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OAKLAND

2011 SEP 23 PM 12:13  
ONE FRANK OGAWA PLAZA · 2<sup>ND</sup> FLOOR · OAKLAND, CA 94612

Council President Pro Tem De La Fuente

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TO: Oakland City Council  
FROM: Council President Pro Tempore De La Fuente  
DATE: October 4, 2011  
RE: Resolution Amending The Policy The City Council Adopted On May 17, 2011, Which Policy Precludes Further **Gang Injunctions Until The City Conducts A Study Of The Effectiveness Of The Fruitvale And North Oakland Gang Injunctions, To Authorize And Direct The City Attorney And The City Administrator To Evaluate And Bring Back Options To The Council To Initiate Gang Injunction Litigation In East And West Oakland**

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Dear Colleagues -

As of September 23, 2011, 85 individuals have lost their lives on the streets of Oakland. It is our collective responsibility to support efforts to stop the killings on our streets. We've supported intervention and prevention programs for years, our staffing levels in the police department have fluctuated, we've enacted policy to address the violence yet the killings continue.

As we all know, 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. The focus of such civil action is two Oakland neighborhoods, Fruitvale and North Oakland.

On May 17, 2011 the Council adopted policy which precludes further gang injunctions until the conclusion of a study of the effectiveness of the Fruitvale and North Oakland gang injunctions. We submit to you this resolution requesting that the Council amend that May 17<sup>th</sup> policy and that we authorize and direct the City Administrator and City Attorney to evaluate and bring back options to initiate Gang Injunction litigation in East and West Oakland.

In the second quarter of 2011, Beat 30X located in East Oakland has had a 300% increase in homicides compared to the first quarter of the year and is the second highest police beat reporting violent crime in the second quarter of 2011.

Oakland's most recent second quarter violent crime report states that eight of the ten most violent beats are located in East Oakland and Oakland's most violent beat in East Oakland reported more violent crime than the eight Oakland Hills beats combined.

West Oakland has also seen an unprecedented number of shootings compared to other areas of Oakland, some West Oakland neighborhoods have seen a 100% increase in shootings in the second quarter of the year compared to the first quarter.

The following chart is taken from the 2010 US Department of Justice, Federal Bureau of Investigation, Uniform Crime Report for crime reported in the City of Oakland during calendar year 2010.

Violent Crime	Murder/Non-negligent Manslaughter	Forcible Rape	Robbery	Aggravated Assault	Property Crime	Burglary	Larceny-Theft	Vehicle Theft	Arson
6,267	90	318	2,917	2,942	17,325	4,961	7,720	4,644	163

<http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/tables/10tbl08.xls/view>

We need more tools to stop the killings and violent crime taking place in our City. Therefore, we request that:

1. City Council amend the policy adopted on May 17, 2011, which policy precludes further gang injunctions until the conclusion of a study of the effectiveness of the Fruitvale and North Oakland gang injunctions &
2. The Council authorizes and directs the City Administrator and City Attorney to evaluate and bring back options to initiate Gang Injunction litigation in East and West Oakland.

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Approved as to Form and Legality

\_\_\_\_\_  
City Attorney

**OAKLAND CITY COUNCIL**

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

**DRAFT**

Introduced by Council President Pro Tem Ignacio De La Fuente

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**Resolution Amending The Policy The City Council Adopted On May 17, 2011, Which Policy Precludes Further Gang Injunctions Until The City Conducts A Study Of The Effectiveness Of The Fruitvale And North Oakland Gang Injunctions, To Authorize And Direct The City Attorney And The City Administrator To Evaluate And Bring Back Options To The Council To Initiate Gang Injunction Litigation In East And West Oakland**

**WHEREAS**, The City of Oakland is exploring methods of addressing violent behavior in particular geographic areas where violence occurs frequently and is often gang-related; and

**WHEREAS**, Oakland is experiencing an unprecedented number of homicides so far this year with an increase of at least 30% compared to this time last year, mostly in neighborhoods in East and West Oakland; and

**WHEREAS**, The City Attorney has brought a civil action focused on two Oakland neighborhoods 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**, East Oakland homicides and violent crimes require immediate attention, particularly in Beat 30X located in East Oakland; and

**WHEREAS**, In the second quarter of 2011, Beat 30X had a 300% increase in homicides compared to the first three months of the year and is the second highest police beat reporting violent crime in the second quarter of the year; and

**WHEREAS**, Oakland's most recent second quarter violent crime report states that eight of the ten most violent beats are located in East Oakland and Oakland's most violent crime reporting beat in East Oakland reported more violent crime than the 8 Oakland Hills beats combined; and

**WHEREAS**, West Oakland has also seen an unprecedented number of gang related shootings compared to other areas of Oakland, some West Oakland neighborhoods have seen a 100% increase in shootings; and

**WHEREAS**, East and West Oakland community leaders and residents are requesting the City of Oakland to provide additional resources and tools to reduce violent gang activity in their neighborhoods; and

**WHEREAS**, The City Council hereby declares that the gang activity in East and West Oakland is unacceptable and requires immediate attention; now, therefore, be it

**RESOLVED**, That the City Council hereby amends the policy adopted on May 17, 2011, which policy precludes further gang injunctions until the conclusion of a study of the effectiveness of the Fruitvale and North Oakland gang injunctions; and be it further

**RESOLVED**: The Oakland City Council authorizes and directs the City Administrator and City Attorney to evaluate and bring back options to initiate Gang Injunction litigation in East and West Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2011

**PASSED BY THE FOLLOWING VOTE:**

**AYES-** BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, SCHAAF, KERNIGHAN, NADEL  
and **PRESIDENT REID**

**NOES-**

**ABSENT-**

**ABSTENTION-**

**ATTEST:** \_\_\_\_\_  
**LATONDA SIMMONS**  
City Clerk and Clerk of the Council  
of the City of Oakland, California