

# OUR OAKLAND, OUR SOLUTIONS

THE STOP THE INJUNCTIONS COALITION

## INTRODUCTION

IN FEBRUARY 2010, CITY ATTORNEY JOHN RUSSO, WITH THE SUPPORT OF THE Police Department, publicly announced plans to institute gang injunctions in the city of Oakland, California. The first of these injunctions delineated a 100-block “safety zone” in North Oakland, a historically Black community bordering a wealthy shopping district. The injunction named 14 Black men, one Vietnamese man, and 70 “John Does”—people who could be added at a later date—and the entire “Northside Oakland” gang. Approved in October 2010, the North Oakland injunction remains in temporary status.<sup>1</sup>

In October 2010, the Oakland City Attorney’s office announced a second injunction in the Fruitvale/San Antonio district—a predominately Latina/o neighborhood with a large immigrant population. This injunction sought to greatly expand the reach of this policing tool, both geographically and numerically, as it delineated a 400-block “safety zone” and named 42 individual men and the Norteños street gang as an unincorporated association. A preliminary injunction was filed against five of the named individuals in September 2011, followed by a preliminary injunction against the remaining 37 named individuals in February of 2012. The preliminary injunction also sues the Norteños street gang as an unincorporated association.<sup>2</sup>

All told, the City Attorney planned to implement at least 11 injunctions across the city before the end of 2010. However, when the first injunction was announced, political organizations, community members, lawyers, and

some of the defendants immediately organized against it. Understanding that policing is never a viable remedy to neighborhood problems, community members began educating themselves about the history of gang injunctions and what they might look like in Oakland. With this knowledge they started educating the public via street outreach and use of the media, and began discussing non-police alternatives to addressing violence and harm that support strong, healthy communities. In this piece we will first lay out what gang injunctions are and detail the historical background of this type of policing, followed by an analysis of the fight against injunctions in Oakland.

## **PART ONE: GANG INJUNCTIONS COME TO OAKLAND**

### **WHAT ARE GANG INJUNCTIONS?**

A GANG INJUNCTION is a civil suit filed against a group of people the authorities deem a public nuisance. It prohibits them from participating in certain activities in a defined “safety zone.”<sup>3</sup> Barred activities usually include a combination of previously legal and already-illegal actions, such as: being outside during court-determined curfew hours; loitering; appearing in public with anyone police have labeled a gang member (including people not named in the injunction); possessing drugs; and wearing colors that law enforcement associates with the gang in question. In some cases, exceptions are made for attending church, school, and work, but these exceptions may not always include travel to and from these destinations, or, if they do, the individual is still subject to harassment until their destination is confirmed by a police officer. Individuals that violate the injunction can face up to six months in jail and/or a fine of \$1000—without a trial.

Gang injunctions are tools of suppression policing and are rapidly proliferating across California and the U.S. Suppression policing is the practice of aggressively delimiting activities that cops determine to be disorderly (such as loitering, vandalism, or congregating in groups) with the idea that suppressing these activities will prevent “serious crime.” Suppression tactics include stop and frisk, cuffing or detaining people without arresting them, pressuring people to consent to police searches, or establishing curfews or restrictions on where people can travel or congregate. Suppression policing is sometimes also referred to as “order maintenance policing” or “quality of life policing.” It has the effect of increasing police contact with and control over communities of color, often leading to imprisonment.

The classification of gang injunctions as civil suits creates difficult conditions both for the named individuals and their communities. Because they

are not criminal proceedings, the defendants are not entitled to free, court-appointed attorneys, or to jury trials. Further, the burden of proof is lower than in a criminal trial: “clear and convincing” rather than “beyond a reasonable doubt.”<sup>4</sup>

Most gang injunctions include an “opt-out” clause. Opt-out provisions ostensibly allow those named on gang injunctions to demonstrate that they have severed ties with the gang. The supposed benefits of opting out include decreased stops and/or searches by police, the ability to have stronger ties to family and friends when not confined by the stipulations of the injunction zone and more options in terms of employment or education and housing. However, opt-out criteria, which are subject to corroboration by police and the District Attorney’s office, require that defendants prove that they have not had any contact with law enforcement for two full years after the injunction was filed (even if they had no contact with law enforcement before) and that they are not gang members.<sup>5</sup> Additionally, defendants must pay a filing fee of some hundreds of dollars to participate. The opt-out process puts both the evidentiary and the financial burden onto the named individual. Additionally, the opt-out process can include informing on the activities and associations of other people, and ignores the complexities of involvement with gangs and of negotiating an exit from these organizations. Further, the public naming of people as gang members poses a number of problems: future harassment by law enforcement, exposure to retaliation from rival gangs, and barriers to employment and similar forms of social exclusion.

