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OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2011 OCT 27 PM 1:07

TO: Office of the City Administrator
ATTN: Ms. Deanna Santana
FROM: Police Department
DATE: November 8, 2011

RE: An Informational Report from the Oakland Police Department with an Objective Evaluation of Phase 1, Year 1 of the North Oakland Gang Injunction, to Include (1) Tracking of Named Individuals and Post Injunction Criminal Behavior, Identifying Specific Types of Crimes; (2) A Comparison of Crime Data in the North Oakland Injunction Geographic Boundaries, Including Part 1 and Part 2 Crime Data for 3 Years Prior to the Injunction to the Period After the Injunction ; (3) A Comparison of Crime Data in Neighborhoods Immediately Adjacent to Injunction Geographic Boundaries , Including Part 1 and Part 2 Crime Data for 3 Years Prior to the Injunction to the Period After the Injunction; (4) Any Reports of Retaliatory Behavior Experienced by Named Individuals, Such as Loss of Job and/or Threats or Other Safety Issues; and (5) Total Cost and Cost Breakdown of North Oakland Phase 1 Injunction

SUMMARY

As requested by the Rules and Legislation Committee, staff has prepared an informational report on the Oakland Police Department's (OPD) progress to implement the North Side Oakland (NSO) gang injunction. This report contains estimated costs of the 1st phase of implementation, relevant crime statistics, all OPD contacts with the 15 named individuals since the injunction went into effect, and community group leaders' perceptions of the overall effectiveness of the injunction.

FISCAL IMPACT

Police personnel worked on this project for approximately two years on straight time; no overtime was used on enforcement efforts. The information below outlines approximate costs for the North Oakland Gang injunction enforcement efforts.

Rank	Assigned	Total Hours	Pay rate	Total Cost
Lieutenant	1	216	\$62.94	\$13,595.04
Sergeant	1	324	\$54.41	\$ 17,628.84
Officer	8	2,160	\$47.16	\$ 101,865.60
Total	10	2,700		\$133,089.48

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BACKGROUND

In early 2008, several North Oakland neighborhoods saw an increase in violence. There was an increase in violent assaults involving individuals in North Oakland spreading up to, and over, the border with the City of Berkeley. An Oakland Police Problem Solving Officer (PSO) noticed that most of the people that were being arrested in the area were associated with an organization that called themselves "North Side Oakland." At the time the Department was not familiar with this organization. The PSO began collecting data and intelligence on this newly discovered violent criminal street group.

After the initial intelligence gathering phase OPD discovered that this gang was comprised of four sub-groups each having several sub-sets or cliques. Additionally, OPD had information that the NSO gang was in a violent street war with a South Berkeley gang. The following chain of events acted as a catalyst that brought this gang war out of the shadows and to the attention of the community members in North Oakland.

- On April 24th, 2009 one person was fatally shot near the intersection of 45th St. and Market St. The victim was NSO and the suspect was a South Berkeley gang member.
- On May 8th, 2009 one person was fatally shot in the 5300 blk of Martin Luther King Jr. Way. The victim was a South Berkeley gang member and the suspects were NSO. This shooting was in retaliation for the April 24th murder.
- On May 16th, 2009 one person was fatally shot at the intersection of 10th St. and Allston Way, in Berkeley. A subsequent vehicle pursuit of the shooting suspects resulted in the suspect vehicle colliding into an uninvolved vehicle, killing the driver of that vehicle and also an uninvolved pedestrian at the intersection of Aileen St. and Martin Luther King Jr. Way. The shooting victim on Allston Way was a South Berkeley gang member and the suspects were all NSO. This shooting was also in retaliation for the April 24th shooting.

On June 4, 2009 the North Oakland and South Berkeley communities held a meeting to discuss the escalation of violence between the NSO and South Berkeley gangs. The meeting consisted of community members, OPD, Berkeley Police (BPD) and City Council members and staff from Oakland and Berkeley. At this meeting the community voiced its concerns about the violence and emotionally expressed its desire to work with law enforcement to address the problem.

