What are gang injunctions?

A gang injunction is a civil tool that allows the police or a local authority to apply to the County Court, High Court or Youth Court for an injunction against an individual to prevent gang-related violence and gang-related drug dealing.

By imposing a range of prohibitions and requirements on the respondent, a gang injunction aims:

1. to prevent the respondent from engaging in, or encouraging or assisting, gang-related violence or gang-related drug dealing activity; and/or
2. to protect the respondent from gang-related violence or gang-related drug dealing activity.

Over the medium and longer term, gang injunctions aim to break down violent gang culture, prevent the violent behaviour of gang members from escalating and engage gang members in positive activities to help them leave the gang. Gang injunctions can also be used to help protect people, in particular children, from being drawn further into more serious activity.

Anyone seeking to apply for an injunction must have evidence that the respondent has engaged in, encouraged or assisted gang-related violence or gang-related drug dealing; and will need to be able to prove this on the balance of probabilities at court. Applicants will also need to convince the court that the gang injunction is necessary to prevent the respondent from being involved in gang related violence and gang-related drug dealing and/or to protect the respondent from such violence or drug dealing activity.

What is gang-related violence?

Section 34(5) of the 2009 Act defines gang-related violence as:

"Violence or a threat of violence which occurs in the course of, or is otherwise related to, the activities of a group that:

a) consists of at least 3 people; and,

b) has one or more characteristics that enable its members to be identified by others as a group."

What is gang-related drug dealing?

Section 34(5) of the 2009 Act defines gang-related drug dealing activity as:

"the unlawful production, supply, importation or exportation of a controlled drug which occurs in the course of, or is otherwise related to, the activities of a group that:

a) consists of at least 3 people; and,

b) has one or more characteristics that enable its members to be identified by others as a group."

All applications must focus on gang-related violence and gang-related drug dealing rather than, for example, acts of anti-social behaviour or acquisitive crime.

Who can apply for a gang injunction?

Section 37 of the 2009 Act makes provision for an application to be made by:

a) the chief officer of police for a police area;

b) the chief constable of the British Transport Police Force; or

c) a local authority.

How do 'with notice' and 'without notice' applications differ?

An application for a gang injunction should ideally be made *'with notice'* being given to the respondent. However, there may be circumstances where an applicant may seek to make an application '*without notice'* being given to the respondent.

For 'with notice' applications, applicants are required to notify the respondent of the application and to consult appropriate police forces, local authorities, youth offending teams (if the respondent is under 18) and other bodies and individuals. It is good practice to notify the respondent at the same time as submitting an application to the court. The notification and consultation requirement do not apply for 'without notice' applications.

Those involved in gang-related violence and/or gang-related drug dealing should be prosecuted under criminal law if there is sufficient evidence and this is in the public interest. However, there may be instances where criminal proceedings have not yet been brought and applying for a gang injunction may be an appropriate response. These instances could include where a criminal investigation is still ongoing or the Crown Prosecution Service (CPS) has yet to decide whether to charge an individual.

Issues to consider when applying for a gang injunction against a respondent between the ages of 14 and 17

Applicants should have regard to the following general principles when considering a gang injunction against a 14 to 17 year old:

- Section 11 of the Children Act 2004, which places a duty on local authorities, police and others to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children.
- Gang injunctions will be sought because an applicant believes that the young person is at risk of engaging in or being a victim of, gang-related violence or gang-related drug dealing. There are clear child protection processes to follow when significant harm or the risk of significant harm has been identified. Local children's services who have legal responsibilities for safeguarding and child protection should be involved in discussions regarding a potential gang injunction for a 14 to 17 year old and to advise

what action it would be appropriate to take to ensure the safety of the young person and to protect him or her from significant harm.

- Close partnership working and shared intelligence between local authority children's social care, law enforcement and public protection agencies will be vital to achieve the right balance of support and criminal justice response, whilst safeguarding the child's welfare.
- There are a range of factors that increase the risk of a young person becoming involved in gang violence and gang-related drug dealing, and a number of agencies that can identify these risk factors and intervene. Youth Offending Teams (YOTs) are a statutory consultation partner and are well placed, and have the tools to undertake holistic assessments, including managing risk and vulnerability.

