



Gang Documentation and Gang Injunctions Harm Communities

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Civil gang injunctions (CGIs) are court orders that restrict the activities and movement of people who police designate as ‘gang members’.¹ Their intended purpose is to break up gangs and reduce crime. But who is a “gang member”? And what do these orders *really* do?

As it turns out, these injunctions have become largely tools by which law enforcement surveil and stigmatize targeted people of color. They create separate systems of government observation and control that almost exclusively impact Black and Brown people, making it impossible for people to live normal lives, get [help from friends and family](#) and access the things that prevent crime and make communities safer, like [school](#), [jobs](#), and [housing](#).

By giving police and courts immense power to label people as ‘gang members’ without proof, control their every move, and impose harsh punishments for noncriminal behaviors, these laws make it significantly more likely that a person will become entrapped in the criminal legal system unnecessarily. Reducing the harm caused by gang documentation and CGIs must be part of the movement to end mass incarceration and promote practices that actually create safety.

It doesn’t take much for the police or a court to designate someone a ‘gang member’.

- I. Police and courts have broad discretion to determine who they believe is affiliated with a gang and keep comprehensive databases of their identities, including names, photos, and addresses.^{2,3}
 - A. Often, police don’t even need a court order to put someone’s name and information on a gang list, and police use these lists even for just regular policing.⁴

¹ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

² Myers, T.A. (2009). The Unconstitutionality, Ineffectiveness, and Alternatives of Gang Injunctions. *Michigan Journal of Race and Law*, 14. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1094&context=mjrl>.

³ *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions*. (December 2012). Youth Justice Coalition. <https://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf>.

⁴ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

- II. In many places, simply wearing certain clothing or being seen in a photograph with other ‘known gang members’ can land someone on such a list.⁵
- III. **Many people who end up on these lists have never been arrested, convicted, or even accused of criminal activity.**⁶
- IV. In addition to targeting poor people of color, gang databases are often extremely inaccurate, labeling people who have absolutely no gang affiliation whatsoever as ‘gang members’ and subjecting them to life-changing consequences.^{7,8}
 - A. A 2016 audit of California’s gang database, CalGang, found (in addition to numerous other errors) that **the list included 42 people who were babies under one year old at the time of entry, 28 of whom were entered for “admitting to being gang members”.**⁹
- V. Even if a person was affiliated with a gang in the past but no longer is, their name remains on the list and they remain at heightened risk of arrest.¹⁰
- VI. **Police can use gang databases to question kids of any age, and these lists include kids as young as 10.**¹¹
- VII. Even though a person could theoretically challenge a CGI, they have to then prove to a court that they are not in a gang, and when they don’t even know why the police believed that they were, that is very difficult.¹²
 - A. For example, if the police believe that a person’s fashion choices, who they hang out with, or lyrics in a song they wrote indicate gang activity,^{13,14} then the burden of truth falls on the citizen. They have to convince a judge that plaid shirts or basketball shorts are just popular among teenagers,¹⁵ or that they were just hanging out with their

⁵ Greene, J. & Pranis, K. (July 2007). *Gang Wars: The Failure of Enforcement Tactics and the Need for Effective Public Safety Strategies*. Justice Policy Institute. https://justicepolicy.org/wp-content/uploads/2022/02/07-07_rep_gangwars_gc-ps-ac-jj.pdf.

⁶ *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions*. (December 2012). Youth Justice Coalition. <https://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf>.

⁷ Bloch, S. (February 3, 2020). *Are You in a Gang Database?* The New York Times. <https://www.nytimes.com/2020/02/03/opinion/los-angeles-gang-database.html>.

⁸ Luciano, L. (September 8, 2016). *Audit Slams Police for Unreliable Gang List*. ABC 10.

<https://www.abc10.com/article/news/local/california/audit-slams-police-for-unreliable-gang-list/103-315761130>.

⁹ *The CalGang Criminal Intelligence System*. (August 2016). California State Auditor. <https://voiceofsandiego.org/wp-content/uploads/2016/08/CalGangs-audit.pdf>.

¹⁰ Myers, T.A. (2009). The Unconstitutionality, Ineffectiveness, and Alternatives of Gang Injunctions. *Michigan Journal of Race and Law*, 14. <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1094&context=mjrl>.