Ultimately, gang injunctions subject entire neighborhoods to increased surveillance and harassment as police are granted extensive discretion to stop, interrogate, and gather information on people in the injunction zone. The information they collect goes into classified databases such as CAL/GANG, which the American Civil Liberties Union (ACLU) characterizes as a “secret blacklist.”<sup>6</sup> Police do not have to receive the approval of a judge or a magistrate to add someone to the database, nor do they have to notify the individual that they have been listed in one. These databases can have terrible consequences for people if they interact with police at a future date, even if they have no prior arrest record, and even if they are not suspected of a crime.

The Los Angeles City Attorney’s office filed the first gang injunction in 1987, and there have been over 150 filed in California since. They have been legally challenged on numerous occasions by defense attorneys and third-party litigators like the ACLU. In 1994 Oakland sought an injunction against the “B Street Boys” gang, and the ACLU contested it, saying that injunctions “flagrantly violate the rights of groups targeted specifically because of their age, ethnicity and relationships.”<sup>7</sup> The court sided with the ACLU and declined to grant the order, concluding that such an injunction would be “overbroad, vague, and therefore unconstitutional.”<sup>8</sup> The 1997 case of *People*

*ex rel Gallo v Carlos Acuna* challenged the constitutionality of gang injunctions, arguing that injunctions violate defendants' first amendment right to free assembly. In this case, however, the California Supreme Court upheld the injunctions, finding that gang activity falls under the definition of a public nuisance. This ruling set a green-light legal precedent for future injunctions.

Despite numerous studies on injunctions, there is no conclusive evidence to demonstrate that they significantly decrease violence.<sup>9</sup> Police and media reports of injunctions improving safety are seldom backed by significant or convincing evidence.<sup>10</sup> Cheryl Maxson has written that stories of reductions in crime through the use of injunctions "are often compelling, but are never buttressed with supporting evidence that meets minimal scientific standards of evaluation."<sup>11</sup> Maxson's research team found little support for a positive effect when they researched patterns of violence before and after an injunction was implemented in San Bernadino, CA. In fact, negative effects were observed in areas adjoining the safety zone.<sup>12</sup> Other studies highlight the fundamental contradiction that gang injunctions not only fail to reduce violence in the safety zones but also force the activities they are designed to control into the immediately surrounding neighborhoods, as had occurred with the North Oakland injunction by 2011.<sup>13</sup>

The ACLU similarly found that after an injunction was introduced in the San Fernando Valley, crime decreased temporarily, but then rose again.<sup>14</sup> In addition, gang suppression models have been criticized because findings show that in areas where suppression is used, diversion programs fall by the wayside.<sup>15</sup>

Most telling, an investigation by the *Long Beach Press-Telegram* found the city's gang injunctions had not reduced violence in targeted neighborhoods. However, Oakland Police Chief Anthony Batts—who had introduced the injunctions when working as chief in Long Beach—pointed to the Long Beach injunctions as successes.<sup>16</sup> Likewise, the Oakland City Council was twice presented with dismal statistics revealing that violent crime had increased in North Oakland since the temporary injunction had been in place, neither politicians nor police made any move to deauthorize the injunctions.<sup>17</sup>

Clearly perception often trumps reality: in response to the statistics showing violent crime had gone *up* in the North Oakland safety zone since the injunction went into effect, one Oakland City Council member said that she would vote to continue the injunctions because her constituents and outside corporate interests interested in settling in Oakland *perceived* that crime had decreased.<sup>18</sup> In our experience during City Council meetings, these constituents were usually members of the Chamber of Commerce, members of Neighborhood Crime Prevention Councils (NCPCs; organizations with pre-existing information-sharing relationships with the OPD), homeowners, and even people who do not live in the injunction zones. By contrast, during the same period, we heard story after story of young people of color terrorized

by the police. As municipal governments continue to adopt gang injunctions instead of investing in effective safety programs planned and implemented by communities themselves, it becomes clearer and clearer that reducing violence isn't their actual goal.