Issues to consider when applying for a gang injunction against a female respondent

Applicants must always ensure that the injunction is tailored to the specific circumstances of the respondent and is understood as part of a broader strategy. In the case of gang-associated women and girls, the heightened risk they face owing to their gender must be properly considered. Although by no means exhaustive, the list below outlines specific issues that applicants should consider when dealing with a female respondent:

- Applicants may be likely to apply for an injunction against a female respondent for 'encouraging' or 'assisting' gang-related violence or gang-related drug dealing, rather than for 'engaging' in such violence directly. Female respondents may not, therefore, immediately recognise that they are doing anything wrong because they themselves may not be committing acts of gang-related violence or gang-related drug dealing. They may also be being coerced by partner, friend, or relative to engage or assist in such violence.
- Before these women and girls are faced with an injunction, it is important that efforts are made to educate them about the harm that their involvement in gangs is causing, including risk to themselves via such association, and to raise awareness of or refer them to appropriate support services in their local area.
- A woman or girl involved with a gang may have close personal or familial relationships with gang members. This will need to be taken into account when applicants propose injunction prohibitions and requirements, to ensure that the injunction can meet its aims without disproportionately infringing upon the rights of the respondent. When there are close personal or familial relationships between individuals against whom a prohibition of non-association has been ordered, there is a high likelihood of breach. In such situations, the prohibition will need to be imposed and enforced carefully and sensitively, and it may be that association may be acceptable at particular times, dates or places.
- When applicants propose injunction requirements for a female respondent, they should refer to rehabilitative services which are appropriate for women and have experience in dealing with issues which affect gang-associated women, such as gang-related and sexual violence. Applicants could consider referring female respondents to support services.5

Consultation requirement for 'with notice' applications

For ‘with notice’ applications, the 2009 Act includes a ‘consultation requirement’. This requires the applicant to consult any local authority, chief police officer, and other body or individual that that the applicant thinks appropriate prior to an application being made. Where the respondent is aged 14 to 17, this must include the Youth Offending Team (YOT) in whose area the respondent resides

Applicants are also required to consult any other body or individual that they think it appropriate to consult. The consultation may include:

- YOTs, where the respondent has recently turned 18 and has had previous involvement with these services;
- probation services;
- local children’s services
- the head teacher/principal of the respondent’s school/college;
- voluntary or other support services working with the respondent and/or their family or partner; and
- the respondent’s housing provider/ association.

Possible clauses;

Non-association

A respondent may have been involved in gang-related violence and/or gang-related drug dealing with certain individuals in the past and be shown to be at risk of future involvement in gang-related violence or gang-related drug dealing with them. In these circumstances, applicants may wish to consider prohibiting a respondent from associating in public with named gang members.

However, difficulties with enforcing this prohibition may arise if the respondent is closely related to the other members of his/her gang or is required to be in their presence. These difficulties may arise if, for example, they attend the same educational institution, workplace or place of religious worship, or are in a relationship or have a child together. Where non-association conditions may be compromised due to education or another reasonable circumstance, the application should clearly state on which days and at what times the association condition is in force.

It would be more difficult to justify before a court why a non-association provision should extend to private spaces, and applicants would need to demonstrate why such a condition is both necessary and proportionate. Where such a prohibition is considered appropriate, it may be difficult to monitor and enforce. In such cases, evidence from neighbours, housing authorities, or police officers will be integral in monitoring compliance with the terms of the injunction.

Exclusion zones

An exclusion zone prohibits the respondent from visiting or travelling through a particular area or areas. Applicants should be able to demonstrate that such a prohibition is both proportionate and enforceable (i.e. not excluding a respondent from the entire area in which they live, work or study). Excluding a respondent from the entirety of their gang’s territory could push the respondent into the territory of a rival gang, putting them at risk of harm.

It is good practice to include a map as part of the application that clearly shows the proposed exclusion zone. This map should be based on the locations of any gang-related incidents that the respondent has been involved with in the past (and on which the applicant intends to rely in the application for the injunction). These areas will most likely fall within the respondent's 'gang territory'.

If the proposed exclusion zone covers areas in which the respondent lives, works, studies or worships (or engages in any other reasonable activity), the applicant will need to allow for a clear travel route to and from these locations. The respondent will also need to provide details of any other locations or appointments they will need to attend during the period of the injunction, and the applicant will need to ensure that acceptable arrangements are made to facilitate this and that this

Dangerous dogs

and other animals Gang members may use dogs and other animals to incite fear, intimidate others or to commit acts of violence. In these circumstances, applicants may wish to consider prohibiting the respondent from being in charge of a particular species of animal or from being in a particular place with a particular species of animal.

The use of the internet and other technologies

There may be cases where the respondent is using, or has in the past used, the internet to encourage or assist gang-related violence or gang-related drug dealing. This may include posting videos that promote their gang or threaten rival gangs on video-sharing websites, or uploading details of gang 'meet-ups' on social networking websites. In such cases, it may be appropriate for the injunction to impose a prohibition restricting the use of the internet for gang-related purposes such as, for example, the uploading of gang-related videos or social networking. If such a condition is to be included in the injunction, the applicant will need to be able to satisfy the court that the prohibition is proportionate and can be effectively monitored.