OPD used traditional law enforcement strategies such as surveillance, saturation patrol, drug buy/bust, gang call-in, and targeted enforcement with BPD. OPD also provided gang education to parents who attended community meetings; the Department felt that the implementation of a civil injunction against the individuals who were responsible for a disproportionate amount of violence accounting for most of the crime in North Oakland would be an effective and measurable response to the

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problem and achieve the desired result of reducing crime in the safety zone by the named gang members.

Implementation

- On June 2, 2010, a gang injunction was implemented against the North Side Oakland (NSO) Gang. The injunction established a safety zone and designated 15 named individuals who would not be allowed to engage in very specific gang activity within this safety zone.
- On June 4, 2011, the North Oakland Problem Solving Officers (PSO) began serving the 15 named individuals with the injunction. Each named individual had to be served, before the injunction would apply to that particular individual.
- Staff enforced the injunction by training all of the officers that worked in the area of the safety zone on the provision of the injunction. They were directed to complete a Field Contact (FC) report whenever they came in contact with one of the 15 named individuals identified in the injunction. A copy of the FC was to be forwarded to the North Oakland PSO unit, who would review and determine if the individual had violated one of the provisions of the injunction. If it was determined that an individual had violated a provision of the injunction, it would be the PSO's responsibility to present the case to the District Attorney for charging.

KEY ISSUES AND IMPACTS

Crime Statistics

The following crime statistics provide information on the numbers of crimes being committed inside and out of the safety zone over varying periods. It should be noted that shortly after the gang injunction was approved by the Court the City laid off 80 police officers and the PSOs were eliminated. The primary enforcement strategy of the injunction was to be implemented by the PSOs, therefore, the implementation strategy was impacted. A significant reduction in police resources likely contributed to the increase in crime within the safety zone and the minimal gang injunction enforcement. However, even with minimal enforcement, staff believes the injunction served to significantly lower incidents of enjoined gang member's activities within the safety zone.

Table 1 shows that Part One crimes (murders, shootings, aggravated assaults and robberies) reported within the safety zone increased after the gang injunction was approved while arrests for weapons and narcotics decreased significantly, possibly a result of decreased police staffing.

Table 1 Part One Crime Stats in the Safety Zone

	April 4, 2009 to June 1, 2010	June 2, 2010 to October 6, 2011	% CHANGE
Homicide	2	3	50%
Attempt Homicide	0	2	200%
Assault Deadly Weapon (Firearm)	18	27	50%
Assault Deadly Weapon	29	39	34%
Robbery	61	87	43%
Attempt Robbery	9	9	0%
Home Invasion Robbery	2	2	0%
PC215	2	7	250%
Totals Part 1	123	176	43% Increase
Weapons Arrests	128	57	-58%
Narcotics Arrests	187	55	-71%
Totals Arrests	315	112	64% Decrease

Table 2 shows Part 1 and Part 2 crime (weapons- possession/carrying, drug possession and sales, assaults- simple, prostitution and commercialized vice, non-rape sex crimes) statistics. Overall crime decreased in the safety zone and significantly in Beat 6X which is just outside of the zone. Beats 8X, 12X, and 12Y had increases.

Table 2 Part 1 & 2 Crimes Combined in NSO Safety Zone and Neighboring Beats

BEAT	April 4, 2009 to June 1, 2010	June 2, 2010 to October 6, 2011	% CHANGE
NSO AREA	2017	1977	-2%
06X	3175	2213	-30%
08X	2178	2408	11%
12X	937	980	5%
12Y	914	1055	15%

Table 3 shows Part I crime in the safety zone increased more than in the rest of the City.

