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### Title

Smile Now, Cry Later: A Case Study of Puppet's Life on a Gang Injunction

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## Abstract

## Acknowledgements

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## Introduction:

A gang injunction is a civil court order against groups of people (similar to a restraining order) that enables law enforcement to establish “safety zones” or geographic areas where they are able to arrest, prosecute, and incarcerate individuals for both criminal and non-criminal activity such as breaking curfew, associating with other family members that are “known gang members”, wearing certain clothing, etc. (Youth4Justice 2012). The civil gang injunction is ordered through the City or District Attorney that declares a gang as a “public nuisance” which imposes numerous restrictions on individual lives (ACLU Norcal 2010). Beyond the civil liberty restrictions gang injunctions raise, both targeted individuals and community members who live in the area are also impacted. Further, gang injunctions do not provide a clear process to remove oneself from the injunction for either having been added mistakenly or after having turned their life around years later (ACLU Norcal 2010). In addition, although gang injunctions may be challenged in the initial granting, because it is a civil court order people do not have the right to an appointed attorney as they would in criminal law. As a result, most injunctions are left permanent and unchallenged because people cannot afford legal representation and often do not understand they are able to challenge the injunction in court. The first gang injunction was created in 1987 by James Hahn, the LA’s City Attorney who declared the Playboy Gangster Crips a public nuisance, not due to heightened violence, but rather as a disturbance to nearby Beverly Hills and Culver City neighborhoods that are predominately white and upper class (Youth4Justice 2012). Thus, despite the expansive history of civil gang injunctions initiating in Los Angeles County, it is also important to research other cities to demonstrate not only the expansion of gang injunctions, but how they are a continuing social phenomenon of the war on gangs.

The following research is a case study conducted on a member of the Westside Verdugo Seventh Street gang (Calle Siete Locos) in San Bernardino, California. The 7th street gang is formed bordering 16th Street and 5th Street between Mount Vernon Ave and the 215 Freeway. Thus, a brief background on San Bernardino civil gang injunctions are vital to introducing one of the very first Latino street gangs served with the gang injunction. The San Bernardino City Attorney and Police Department were granted permanent gang injunctions against the three subsets of the Westside Verdugo gang; the 7th Street Gang (1997), Sur Crazy Gang (2000), and the Southside Verdugo Flats (2003). However, there are multiple other gang injunctions in San Bernardino, CA as well as five permanent gang injunctions in the San Bernardino County: Rialto-based ‘Hustla Squad Clicc’, ‘Colton City Crips’, ‘South Side Rialto’, ‘Rancho Cucamonga Cuca Kings’, and the ‘Adelanto Brown Pride’ Gang (SanBernardinoCountyDA). Also significant to the San Bernardino region is the racial makeup with Latinos accounting for almost half of the population, eighteen percent African American, and under thirty percent white (Maxson et. al 2005). Ultimately, the San Bernardino city and county have a long history of gang presence and with a popular use of gang injunctions in California, it is a prime city to further the War on gangs. Due to the heightened concern for gang violence and a substantial number of issued permanent gang injunctions in the city, I am conducting my case study in this nearby Inland Empire community. Thus, my research questions for this thesis are bilateral:

- How does a Latino male on a civil gang injunction experience added forms of oppression through hyper-policing in their neighborhood?
- How does hyper-policing expand the collateral consequences of being in a ‘carceral state’ due to a civil gang injunction?

## Literature Review:

### ***Defining 'Gang member'***

A major component of understanding the impact of civil gang injunctions derive from how 'gang members' are defined by society and the criminal justice system. Researchers such as criminologist and former gang member, Robert Duran (2013), claim that gang membership is socially constructed and therefore, there is no concrete rule that establishes when people join or exit gang life. Further, research has demonstrated that "most people fade away from the gang scene", meaning they mature out of the gang lifestyle within a few years (Duran 2013, 24). Additionally, Victor Rios (2017) argues that despite this maturing out process, the label of gang member creates long term consequences such as registry in a gang database, automatic gang enhancements if convicted in any future crime, stigma, negative treatment by authority figures, and injunctions prohibiting physical presence in certain locations. Further, Rios (2017) found that the label led to stigma, exclusion, and arrests even years after having participated in street gang life. Thus, Rios (2017) argues that because the gang member label is socially constructed, then any time an institution labels an individual a gang member, then despite reality, the group is in effect a gang because institutions have the power to define who is a gang member and a 'threat'. Given that gang members are the direct target of civil gang injunctions it is important to first understand the literature on gang members. Using his Multiple Marginality Theory, James Diego Vigil (2002), accounts for why people join gangs in the first place, arguing that they face various marginalization's as low-income, consequences of barrio life, racial and ethnic discrimination, lack of tolerance with institutions (schools, family, etc.). In line with Multiple Marginality Theory, Caldwell (2010) reveals individuals experiences on gang injunctions as demonstrating support for this theory. Factors arising out of civil gang injunctions are revealed



from labeling youth as gang members promoting membership, the incarceration of peripheral members strengthening gang attachment, impeding the natural maturing out process of gangs, and undermining the community to law enforcement collaboration (Caldwell 2010).

