

Using Networked Surveillance Cameras for Gang Control

Abstract:

This white paper suggests how networked surveillance cameras could be an integral part of a city's effort to control gang activity. It describes some successful application of injunctions to limit gang activity and reduce crime.

Controlling Gang Activity with an Injunction

One of the newest legal tools cities have to control gang activity is the injunction. Already used successfully in San Francisco, Riverside, and West Sacramento, judges are willing to tell known gang members that they can't congregate in public, can't wear gang colors, and can't loiter at night. By keeping the restrictions specific and narrow, so far cities have been able to hold on to their injunctions against challenges in the appeals courts.

According to Superior Court Judge Patrick Mahoney, the gang's movements can be restricted because the San Francisco District Attorney was able to show that the Norteños gang was "a public nuisance, dealing drugs," and engaging in "violence, weapons possession, fighting and destruction of public and private property."

In addition, the DA had to prove to the judge that each named person was a member of the gang.

Starting in November of 2006, San Francisco City Attorney Dennis Herrera has used court injunctions against four gangs: Oakdale, Mob, Knock Out Posse, Eddy Rock and Chopper City. Herrera said that the injunctions have reduced crime in the three San Francisco neighborhoods where they are effective: The Western Addition, Bayview-Hunters Point, and The Mission.

In San Clemente, in Orange County, California, County Sheriff's Deputies created one of the largest gang injunctions in the state against two gangs, Varrio Chico and Varrio Viejo, operating in San Clemente and San Juan Capistrano. The injunction bars 293 members of the gangs from engaging in gang activities in two neighborhood "safety zones." "The First Amendment does not guarantee the right to conduct domestic terrorism as these gang members have been doing for decades," said Orange County District Attorney Tony Rackauckas, in November of 2007. "The state has not only a right to 'maintain a decent society,' but an obligation to do so. In the public nuisance context, the community's right to security and protection must be reconciled with the individual's right to expressive and associative freedom."

According to a news report (KPMH Fox 26) gang injunctions have resulted in 10% to 25% drops in crime in Fresno County (California) cities.

Use of Cameras to Collect Court Evidence

So where do cameras come in? A group of cameras placed in a problem area, such as a public housing project, is likely to capture a handful of undesirable events. But many of these events may lack sufficient detail or sufficient supporting evidence to use in individual prosecutions. However, in aggregate, these video captures of gang activity, including associating with known gang members, fighting, intimidation, apparent drug dealing, vandalism and weapons violations can provide compelling evidence to a judge for the need of an injunction.

Some people might think that the cameras simply push the crime into other, unmonitored areas. There is undoubtedly some truth to that. However, if you are a resident of the problem area, moving drug dealing, fights, and shooting to somebody

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else's neighborhood is far better than being forced to walk by the gang members every day, just to get in and out of your residence. It is not trivial for a gang to simply pick some other spot for their illegal activities. If they move too far away, they may be in the territory of another gang. If they move to a nicer neighborhood, the residents there are likely to frequently call the cops. If they move off a main drag, they won't get the drive-by traffic they need for drugs and pimping.

Note that there two separate requirements for an effective gang injunction. First, the police and the DA have to convince the judge that the gang is real and that they have a large pattern of criminal activity. Since the only witnesses are likely to be police officers, having videos of repeated gang activity is important court evidence.

Second, specific individuals must be shown to be members of the gang. Videos of the individuals wearing gang colors on numerous locations, and videos of the individuals congregating with known gang members are typically viewed as compelling evidence of gang membership. Note the two activities of wearing colors and congregating are not illegal—at least not before the injunction—and therefore the individuals have no reason to hide these activities from installed cameras.

Protecting Rights

To avoid infringing on the rights of the gang members, the injunctions are only applicable to a specific territory. That territory is likely to be defined as the turf controlled by the gang, according to police. In San Francisco, one such injunction applies to a four-block area in Bayview-Hunters Point. In another part of the City, the injunction applies to a 60-square-block area.

Once the injunction has been issued, police or the DA may request the judge to add individuals to the list. This ability serves as a deterrent to new gang members, who although they haven't yet been accused of a crime, are nonetheless clearly in the sights of the police.