Table 3
Part 1 Crimes in NSO Safety Zone compared to Part 1 Crimes Citywide

BEAT	April 4, 2006 to June 1, 2010	June 2, 2010 to October 6, 2011	% CHANGE
NSO AREA	814	1046	29%
CITYWIDE	30,671	35,361	15%

Table 4 shows Part 2 crime in the safety zone decreased more than in the rest of the City.

Table 4
Part 2 Crimes in NSO Safety Zone compared to Part 2 Crimes Citywide

BEAT	April 4, 2006 to June 1, 2010	June 2, 2010 to October 6, 2011	% CHANGE
NSO AREA	816	673	-22%
CITYWIDE	28,078	26,141	-7%

Table 5 shows overall crime statistics in the safety zone, by month (through October of each year), for years 2008-2011. Each month of 2011 shows decreases from prior years.

Table 5
Part 1 & 2 Crime Combined In Safety Zone by Month for last 4 years

	2008	2009	2010	2011
January	141	141	140	124
February	138	154	145	103
March	136	139	173	112
April	123	157	143	106
May	151	132	147	97
June	159	147	103	118
July	164	130	123	157
August	190	154	146	137
September	193	140	134	119

Gang Member Activity

Fifteen people were identified as North Side Oakland gang members who were active in the safety zone. Although police resources were significantly reduced and anticipated resources were not available for implementation of the injunction, the remaining area officers focused their available time on the injunction. The following data documents activity known to law enforcement for each of the enjoined gang members in and out of the safety zone. The data is not

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intended to represent all of the gang's activities but only activity documented by OPD. Gang members are identified only by their initials.

1. YY

- No arrests inside the safety zone.
- 2 arrests outside the safety zone: assault, possession of a gun, evading police (car chase), possession of a loaded gun in public, ex-felon in possession of a gun and unlawful possession of ammunition.
- No Field Contact (FC) Reports inside the safety zone.
- 1 FC outside the safety zone.

2. DD

- No arrests in the safety zone.
- No arrests outside the safety zone.
- No FC in the safety zone.
- No FC out of the safety zone.
- *NOTE: Felony Bench Warrant – stemming from an incident in Berkeley, CA.

3. ET

- No arrests in the safety zone.
- 1 arrest in Hayward outside safety zone: possession of stolen property, possession of a loaded gun, destruction of evidence, ex-felon in possession of a firearm.
- 1 FC inside safety zone:
 - o 4500 Market St., June 21, 2010 – ET also with TE, an NSO member also subject to the injunction. Neither TE nor ET had been served with the injunction order yet, thus were not arrestable for violating the order.
- No FC outside safety zone.
- *NOTE: ET was a victim of a shooting at 5200 West St. Five people were struck, 2 died. ET survived. This occurred during the curfew of the injunction, but ET had not yet been served with the injunction order, thus ET was not in violation of the order.

4. AS

- No arrests inside the safety zone.
- 1 arrest outside safety zone: kidnapping, carjacking, terrorist threats, corporal injury to a spouse.
- No FC inside the safety zone.
- No FC outside the safety zone.

5. BD

- No arrests inside safety zone.
- 2 arrests outside safety zone: (1) San Leandro: burglary (2) CHP: traffic violations
- 1 FC in the safety zone:
 - o 5900 Shattuck Ave., August 10, 2011 – BD not in violation of the injunction (had not yet been served).

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- 59th St & Shattuck Ave., April 15, 2011 – BD in company with CP and TE who are both NSO members also subject to the injunction. BD in violation of the provisions of the injunction but no report was made to be forwarded for prosecution because he was just served about two hours before this contact.
- 1 FC outside the safety zone:
 - 1600 blk 62nd St, September 15, 2010 – BD served with the injunction order.

6. CJ

- No arrests in safety zone.
- No arrests outside safety zone.
- No FC in the safety zone.
- No FC out of the safety zone.
- *NOTE: 11359 H&S Felony Bench Warrant – originating from Berkeley PD, outside the safety zone and, thus, not subject to the injunction provisions.
- *NOTE: 2700 blk of Mountain Gate Way, Oakland, September 23, 2010 - named suspect in Burglary outside the safety zone, thus not subject to enforcement of the injunction.