### ***Public Nuisance and Broken Windows-***

Civil gang injunctions were initially implemented as a mechanism to eliminate gangs from the public as gang members are considered public “nuisances”. Researchers have found that modern civil gang injunctions mirror historical ‘black codes’ or vagrancy laws that were methods of control and banishment of unwanted people as the main mechanism for deterring black laborers from leaving their master’s plantations. Although civil gang injunctions are not a source of socioeconomic control they stigmatize minority communities and maintain white hegemony by indicating subordinate ethnic groups and lower class as a threat to ‘financial burden, nuisance, and criminality’ (Stewart 1998). Additionally important to gang injunctions is the criminological theory of ‘broken windows’ policing which holds that visible signs of crime and anti-social behavior encourages further crime and disorder and inevitably leads to serious crime (Wilson & Kelling 1982). Stewart (1998) critiques the ‘broken windows’ theory that contributes to law enforcements immense focus on abandoned buildings, loitering youth, vandalism, unsafe parks, gangs, etc. as signs that symbolize a community’s ‘decay’ as a dangerous theory that similar to anti-gang injunctions perpetuate racial stigma and oppression. Gang injunctions perpetuate oppression and, although in a less overt mechanism than black codes, they view individuals of color as ‘criminal’ and inferior (Stewart 1998). Relatedly, in ‘Police, Power and the Production of Racial boundaries’ author Ana Muniz (2015) reveals how those who hold power such as Los Angeles Police Department, city prosecutors, community groups, property owners, etc. worked to control who is considered ‘criminal’ and thus subject to

hyper-policing. Further, as seen in the Cadillac-Corning neighborhood the changes in zoning, housing development, and school desegregation led to development of repressive policies (civil gang injunctions) in a geographical area for law enforcement to target (Muniz 2015). Through the first injunction in 1987 on the Playboy Gangsta Crips, Muniz (2015) argues that, despite the “race-neutral language” on gang injunctions, there was a fear of black men that perpetuated stereotypes and the overall rationale of the repressive gang injunction towards the group. Therefore, civil gang injunctions are revealed as a tool of harsh policing for gentrification and displacement of mostly Blacks and Latinos from areas in which these positions of power invoke these policies to disappear unwanted populations from the public sphere.

### ***Constitutionality and legality of gang injunctions-***

Dating back to the very first civil gang injunction in Los Angeles, the City Attorney James Hahn invented the anti-gang public nuisance injunction filed against the Playboy Gangster Crips (L.A. County Super. Ct. filed Oct. 26, 1987). Beyond being the first, it was also the most expansive, accounting for 300 defendants and “all of its members, agents, servants, employees, and representatives, and all persons acting in concert with them” (Howarth 2000). Given the prohibiting of certain rights, the majority of related literature is focused on the constitutionality of these court-ordered civil gang injunctions. Although the United States Supreme Court has not directly addressed the constitutionality of gang injunctions other precedent cases such as *Chicago v. Morales* (1999), where an anti-loitering ordinance was issued. Similar to gang injunctions, the anti-loitering ordinance was created in the name of public safety of cities and communities impacted by gang activity and sought to bring about enhanced community safety by restricting individual liberties (Caldwell 2010). However, the court held that it was ‘vague’ claiming it could allow for large police discretion that could lead to arbitrary and discriminatory

enforcement rather than vague because of the lack of notice i provided citizens regarding the exact type of behavior that was prohibited in the anti-ordinance (Caldwell 2010). In another vital legal case, *People ex rel. Gallo v. Acuna* (1997) the California Supreme Court upheld the constitutionality against the prohibition of association and against intimidating/ harassing community residents as part of the gang injunction in San Jose city. The case upheld that prohibiting gang association was not unconstitutionally vague because they are not associations protected by the First Amendment and because the injunction only applied to those names listed on the injunction. Thus, they held that the association and harassment prohibitions superseded the limited speech that was burdened in order to protect community safety. Further, Caldwell (2010) argues that in the Acuna legal case, the court ruling was based on the mere assumption that the gang injunction was effective at securing public safety, something that was assumed rather than fact. Ultimately, Caldwell (2010) argues that civil gang injunctions are unconstitutional because they have not proven to bring about community safety and instead, as she argues, fosters gang activity, then the limiting of speech acceptable for purposes of serving the government interest to provide public safety is unconstitutional because it is not serving that government interest. Further, legal issues regarding the civil gang injunction rest on how defendants served with injunctions have no right to appointed counsel and are subject to a lower burden of proof standard rather than the higher beyond a reasonable doubt burden of proof in criminal proceedings (Howarth 2000). Individual liberties and protection of defendants are thus limited and vague to the extent that a person (defendant) served with a gang injunction can be identified as a 'gang member' simply for being in the presence of other identified members, making the criteria vague and resting on 'extremely expansive notions of guilt by association' (Howarth 2000). Thus, Howarth (2000) argues that because the constitution provides 'illusory'

