



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 14, 2013

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Request from Mayor Helene Schneider and Councilmember Bendy White for a Gang Injunction Informational Update

RECOMMENDATION:

That Council, as requested by Mayor Schneider and Councilmember White, receive an overview and update on the gang injunction.

DISCUSSION:

Attached is a memorandum from Mayor Schneider and Councilmember White requesting an overview and update on the gang injunction. The staff presentation will include an overview of and the basis for initiating the injunction, a description of the intended outcome, and an update on where the petition stands in the judicial process.

ATTACHMENT: Memorandum from Mayor Schneider and Councilmember White

PREPARED BY: Marcelo A. López, Assistant City Administrator

SUBMITTED BY: Jim Armstrong, City Administrator

APPROVED BY: City Administrator's Office



City of Santa Barbara
Mayor and Council Office

Memorandum

DATE: April 23, 2013

TO: James L. Armstrong, City Administrator

FROM: **Councilmember Bendy White and Mayor Helene Schneider**
Bendy White *Helene Schneider*

SUBJECT: **Gang Injunction Informational Hearing**

- Summary of Information to be Presented to the City Council

Receive an update and have a discussion on the gang injunction. This would include a review of the thinking that went in to initiating the injunction and what is and is not included in the petition. It also would include a statement of the problem and a description of the intended outcomes. The Council would receive an update as to where the injunction stands in the judicial process.

- Statement of Specific Action the Council will be asked to take

- No specific action is proposed.

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- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action

The gang injunction is an action at least co-initiated by the City of Santa Barbara, along with the District Attorney. It has been in the judicial system for a substantial amount of time, without updates to the public about its status. It is also a topic of public controversy. It is Council's responsibility to keep the public informed on key pieces of City Business.

Cc: Mayor and Council
Steve Wiley
Chief Cam Sanchez



CITY ATTORNEY AND CHIEF OF POLICE GANG INJUNCTION UPDATE



May 14, 2013

The background of the slide features a blue-tinted image. On the left, two cyclists are riding past a sign that says 'MISSION'. In the center, there is a large, historic building with two prominent towers, likely the Santa Barbara Mission. On the right, there is another building with arches and a sign that says 'LOPEZ TREATY'.

What is it?

- Restraining order on named individuals
 - Civil court order written and issued by a SB Superior Court Judge ordering the named individuals to do or not do certain specific things
 - Burden of Proof
 - Constitutional Mandates



What is it not?

- Cannot be enforced indiscriminately or arbitrarily or stupidly
- Will not apply to any juvenile now or in the future
- Will not apply to persons who are not named and who have not been found to be an active gang member by the trial judge:
 - Right to argue against it and to argue over the wording of the injunction
 - Opt-out provisions



Personal Characteristics

- An adult
- With well documented history of gang involvement in SB and criminal record
- Meet gang membership criteria established by the SBPD.
- The trial judge must find that the City/DA's office has proved active gang membership status.

The background of the slide features a blue-tinted image of Santa Barbara, California. On the left, a cyclist is riding a road bike. In the center, a large church with two bell towers is visible. On the right, there is a building with a series of arches, likely the Santa Barbara Courthouse. The text 'MIS ON' is partially visible on a sign in the upper left, and 'LOREO' is visible on the building on the right.

What is the process?

- File a civil complaint in Santa Barbara Superior Court
- Prove to a judge that there are convincing grounds to grant the injunction
- Each Defendant and their attorneys able to present arguments against the complaint
- Judge grants injunction, requires additional justification or evidence or denies the injunction

What are the restrictions that could be imposed?

- Restrictions on association with other court determined individuals – namely gang members
- Gang Injunction provisions applied in designated areas
- Civil/Criminal Contempt Process
 - Proof by “clear and convincing evidence”



Opt-out option

What are the opt-out provisions?



Reasons For A Gang Injunction

An Injunction Will Be A Tool To:

- Decrease Violent Crime
- Protect our Community Members
- Deter Young People from Joining a Gang
- Curb Recruitment of Young People into Gangs



1992 - 2010

16 Gang Related Homicides

The Following Four Gang Related Homicides Involved Victims With No Gang Affiliation:

9/10/2000 – Gang members stabbed and killed Pablo Valladaras (37) during a robbery.

9/13/2006 – Two gang members confronted Frank Tacadena (60) as he sat in his car with his wife. One shot and killed Tacadena.

2/22/2009 – Baldemar Leal (23) was found stabbed to death on 400 De La Vina St.; investigation led to the arrests of gang members and associates.

10/11/2010 – George Ied (36) was attacked and beaten to death by gang members while walking home on 1300 Punta Gorda St. Three suspects have been convicted; one is awaiting retrial.



1992 - 2010

16 Gang Related Homicides

8/5/1992 – Gang member Robert Mitchum (16) was stabbed to death at State St. & Carrillo St. during Fiesta.

1/26/1997 – In City Lot #10 a gang member shot Michael Torres (23), who died. In 2001 the conviction was overturned after a fellow gang member admitted to being the shooter.

3/14/2007 – Gang associate Luis Linares (16) was stabbed to death by a 14-year old gang member at State St. & Carrillo St.



1992 - 2010

16 Gang Related Homicides

7/16/2007 – Gang members Lorenzo Carachure (17), Noe Carachure (20), and Rogelio Hernandez (18) were confronted by rival gang members who had been driven to the Westside by a gang associate. Lorenzo Carachure was struck on the head with a car jack causing him to fall to the ground where he was stabbed to death. Noe Carachure and Rogelio Hernandez were also attacked and stabbed.

7/4/2008 – Gang member Emanuel Roldan (15) was stabbed to death during an altercation with rival gang members during the fireworks celebration along the Waterfront.

30 Individuals Named In The Injunction

Of The 30 Individuals Named In The Gang Injunction:

- 5 Were in Custody Prior to the Injunction Process (Still in Custody)
- 9 Were Placed in Custody Following the Start of the Injunction Process (Still in Custody)
 - 2 for murder, 4 for robbery & 3 for federal narcotics charges
- 16 Have Remained out of Custody