

CITY OF OAKLAND  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

To: Office of the City Administrator  
Attn: 2011 P. Lamont Ewell, Interim City Administrator  
From: Police Department  
Date: May 17, 2011

Re: Supplemental Report to A Report from the Oakland City Attorney's  
Office and the Oakland Police Department on the North Oakland and  
Fruitvale Gang Injunctions

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## SUMMARY

### ***Gang Problem In Oakland***

The City of Oakland has experienced some increase in violent crimes in 2011 as compared to 2010. Many of the individuals responsible for the violence are associated with gangs and/or neighborhood drug dealing crews. Based on staff's experience, individuals engaged in the gang and drug lifestyle follow a *got to have it now* philosophy in search of money, power, and respect. Many have been known to do anything to immediately obtain their wants, often through the use of violence if necessary; they are quick to shoot someone as result of a robbery, dispute, or disrespect. In an effort to facilitate their money making enterprises, they will engage in street, commercial, and residential robberies, which have become as common as selling drugs on the street. Gangs and drug crews are involved in other crimes to facilitate their money making enterprises, which include drug dealing, prostitution, theft, and fraud.

Currently, there are over 150 gangs and drug crews operating throughout the City of Oakland. These gangs and drug crews extend well beyond current and proposed gang injunction safety zones. The groups move in and out of safety zones to commit their crimes and engage in violent activities. Additionally, gangs and neighborhood drug crews draw rival gang members into their neighborhoods to commit acts of violence. As long as gangs are allowed to operate and remain established in neighborhoods, violence will continue in the City of Oakland.

### ***OPD Costs Associated with Gang Injunctions***

The Oakland Police Department uses existing resources on implementation and enforcement efforts associated with gang injunctions; no overtime is used on these projects.

### ***Target Area Analysis***

As provided in the City Attorney's report, the geography of the safety zones was determined by the location of the arrests and OPD contacts of the individual defendants in the City's lawsuits.

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In early 2008 the Problem Solving Officer (PSO) assigned to the North Oakland neighborhoods saw an increase in violence in that area; there were violent assaults spreading up to, and over the City of Berkeley border. Additionally, most arrests in that area were for narcotics trafficking, robbery, burglary, felony assaults and shootings committed by individuals associated with an organization that called itself “NSO.” At the time, OPD was not familiar with this organization and began to collect data to formulate intelligence on the group. Initial intelligence gathering included the following strategies:

- Contacting Berkeley PD to gather their intelligence on the group;
- Reviewing all crime reports involving violent crimes in the area;
- Interviewing suspects arrested from the area;
- Interviewing informants;
- Record keeping and analysis of clothing; and
- Graffiti tracking and analysis.

The Initial intelligence phase supported the fact that NSO was a full fledged gang with four sub-groups, each having several sub-sets or *cliques*.

Sub-Group	Sub Group	Sub-Group	Sub-Group
45 <sup>th</sup> and Market	Gaskill	Bushrod	6100
Cliques	Cliques	Cliques	Cliques
4300 Market	ASAP	Shattuck/5900	Campbell
Village	Baker St.	TOG	
FT	Aileen St.		
ASAP	Herzog		
W.U.B.			
Ghost Town/Circle Boys			
Swag Team			

Staff also believed the NSO gang was in a war with a South Berkeley group. Outlined below is a chain of events that acted as a catalyst to bringing this gang war out of the shadows and to the attention of North Oakland community members.

- On April 24, 2009 one person was fatally shot near the intersection of 45th St. and Market St. The victim was NSO and the suspect was a suspected South Berkeley gang member.

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- On May 8, 2009 one person was fatally shot in the 5300 block 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 24<sup>th</sup> murder.
- On May 16, 2009 one person was fatally shot at the intersection of 10th St. and Allston Way in Berkeley. A subsequent vehicle pursuit of the suspects resulted in the suspect vehicle colliding into an uninvolved vehicle, killing the driver of that vehicle and an uninvolved pedestrian at the intersection of Aileen St. and Martin Luther King Jr. Way. The shooting victim on Allston Way was believed to be a South Berkeley gang member and the suspects were all NSO. This shooting was also in retaliation for the April 24<sup>th</sup> shooting.
- On June 4, 2009 the North Oakland and South Berkeley communities held a meeting at the North Oakland Senior Center to discuss this issue. The meeting consisted of representatives from Beats 10X, 10Y, 11X, OPD, Berkeley PD, City Council members, and staff from the Cities of Oakland and Berkeley. At this meeting the community voiced its concern and emotionally expressed its desire to work with law enforcement to address the problem.