individual rights and protections that are not equally accessible to all, he focuses on a restorative justice constitution that begins with the injuries caused with those involved (the community and individuals on the gang injunction) to shift away from the formal processes of the law that anti-gang injunctions exert. Furthermore, the injunction defining the gang to be a 'public nuisance' in working to punish and reduce gang criminality by making any activity by gang members illegal serves to amplify the formality of law over the practical reality (Howarth 2000). Hence, he calls for restorative justice that would involve the participation of the community, the injured, and the offenders without involving punitive formal law.

### ***The Effectiveness of Gang injunctions to reduce crime-***

The majority of research regarding civil gang injunctions is focused on the effectiveness of the nuisance law for reducing criminal activity, especially those created by gangs in specific geographical safety zones. However, despite the immense focus on using gang injunctions to reduce criminality, author Cheryl L Maxson (2005) emphasizes that despite politicians and law enforcements frequent claims of reducing gang activity because of the injunctions, there is actually little research that proves these claims accurate. Importantly, research on the effectiveness of gang injunctions in the City of Los Angeles, although immense, actually foster mixed results (Caldwell 2010). For illustration, Jeffrey Grogger (2002) analyzed reported crime data in 14 areas in Los Angeles County through four police jurisdictions that had injunctions between 1993-1998 for which violent crime fell by 5-10% in the injunction areas during the first year they were initiated (p.74-75). However, Grogger (2002) suggests that future research should seek to find whether gang injunctions result in decreased crime beyond the initial one year they are imposed and conducted from the point of view of the community or key informants. In addition, other research on the effectiveness of gang injunctions was conducted by

the Los Angeles Grand Jury in 2003-2004, interviewing both community and law enforcement along with crime data gathered by LAPD and LA Sheriff's Department. The findings showed that after the first year the gang injunction was imposed there was no statistically significant reduction or change in crime (Caldwell 2010). On the other hand, other research conducted by ACLU of Southern California on the effects of the Blythe street gang injunction issued in 1993 which found that it did not result in crime nor drug trafficking reduction and instead increased it in an area close to the safety zone (Caldwell 2010). Adding to the mixed results, Maxson's (2005) study in San Bernardino, California assessed the impact of gang injunctions from the perception of community members in three geographical areas before and after the injunction. Such findings found relatively small and short-term improvements, in the perceptions of the community members feeling safe, in one of the areas while finding no improvements in the other two areas (Maxson 2005). In a different study of Maxson (2003) continued to study the impact of gang injunctions on communities, this time focused on the City of Inglewood where the study found that the injunction did not result in any meaningful decrease in crime. Thus, most of the research conducted on the effects of gang injunction are based on crime statistics and crime reports obtained from police departments/ law enforcement. In an effort to address this, Caldwell (2010) considers how gang injunctions are perceived by those directly subjected and youth who although not gang members, are often still subject to the injunctions in order to examine the effects the injunctions have on gang members' behavior and thus may not result in long-term reduction of gang activity and instead may promote gang activity. Additionally, "REAL search" (research) conducted by the Youth Justice Coalition (YJC) in Los Angeles, CA provides further evidence on the effectiveness of civil gang injunctions. Importantly, in addition to working to organize against civil gang injunctions, YJC also conducts extensive research on the negative

impacts gang injunctions have on communities and individuals. Further, in a study of Echo Park, CA, YJC argue that injunctions are to be placed to address violence, however evidence showed Echo Park had been experiencing long periods of the lowest homicide rates in the past 30 years and yet was served an anti-gang injunction (Youth4Justice, n.d.). Hence, the YJC found that police killings are higher in injunction areas, injunctions displace drug trafficking and other crime from the safety zone outside areas expanding crime and violence, law enforcement have large discretion of who is a 'gang member' and has detrimental effects that result from being added to the statewide CalGang database, they tear families apart since if a family member is also subject to the injunction, they may not have any contact with one another (Youth4Justice, n.d.). Ultimately, YJC found that injunctions are not proven to be an effective tool to increase public safety and instead have more negative impacts on individuals, families, and communities who are often poor and working-class people of color.