The injunction helps minimize and break-up gangs in other ways. With an injunction in place, when a police car approaches a group, they scatter. Prior the injunction, police could do nothing to break up a group, which would often taunt the police. Groups of gang members have been known to threaten firemen and ambulance drivers to the point where emergency services refused to enter certain neighborhoods without a police escort.

The injunction prohibits loitering after 10:00 pm. Now, if a police officer sees even a single gang member standing on a corner, he can arrest him for violating the injunction. There is a good chance that he has drugs or weapons in his possession, permitting a meaningful arrest to follow. Thus, even a simple cruise down a street by a police car can instantly push gang members off the street, and break up large parties before trouble happens.

In the City of San Francisco, the District Attorney worked out an agreement with the ACLU of Northern California. Alan Schlosser, Legal Director of that office, said that San Francisco provides a "clear and transparent" way for gang members to get removed from the injunctions. "If it's implemented by the city attorney in the spirit in which we negotiated it, I think it will provide an avenue for those who've made changes in their life to get out from under the gang injunction."

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Secondary Advantages

"I can say for the individuals named in the injunction, of the 20-some-odd that have been served [notices of the injunction], nearly all are convicted felons, with one or two exceptions,"

— Jay Linden,
Deputy District
Attorney, Yolo
County.

There is another advantage to having the police pickup injunction violators. Gang members often use cell phones to take pictures of their criminal activity. A police officer can take away the cell phone of a gang member violating the injunction, and then obtain a warrant to look at the photos or videos in the phone. Depending on the content of those pictures, additional warrants may be obtained for computers, or other gang members cell phones. If the result of this police activity may be to stop gang members from recording their own gang acts, which would reduce the recruitment, celebratory, and revenge gang actions that often follow. The gang member's cell phone typically belongs to a parent. Often, no warrant is needed to view captured photos — only permission from the parent, who is inclined to believe that his or her son is innocent.

The injunctions clearly let the community know that the police are serious. San Francisco City Attorney Dennis Herrera said, "The message hopefully is going to go out strongly and clearly that we're going to do everything we can to keep our streets safe from gang activity."

Gangs Use a Large Fraction of Police Resources

Gang related activity can take up a substantial amount of police time and city resources. Lompoc (Santa Barbara County, California) Police Sgt. Allen Chisholm, a gang expert, provided statistics about Lompoc gangs. Although Lompoc has only 41,000 residents (2000 census) it had 465 gang members arrested in 2006, out of 47 identified gangs in the small city.

In the East Side of Riverside (California) Judge Edward Webster included 113 members of the Riva gang in his injunction.

In San Clemente, California, the District Attorney's office and the Orange County Sheriff's Department reported 133 gang incidents in an 18-month period, including three attempted murders and 14 fights.

Community Acceptance of Cameras

Most residents, police officers and district attorneys do not feel that people are being targeted unfairly by being included in the anti-gang injunctions. "I can say for the individuals named in the injunction, of the 20-some-odd that have been served [notices of the injunction], nearly all are convicted felons, with one or two exceptions," said Yolo County deputy district attorney Jay Linden, about an injunction against the Broderick Boys in West Sacramento.

About Ojo Technology

Ojo Technology designs, installs, and maintains advanced network based video surveillance systems. A privately held company, Ojo delivers customized solutions utilizing the latest network technologies and the most advanced video surveillance products, delivered with a deep understanding of customer needs and a commitment to customer service.

Ojo Technology is solely focused on delivering standards-based, best of class, 'turn-key' IP Video Surveillance (IPVS) solutions. As a master integrator, Ojo combines the best products, technologies, planning, and implementation to deliver the most reliable and functional network-based video surveillance and remote monitoring solutions available.

Ojo Technology's advanced IP surveillance solutions are ideal for demanding applications requiring video surveillance, security, or remote visual monitoring. Ojo specializes in installations for local government, schools, and manufacturing facilities. Ojo also has experience installing complex systems for retail, military, corporate, and public transportation applications.

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