Staff implemented multiple traditional enforcement strategies such as surveillance, saturation patrol, buy/bust operations, call-in, and targeted enforcement with BPD, and gang education was provided to parents who attended community meetings. It was believed that the implementation of a civil injunction in North Oakland against the individuals who were responsible for a disproportionate amount of violence in the areas that accounted for most of the crime, would be another tool for use in addressing the problem.

The safety zone (along with the named individuals) was designated after a detailed data search and analysis was conducted. There were two tracks to this search; the first track was by geographic location and the second was on individuals who had been identified as persons of interest after reviewing crime reports during the first track search. The searches consisted of the following:

- **TRACK 1 Search-Geographic Location focused-** A review of all crimes and incident reports that occurred in North Oakland for the previous two years prior to 2009. Staff focused first on locations; all potential hits were given to the gang expert to decide if the incidents were connected to gang activity. If the incident was deemed a gang related incident, those involved were designated as a person of interest and a file was created which contained their past criminal history and would be used to track any future criminal involvement.
- **TRACK 2 Search-Person focused-** From reviewing the incidents identified in the Track 1 search, all potential individuals designated as persons of interest were given to the gang expert. The gang expert then produced a list of individuals who had been involved in other gang related incidents and narrowed

the individuals who had been identified as responsible for a disproportionate amount of crime in the designated area.

Once the individuals were designated as possible targets for the injunctions, a smaller list of locations where these individual were contacted or arrested by law enforcement was compiled. A detailed analysis was then conducted by the gang expert and the City Attorney's Office on all of the identified locations and individuals of interest to designate the safety zone and the named individuals for the injunction.

***Enforcement Efforts***

Most of the Department's NSO gang injunction efforts have been toward implementation. As reflected in the City Attorney's report, the 15 identified NSO members on the injunction have not been seen in the area, so no enforcement was needed.

***NSO Crime Statistics***

While the following crime statistics provide information on the numbers of crimes being committed in the target area over varying periods, it is the opinion of staff that the numbers do not accurately reflect the effectiveness of the gang injunction. The layoff of 80 police officers and the elimination of Problem Solving Officers just after the implementation of the injunction are both factors that likely contribute to the increase in crime, not only in the target area but Citywide.

**NORTH SIDE OAKLAND GANG INJUNCTION**  
***Beats 10X, 10Y & 11X.***

	<b>06/02/09 to 05/05/10 Prior Year Stats</b>	<b>05/05/09 to 06/01/10 Period Prior Stats</b>	<b>06/02/10 to 05/05/11 Injunction To Date</b>
<b>Robberies (All)</b>	85	100	106
<b>Burglaries</b>	367	414	402
<b>TOTAL</b>	<b>452</b>	<b>514</b>	<b>508</b>

\* Robberies include attempts, car jacking and home invasion

**Shootings**

	06/02/09 to 05/05/10 Prior Year Stats	05/05/09 to 06/01/10 Period Prior Stats	06/02/10 to 05/05/11 Injunction To Date
<b>NSO Safety Zone</b>	27 (includes 2 homicides)	39 (includes 3 homicides)	44 (includes 2 homicides)
<b>Bordering Beats (6X, 8X, 12X &amp; 12Y)</b>	42 (Includes 5 homicides)	48 (Includes 5 homicides)	42 (Includes 4 homicides)

\*Shootings include murders, 245(A)(2), 246 (Shooting at an inhabited dwelling) and 247 (Shooting at an unoccupied vehicle)

\*\*Count may include multiple shooting offenses at one incident

Time Period	06/02/09 – 05/05/10 Prior Year Stats	05/05/09 – 06/01/10 Period Prior Stats	06/02/10 – 05/05/11 Injunction To Date
<b>NSO Drug Arrests</b>	167	205	49

**All Part One Crimes  
 06/02/09 to 05/05/10**

	Homicides	Aggravated Assaults	Rape	Robbery	Burglary	Theft/ Auto Theft	Arson
<b>NSO INJUNCTION</b>	2	100	6	85	367	223/170	7

\*Aggravated Assaults include UCR Codes 9-12

\*\*According to the UCR coding process "Theft" includes auto burglaries

\*\*\*Attempts are included in each count

**All Part One Crimes  
 05/05/09 to 06/01/10**

	Homicides	Aggravated Assaults	Rape	Robbery	Burglary	Theft/ Auto Theft	Arson
<b>NSO INJUNCTION</b>	3	104	9	100	414	267/194	8