7. BN

- No arrests within safety zone.
- No arrests outside safety zone.
- 1 FC within safety zone (54th & San Pablo) – not in violation of the provisions of the injunction, thus it was not enforced.
- No FC out side safety zone.
- *NOTE: BN stated he was avoiding the area due to the injunction.

8. CP

- No arrests within safety zone.
- No arrests outside safety zone.
- 1 FC within safety zone – 59th & Shattuck, along with NSO members TE and BD who are both subject to the injunction. CP not in violation of the provisions of the injunction due to his still needing to be served with the injunction order.
- 1 FC outside safety zone - outside the safety zone, thus not subject to enforcement of the injunction.

9. LT

- No arrests in safety zone.
- 1 arrest outside safety zone – Sales of Narcotics
- 2 FC within safety zone:
 - 500 blk 45th St., April 7, 2011- not in violation of the provisions of the injunction, thus not arrested for any violations.
 - Apgar St. & West St., September 14, 2010 - not in violation of the provisions of the injunction, thus not arrested for any violations.
- 4 FC outside safety zone:
 - 849 37th St., February 3, 2011;

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- o 3300 blk West St., August 16, 2010;
- o 7700 blk Ney Ave., September 9, 2010;
- o 2400 blk Foothill Blvd., February 27, 2011.

10. DE

- No arrests in the safety zone.
- No arrests outside the safety zone.
- No FC in the safety zone.
- No FC outside of the safety zone.

11. RJ

- 1 arrest in safety zone: 45th St. & Market St., August 6, 2010 – Supplemental report was made for RJ being in violation of the injunction. RJ was charged with more serious crimes stemming from another case.
- No arrests outside safety zone.
- 1 FC within safety zone: In front of his residence in the 800 blk of 52nd St., June 11, 2010
 - RJ contacted and served with the injunction order. Since he was just being served at this time, he was not in violation of the injunction.
- No FC outside of the safety zone.

12. DE

- No arrest in safety zone.
- 1 arrest outside the safety zone: 2010 80th Ave., August 5, 2010 - Parole violation. DE had a warrant for violating his parole. The offense that violated his parole was for Sales of Drugs. This occurred within the safety zone, but happened before the injunction had been signed, thus he was not subject to the injunction at that time. DE's arrest for this crime took place outside of the safety zone. Therefore, no charges were sought for his being in violation of the injunction.
- No FC within safety zone.
- 1 FC outside of the safety zone – 8400 Bancroft Ave., June 10 2010.

13. TJ

- No arrests in safety zone.
- No arrests outside of the safety zone.
- 4 FC within safety zone:
 - o 54th & San Pablo, June 18, 2010 – TJ not yet served with injunction order and not in violation of any of the injunction orders, thus not subject to arrest for violation of the injunction.
 - o 1000 blk 54th St., June 3, 2011 – TJ not in violation of the injunction, thus no arrest or crime report made.
 - o 975 55th St., June 7, 2011 – TJ not in violation of the injunction.
 - o 950 blk 55th St., June 28, 2011 – TJ not in violation of the injunction, though he did self admit to being NSO.
- 2 FC outside of safety zone:

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- 2300 Valley St., June 23, 2011 – TJ served with the injunction order.
- 20th St. & Telegraph Ave., June 6, 2011.

14. **MC**

- No arrests within the safety zone.
- No arrests outside the safety zone (although he was arrested for assaulting a police officer while in custody).
- No FC within the safety zone.
- No FC outside the safety zone.
- MC has spent nearly all his time in state prison since the initiation of the injunction.

