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## Oakland revisits gang injunction strategy

By Kate Moser

RECORDER STAFF WRITER

Following other cities in fighting criminal street gangs, Oakland City Attorney John Russo filed a lawsuit on Thursday seeking an injunction against the North Side Oakland gang.

The city sued the gang as an unincorporated association in Alameda County Superior Court, arguing that the alleged gang activity is a public nuisance.

This is the first time since the mid-1990s that the city has tried to stop gang activity with a civil injunction, according to city attorney spokesman Alex Katz.

The city filed a lawsuit against a different gang, the B-Street Boys, in 1994, but then-Superior Court Judge James Lambden concluded that the desired injunction would be "overbroad, vague and therefore unconstitutional."

Since the California Supreme Court in 1997 allowed

the use of civil gang injunctions in a San Jose case, *People ex rel. Gallo v. Acuna*, 14 Cal.4th 1090, a number of cities around the state have used them, including San Francisco. Civil rights attorneys have long argued that the injunctions risk infringing on rights to take part in everyday activities.

Escalating violence associated with the North Side Oakland gang, including seven murders last year, was partly what motivated Oakland to seek the injunction this week, Katz said.

"Residents hear shots fired in the night," according to the complaint. "Residents live in fear of shootings and random violence breaking out at any moment in

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**BRINGING IT BACK:** Escalating violence associated with a particular gang was in part what prompted City Attorney John Russo to revisit civil gang injunctions in a suit Thursday.



RECORDER FILE (2005)

# INJUNCTION

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the streets, sidewalks and local parks in their neighborhood. The violent acts of these gang members have endangered residents' lives and shattered their sense of peace and security."

The requested injunction would create a 100-block "safety zone" where defendants would be barred from a number of activities, including associating with any known member of the gang, intimidating witnesses, and possessing graffiti tools. The proposed injunction would also limit the defendants' ability to be out in public in the "safety zone" between 10 p.m. and 5 a.m.

The zone would lie between Interstate 580, Emeryville, Berkeley and Telegraph Avenue.

Lawyers from the ACLU of Northern California and the Lawyers' Committee for Civil Rights of the San Francisco Bay Area said they hadn't seen a copy of Oakland's injunction yet but that the city attorney's office had alerted their groups about its existence.

"Gang injunctions are deeply problematic because they make everyday activities a crime," said Jory Steele, managing attorney for the ACLU of Northern California,

which has involved itself in gang injunction cases in San Francisco, West Sacramento and Fairfield.

One concern civil rights lawyers have is ensuring that people named in an injunction have adequate opportunity to go to court and fight the injunction. Once a person lands on the list of people the injunction applies to, they say, it's difficult to get off of it.

"Because they take place in a civil process, where there's no right to an attorney, a lot of the individuals on the injunction list can be prosecuted for injunction activities without being able to appear in court and defend themselves," said Kendra Fox-Davis, a staff attorney at the Lawyers' Committee for Civil Rights.

Anyone on the injunction list who is no longer associated with the gang can petition the court to be removed, said Katz, the city attorney's spokesman.

"This gang has terrorized our community, intimidated witnesses and recruited children to their criminal enterprise," Russo said in a statement about the injunction. "They are part of a malevolent force that has crippled our city for decades and continues to hold Oakland back today."