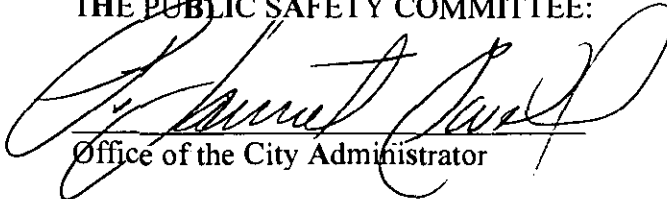
All Part One Crimes  
06/02/10 to 05/05/11

	Homicides	Aggravated Assaults	Rape	Robbery	Burglary	Theft/ Auto Theft	Arson
NSO INJUNCTION	2	207	7	106	402	211/160	3

RECOMMENDATION

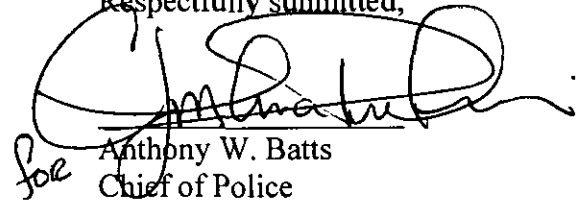
Staff recommends acceptance of this report.

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Attachment: Oakland Gang Information

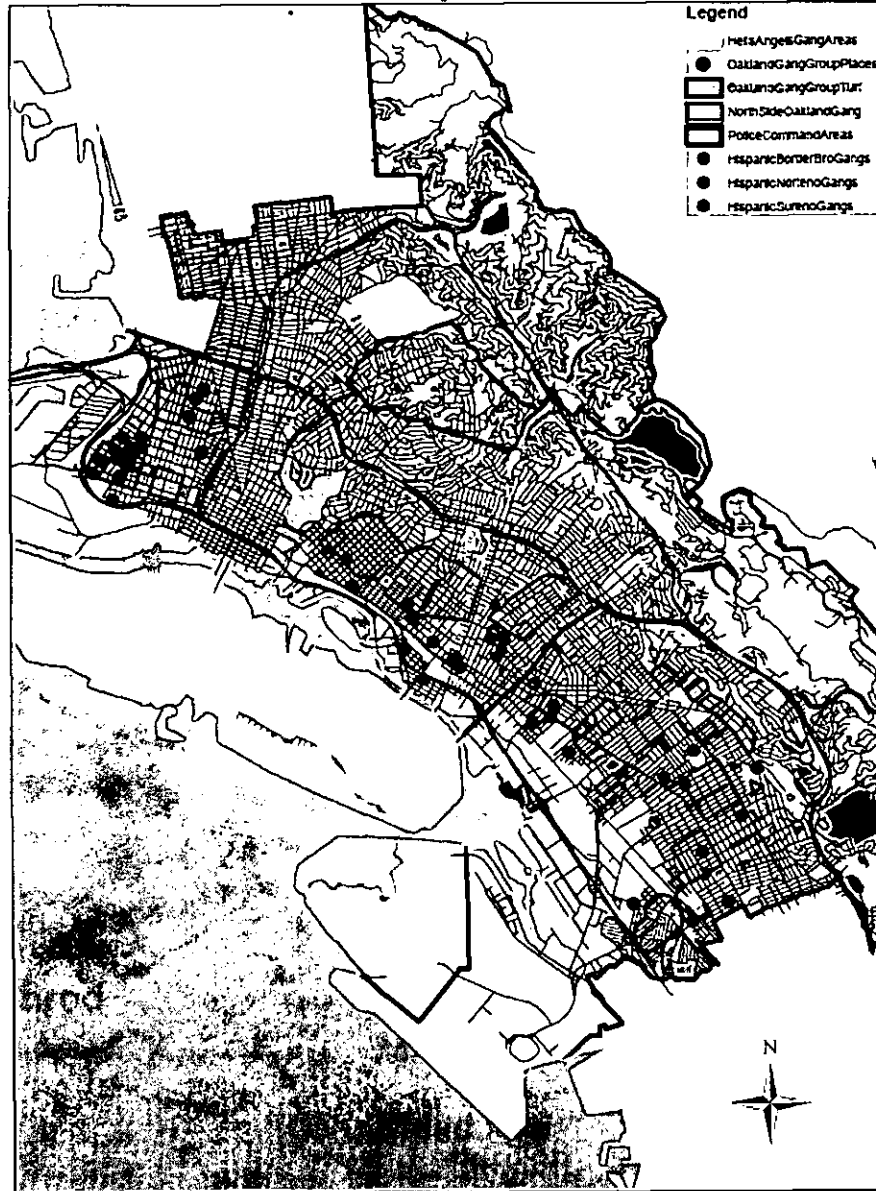
Respectfully submitted,

  
Joe Anthony W. Batts  
Chief of Police

Prepared by:  
Darren Allison  
Captain of Police  
Oakland Police Department

Reviewed by:  
Cynthia P. Perkins  
Assistant to the Director  
Oakland Police Department

