

Dignified & Just Policing

Health Impact Assessment of the Townsend Street Gang Injunction in Santa Ana, California

Executive Summary September 2015

An injunction against the Townsend Street gang in Santa Ana is unlikely to bring significant and lasting reduction of serious crime, according to a Health Impact Assessment that examined evidence on the outcomes of other gang injunctions and gathered input from residents, city officials, community organizations and police. On the contrary, the study found, the injunction could have negative effects on public safety, public health and public trust.

The injunction – filed in June 2014 by the Orange County District Attorney’s office and made permanent in January 2015 by a County Superior Court judge – sought to prohibit 29 alleged gang members from associating with each other and engaging in various criminal and non-criminal activities within a defined “safety zone.” The gang injunction is currently under litigation. This is the 13th gang injunction in Orange County, and the second in Santa Ana, with the first in place since 2006 against the nearby Santa Nita gang. Since the late 1980’s, more than 60 gang injunctions have been imposed in California.

Gang injunctions are a politically charged issue, and focus groups and interviews show that opinions in the community are divided. Some believe the Townsend Street injunction will decrease gang activity and crime, while others fear it will increase racial profiling and police misconduct – particularly toward Latinos, who make up more than 90 percent of the safety zone’s 6,000 to 8,000 residents. As part of the Dignified and Just Policing Initiative, a diverse range of community groups* collaborated and consulted with Human Impact Partners to evaluate the injunction’s potential impact on the health and well-being of the alleged gang members, their families and the community at large, as well as on public safety.

Some parents are concerned about their kids’ safety. Some of our own kids have to worry about what neighborhoods they walk through, who they associate with, so that does impact one’s quality of life, how they feel about where they live, their neighborhoods, their schools. Safety impacts a lot.

***– David Benavides, Santa Ana City Council Board Member
and Executive Director of KidWorks***

* Santa Ana Building Healthy Communities, Santa Ana Boys and Men of Color, Chican@s Unidos de Orange County, KidWorks, Latino Health Access, Urban Peace Institute and the Community and Labor Project and Community Knowledge Project of the University of California, Irvine.

Vulnerable groups

[The gang injunction] affects youth culture, it affects kids being able to hang out with their buddies, walking to and from school. [Police] harassment happens right in front of school. This type of policing stresses our students... It's a suppressive, aggressive tactic that's not working.

– Santa Ana resident

Instead of feeling safe, it makes you feel more unsafe when you see a police car, because you don't know what to expect or what might happen when they stop you... it makes you want to hide, and that makes it so that instead of the police helping you if you have a problem, they come and interrogate you and ask what you're doing on the streets.

– Santa Ana resident

This Health Impact Assessment focuses on populations that may be disproportionately affected by the Townsend Street gang injunction. Particularly vulnerable are youth, undocumented immigrants, transgender or queer-identified people, the homeless, and those with physical and mental disabilities. Members of these groups fear that increased police presence in the neighborhood will exacerbate the potential for profiling and discrimination. An injunction and the accompanying increased police presence could also increase community members' existing distrust and fear of police, as evidenced by survey data as well as a focus group of transgender women in Santa Ana in which participants stated they were reluctant to report crimes against them due to fear of police mistreatment.

Gang injunctions are a tactic of *suppression-based* policing, marked by increased police presence and aggressive enforcement for minor offenses meant to discourage more serious crime, in contrast to *community-oriented* policing, a proactive approach aimed at improving quality of life in a community, building trust with residents and addressing the root causes of crime. President Obama's newly appointed Task Force for 21st Century Policing calls this latter approach "working with neighborhood residents to *coproduce* public safety."

Interviews with city and police officials found that in practice on the streets of Santa Ana, the two approaches overlap. But while many leaders and officers in the police department are committed to community policing approach, these principles may not have reached all officers on the street.

In a survey of 550 Santa Ana residents, around 60 percent strongly or somewhat disagreed that police adhere to principles of respect, professionalism, just treatment and honesty. Of those between 11 and 29 years old, 28 percent to 37 percent said that they, their friends or family members had been excessively pushed, hit or beaten by police, and 20 percent to more than 50 percent said they'd been subject to police profiling based on their race, gender, citizenship status or appearance.

