

# CITY OF OAKLAND

## Memorandum

**TO:** Oakland City Council  
**ATTN:** Public Safety Committee  
**FROM:** Oakland Police Department  
**DATE:** February 22, 2011

**RE: City's Civil Injunction Filed against the Criminal Street North  
Side Oakland and Norteno Gangs**

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On January 16<sup>th</sup> of this year, a young man was returning home in the evening hours from his full-time job in a neighboring city. He had immigrated to Oakland from his native Guatemala in search of a job and home. Oakland represented hope for a better life for his wife, three year-old daughter, and 18 month-old son. As he left the Fruitvale BART Station he continued his daily routine of removing and hiding his watch and wedding band, for fear of being robbed - again.

As he walked toward home, a group of five to six young men surrounded him and asked what he "claimed," which is a challenge to any outsider who may belong to a rival gang. The young man denied any gang involvement as they searched him for rival gang tattoos and rifled through his pockets. Seeing one of the men produce a table leg, he pleaded for his safety; the young man received two crushing blows to his head and fell unconscious. Witnesses reported that the men continued to beat, kick and stomp him as he lay helpless on the sidewalk. The men took \$20 dollars and a cell phone from the victim and ran away. The victim's skull was fractured, his brain swollen, his face and head were shattered. After spending five weeks in the hospital, he is now at home recovering from his injuries and only now able to fully assist with our investigation.

The basic and undeniable truth is that the residents, neighborhoods, businesses, and schools in the City of Oakland are falling victim to the violent and brutal acts committed by criminal street gangs. Irrefutable evidence of these gangs can be found in the disturbing amounts of bloodshed on City streets, followed by headlines and sidewalk memorials that have become all too common. It is our responsibility to provide solutions to these transgressions.

We have worked extensively to reduce and prevent gang activity through various means. In addition to addressing criminal activity through education and the use of traditional law enforcement methods of investigation and arrest, our Call-In program is an example of outreach combined with enforcement. During a Call-In session, identified criminal offenders are informed that they are on law enforcement's radar for committing gun

violence in the past, and provided with the options to accept rehabilitative resources or undergo intense scrutiny and attention of the law enforcement system on them and their criminal associates.

Civil injunctions mirror this approach but afford an extra layer of objective and impartial analysis and application – due process and court review. Based on clear and convincing documentation and testimony, a judge determines an individual's and organization's inclusion. This level of review ensures that enforcement is intelligence based and factually supported as opposed to the contrasting fears of racial profiling and oppressive or baseless tactics. The named members of these gangs are not selected based on their race, rather they are selected based on their proven and common histories of violent behavior and flagrant disregard for our City and its people.

Community engagement and crime prevention are the cornerstones of public safety - they go hand in hand, and both are needed if we are to fulfill our commitment of keeping the City of Oakland free from crime and the fear of crime. Understanding the call for prevention through mentorship, education, community development, and opportunity, I invite the community to work hand-in-hand with the City, Police Department and others to develop and implement any and every available program that deters criminal behavior and provides alternatives. Injunctions do not stand in opposition to those endeavors. In fact, when used in conjunction with deterrence and outreach, injunctions undoubtedly send a clear message to residents and gang members alike that criminal activity will not be tolerated and can be avoided.

We must make every attempt to lawfully protect the rights of our residents, including those who reside in neighborhoods repeatedly subjected to gang violence. Civil injunctions are a valuable resource to our enforcement efforts, and the Oakland Police Department supports their use along with other available tools.

To the community we say we are listening and we are responding. We are committed to providing a community where you can work, play, and thrive free from crime and fear of crime. To the gang members we say we are watching; we know who you are and what you have done. We are here to assist and provide support as well as to hold you accountable for your actions; you have a choice.

Anthony W. Batts  
Chief of Police