### Oakland Gang and Group Areas February 2010



There are ~85 gangs and criminally-active groups in Oakland with ~4,000 core members.

This represents only 1% of Oakland's ~400,000 residents.

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Groups

d Groups

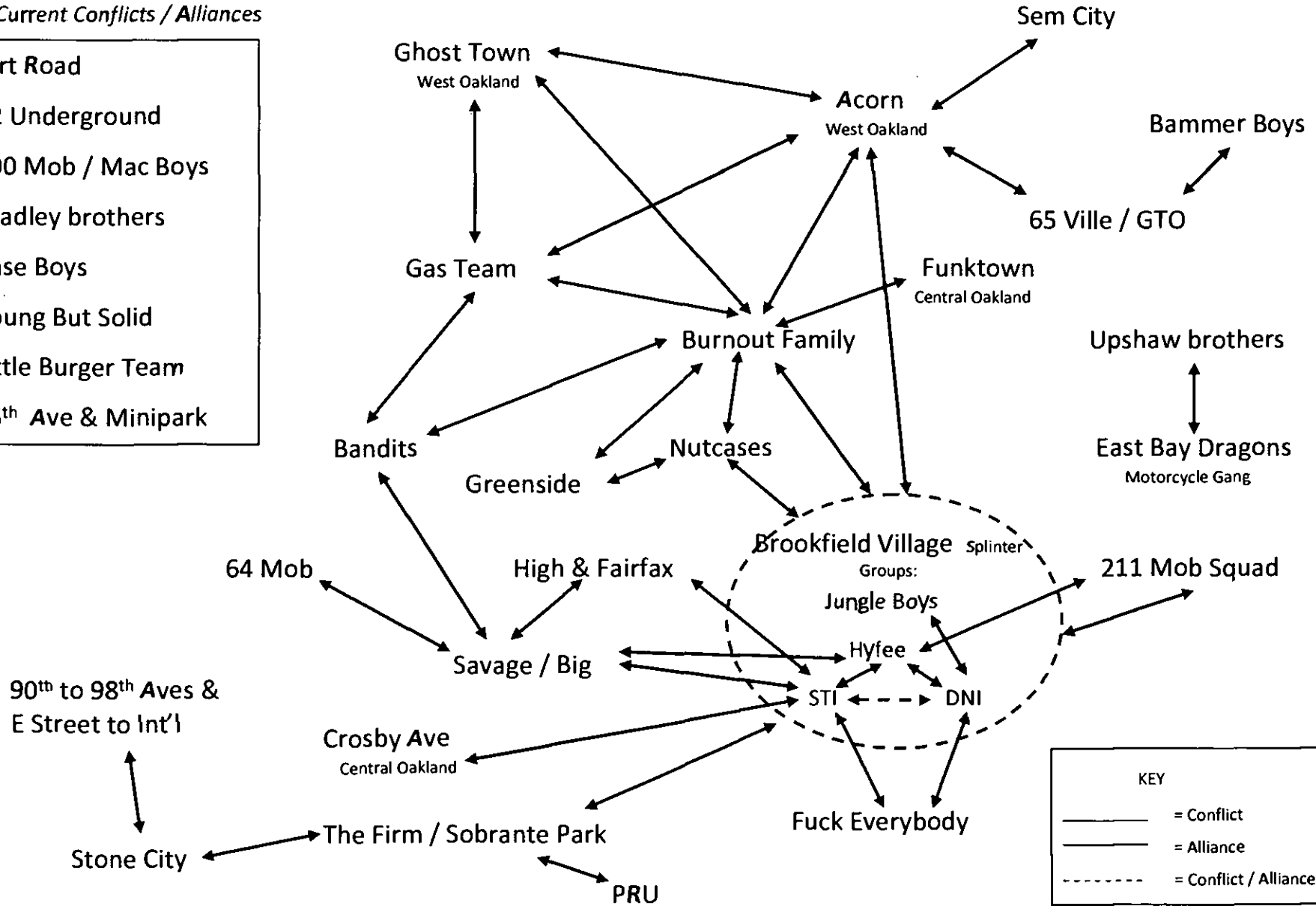
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2009

