

SAN FRANCISCO CITY ATTORNEY'S OFFICE

PETITION FOR REMOVAL FROM GANG INJUNCTION

This form is for use by persons living in the City of San Francisco who have been served with a Gang Injunction and who want the opportunity to demonstrate that they should not be restrained by the Gang Injunction because they are not active gang members. A Gang Injunction will be enforced against you only if you have been personally served with it. If you are on a gang injunction enforcement list and have been personally served with the injunction, you must provide sufficient information for the City Attorney's Office to show that: 1) You are not an active gang member; and 2) You are not participating in any of the activities prohibited by the Gang Injunction.

THE REVIEW PROCESS:

The San Francisco City Attorney's Office has put in place a review process for those persons living in the City of San Francisco who believe they (a) have been wrongly included on a Gang Injunction enforcement list and want to petition for removal before an injunction is issued; or (b) were enjoined and placed on a gang injunction list by a court but are not now an active gang member.

The review process is intended to provide individuals a fair and accessible way to establish that they are not an active gang member and so should be removed from the Gang Injunction enforcement list.

An individual always has the right to file a motion directly in Court seeking removal from a gang injunction. You can file such a motion in San Francisco Superior Court and bypass this administrative process, if you prefer.

The steps of the review and removal process are:

1. **FILING YOUR PETITION:** You can complete this form, or submit other documentation, as evidence that you are not an active gang member. Instructions on where to file your petition are below.
2. **REVIEW OF YOUR PETITION AND DECISION BY THE CITY ATTORNEY:** The City Attorney will contact you to schedule an interview with you to discuss your petition. You have the right to representation at that meeting. The City Attorney will also consider any other available and reliable information concerning your past and present membership in or involvement with criminal street gangs.
3. **DECISION BY THE CITY ATTORNEY:** After the City Attorney meets with you and reviews the evidence, he will make a determination as to whether he will support or deny your request for removal. You will be given a written decision, within 30 days, granting or denying your petition to be removed from the Gang

Injunction and stating the reasons for that decision. This decision will be mailed to your home address, or, if you prefer for safety or convenience reasons, to another address. If you are denied, you may submit a new Petition to the City Attorney when you have new information to report supporting your claim that you are not an active gang member.

4. **PETITIONING THE COURT FOR REMOVAL:** If your request for removal is granted by the City and you have been enjoined by the Court in an injunction, you still must file a motion with San Francisco Superior Court to officially get your name removed from the enforcement list. The City Attorney will file papers with the Court saying that, after conducting his own investigation, he does not oppose your removal from the gang injunction. The City Attorney will inform you that a simplified filing form exists to take the necessary steps with the court. If your petition was granted prior to the hearing and you have not been enjoined by the Court, the City Attorney will simply remove you from the enforcement list.

If the City Attorney denies your request for removal, you still have the option of going to court and filing papers requesting removal directly from the Court. The City Attorney may oppose such individuals in court.

5. **OPT OUT ASSISTANCE:** You may contact Lawyers Committee for Civil Rights at (415) 543-9444 with questions regarding the opt out process and for assistance in identifying relevant community organizations and service providers to support your Petition.

CONFIDENTIALITY:

The City Attorney's Office will keep the information you provide in this Petition confidential to the maximum extent permitted by law and will only use the information you provide to make a decision in this opt out process. The City Attorney agrees to conduct its inquiry in a way that minimizes potential harm to individuals' privacy and personal safety.

As a condition of filing this request for opt-out, you must agree not to use the City Attorney's response other than in a court motion for opt out or to show that you have been removed from the gang injunction enforcement list.

REPRESENTATION BY COUNSEL:

Are you currently represented by an attorney (which includes a Public Defender) in any legal proceeding involving the Gang Injunction, including (but not limited to) a proceeding in which you are accused of violating the Gang Injunction: Yes No

Because of ethical rules applicable to all attorneys, if you answered yes, your Petition cannot be considered unless **your attorney** completes and signs Addendum No. 1 at the end of this Petition. *You are not required to have an attorney in order to apply for removal from a gang injunction.*

HOW TO SUBMIT YOUR PETITION:

Once you have filled out this form, please make a copy of it for your records and submit the original **BY MAIL ONLY** to:

San Francisco City Attorney's Office
Deputy City Attorney Alex G. Tse
c/o Gang Injunction Review Process
Office of the City Attorney
City Hall, Room 234
San Francisco, CA 94102
Phone: (415) 554-3800

IDENTIFYING INFORMATION:

Full Name:

Last First Middle

Date of Birth: ____/____/____
 Day Month Year

THE GANG INJUNCTION:

The name of the gang(s) appearing on the Gang Injunction:

Date (or approximate date) you were served: ____/____/____
 Day Month Year

CONTACT INFORMATION:

Your Home Address:

Street Apt./Unit No. City Zip Code

Other address (if any) you would rather be contacted at [but you must still provide your Home Address above]:

Street Apt./Unit No. City Zip Code

Home Phone: () _____ Cell Phone: () _____

Email Address: _____

GANG AFFILIATION INFORMATION:

Please provide an explanation of why you should no longer be considered an active gang member.

INFORMATION IN SUPPORT OF YOUR PETITION:

EDUCATION:

Please provide the following information regarding any schools you have attended, including middle school, high school, a trade school, or college. Please start with your most recent school and work your way backward in time. The City Attorney will use this information only to confirm the factual accuracy of the information you provide. Attach a separate sheet if you need more space.

1. _____
Name of School

Location

_____ Completed/Graduated: ___ Yes ___ No
Time Period Attended

2. _____
Name of School

Location

_____ Completed/Graduated: ___ Yes ___ No
Time Period Attended

3. _____
Name of School

Location

_____ Completed/Graduated: ___ Yes ___ No
Time Period Attended

PEOPLE WHO CAN SUPPORT YOUR PETITION:

Please provide the following contact information for any people who know you and can confirm that you no longer are, or you never were, a member of a criminal street gang. Such people can include: family members; neighbors; teachers, principals and school staff; coaches and former teammates; current and past employers; community leaders and organizers; priests, ministers, reverends and other religious counselors; social and gang intervention workers; and probation, parole and police officers.

1. _____
Name

Address
_____ () _____
Email Address Phone Number

Your Relation to This Person

2. _____
Name

Address
_____ () _____
Email Address Phone Number

Your Relation to This Person

3. _____
Name

Address
_____ () _____
Email Address Phone Number

Your Relation to This Person

4. _____
Name

Address
_____ () _____
Email Address Phone Number

Your Relation to This Person

By signing below, you will be confirming that all of the information provided in or with this form is, to the best of your knowledge, true and correct.

Signature

Date

ADDENDUM NO. 1

To Be Completed Only if You Are Currently Represented by an Attorney in a Legal Proceeding Involving the Gang Injunction

[To Be Completed and Signed by Your Attorney]

Name of Attorney: _____

California Bar Number: _____

Name and Address of Law Office/Employer:

Name of Law Office/Employer

Address of Law Office/Employer

() _____
Phone Number

_____ Email Address

Name of Client: _____

Description of legal proceeding in which you represent client [including case name and number]:

Please indicate below whether you:

- 1) Read the foregoing Petition form and reviewed it with your client:
 ___ Yes ___ No

- 2) Approved of your client submitting a completed Petition to the City Attorney's Office for consideration: ___ Yes ___ No

- 3) Authorize the Attorney assigned to review your client's Petition to contact your client directly, and to confirm information or obtain additional information from your client outside of your presence for purposes of evaluating your client's Petition: ___ Yes ___ No

Signature

Date