Although prior research focuses mainly on the constitutionality and effectiveness of civil gang injunctions, my research aims to add to the very minimal studies on gang members listed on a gang injunction themselves. Thus, most research on gang injunctions analyze their effectiveness from the point of view of legal institutions and law enforcement rather than from the first-hand perspective of an individual on an injunction. Hence, as noted in the literature, there has been no determinate research demonstrating that gang injunctions are an effective means of reducing crime and although it is significant to provide such conclusions, my research aims to demonstrate the collateral consequences of gang injunctions for those targeted by them. In addition, I pay particular attention to how gang injunctions result in hyper-policing that further marginalizes, criminalizes, and dehumanizes an individual permanently regardless of active or inactive gang participation. Lastly, beyond highlighting the added forms of oppression and

displacement often times experienced, I argue that it creates a ‘carceral state’ mirroring some of the very characteristic’s inmates face while incarcerated.

### Theoretical Framework:

In the case study I utilize Critical Race Theory (CRT) as the essential theory and lens by which civil gang injunction research should be analyzed. The emergence of Critical Race Theory derived in the 1970s from lawyers, activists, and legal scholars that realized the need for new strategies and theory to combat subtler forms of racism (Delgado & Stefancic, 2001). Uniquely, CRT derived from the marginalization and dissatisfaction with critical legal studies which challenged liberalism, denied neutral laws, and held that every case had one objectively correct answer (Hartlep 2009). Thus, CRT was designed to uncover the flaws of critical legal studies that failed to address racial inequalities and racism in the construction of laws (Parker & Lynn 2002). Further, Critical Race Studies is a theoretical framework in the field of law that explores “race-neutral” or “colorblind” laws and policies that further perpetuate racial, ethnic, class, and gender subordination (Delgado Bernal 2002). Hence, in Delgado & Stefancics’ (2001), “Critical Race Theory: An Introduction”, they argue that a major issue for addressing racism stems from ‘colorblind racism’, or not acknowledging that racism exists because of the argument that the law is ‘equally’ applied to all and not based on race. CRT holds 5 elements in its effort to address these flaws in legal studies: (1) racism is ordinary; (2) the idea of an interest convergence where systems created to benefit white elites; (3) race as a social construction; (4) engaging in storytelling and counter-storytelling; (5) and the notion that whites have been the recipients of civil rights legislation (Hartlep, 2009). In addition to its impact on legal studies, CRT has branched off heavily influencing educational research. Thus, scholars began to take notice of the marginalization students of color faced in the educational systems and began to critique race and

racism in education (Crenshaw 2002; Tate 1997). The racial disparities in education such as graduation rates, white middle-class curriculum, predominately white male professors, among many more are not only apparent but direct issues that CRT scholars seek to uncover. Specifically, CRT's element of counter-storytelling has proven useful in education where it is a vital tool that allows true stories to be shared publicly, addressing the white centered curriculum in educational systems (Hartlep 2009).

Based on the purpose and elements of CRT, I argue that it is essential for analyzing the existence of civil gang injunctions that are largely implemented in communities of color. Given that my participant lives in San Bernardino, California, where the population is predominantly Latino and Black, I claim that CRT is a crucial factor to examine specifically how hyper-policing can impact a Latino male through a legal injunction that is presupposed to be a "race-neutral" civil law.

CRT's element (1) where racism is considered ordinary, signifies that "color blindness" and "meritocracy" are two major components that allow for whites' to feel irresponsible for the hardships faced by people of color (Hartlep 2009). Hence, Hartlep (2009) argues that through the "colorblind" approach, white supremacy is able to maintain their elitist control by claiming that they are "neutral" and therefore race is not a factor to be considered. Through these two very concepts of "colorblindness" and "meritocracy" I argue that civil gang injunctions were created. Further, because the law is "neutral" and ascribed to everyone "equally" gang injunctions claim to target gang members in general regardless of race/ethnicity, however it is irrefutable to ignore the large gang presence in communities of color because gangs result from marginalization. In addition, the notion of "meritocracy" can also be applied to gang injunctions because U.S.



society heavily argues that anyone who is lower-class, or poor is that way because they do not “work hard” and thus have nobody to blame but themselves.

Secondly, element (2) the interest convergence argument is also significant in looking at why gang injunctions exist and how despite clear evidence of being effective, have not been dismantled. Here, I argue that because individuals of color who participate in gangs give no benefit to whites’ they see no need to eradicate an injunction that is able to disappear individuals of color by imprisonment or removing them from their very own neighborhoods. As Ana Muniz (2015) argues, gang injunctions and gentrification have a strong relation, with the first ever injunction on the Playboy Gangsta Crips resulting from their “nuisance” to their wealthy white counterparts in the nearby area.