**CONFLICTS AND ALLIANCES AMONG GANGS AND GROUPS IN AREA COMMAND 3 / EAST OAKLAND**

No Current Conflicts / Alliances

- |                                 |
|---------------------------------|
| Dirt Road                       |
| 52 Underground                  |
| 600 Mob / Mac Boys              |
| Bradley brothers                |
| Case Boys                       |
| Young But Solid                 |
| Little Burger Team              |
| 85 <sup>th</sup> Ave & Minipark |

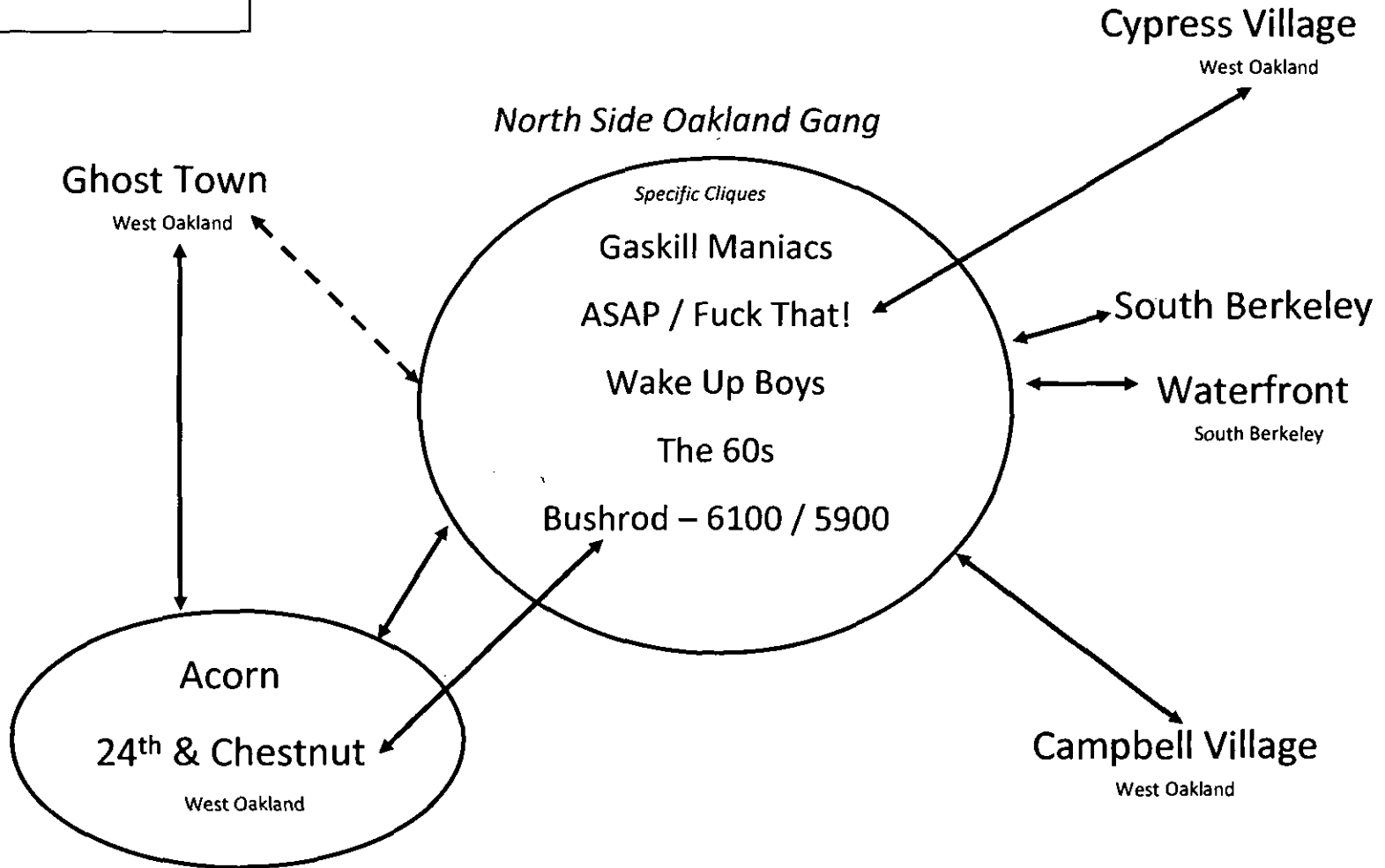
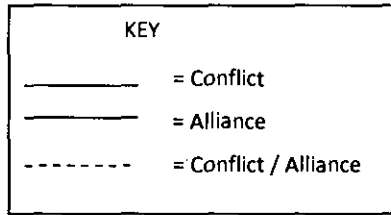


