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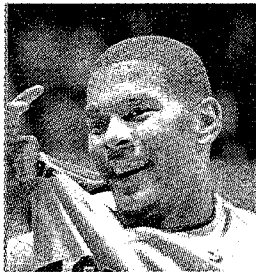
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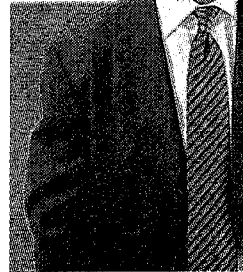
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OAKLAND

Gang injunction granted

City provided enough proof to justify enforcement against five alleged Norteños members, judge rules

By Paul T. Rosynsky

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Oakland can begin enforcement of a civil court injunction against five alleged members of the Norteños gang, a judge ruled Friday, giving police the power to arrest the five if they violate a series of rules designed to curb gang activity.

In a surprisingly brief six-page

opinion that took Alameda County Superior Court Judge Robert Freedman more than a month to draft, the judge simply ruled that the city had presented enough evidence to prove that the five men named in the first phase of the injunction were gang members.

"Plaintiff has, by the requisite burden of proof, established entitle-

ment to a preliminary injunction as to Phase I," Freedman wrote.

With the ruling, five alleged members of the Norteños street gang will not be allowed to stay on the streets after 10 p.m., wear certain clothing, including red shirts, or "associate" with each other within a 450-square-block radius in the city's Fruitvale neighborhood.

The ruling also appears to give the city an advantage, attorneys representing the men said, as the city begins arguments in Phase II of

the injunction that would force another 35 accused gang members to follow the injunction rules.

Alex Katz, spokesman for the City Attorney's Office, declined to comment Friday.

The Oakland Police Department said the ruling will provide officers another tool to fight violent crime.

"As we have said in the past, we are open to using any constitutional and lawful means to address violent crime in the city," said Sgt. Chris Bolton, chief of staff to police Chief

Anthony Batts. "It is our obligation to do everything we can to provide public safety to our citizens."

But lawyers representing the men named in the preliminary injunction criticized Freedman for issuing an order that lacks specificity and fails to answer the question of how someone is determined to be a gang member.

"The main issue that we have is that (the judge) does not articu-

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Gang

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late any standards," said Yolanda Huang, an attorney representing the men named in the injunction. "What we don't know is, how is he deciding?"

While Freedman did not detail what evidence convinced him the city proved the five men were gang members, he did spend considerable time cautioning opponents of the injunction that he had to rule based on law and not popular opinion.

"It is worthwhile to address the context in which this case was litigated before the court; if for no other reason, than to reiterate what the Court may not, should not, and will not consider," Freedman wrote. "This is a legal proceeding, not a political process before a legislative body such as a city council."

Many critics have said the injunction would lead to racial profiling and create division among residents in the neighborhood. In addition, they said the injunction is unnecessary since the criminal justice system already has ways to monitor residents who have been convicted of crimes.

But many Fruitvale residents interviewed after the ruling was announced Friday afternoon said they favored any action the city takes to stem violent crime.

"A lot of activists will say that it is bad and that we have to defend our people. They are going to say that we are being oppressed by

this law," said Ivan Sanchez, 25. "I am with my people, but I am not OK with all the violence here. I think this is good."

Omar Castillo, 34, a father of four, agreed.

"Gangs are bad and, as fathers, we don't want (our) kids to go into gangs. So if this law is against gangs, it's 100 percent excellent."

Although the debate over Oakland's latest injunction has been fierce, it is not the first injunction to be issued in the state nor, for that matter, in the city. Since their inception in Los Angeles in the 1980s, gang injunctions have spread to states such as Texas and Florida, and abroad in London, England, where authorities recently began using them.

There are more than 60 gang injunctions in California alone, including large segments of Southern California. There are 43 permanent injunctions in Los Angeles covering about 71 gangs and about 5,500 suspected gang members.

Attorneys representing Oakland say the city's injunction is meant to protect residents in an area terrorized by gangs. They cite an injunction in North Oakland that has dramatically reduced crime in the area.

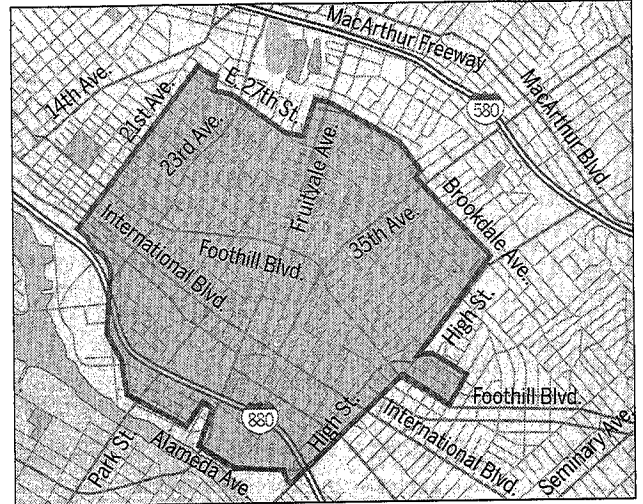
However, Brenda Vasquez, 34, said that while she supports the injunction, she does not believe it will be effective.

"It's not going to work," she said. "There are gangs everywhere, not just here," she said.

Staff writer Scott Johnson contributed to this report.

Gang injunction zone

Alameda County Superior Court Judge Robert Freedman ruled Friday that the city had presented enough evidence to prove that five men named in the first phase of the injunction were gang members. Now that the injunction has been granted, gang members are prohibited from congregating in public within the zone. The city will soon begin arguing Phase II of the injunction, which would force another 35 alleged gang members to follow the injunction rules.



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