Thirdly, element (4) is vital to examining civil gang injunctions and the framework behind my particular research on Puppet’s life history. CRT’s element of storytelling and counter-storytelling is vital for research on gang injunctions that strive to tell a counter-narrative than that of the legal institutions, law enforcement, parole, the state, and even societal norms. Instead, the counter-narrative is the ‘minority’ view, but often times the factual narrative that is often ignored or seen as invalid. In my case study, Puppet is able to not only give a counter-narrative to law enforcement and legal institutions narrative of the ‘need’ for gang injunctions, but also use his testimonio (storytelling) to account for the marginalization he experiences in his life. In education, the use of counter-stories in analyzing higher education’s climate allows students of color to speak of their marginalized experiences in education to analyze the college campus and provide insight for further needed research (Hiraldo 2010). Similar to education’s use of counter-stories, puppet is able to provide a real lived account of the negative impact that arise from punitive gang injunctions that can be analyzed for further research on gang injunctions.

Ultimately, I argue that CRT is the most accurate and critical theory by which gang injunctions should be analyzed given the implications they have for individuals of color listed on a civil gang injunction. Overall, CRT is crucial for gang research and its relation to laws, such as these anti-gang injunctions, that deal with primarily Black and Latino gang members because despite the criminalization they face, they are part of the subordinated communities of color that CRT projects to focus on.

### Methods:

In this research I utilize a life history case study methodology to investigate the civil gang injunction phenomena as it relates to the lived experience/ real-life context of an individual on a permanent gang injunction. Thus, the following is an explanatory analysis of an individual who identifies as non-active gang member and his life history on the gang injunction as well as its impact in his immediate life. The participant was never asked to disclose his name and was given a pseudonym (Puppet) in order to protect his identity since gang members are a vulnerable population because often times sharing insider gang activity is deemed unacceptable by other gang members. Further, because the participant is a gang member and difficult to reach as an outsider, I was introduced to the participant by a mutual friend who is an ex-gang member, relative of the participant, and insider to the Seventh Street gang. Due to the Institutional Review Board (IRB) approval time constraints I faced, I had to choose a case study design since it was most feasible for approval than having requested to interview over 10 self-identified gang members. The subsequent data consists of an in-depth interview with the participant in order to understand his perception of his life events on the gang injunction from when it was first issued to presently. I met in person with the participant and our mutual friend in order to make the interview process seem less daunting and more of a conversation for the participant to answer the

questions openly. In order to ensure accuracy of my report, I conducted audio-recorded interview questions so that I could go replay any question or response in the interview. The audio-recording was then automatically transcribed the same day and the complete transcription was completed within the same week. In addition to the audio-recording I took extensive notes on his responses, paying special attention to specific details in his answers. After transcription, I coded the interview using “In vivo” coding to capture what the participant expressed as important in his responses. Thus, the coding is directly quoted from his words rather than my interpretation. However, after using this type of coding, I interpreted the codes using different 10 different categories and 3 major themes.

### Findings:

After careful and repeated review of the interview and using ‘In Vivo coding’, my analysis led me to 10 main categories. The following 10 categories are listed according to a hierarchical order determined by the number of codes for each theme. Thus, the categories consist of: 1) Police interaction, 2) hopelessness, 3) gang ties, 4) displacement, 5) participant perception of injunction 6) punitive effects, 7) self-reflection, 8) racial oppression, 9) neighborhood violence, and 10) obstacles/hardships. After placing the codes into these categories I found that the 3 most prominent categories were police interaction, feelings of hopelessness, and displacement. Although the codes for “gang ties” were also prominent, I did not count them in the 3 most prominent categories I analyzed because they were mentioned repeatedly due to the fact that our conversation consisted of explaining his relation and past participation with the gang, causing the increase in the “gang ties” category. On the other hand, I analyze police interaction, feelings of hopelessness, and displacement because they are repeatedly mentioned and derived from the participants responses despite not having been asked questions directly

about such topics. Additionally, in analyzing the codes for the 3 categories, I further implemented 3 overarching themes: 1) carceral-state, 2) hyper-policing, and 3) desolation that best describe the codes I analyzed.

*Hyper-policing:*

In my findings the data demonstrated a prevalence of ‘police interaction’ that I then labeled under the theme of “hyper-policing” due to high number of police encounters mentioned that resulted from the permanent civil gang injunction on the participant. For illustration, the participant mentions “Still get harassed by cops” that demonstrates the impact of the gang injunction despite no longer being an active gang member. In addition to his own experienced harassment he mentions having family members who are non-gang related that are often harassed which he attributes to the injunction but also to racial discrimination. Further, the participant describes one of many experiences that demonstrates the hyper-policing that is implemented for those on gang injunctions,

“Yea, yea I’ve been busted for it 5 times, the got me put on felony probation, finally went to prison for it. 5 different occasions...one time I got out, my cousin met me at the corner and I got busted for it again like 2 hours later. I went right back for the same thing.”