KEY	
—	= Conflict
==	= Alliance
- - - -	= Conflict / Alliance

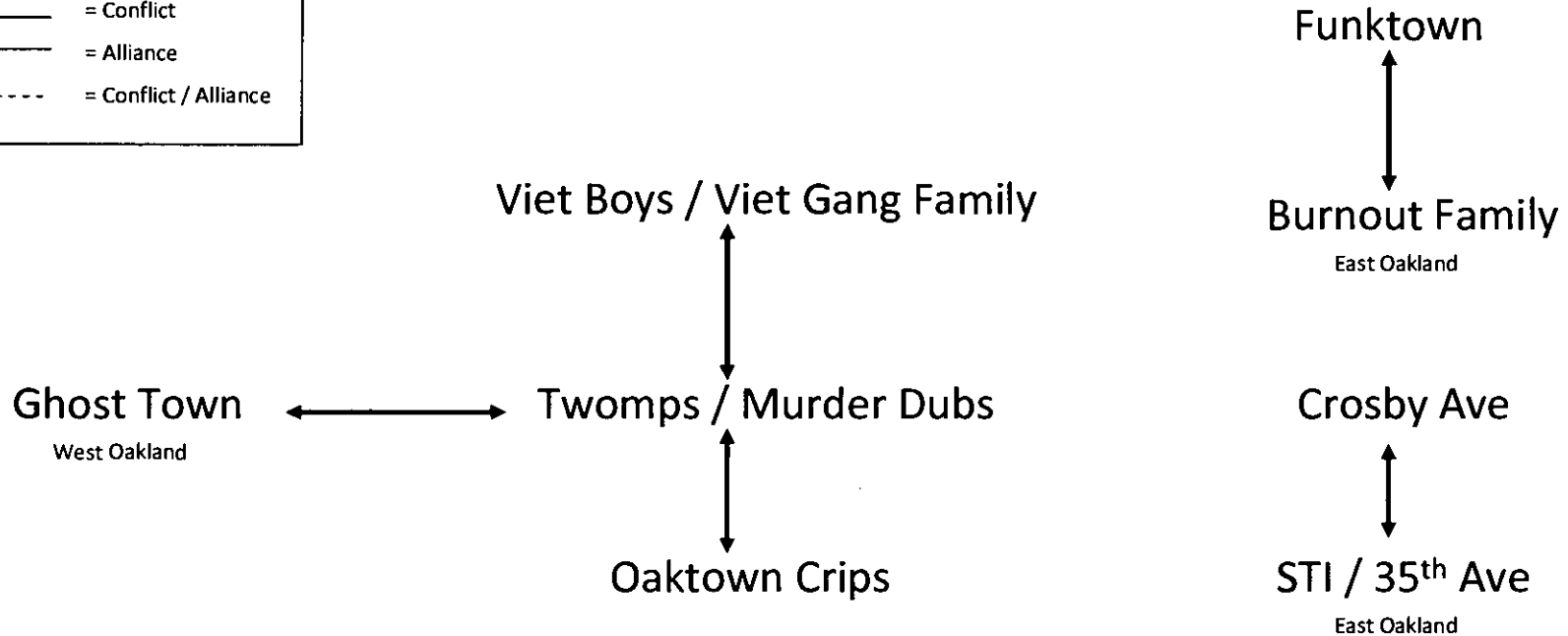
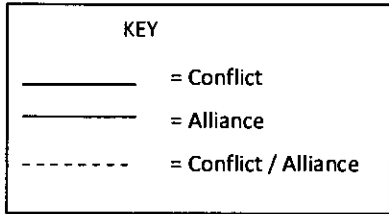
December 2009 / January 2010



