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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ALAMEDA**
13 **(UNLIMITED JURISDICTION)**

14 THE PEOPLE OF THE STATE OF
CALIFORNIA ex rel John A. Russo, City
15 Attorney for the City of Oakland,

16 Plaintiff,

17 v.

18 NORTH SIDE OAKLAND, a criminal street
gang sued as an unincorporated
19 association, and DOE ONE through DOE
SEVENTY, inclusive,

20 Defendants.
21
22

Case No. RG10498901

**ASSIGNED FOR ALL PURPOSES
TO JUDGE ROBERT B. FREEDMAN -
DEPARTMENT 20**

**IMPLEMENTATION REVIEW HEARING
JOINT STATUS REPORT**

Date: September 22, 2011

Time: 2:00 p.m.

Dept: 20

Judge: Robert B. Freedman

BY FAX

Trial Date: TBA

Action Filed: February 18, 2010

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1 PLAINTIFF'S STATEMENT

2 Plaintiff, People of the State of California, City Attorney for the City of Oakland
3 ("Plaintiff" or "People"), hereby submit a status report for the implementation review
4 hearing, pursuant to this court's order.

5 **A. Factual Statement of the Case**

6 The People's complaint alleged the existence of and sought to enjoin the activities
7 of a violent street gang, "North Side Oakland" ("NSO") based in the northern part of the
8 city, as well as specific individual members.

9 The People's request for injunctive relief sought to prevent the gang from operating
10 by imposing curfews and non-association provisions against its identified members, as
11 well as by prohibiting a variety of criminal activity designed to foster the activities of the
12 gang.

13 On June 2, 2010, the Court granted the People's proposed order enjoining 15
14 individual members of NSO.

15 Prior to the Court's order, the 15 defendants had about 67 arrests and 53
16 convictions among them as adults, most of them in the North Oakland Safety Zone. The
17 defendants' adult convictions included: Armed robbery, carjacking, drug sales, car theft,
18 felony drunk driving, reckless flight from police, carrying guns, grand theft, felony burglary,
19 felony possession of narcotics, vandalism, domestic battery, possession of an assault
20 weapon and other gun crimes.

21 Since the order was issued, only one defendant has been arrested in the Safety
22 Zone for violating a probation stay away order on August 6, 2010. There have been no
23 reported violations of the injunction, and police are aware of no new crimes committed by
24 any of the defendants in the Safety Zone.

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1 **B. Service of Order**

2 All but two of the 15 defendants named in the Court's Order have been personally
3 served with the Order. Numerous attempts have been made to serve the remaining two,
4 but the City has been unable to effect service thus far.

5 Defendant Bao Viet Ngo has not been served with the complaint or the Order. Both
6 OPD and the City's process server made numerous attempts to serve Ngo but were
7 unable to locate him.

8 Defendant Christopher Patrick was served with the complaint, but has not been
9 served with the Order. An Officer and the City's process server have spoken with family
10 members and parole agents, but have been unable to arrange a meeting with Patrick to
11 serve the Order. The address on record with the City Attorney's Office for Patrick is
12 outside of the City of Oakland.

13 **C. Violations of the Injunction**

14 To date, no violations of the Court's Order have been reported.

15 **D. Defendant Contacts**

16 Since the last status conference on February 10, 2011, no defendants have been
17 arrested in the Safety Zone or within City limits.

18 **E. Community Reactions**

19 City representatives have had positive meetings with community leaders and
20 residents regarding the purpose of the Gang Injunction and its implementation. No
21 evidence of abuse or misconduct in enforcing the injunction has been given to the City
22 Attorney's Office.

23 Oakland Police Officers have attended various North Oakland Neighborhood Crime
24 Prevention Council (NCPC) community group meetings. The general consensus from
25 these groups is that the gang injunction appears to have been a factor in a perceived
26 and/or real decrease in criminal activity. See Declaration of Officer Jason Trode

1 (hereinafter "Trode Dec."). The NCPC community perception is that the injunction has
2 deterred the named individuals from committing criminal acts inside the Safety Zone, and
3 that the public nature of the injunction seems to have curtailed NSO prospects from
4 committing crimes for fear of being named in the injunction. See Trode Dec.

5 **F. Utility**

6 The primary goal of civil gang injunctions targeted toward individuals, such as the
7 injunction ordered by the Court in North Oakland, is to deter the criminal activity of those
8 specific individuals within a specific zone. One key assessment must be whether these
9 individuals continue to commit crimes in the zone. Thus far, the North Side Oakland
10 injunction appears to have disrupted the criminal activity of enjoined defendants in the
11 Safety Zone.

12 A preventative injunction such as this is inherently difficult to measure statistically,
13 because it is impossible to know how many crimes would have occurred absent the
14 Court's order. What we do know, however, is favorable. The most recent crime statistics
15 for the three OPD Beats in the North Oakland Safety Zone show a decrease in firearm
16 assaults, narcotics activity and robberies, and an increase in burglaries in a 10-month time
17 period after the order was served, compared to the same 10 months of the previous year.
18 See Trode Dec. And the defendants enjoined are being deterred from committing crimes.

19 **F. Opt-Out Process**

20 As promised by the City, we continue to provide the Expedited Administrative
21 Process ("Opt-Out") for any defendant who wishes to be removed from the injunction.
22 Since the last status report, no defendant has submitted an opt-out application or
23 contacted the City for information about the opt-out process.

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