- Puppet.

The above statement reveals the punitive measures that result from hyper-policing that stems from the civil gang injunction that gives law enforcement broad discretion and control over who they target. Thus, hyper-policing is the main theme that resulted from the data analysis given that it was mentioned at least 30 different times within the interview. However, beyond the

participants personal experience of hyper-policing, the data also demonstrated the effect of hyper-policing in his neighborhood, having negative consequences for community residents that have no relation to gang membership.

*Desolation:*

During my analysis the data revealed a prevalence of ‘feelings of hopelessness’ that the participant felt for himself and his extended Latino community. Since my research is an in-depth case study on the individual, I focus primarily on the data that demonstrates individual feelings of hopelessness. In a broader sense, I categorize these feelings of hopelessness into the theme of ‘Desolation’ that result from the injunction. Further, often times the participant mentioned feeling “stuck” and not having “no other life than this” to describe his current situation under the gang injunction. Importantly he expresses,

“Like damned if I do damned if I don’t, just a mind thing really just stuck. Can’t go nowhere, like not even if a cop sees me *maybe* he won't stop me, nah he’s *gonna* stop me.” -Puppet.

Thus, he attributes these feelings of hopelessness not only to policing but to the greater force of the gang injunction that ultimately is the root of the policing and his psychological stress of feeling ‘stuck’ and defeated. Additionally, he expresses that,

“I’m a good dude...so why should I get life or get killed, I know there’s a lot of people like that too, they’re good people...they can actually produce in this world...yet they get killed or catch life or some bullshit you know what I mean?” -Puppet.

Significantly, the participant holds feelings of hopelessness in that the only options individuals like himself are given are to either be incarcerated for the rest of their life or killed. Thus, he attributes these limited options to law enforcement stating that “we’re not the ones that created this” when he further explains the system oppression gang members face as a result of the gang injunction even despite no longer being a gang member. Hence, this reveals a continued and permanent criminalization of individuals even after exiting the gang life, causing feelings of hopelessness in their attempt to better themselves.

*Carceral State:*

Lastly, I label the category of ‘displacement’ under the theme of carceral state in order to convey the participants’ feelings of physical and psychological displacement in the ‘safety zone’ where the injunction is located. Although the gang injunction is mapped out creating particular boundaries where the injunction is controlled, it is important to note that these geographical boundaries are home to individuals listed on the gang injunctions. During the interview Puppet expressed feelings of displacement claiming individuals like him were “hated by everybody” and felt as if they were “enemies with our own neighborhood”. The above codes indicate the displacement that occurs not only for being a gang member and being labeled as criminal, but also displacement that results from neighbors, communities, law enforcement, and society as a whole with the implementation of civil gang injunction that labels people criminal gang members. Thus, beyond the stigmatized label that displaces individuals, the participant also expressed physical displacement that occurs from civil gang injunctions. Such physical displacement is demonstrated in the restriction of liberties that gang injunctions place on individuals. For example, Puppet states,

“[b]eing stuck at home, I can’t leave. I’ll be like at my grandmas or a friend’s house and

just can't leave, if there's cops out around I can't leave I gotta stay there cause if I leave they're gonna, it ain't no damn what if I get stopped...nah they're gonna...ima go to jail or something is gonna happen..." -Puppet.

The statement signifies being displaced from society and having to be confined indoor from fear of police interaction and incarceration that is an 'ordinary' result of the civil gang injunction. The participant also expressed the "boundary" by which his liberties are restricted, elaborating that outside of the gang injunction boundary he has more freedom and less restrictions. However, this is an indication of displacement given that he is displaced from his own community, experiencing the most consequences in the very place he calls home. In addition, the participant expresses a confinement to the specific safety zone stating,

"...the injunction thing it's still on us. I'm still on it to this day but it's um now they got a banishment injunction with the injunction I'm on I just can't be with another member that's on the injunction or past 10 o'clock in between 5th street and 16th street and Mt.Vernon back to the 215." -Puppet

Therefore, the findings show that an individual listed on the gang injunction has specific boundaries in which he must answer to the restrictions, rules, and surveillance. From the analysis one can infer that there are not only physical and psychological feelings of displacement, but also that it mirrors a carceral state of mind where he is synonymous to a prisoner who is confined, lacks autonomy, stripped of civil liberties, and is under constant surveillance and control.

Lastly, although the participant mostly spoke of the detrimental effects he continues to experience because of the permanent gang injunction, he did believe the gang injunction was effective for eliminating gang member activity. Therefore, although he acknowledges the impact

the gang injunction has had on the gang activity, he does recognize that it disproportionately affects people like himself that are no longer active gang members from upward mobility.