**CONFLICTS AND ALLIANCES AMONG GANGS AND GROUPS IN PATROL DISTRICT.2 / NORTH OAKLAND**

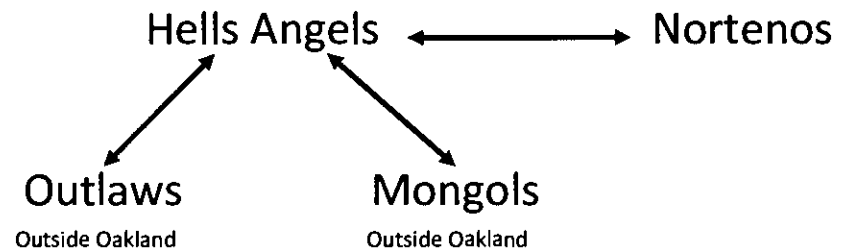


**CONFLICTS AND ALLIANCES AMONG GANGS AND GROUPS IN CENTRAL OAKLAND**

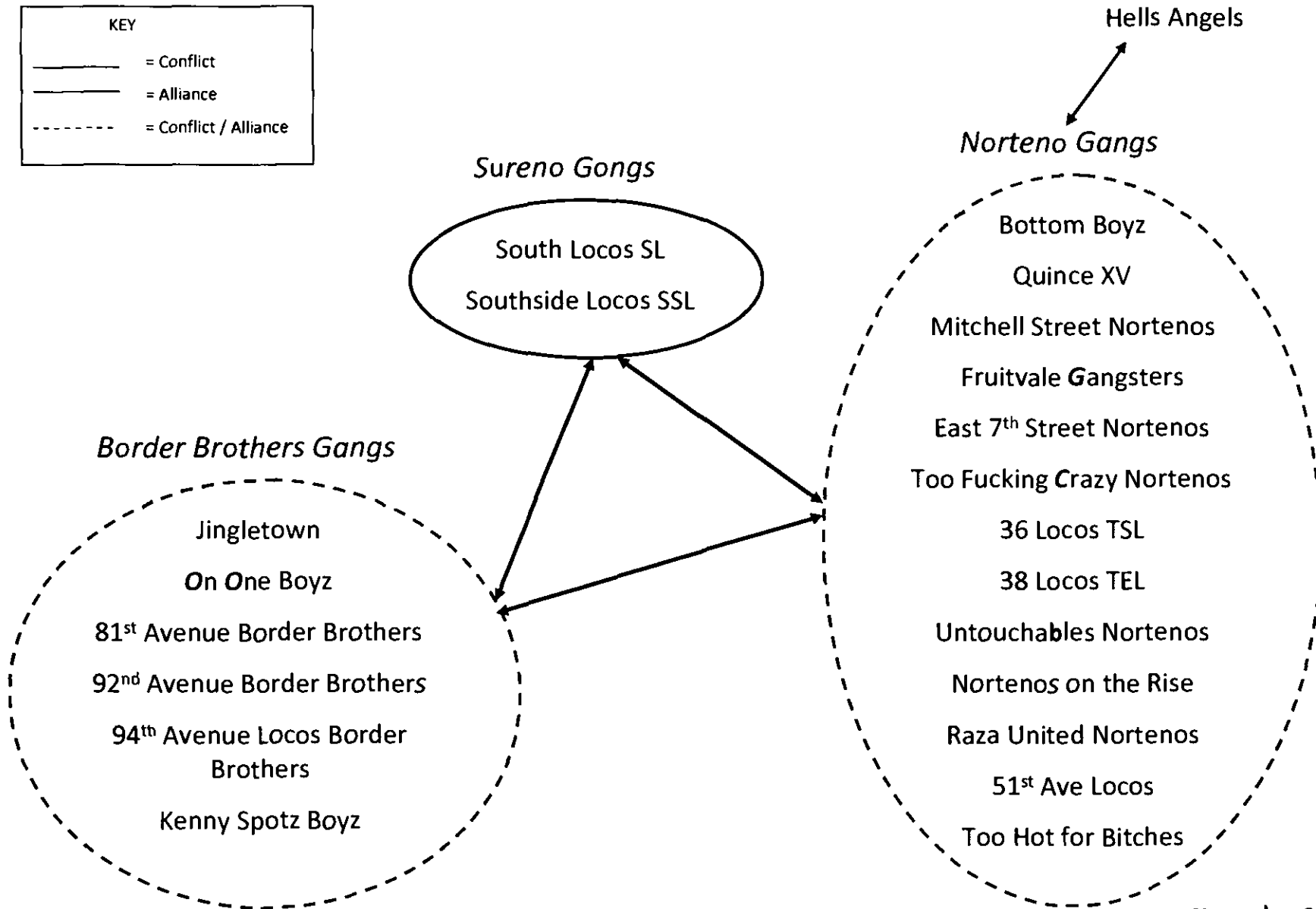
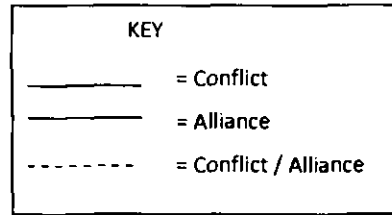