Policing approaches and crime

The Chief and many of the managers at the top... believe in community-oriented policing. I believe that many of the officers out in the street share that value. And then you have some officers that ... perhaps they got into law enforcement solely to 'catch the bad guys' and so... their focus is just to apply the law. And then you have some officers in the middle.

***– David Benavides, Santa Ana City Council Member
and Executive Director of KidWorks***

I am constantly asking my officers – 'Would you accept us in the community where you live? Would you accept this type of policing in the schools your own kids attend?' We have to try and understand their situation as well as the underlying conditions that generate problems and ask ourselves constantly – 'Is there any way for us to handle this issue or situation better?'

– Hector Rodriguez, Santa Ana Unified School District Chief of Police

Research on the effect of gang injunctions is limited. The studies that have been done show mixed results on injunctions' effects on crime, ranging from minor, short-term decreases to no decrease, to displacement of crime to adjacent areas, to increases in violent crime within the safety zone.

Some scholars say injunctions can actually *strengthen* gang cohesion and activity by exacerbating distrust of law enforcement and limiting alleged gang members' participation in positive community activities. The RAND Corporation's 2009 study of the injunction against the Santa Nita gang found that property crime in the area decreased by 20 percent, but violent crime increased by 20 to 60 percent.

This Health Impact Assessment reached similar conclusions. It found:

- The evidence is insufficient that a gang injunction will reduce violent crime, gang activity or gang membership, or that it will improve community-police relationships.
- An injunction could make some in the community, particularly parents, feel more safe, but members of marginalized groups may, in contrast, feel more threatened by increased police presence.
- An injunction could lead to significant disruptions to education and employment opportunities for those named in the gang injunction, with immediate harm to their health and well-being and long-term harm to their chances in life.
- Young black and Latino men who experience repeated, unsubstantiated searches and other forms of suppression-based policing may experience higher levels of anxiety and depression than their peers.
- An injunction could divert funding from community programs that address the economic and social problems that are the root causes of much crime and a detriment to public health and well-being. In contrast to the mixed evidence on the effects of policing strategies – whether

suppression-based or community-oriented – on crime, there is solid evidence that correlates reductions in crime with environmental, educational and economic factors.

The Townsend Street gang injunction and other suppression-based policing practices should be weighed against alternate strategies and approaches that are more likely to reduce crime and that pose fewer risks to public health and well-being. Because of the concerns on the impacts of the gang injunction, and the numerous examples of gang injunctions being implemented in California, it is critical to establish whether this strategy has yielded results, and that serious consequences can be avoided.

To safeguard health and equity for Santa Ana residents, law enforcement agencies and city officials should apply the *precautionary principle* to decisions on policing strategies and practices. If a policy poses a plausible risk of harm to the public, and there is insufficient evidence to show the policy's benefits, the burden of proof that the policy is viable falls on policymakers, and must be established *before* action is taken.

Recommendations

Our findings led us to make specific recommendations for the police and other law enforcement and criminal justice agencies, city officials and the community as a whole.

For law enforcement

- Work with community members to establish and uphold code of conduct to guide ethical and professional behavior by law enforcement officers.
- Provide trainings to officers on effectively interacting with all community members.
- Strengthen communication and transparency with the public.
- Create an independent, community-based accountability and oversight committee to track police performance and service excellence.
- Partner with trusted community organizations to prevent crime and address community needs.
- Prioritize hiring a diverse team of officers with ties to the community they serve.
- Provide social, emotional and mental health support services for officers.

For city officials

- In allocating resources, prioritize prevention-focused community services, especially for youth.
- Coordinate community development services in collaboration with community organizations.
- Investigate lead levels in older housing stock and encourage renovation in construction that exceeds safe levels of lead in paint, dust and soil.

Community-wide

- Implement trauma-informed crisis response by moving away from a law enforcement-centered approach to one that recognizes the potential harm to all involved in a criminal or violent incident.
- Further expand and promote the application of the principles of Restorative Justice, which emphasizes repairing the harm caused or revealed by criminal behavior, in all efforts to support public health and safety.

To access the full Health Impact Assessment, please visit: www.humanimpact.org.

About Human Impact Partners

Human Impact Partners is a national non-profit working to transform the policies and places people need to live healthy lives by increasing the consideration of health and equity in decision-making. Through research, advocacy, and capacity-building, we bring the power of public health science to campaigns and movements for a just society.

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