

WHAT DO I DO IF I AM SERVED WITH A GANG INJUNCTION – FAQs

Procedures for Future Enforcement of Gang Injunctions

If I get served with legal papers saying that the City wants to put me on an injunction, what should I do?

If you receive a complaint or motion from the City of Los Angeles alleging that you are an active gang member and that you should be subject to a gang injunction, **until you receive a court order or judgment finding that you are an active gang member, you are not on the gang injunction and do not have to follow the terms in the injunction.**

If you want to challenge the City's claim that you are an active gang member, you have the right to defend yourself in court and present evidence. You sometimes will need to present evidence in advance of your hearing on the gang injunction. If you do not respond to the City's complaint or motion by a certain date, you may lose certain rights, including the ability to deny being a gang member and challenge the City's claims against you. Because it is a civil case, you will not be appointed an attorney like in a criminal case. You can represent yourself, but you should consult with an attorney immediately.

The ACLU of Southern California cannot guarantee that we can find you a lawyer to help you with your case, but you should contact us as soon as possible at (213) 201-8933.

Will a lawyer be provided to me if the City tries to put me on a gang injunction?

No, the City of Los Angeles will not provide or pay for an attorney for any individual that it wants to put on a gang injunction. You can represent yourself, but you should consult with an attorney immediately. You can call the ACLU of Southern California's LA gang injunction hotline at (213) 201-8933 for a consultation and more information, although we cannot guarantee we will represent you. (The ACLU of Southern California does not charge clients for representation.)

What happens if I do not respond to the City's legal papers regarding a gang injunction?

If you do not respond to the City's legal papers seeking to put you on a gang injunction, a judge may rule against you and place you on the gang injunction by default.

What happens if the City tries to put me on a gang injunction and the court determines that I am not an active gang member?

If the court rules that you are not an active gang member the City cannot put you on the gang injunction and you will not be subject to the gang injunction's terms. The court's ruling does not stop the City from serving you again at a later time and arguing that you are an active gang member based on new or additional evidence.

What happens if the City tries to put me on a gang injunction and the court determines that I am an active gang member?

If the court rules that you are an active gang member, then it will issue an order putting you on the gang injunction. You will be subject to the terms of the gang injunction when you receive notice of the judgment or order, and if you do not follow the terms you may be arrested and charged with a crime.

How long will the City enforce a gang injunction against me?

The City can enforce a gang injunction against you for five (5) years from the date of the judgment or court order. After 5 years, the City may seek another judgment or order against you based on new or additional evidence that you are still an active gang member, but it must go through this entire process again and prove to the Court that you are currently an active gang member based on new evidence.

How does being put on a gang injunction impact other criminal, civil, or administrative cases I may have?

A court's ruling that you are, or are not, an active gang member in a gang injunction case **may not** control whether another court may find you are a gang member in a different proceeding. Different courts may use different definitions of gang membership or different standards of proof.