¹¹ *Latino Voices: The Impact of Crime and Criminal Justice Policies on Latinos*. (June 2014). Californians for Safety and Justice. https://www.prisonpolicy.org/scans/LatinoReport_lowres_6.17.14.pdf.

¹² Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

¹³ McGinnis, C. & Eisenhart, S. (January 1, 2010). Interrogation is Not Ethnography: The Irrational Admission of Gang Cops as Experts in the Field of Sociology. *Hastings Race and Poverty Law Journal*, 7(1). https://repository.uchastings.edu/hastings_race_poverty_law_journal/vol7/iss1/4/.

¹⁴ Levin, S. (October 2, 2019). *The Jailed L.A. Rapper Whose Songs Were Used to Prosecute Him*. The Guardian. <https://www.theguardian.com/us-news/2019/oct/01/drakeo-the-ruler-los-angeles-rapper-songs>.

¹⁵ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

friends like any other kid, or that their choice in song lyrics was purely artistic. These are difficult things to prove when law enforcement already sees you as a criminal.¹⁶

Gang designations are heavily racialized.¹⁷

- I. Despite CGI laws' 'race-neutral' language, they are part of a system of control that limits the spaces where poor and disproportionately Black and Latinx people can live and build community.¹⁸
- II. Based on national data, around 90% of people designated as 'gang members' by law enforcement are people of color.¹⁹
- III. In an analysis of CalGang—the database used to document the identities of people suspected of gang affiliation throughout California—86% of people on the database were Black or Latinx, though Black and Latinx people made up only 45% of California's population at the time.²⁰
- IV. Even in areas characterized by relatively progressive political ideology, gang injunctions are often used as a tool to protect White spaces and keep non-White people out of gentrified neighborhoods.²¹

Gang documentation and injunctions harm communities.

- I. CGIs can restrict people suspected of gang affiliation from a number of non-criminal (and simply ordinary) behaviors, like having a cell phone, drinking alcohol on their own front porch or at a restaurant, or having any contact with other people the police label as 'gang members', even if they are family members.²²
- II. One study interviewed people from communities impacted by CGIs and found that participants overwhelmingly agreed that **CGIs made it harder to maintain relationships, find access to housing, continue their education, and maintain stable employment,**²³ all of which are critical for safe communities.

¹⁶ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

¹⁷ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

¹⁸ Muniz, A. (May 2014). Maintaining Racial Boundaries: Criminalization, Neighborhood Context, and the Origins of Gang Injunctions. *Social Problems*, 61(2): 216-236. DOI: 10.1525/sp.2014.12095.

¹⁹ *National Youth Gang Survey Analysis: Demographics*. (n.d.). National Gang Center. <https://nationalgangcenter.ojp.gov/survey-analysis/demographics#anchorregm>.

²⁰ *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions*. (December 2012). Youth Justice Coalition. <https://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf>.

²¹ Bloch, S. & Meyer, D. (2019). Implicit revanchism: Gang injunctions and the security politics of white liberalism. *Environment and Planning D: Society and Space*: 1-19. DOI: 10.1177/0263775819832315.

²² Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

²³ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

- A. A huge number of restricted behaviors have to do with social ties. People are forbidden from seeing loved ones, driving to church,²⁴ being out past a strict curfew, or hanging out in certain neighborhoods.²⁵
 - 1. Given that [community and social ties](#) are critical for preventing violence and helping people who have been involved in the criminal legal system find stability, CGIs impact a person's well-being as well as public safety.
- B. Interviews highlighted how hard it was for kids who were designated as 'gang members' to stay in school. Multiple kids said that their high school administration told them they could only come to school for half days, or asked them to leave their school to go to continuation school instead because their involvement with law enforcement as a result of gang documentation was too "disruptive". Many of these kids said that the fact that they couldn't be in regular school full time actually fueled their deeper involvement in the gangs.²⁶
- C. CGIs have direct impacts on housing. First, they increase the likelihood of arrest and incarceration (for people included in the CGI and for anyone on probation who interacts with them)²⁷, which are themselves [threats to housing security](#). Secondly, they tear people away from their social networks and separate families, making housing stability even more difficult.^{28, 29}

III. CGIs drive incarceration, which harms communities at large.

- A. Violating any of the terms of a CGI—even things that are harmless and otherwise noncriminal, like being out past a certain time, going to certain neighborhoods, talking to certain people, or wearing certain clothes—can lead to arrest.³⁰
- B. Even if a person's gang affiliation is never proven, if they are arrested for any offense—even one that is not gang-related—they can receive a harsher sentence simply because their name was on the list.³¹

²⁴ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

²⁵ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

²⁶ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

²⁷ *Overview of Probation and Supervised Release Conditions*. (November 2016). Administrative Office of the United States Courts Probation and Pretrial Services Office. https://www.uscourts.gov/sites/default/files/overview_of_probation_and_supervised_release_conditions_0.pdf.

