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LAW/LEGISLATION

Legal tools, statutes prove effective in fighting gangs

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Community, police unite against gangs

The Los Angeles City Attorney's Office has developed the use of the injunction as a tool in the fight against gang activity. The legal procedure known as Civil Gang Abatement addresses the public nuisance created by gangs engaged in drug dealing.

By working together, the community and police gather information for use in persuading a judge that a local street gang is maintaining a dangerous public nuisance to the citizens. The prosecutor further persuades the judge to prohibit (enjoin) the gang from engaging in all the otherwise lawful conduct that is usually associated with gang activity but is not illegal *per se* (such as wearing pagers, approaching pedestrians and passing motorists, dressing in gang attire, and congregating at known drug sales locations). The gang's ability to profit from drug sales is diminished when a gang member can be arrested simply for standing on a particular street corner.

Police conduct neighborhood meetings to explain the Civil Gang Abatement procedure and mobilize the community. They also coordinate efforts with other municipal agencies that are responsible for services, such as garbage collection and street maintenance, which frequently cease because of the fear of gangs.

Civil Gang Abatement also is combined with other strategies, including the use of situs abatement laws, to force property owners into taking corrective action to discourage gang and drug activity on their property. Such laws provide that a property owner can suffer fines, jail and the loss of his property if he causes, maintains or permits the property to become a public nuisance.

The prosecutor orders the property owner to take the necessary steps to exclude gang activity from the property. These steps might include installing security gates, removing abandoned vehicles, trimming shrubbery, removing graffiti daily and evicting known drug dealers. Police have adopted a proactive stance and assist the property owner in taking these steps before legal action against them is

necessary.

For more information or written materials on Civil Gang Abatement, contact Bob Ferber, Assistant Supervisor, L.A. City Attorney Gang Unit, 1600 City Hall East, Los Angeles, CA 90012, 213/485-0798.

Loitering law stands

Loitering statutes have been used effectively by schools to counteract the operation of drug dealers and to discourage intruders on campus. In its last term, the U. S. Supreme Court refused to hear arguments that the California anti-loitering law was too vague and too broad to be constitutional. In *McSherry v. Block*, 880 F.2d 1049, 55 Educ. L. Rep. (West) 82 (9th Cir. 1989), the Ninth Circuit Court of Appeals had upheld the law by a 2-1 vote.

The law, which carries a penalty of up to six months in county jail and a \$1,000 fine for each offense, states that "[e]very person who loiters about any school or public place at or near where children attend or normally congregate and who remains..., or who re-enters or comes upon such school or place within 72 hours, after being asked to leave...is a vagrant... As used in this section, 'loiter' means to delay, to linger or to idle about any such school or public place without lawful business for being present." The case grew out of the sentencing in 1986 of Leonard McSherry to four consecutive six-month jail terms after he was convicted on five counts of loitering at various schools in Long Beach, California.

Proposed bills aid gang prevention

A major crime bill recently passed by the U.S. Senate includes authorization for \$100 million to provide formula grants to states and local governments for a major education, prevention and treatment effort involving youth gangs and youth drug sales. A similar plan passed the Senate in 1990 but died.

The bill now must be considered by the House, which is working on a crime bill of its own. This plan includes several gang-related measures such as a new federal penalty for drive-by shootings; funds for "midnight basketball" programs; and a provision to stiffen the sentences for offenders convicted of state or federal crimes if the offender committed the crime on behalf of or in association with a criminal street gang.

It also includes a proposal to provide federal grants to promote "community policing." This approach moves away from the use of highly specialized police officers working on gang and drug problems in isolation. Instead, officers are sent out regularly into the same neighborhood to establish and maintain relations with local citizens.