

Ventura County Star

To print this page, select **File** then **Print** from your browser

URL: http://www.venturacountystar.com/vcs/ox/article/0,1375,VCS_238_4591459,00.html

Curbing gangs is still a hot topic

Appeal of Chiques injunction expected

By Raul Hernandez, rhernandez@VenturaCountyStar.com
April 3, 2006

Nearly two years ago, when the injunction against the Colonia Chiques street gang was established, it ignited passionate and often-heated debate in Oxnard.

The arguments about the effectiveness of such measures to curb gang-related crime continue today. Some opponents are expected to file an appeal to the injunction soon.

The Committee on Raza Rights and the Raza Press Association are sponsoring a statewide conference on gang injunctions — emphasizing alternatives to injunctions — to be held at Oxnard College on Saturday.

While community activists agree that something must be done about the gang problem, they worry that an injunction gives police free rein to harass young Latinos and could permanently stigmatize those listed in the injunction.

Attorney Gabriella Busch Navarro believes that such injunctions allow police to cast a wide legal net to see how many people they can haul into jail without regard to civil rights. "I see gang injunctions as a lazy tool for police officers," she said.

"That is garbage," Oxnard Police Chief John Crombach said of Busch Navarro's assertion. He said high courtroom standards must be met to put a gang member's name on an injunction, including a person's criminal history.

A gang injunction is a court-issued restraining order that prohibits gang members from engaging in a host of activities. Oxnard's gang injunction was spawned because many residents were outraged at the high crime rate and gang-related killings. Many of the violent crimes were linked to Colonia Chiques gang members.

The public outcry resulted in police and prosecutors gathering information on Colonia Chiques, the largest and most violent gang in the county. Prosecutors identified dozens of gang members and sued them in court to prohibit them from engaging in certain activities.

Injunction issued June 2004

The gang injunction, Oxnard's first, was issued in June 2004. The civil action forbids members from associating with one another in a 6.6-square-mile safety zone in Oxnard. They also cannot wear certain clothing; stay outside past 10 p.m.; use gang gestures, controlled substances or alcohol, or act as lookouts to warn of the presence of police.

Those who violate the civil injunction can be arrested for contempt of court and sent to jail, fined or both.

Attorney Michael McMahon, who works for the Public Defender's Office, is working on an appeal of the injunction. He expects the appeal to be filed in a month or so in the 2nd District Court of Appeal in Ventura. He said the appeal will raise many legal and civil rights questions, including whether the 10 p.m. curfew that the injunction imposes is "overly restrictive." Once the appeal is filed, a ruling could still be as much as a year away, he said.

There have been 131 Colonia Chiques gang members named in the Oxnard injunction; police have made 70 arrests for violations of the injunction.

Oxnard officials also are considering another injunction, one aimed at the Southside Chiques. With a second injunction possible, critics are worried about the language in both the current and proposed injunction. Addressing how gang members who later straighten out their lives can get their names removed from the list is a key question.

In Los Angeles, 26 injunctions, some dating back 13 years or more, cover 36 gangs. Nobody has yet succeeded in being removed from those injunctions' lists.

Although some of the 2,000 to 3,000 people on the Los Angeles lists have left their gangs, their pasts have come back to haunt them.

When employment background checks are made, the injunction can show up and prevent people from getting jobs. Last month, Los Angeles Police Chief William Bratton said he and City Attorney Rocky Delgadillo would review the gang injunctions.

Ventura County prosecutors said Oxnard's two-year-old gang injunction offers a way out. Gang members can get their names removed from the injunction if they aren't arrested for five years, don't get new gang tattoos and have jobs for at least a year.

"It's always had an opt-out provision in it," said Karen Wold, senior deputy district attorney.

Even so, critics say the gang injunction is tantamount to a lifetime of parole, giving the district attorney and police too much power to define the terms of who gets their names removed.

"You have to go through the DA's office and jump through all their hoops," said Busch Navarro, who represents three clients served with the injunction.

Names can be removed

Wold disagreed, saying gang members who come up with proof that they have turned their lives around can get their names off the injunction.

"I won't oppose it," she said.

Francisco Romero, a community activist and opponent of Oxnard's injunction, believes that a good model for improving it can be found in the Santa Barbara County community of Lompoc. Busch Navarro said the Lompoc injunctions' opt-out provisions, in particular, are worth emulating.

In Lompoc, gang members must submit letters to the court renouncing gang membership and must have no arrests for five years before being removed from the list, according to Gene Martinez, Santa Barbara County

senior deputy district attorney.

The year-old Lompoc gang injunctions became permanent in February, Martinez said.

He said more than 80 gang members have been served. "It's a tool, not the only tool," Martinez said, adding that community policing and involvement are key ingredients in Lompoc to solving the gang problem.

Both the Lompoc and Oxnard gang injunctions state that gang members whose names are removed and go back to the gang lifestyle can be put back on the injunction.

Bratton says he believes that injunctions have helped cut crime in Los Angeles by 6.4 percent this year. He says he wants to expand the use of injunctions there.

Oxnard's Crombach said crime has dropped 80 percent in the area covered by the injunction.

"Every city in the county reported an increase in crime except Oxnard," Wold said.

Those on both sides of the debate agree that injunctions alone are not enough to steer youths away from the gang lifestyle. Community policing, recreational programs, education and job training all must play roles.

Arresting all the gang members and putting them behind bars is a 30-year-old strategy that simply doesn't work, Crombach said.

"There are not enough beds in the County Jail. There are not enough state prisons. You can't do it," he said.

"We have made it really clear that we are not going to arrest ourselves out of this whole problem. It is a societal issue."

— The Associated Press contributed to this report.

[Comment \(0\)](#) | [Trackback \(0\)](#)

PAYING TOO MUCH FOR AUTO INSURANCE?

ZIP code where you park at night:

Do you currently have auto insurance? Yes No

Have you had a U.S. driver's license for more than 3 years? Yes No

Has any driver in your household had 2 or more accidents or moving violations in the last 3 years? Yes No

INSWEB

Copyright 2006, Ventura County Star. All Rights Reserved.