### Limitations:

Despite the completion of this case study, some limitations should be noted. First, the research only examines an individual interview because due to IRB delay of approval, it was more time-efficient to do an individual case study rather than conduct multiple interviews with multiple participants. In addition, conducting a case study of an individual was suitable to my research because my participant can be considered both a ‘vulnerable’ and ‘hard-to-reach’ population because his identity as a prior gang member who is on a gang injunction that seeks to limit their public appearance makes seeking participants more difficult. Moreover, he is considered ‘vulnerable’ because his relation with other active gang members has an impact on what he is able to share since it can incriminate himself or others. Additionally, because it is an individual case study on a Latino male on a gang injunction, the findings are based on his experiences and cannot be generalizable as other research on gang injunctions are able to. Another limitation to the study was that due to time-constraints from both the participant and I, thus I was only able to conduct a one-hour, one-time interview despite my intention to conduct a second interview with additional questions.

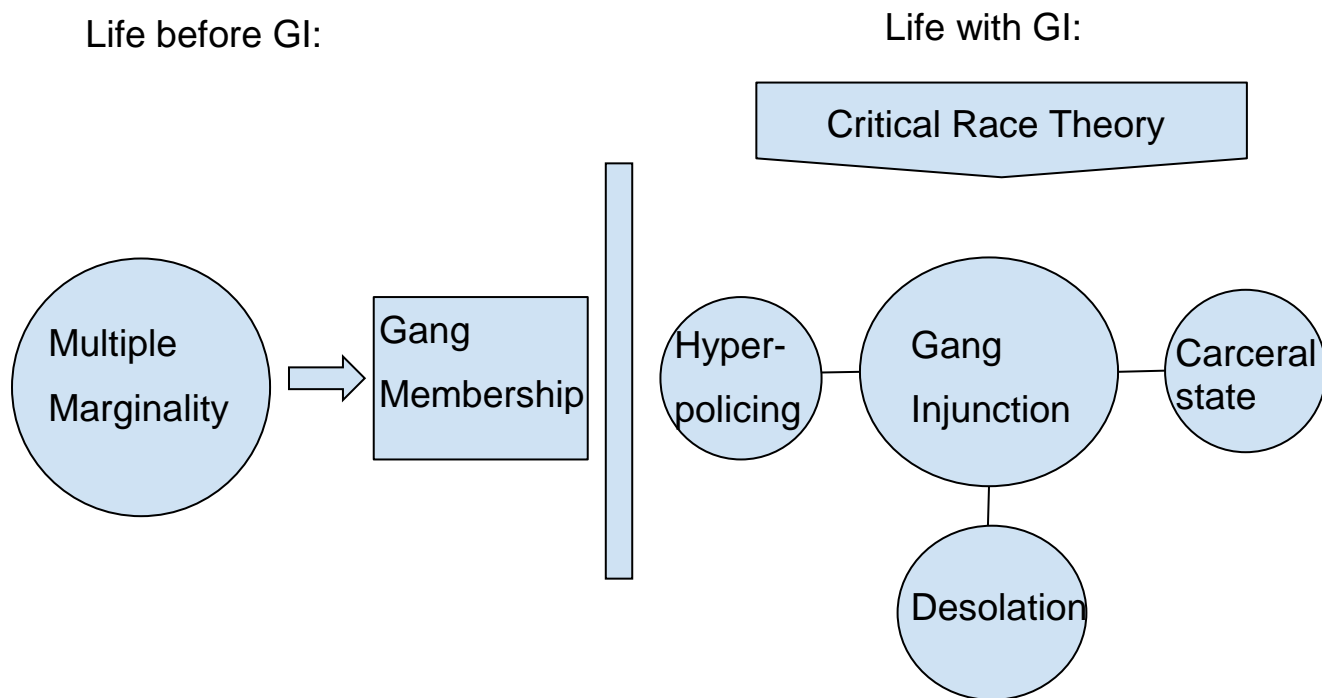
However, despite the limitations I faced in conducting the research, the findings are still useful to those researching the hyper-policing a Latino male can face due to a gang injunction that adds to already existing forms of oppression. It is also important to note that unlike other literature, this project focuses on an individual who is directly impacted from being listed as a gang member on the permanent gang injunction rather than from research from the perspective of academia, law enforcement, district attorneys, and community member perceptions, all people



who do not directly know the impacts of a gang injunction first-hand. Thus, I argue that the personal narrative component of this research is fundamental and invaluable because it is direct findings from someone with lived experiences coupled with theory and findings that are noteworthy. Hence, one prominent component of a case study is to provide an in-depth analysis of an individual and their relation to a social phenomenon, such that his experiences are valid in relation to gang injunctions that serve as legal restraining orders to ‘disappear’ individuals from the public through legal criminalization.