Drill rappers get suspended sentences after breaching gang injunction

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Scotland Yard said the pair, who are both 21, were sentenced to nine months' imprisonment, suspended for two years.



Two of the UK's biggest drill artists have been handed suspended jail sentences for breaching a gang injunction imposed to prevent them from performing music that police said incited violence against rivals.

Terrell Doyley and Joshua Malinga, known as Skengdo and AM respectively, have appeared on BBC Radio 1, performed at the Reading and Leeds festivals and received a four-star review in the Guardian.

Scotland Yard said the pair, who are both 21, were sentenced to nine months' imprisonment, suspended for two years, at Croydon County Court after breaching an interim gang injunction.

The injunction was made against the men after the court found they were members of a south London gang, and linked with rising violence in the Lambeth borough on August 14, according to the Metropolitan Police.

Detective Inspector Luke Williams

The force said they breached it by performing "drill music that incited and encouraged violence against rival gang members and then posted it on social media".

Detective Inspector Luke Williams, of Lambeth and Southwark's gangs unit, said: "Gang injunctions are a great way to enable officers to tackle those involved in gangs and serious violence.

Gang Injunctions: Case Study

During 2011 the police recorded a series of serious incidents in one district of a large city including firearm discharges, kidnappings, assaults and two gang murders. Intelligence linked the violence to a group of young people who were known to congregate around one particular park. Despite police action to disrupt the group's drug dealing activity which was the cause of the violence and which resulted in two convictions, the group still remained a problem. In January 2012, the gang split into two groups which began targeting each other and their families. Police activity continued, but due to reluctance from local people to make criminal complaints or to come forward as witnesses, the violence continued and the police decided to take an alternative approach.

In July 2012, an ex parte hearing took place at the County Court at which 12 interim gang injunctions were granted in respect of the main gang members. Each gang member had 10 prohibitions and two requirements placed upon them, including not entering certain specified areas and streets, not communicating with certain named individuals and a prohibition on travelling in a motorised vehicle with two or more people except in a taxi or on public transport. The injunctions had an immediate impact locally - the violence disappeared; their families started to engage with the police, and the community started to use the park again. Full injunctions were granted in May 2013; none of which were contested. Numerous arrests were made for breaches of the injunction which were followed through with custodial sentences. Whilst some of the gang members have complied with the injunction and used it as an opportunity to start a new life, others have left the city and have been encountered by the police in other areas. However, the violence previously linked to the gangs has not returned and the police have been able to redirect their resources



CASE STUDY

J was a 23 year-old long-term gang nominal with a large number of associates and an extensive offending history including drug dealing, violence and theft offences.
He had a long history of non-convictions linked to his gang lifestyle, many for violence. His home address had been subject of an attack where a firearm was discharged. His mother had moved away from the area and his father is deceased.

he had no ties to Hackney other than gang-related associations and offending.

J expressed to his probation officer that he wanted to leave his gang lifestyle and make a fresh start. In order to support this it was considered necessary to relocate him away from previous associates, to outside the borough.

Accommodation was identified in another borough via the leaving care team and direct support provided by St Giles Trust and the IGU DWP worker. To assist further and provide clear parameters, a Gang Injunction was obtained which set out a number of conditions (to be in force for two years):

1. Not to enter the London Borough of Hackney without the written permission of the Head of the Hackney
Gangs Unit.
2. Not to use the internet to encourage or facilitate violence.
3. Not to be in a public place with two or more persons behaving in a manner likely to cause a person to fear
for their safety.
4.Not to associate with a list of 20 named individuals.

In addition positive activities were included:

1. Attend meetings with a worker from the Integrated Gangs Unit as advised by the Gangs worker.
2. Maintain an application for job seekers allowance if not in paid employment.

Clearly the injunction conditions and potential risk issues applied to the new borough the subject had moved to. A comprehensive handover was undertaken using the referral guidance, so that all agencies in the new borough were aware of his previous gang involvement, the gang injunction; and its conditions and that his aim to make a fresh start. From this there was an effective handover within DWP, so that job-seekers allowance continued to be paid and basic training for plumbing was identified, to support subsequent applications for apprenticeships which were made in consultation with J. National Probation conducted a case handover that included a comprehensive briefing on the gang injunction and positive conditions, with St Giles maintaining the same caseworker after the move to deliver an element of continuity.

Through both a comprehensive handover and continued liaison between agencies in Hackney and the new borough, J has had bespoke support in respect of training and is now on an apprenticeship and no longer associating with gang related individuals