

**CITY OF OAKLAND  
PETITION FOR REMOVAL FROM GANG INJUNCTION  
EXPEDITED ADMINISTRATIVE REVIEW PROCESS (“Opt-Out”)**

This form is for use by persons living in the city of Oakland who wish to be removed from an injunction legal proceeding (pre-injunction request), or from an injunction that has already been entered (post-injunction request). A gang injunction is an order from the Court which is enforceable only against those who have been personally served.

If you wish to be removed from a gang injunction proceeding or an injunction order, you must provide sufficient information to the city of Oakland to show that (1) You are not an active gang member and (2) You have not participated in any of the activities prohibited by a gang injunction for a period of two years following service of the injunction. Other relevant information will also be considered by the City.

You have the right not to participate in this administrative review process. You also have the right to seek relief directly in Court to have your name removed from a gang injunction proceeding or court order. You may file such a motion in Alameda Superior Court any bypass this administrative process, if you prefer.

**THE REVIEW PROCESS**

The City will accept and review your petition if you believe that (a) your name should not have been included or should no longer be included in a gang injunction proceeding or injunction order, (b) you wish to have an expedited review process to have your name removed from a gang injunction proceeding or court order. The City’s review process is intended to provide individuals a fair and accessible way to show their entitlement to have their names removed from a gang injunction proceeding or court order.

The steps of the review and removal process are:

1. **FILING YOUR PETITION:** You can complete this form or submit other documentation to show that you are not an active gang member or engaged in any of the activities prohibited by a gang injunction. You may submit any information or documents you think are relevant to your request. Instructions on where to file your petition are below.
2. **REVIEW OF YOUR PETITION AND DECISION BY THE CITY:** The City will review your petition and documents and will contact you to schedule a meeting to discuss your petition. You may bring an attorney or other person to the meeting.
3. **DECISION ON YOUR PETITION:** The City will review your petition and meet with you and will then decide whether your petition includes sufficient verifiable information to support your request for removal. You will be given a written decision, within 30 days, granting or denying your petition to have your name removed from a gang injunction proceeding or order and informing you of the reasons. This decision will be mailed to your home address, or, if you

prefer for safety or convenience reasons, to another address of your choosing. A denial of your petition does not preclude you from seeking removal directly from the Court. Moreover, you are encouraged to return to the City and submit a new petition once you're ready to show you the required documents and information that would support your petition.

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 are required to file an application and/or motion with Alameda Superior Court to formally have your name removed from a court proceeding or court order. To facilitate this process, the City will not file any papers opposing your request for removal. If your petition is granted prior to the issuance of an injunction order.

If the City 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 may oppose your request based on information and evidence that shows you remain involved in gang and nuisance activities within the Safety Zone.

5. **OPT OUT ASSISTANCE:** You may contact a community or civic organization if you have questions or need assistance with the City's petition process, including but not limited to the Lawyers Committee for Civil Rights at (414) 543-9444.

#### **CONFIDENTIALITY**

The City will keep the information obtained through the petition process confidential to the extent required by law and will only use your information to review your entitlement for the purpose stated in this application. The City will take into account any privacy concerns you might have related to the information you provide through this process.

As a condition of participating in this review process, you must agree not to use the City's responses or information shared with you for any other purpose other than in connection with a motion you may file with the Court, or to show that you have been removed from a gang injunction order.

#### **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 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:

Office of the Mayor  
Attn: Marisol Lopez, Chief of Staff  
One Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor  
Oakland, CA 94612

**PETITION**

IDENTIFYING INFORMATION:

Full Name:

\_\_\_\_\_

Last	First	Middle
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Date of Birth:      \_\_\_\_/\_\_\_\_/\_\_\_\_  
                          Day    Month Year

GANG INJUNCTION PROCEEDINGS:

Identify the name of the gang(s) in which court proceedings or through a court order your name has been included:

\_\_\_\_\_

If you were served with service of the proceedings or a gang injunction order, provide:

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

CONTACT INFORMATION:

Your Home Address

\_\_\_\_\_

Street	Apt./Unit No.	City	Zip Code
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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
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Home Phone: \_\_\_\_\_                      Cell phone: \_\_\_\_\_

Email Address: \_\_\_\_\_



**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 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

**EMPLOYMENT HISTORY:** Please provide the following information regarding any job you currently hold, as well as any other job(s) you held during the past three (2) years. Please start with your current or most recent job and work your way backward in time. The City will use this information only to confirm the factual accuracy of the information you provide. If you have any concerns regarding the City contacting your present or past employer regarding this matter, please let us know the nature of your concerns on a separate sheet of paper. Attach a separate sheet if you need more space.



\_\_\_\_\_  
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

**ADDITIONAL INFORMATION:** Please use the space below to provide any additional information that you want considered. Information that you have returned to school, started a new job, completed a job training or substance abuse program, or participated in a community or cultural event or organizations is welcomed. You may also provide letters and other documents supporting your request, including letters from the people identified above.

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_