²⁸ Swan, R.S. (2017). Loosening the ties that bind: the hidden harms of civil gang injunctions in San Diego County. *Contemporary Justice Review*, 20(1). DOI: 10.1080/10282580.2016.1262774.

²⁹ Greenwald, D. (April 24, 2016). *West Sacramento Residents Call for End to Gang Injunction; Justice for Juveniles in System*. The Davis Vanguard. <https://www.davisvanguard.org/2016/04/end-of-gang-injunction/>.

³⁰ Ochoa, M. (March 23, 2018). *LAPD Gang Injunctions Gave Cops a License to Harass and Control Black and Latino Residents*. ACLU. <https://www.aclu.org/news/criminal-law-reform/lapd-gang-injunctions-gave-cops-license-harass>.

³¹ *Latino Voices: The Impact of Crime and Criminal Justice Policies on Latinos*. (June 2014). Californians for Safety and Justice. https://www.prisonpolicy.org/scans/LatinoReport_lowres_6.17.14.pdf.

CGIs don't make communities safer.

- I. CGIs that focus on noncriminal behavior like socializing with friends and family or being in certain neighborhoods are ineffective at reducing reported crime or violence.³²
- II. Activists and scholars have denounced gang documentation and CGIs, rightfully raising concerns about giving police “expert” status to determine whether a person is affiliated with a gang, and their use of this status to specifically target poor people of color.³³
- III. Many critics take issue with the very premise of CGIs, as they broadly limit the non-criminal behavior of people who may have never even been arrested, sever social ties, and eliminate the possibility of community-based, restorative justice.³⁴
- IV. Though research on the effectiveness of CGIs is mixed, the majority suggests that any subsequent decrease in violence is short-lived, and some studies find that they may actually *increase* violence.³⁵

Conclusion

Gang documentation and injunctions aren't based on science, real world expertise, or public safety—they are often police interpretations of subjective cultural signifiers and appearances, like clothing, art, or relationships. But being added to one of these lists—because the police saw you talking to someone they believe is a gang member, for wearing certain clothes, or for having tattoos—totally destabilizes a person's life, even if they have never even been arrested before. Once a person's name is on that list, they are under hyper-surveillance and can be arrested for things that would otherwise be totally acceptable behavior.

People lose connections to loved ones, have trouble finding a job, have their education disrupted, and can't maintain stable housing because injunctions cut them off from critical social networks and resources. These factors—social ties, education, jobs, housing—are what truly prevent crime and help people achieve stability. Gang injunctions put that stability out of reach without making communities safer. Transforming the use of gang documentation and reducing injunctions is a critical component of the fight against mass incarceration and toward an innovative approach to public safety.

³² Hennigan, K.M. & Sloane, D. (2013). Improving Civil Gang Injunctions: How Implementation Can Affect Gang Dynamics, Crime, and Violence. *Criminology and Public Policy*, 12(1).

https://dornsife.usc.edu/assets/sites/972/docs/Improving_Civil_Gang_Injunctions.pdf.

³³ McGinnis, C. & Eisenhart, S. (January 1, 2010). Interrogation is Not Ethnography: The Irrational Admission of Gang Cops as Experts in the Field of Sociology. *Hastings Race and Poverty Law Journal*, 7(1).

https://repository.uchastings.edu/hastings_race_poverty_law_journal/vol7/iss1/4/.

³⁴ Haworth, J.W. (2000). Toward the Restorative Constitution: A Restorative Justice Critique of Anti-Gang Public Nuisance Injunctions. *University of Nevada, Las Vegas - William S. Boyd School of Law*.

<https://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=2228&context=facpub>.

³⁵ Bichler, G., Norris, A., Dmello, J., & Randle, J. (2017). The Impact of Civil Gang Injunctions on Networked Violence Between the Bloods and the Crips. *Crime and Delinquency*. DOI: 10.1177/0011128717739607.