*No Current Conflicts / Alliances*

**Asian Street Walkers**



### CONFLICTS AND ALLIANCES AMONG HISPANIC GANGS IN OAKLAND



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2011 MAY 12 PM 10:25

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY Vice Mayor Brooks and Councilmember Nadel

**Resolution Requiring That No City Funds May Be Expended Towards The Preparation, Litigation Or Implementation Of Any City Of Oakland Gang Injunction Or Gang Injunction Brought In The Name Of The People Of The State Of California Unless And Until (1) The City Attorney And The Oakland Police Department Present A Report With Budget To The City Council Regarding Such Action And (2) The City Council Authorizes Expenditure Of City Funds For The Preparation, Litigation And/Or Implementation Of Any Such Gang Injunction; And COUNCIL ACTION To Either (1) Defund The Expenditure Of City Resources On The Gang Injunctions Or (2) Ratify The Continued Expenditure Of City Resources On The Gang Injunction And Direct The City Attorney And The Oakland Police Department To Return To The City Council With A Detailed Budget For Litigation And Implementation Costs.**

Whereas, the City of Oakland is exploring methods of addressing violent behavior in particular geographic areas where it appears to occur more frequently and be gang-related; and

Whereas, the City Attorney has brought a civil action in the name of the people of the State of California, pursuant to Section 731 of the California Code of Civil Procedure, to abate a public nuisance as defined by section 3480 of the Civil Code, where the nuisance claimed is gang activity; and

Whereas, the civil action is entitled *People v. Nortenos*, Alameda County Superior Court Case No. RG10541141; and

Whereas, the State of California is not funding and has not funded *People v. Nortenos*, a civil action brought by the City Attorney on behalf of the State of California, and the action is being funded by the City of Oakland out of the City Attorney's budget, the Oakland Police Department budget, the City's Self Insurance Liability Fund and possibly other funds as the work on the civil action is being performed by employees in the City Attorney's and Oakland Police Department as well as outside counsel; and

Whereas, to date, the Oakland Police Department has spent an estimated \$133,089 toward gang injunctions in the North Side Oakland, and an estimated \$73,184 in the Norteños gang (estimated total \$206,273); and the City Attorney's Office has spent an estimated \$300,726 on the North Side Oakland case and \$254,128 on the Norteños case (estimated total \$554,854) in Oakland, (in total an estimated \$761,127.00 with

additional costs expected to be incurred for the Nortenos injunction, and potentially more for a third injunction); and

Whereas, the City Council is the governing body of the municipal corporation now existing and known as the City of Oakland, and the Council exercises the corporate powers of the City of Oakland, and, subject to the expressed limitations of the City Charter, the Council is vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of California; and

Whereas, the City Charter grants to the Council the sole power and duty to adopt by resolution a budget of proposed expenditures and appropriations necessary therefor for each fiscal year; now therefore be it

Resolved: that from the date of passage of this resolution, that no City funds may be expended toward the preparation, litigation or implementation of any City of Oakland gang injunction or gang injunction brought in the name of the people of the State of California affecting Oakland residents, unless and until (1) the City Attorney and Oakland Police Department present a report to the City Council regarding such action and (2) the City Council authorizes expenditure of City funds for the preparation, litigation and/or implementation of any such gang injunction; now therefore be it further

[Alternative One] Resolved: that the City Council hereby declares its opposition to the City Attorney's decision to file the Nortenos and North Side gang injunction cases and defunds the expenditure of City resources on the gang injunctions.

OR

[Alternative Two] Resolved: that the City Council hereby declares its support for the City Attorney's decision to file the Nortenos and North Side gang injunction cases and ratifies the continued expenditure of City resources on the gang injunctions and directs the City Attorney and Oakland Police Department to return to the City Council with a detailed budget of litigation and implementation costs.

In Council, Oakland, California, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

Brooks, Brunner, De La Fuente, Kaplan, Kemighan, Nadel, Schaaf, and President Reid

AYES-

NOES-

ABSENT-

ABSTENTIONS-

Approved as Form and Legality

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Office of the City Attorney

Attest: \_\_\_\_\_

—

LaTONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California