15. **TE**

- No arrests in safety zone.
- No arrests outside safety zone.
- 5 FC within safety zone:
 - 4500 Market St., June 21, 2010 - TE also with NSO injunction member ET. Neither ET nor TE had been served with the injunction order yet, thus were not arrestable for violating the order.
 - 45th St. & Market St., March 30, 2011 – TE not in violation of the provisions of the injunction, thus not arrested nor any crime report made.
 - 59th St. & Shattuck Ave., April 15, 2011 – TE in company with CP and BD who are both NSO members also subject to the injunction. TE was in violation of the provisions of the injunction but no report was made to be forwarded for prosecution.
 - 4505 Market St., July 5, 2011 – TE not in violation of the provisions of the injunction, thus no arrest or crime report made.
 - 800 45th St., July 21, 2011 – TE in violation of the curfew provision of the injunction. No report made for his violation of the court order.
- 1 FC outside safety zone:
 - Vehicle collision at 12th & Peralta, September 30, 2010.

Community Leaders' perception of the overall effectiveness of the injunctions

While in attendance with several North Oakland NCPC community groups, the NSO Gang Injunction has been noted and discussed. The general consensus is that the injunction seems to be having a positive affect on the perceived decrease in criminal activity, specifically violent criminal activity. The community, in general (according to NCPC leaders) feels that the injunction is a powerful tool for law enforcement, not only to prevent the named individuals from committing criminal acts inside the "Safety Zone" but the notoriety of the Injunction seems to curtail newer NSO prospects from committing crimes for fear of being added to the list of individuals on the injunction. Community members appear enthusiastic about learning the names and faces of the individuals on the Injunction and appear willing to support the Department in its enforcement efforts. Below is an actual email sent to the Police Department and the members of the community in the Safety zone on May 13, 2011.

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NCPC leaders in the beats covered (10X San Pablo/Golden Gate; 10Y Market St. Corridor; and 11X Shattuck Corridor) report that normal impacted dealing locations, loitering, and shootings have been reduced dramatically since the injunction. Crime statistics are also down very dramatically across the area including robberies, shootings, and homicides. It is a more peaceful and inviting area since the injunctions were imposed. More important, only one of those enjoined have been arrested here, and one or two more in other areas of the city. Beat monitors in the Gang Injunction Zone report that things have been unusually quiet. In my heat, the worst of the hot spots has been quiet, and that was ground central for the North Side Oakland gang.

SUSTAINABLE OPPORTUNITIES

Economic: Increased capacity to deploy resources more efficiently, focus efforts on people outside the safety zone, and enhanced police services to respond to emerging crime trends; all of which improve public safety, thereby providing a safer environment for residents and local commerce to flourish.

Environmental: No environmental opportunities have been identified.

Social Equity: Implementation of the gang injunction enhances the Department's ability to more effectively deploy resources and prevent crime; thereby reducing crime and increasing public safety. It improves the quality of life of residents and merchants.

DISABILITY AND SENIOR CITIZEN ACCESS

There are no ADA or senior citizen access issues contained in this report.

RECOMMENDATION/RATIONALE

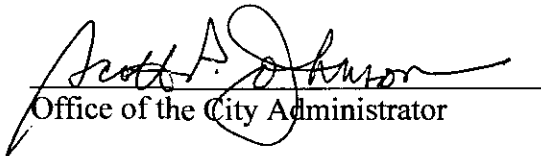
It is the opinion of staff that the crime statistics alone is not a complete measure of the effectiveness of this injunction. The fact that the community feels the quality of life has risen in the safety zone leads staff to believe that this is a strategy worth continuing to pursue. The Department has taken great care not to abuse this tool and implement it with total transparency. There have been no complaints logged against officers during the implementation phase of the injunction, which is another indication that this is a tool consistent with Department and City values.

Respectfully submitted,



Howard A. Jordan
Interim Chief of Police
Oakland Police Department

**APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:**


Office of the City Administrator

Prepared by:
Freddie Hamilton
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