlike in criminal litigation, civil procedural rules are strict and unforgiving, and no rulings can be expected except upon

motion of a party. In particular, the plaintiff must pursue discovery aggressively; interrogatories, requests for admissions, and deposition notices should be served as soon as practicable.

If the gang or any individual gang member fails to answer the complaint, the plaintiff may file a request for entry of default. Court rules may require that the request be filed soon after the time for answer has elapsed. When default is entered, plaintiff may seek a default judgment. Local rules may dictate the proper procedure for requesting a default judgment.

The proposed permanent injunction should mirror the terms prayed for in the complaint, unless the court requires different terms. In drafting the judgment, take care that the terms are as clear and precise as possible. Not only must they be tailored to the gang's harmful activities, they must also be clear enough for the gang members who will receive copies of the injunction to understand. When injunction violations are prosecuted, the jury will see the order; jurors must be able to understand it as well. Use plain language wherever possible, and avoid excessive words.

ENFORCING THE GANG INJUNCTION

A violation of a gang injunction constitutes contempt and may be brought to the attention of the judge who issued the order to be treated as civil contempt. Preferably, it may be treated as criminal contempt of court, which justifies an arrest by a peace officer based upon probable cause that an individual bound by an injunction has disobeyed it. Section 166 of the California Penal Code, for example, makes contempt of court a misdemeanor punishable by up to six months in jail. Section 166(a)(4) defines this offense as “willful disobedience of the terms as written of any process or court order or out-of-state court order, lawfully issued by any court, including orders pending trial.”

The ability to enforce gang injunctions by arresting and filing criminal charges against gang members who violate them is distinctly useful and effective even though the charges are limited to misdemeanors. Contempt of court penalties may alone serve as a deterrent. But apart from the deterrent effect, the injunction also gives police officers a tool to arrest gang members for conduct that harms the community before it develops into dangerous or violent crime. This preventative enforcement tool is all the more valuable because injunction arrests are generally made based on officers’ observations rather than on information from neighborhood residents who may be intimidated by the gang and reluctant to report or testify about gang activities. Another benefit of criminal prosecution is the availability of probationary sentences which can provide increased supervision of the gang member defendant.

Gang members should be personally served with the signed court order or judgment granting the injunction before it is enforced against them, because contempt charges require that the defendant have notice of the terms of the order. Proof of personal service is the most effective way of proving notice. Service should be conducted by officers who will be available to testify at a later date if needed. Proofs of service should be kept on file to prove that the individual was served and therefore had notice of the injunction. Careful records should be maintained documenting the identity of served gang members because they may dispute

being served when later charged with contempt. Attaching a photo of the person served to the documentation of service or obtaining a signature acknowledging receipt of the injunction may avoid this issue.

When individuals who were named as defendants in the civil lawsuit for injunction are later charged with violating the injunction, the fact that the injunction is addressed to that individual will be evident from the face of the judgment or order which names the defendant. However, because an injunction that names the gang binds all of its members, a criminal contempt of court prosecution of an un-named gang member requires proof that the defendant was a gang member at the time of the violation.

Therefore, if prosecutions of gang injunction violations are going to work, ongoing efforts must be made to identify and document the gang's members, and to keep that documentation current. The most common defense to a contempt of court charge for violating the gang injunction is that the defendant recently left the gang. This defense may be defeated with proof of recent gang activity, admissions, or the circumstances of the activity that resulted in the arrest.

Because the defendant's gang membership is vital to the prosecution, his membership must also be documented by officers in the arrest reports for the gang injunction violation. The prosecution will then require that an officer who is an expert on the gang be called to testify that the defendant was a gang member at the time of the violation. The arresting officer must also know that the individual is currently a gang member before arresting him.

The court—not the jury—decides whether the injunction is legal. A defendant charged with contempt of court may try to challenge the injunction's legality at his contempt of court trial. This is called a "collateral attack." Collateral attacks on injunctions are limited to facial defects in the court order. In other words, the defendant may not seek to introduce facts to show that the injunction is invalid and thereby impeach the judgment of the issuing court. The issuing court's judgment is presumed to be a valid exercise of its legal authority. A defendant trying to attack

the issuing court's basis for the injunction must bring the attack in the issuing court.¹³ For example, the arguments that the injunction was not warranted by the evidence or that the notice of the injunction was inadequate may not be addressed by the criminal court because they are based on factual findings (adequacy of evidence and notice) that were made by the judge who issued the injunction.

¹³ See, e.g., *Hogan v. Superior Court*, 74 Cal. App. 704, 708 (1925) (collateral attack is limited to a determination of whether the injunction was issued in excess of the issuing court's jurisdiction and is further limited to defects appearing on the face of the record); Cal. Evid. Code § 666 ("Any court of this state . . . or any judge of such a court, acting as such, is presumed to have acted in the lawful exercise of its jurisdiction. This presumption applies only when the act of the court or judge is under collateral attack").

CONCLUSION

Gang injunctions, as described in this publication, are certainly a novel approach to the reduction of gang-related criminal activity. However, the experiences of those jurisdictions in which injunctions have been used give reason to believe that they can provide prosecutors throughout the country with another effective tool with which to fight this ongoing problem. Prosecutors are encouraged to implement the processes described and, when necessary and appropriate, to advocate for legislative changes that will make the use of civil gang injunctions more effective in the fight against gang activity.

It is the author's belief that through effective prevention, suppression, intervention, and other non-traditional approaches such as gang injunctions, prosecutors can bring about significant change in the ongoing battle against gang violence and the other harms caused by criminal street gangs.



National District Attorneys Association
44 Canal Center Plaza, Suite 110
Alexandria, Virginia 22314
Phone: (703) 549-9222
Fax: (703) 836-3195
<http://www.ndaa.org>

National District Attorneys Association
44 Canal Center Plaza, Suite 110
Alexandria, VA 22314

Non-Profit
Organization
U.S. Postage
PAID
Merrifield, VA
Permit No. 795