#### Discussion/ recommendations:

In analyzing my findings, I propose a model that builds on the “Multiple Marginality Theory” proposed by James Diego Vigil (2002). Thus, as discussed in the literature review, the theory is used to explain the different factors of marginality that individuals face which lead them to joining a gang. In other words, he proposes a “recipe” for what makes a “gang member”. Such that gang membership can be attributed to consequences of ‘barrio’ life, low-income, lack of tolerance from family and/or school institutions, racial/ethnic discrimination, and others (Vigil 2002). However, although I agree with his multiple marginality framework, I believe that it ends at “gang membership” and can be expanded into a greater web/model that accounts the targeting of gang members by institutions, parole officers, community members, law enforcement, district/city attorneys, among others through a legal civil gang injunction. Therefore, Vigil explains the “before” marginalization that drive youth of color into gangs but falls short of giving an account for the “after” gang membership marginalization that prelude through law and sanctions as added forms of marginalization/ oppression. Below, I provide a comparison of Vigils Multiple marginality theory model and the model I propose gives a more complete description of gang life and oppression.



As noted, I also add Critical Race Theory above the impacts of the gang injunction in accordance with my argument that CRT is the most critically important theory to account for gang research, especially as it relates to civil gang injunctions because gang injunctions are ultimately legislation created to further marginalize mostly people of color. Therefore, my model proposes to add an additional component to forms of oppression that result after being placed on a gang injunction to better understand one's life trajectory impacts.

Beyond this proposed model that more accurately represents marginalization of gang members specifically through gang injunctions, I argue that based on my findings I advocate for an eradication of civil gang injunctions that are permanent and detrimental to people of color in an effort to advance white elite interests for disappearing members from their own communities. As seen in prior literature, gang injunctions today are modeled by the very first civil gang injunction issued against the Playboy Gangsta Crips because of their 'disturbance' to the nearby

neighborhoods of Beverly Hills and Culver City (Youth4Justice 2012). Similarly, Stewart (1998) also argues that black codes and vagrancy laws have a direct relation to modern day civil gang injunctions that targets certain individuals as a ‘public nuisance’ and is largely based on racial oppression. Thus, given that the City of San Bernardino’s population is largely black and Latino, and have numerous permanent gang injunctions both city and county-wide demonstrates a war on gangs in particular those of color like Puppet.

Further, throughout the data there was a prevalent representation of negative and continuous police interaction that the participant increasingly faced because of the injunction. Throughout the data there is an overwhelming amount of unnecessary hyper-policing that leaves Latino males like Puppet with two options; life in prison or death. As found by other research (Muniz 2015) there is hyper-policing that results from civil gang injunctions because they allow large amounts, if not all, discretion on law enforcement that then disproportionately target minority groups. Beyond hyper-policing there is largely the feeling of physical and psychological displacement from one’s own barrio (neighborhood) that results from the gang injunction as demonstrated in my data analysis. Thus, in answering my research question on how a Latino male on a gang injunction experiences added forms of oppression due to hyper-policing, displacement/ desolation was largely found. Therefore, my research demonstrated that the individual faces feelings of displacement from their own neighborhood, community, and society at large. Importantly, this demonstrates a connection between the gang injunction and the collateral consequences of feeling displaced in one’s own neighborhood, further adding to their marginalization.

In regard to my second research question, my study found that hyper-policing resulting from the gang injunction did in fact mirror a ‘carceral state’ where the injunction is largely a

metaphor of mass incarceration as we know it today. Therefore, through analysis of the data, the participant repeatedly mentioned feelings of confinement, displacement, lack of control, and restriction of civil liberties and freedoms that I infer mirror the U.S. prison systems and those who are incarcerated. Given the analysis of Puppets interview I argue that the gang injunction serves as the equivalent of the prison system under the criminal justice system to confine and disappear populations of people of color that they consider criminal.

Overall, the in-depth case study demonstrated many of the collateral consequences an individual on a civil gang injunction faces and how it is attributed to racial discrimination that is presented through hyper-policing, “color-blind” laws, and punitive measures and restrictions that make it almost inevitable for individuals to turn their life around. Throughout the research using the CRT lens I pay particular attention to storytelling and counter storytelling, allowing marginalized individuals like Puppet to be heard. Ultimately, the research findings indicate that an individual on a gang injunction can experience high levels of hopelessness given that he is displaced by law enforcement, society, and his own neighborhood due to being listed on this gang injunction. Further, the gang injunction creates added forms of oppression because it does not allow individuals like Puppet to integrate back into society after being pushed out. Puppet is but one of the thousands of people across the state who despite their relentless desire to succeed and having stopped participation in criminal or gang activity, continue to experience the impact of these punitive gang injunctions.

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