### **THE HISTORICAL SIGNIFICANCE OF INJUNCTIONS AND SUPPRESSION-STYLE POLICING**

Gang injunctions are part of a long history of racialized police suppression in low-income communities of color. Racist attacks against black residents in Los Angeles, California in the 1950s set the scene for what we now relate to as street gangs. White young men were known to cruise black neighborhoods in the city, harassing and beating up the black residents. The white police force had no interest in addressing this racist violence, so black residents organized their own groups for self-protection.<sup>19</sup>

By the 1960s, the aggressive and repressive presence of the police in black communities was foundational to the formation of the Black Panther Party. Self-defense had long been a primary issue of concern in black urban (and rural) areas and police repression as well as white supremacist terrorism escalated community violence. According to historians Charles E. Jones and Judson L. Jeffries, "The National Advisory Commission on Civil Disorders reported that forty-three race-related uprisings occurred in the United States during 1966...only 15 were reported in 1964."<sup>20</sup> According to author Jeffrey O.G. Ogbar in *Black Power*, most of these rebellions were sparked by cases of police violence.<sup>21</sup>

After years of patient, nonviolent tactics winning only limited state reforms, many black activists concluded that the government of the U.S. and its constitution were, to paraphrase Huey Newton, unwilling and unable to incorporate racial minorities.<sup>22</sup> "All of these efforts," he wrote in *In Defense of Self-Defense: Executive Mandate Number One*, "have been answered by more repression, deceit, and hypocrisy."<sup>23</sup> While resistance has always been a feature of black history in the United States, the urban rebellions of 1960s indicated a new level of confrontation with systematic exertions of white supremacy and the violence that persisted throughout, and in spite of, the Civil Rights Movement.

The Black Panther Party was one of many organizations that were openly critical of the established order and voiced dissension towards the government's domestic and foreign policies. The Third World Left, as the social movements for self-determination led by people of color identified themselves at the time, saw U.S. police forces and the FBI as the repressive enemy that reinforced/enforced structural inequality and daily racism. The Black Panther Party identified with revolutionary struggles globally and allied itself with other radical organizations such as the Brown Berets, the Young Lords

Party, the Young Patriots, and the American Indian Movement, which were all challenging the systemic oppression of people of color in the United States and worldwide. Communities of color organized together to provide for the needs that the state had historically, repeatedly, and systematically failed to meet. This approach attracted aggressive attention from the repressive apparatus of the U.S. government—most famously, the FBI's Counterintelligence Program (COINTELPRO). COINTELPRO consolidated federal, state, and local police efforts to infiltrate, watch, imprison, provoke, create conflict between, and assassinate leaders and activists in attempts to neutralize progressive and radical organizations, with a particular focus on black radical organization.<sup>24</sup> The state through its federal and local policing agencies, sought to suppress these movements with aggressive and decisive actions that would splinter, weaken, and ultimately destroy them. The ability of the state to determine what did and did not constitute criminal behavior was crucial to its ability to maintain political power.<sup>25</sup>

As citizens of the United States, Civil Rights Movement participants demanded equal access to the institutions regulated by the state. In contrast, revolutionary Black Nationalism and the Third World Left recognized that structural oppression was fundamental to the system and demanded a *transformation* of the state and social institutions. Federal, state, and local police had differing responses to these movements. Yet, street-level, highly public violence and orchestrated, federally sponsored disruption served to illustrate the militarized tactical foundation for the suppression model of policing. These models were often intimately connected to the suppression models employed by the U.S. military in places like Vietnam—wherein populations would be strategically pushed into cordoned off areas, their movements restricted and highly surveilled so as to both pacify their ability to resist military occupation while also attempting to sever their contact with organized insurgents (this methodology—also used by the apartheid regime in South Africa, by Israel in the occupied territories, and presently by the U.S. in Iraq—has often been characterized by its abject failure to address its intended effect, and its actual stoking of insurgency.)

In the 1980s, unemployment and poverty rates across the United States remained high throughout as the federal government slashed social spending, seriously depleting housing subsidies, training and employment service, as well as Medicare, Medicaid and Social Security. With industries closing factories and moving labor overseas, manufacturing was no longer an employment sector that could provide working class and union jobs to the urban people of color in California. The simultaneous state repression of Third World Left movements for self-determination created a climate in which poor communities of color were being decimated both politically and economically.

The systematic movement of drugs into these areas, in some cases directly related to U.S. foreign policy (most famously, the emergence of crack cocaine

in Los Angeles being a result of U.S. aid to right wing death squads in Central America<sup>26</sup>) spurred an informal economy that promised economic opportunity, in spite of its illegality and potentially lethal danger. In *City of Quartz*, Los Angeles historian Mike Davis writes, “The Crips and the Bloods are the bastard offspring of the political parties of the 1960s. Most of the gangs were born out of the demise of those parties. Out of the ashes of the Black Panther Party came the Crips and the Bloods and the other gangs.”<sup>27</sup> As a result, the local and federal criminalization of explicitly Third World Left formations shifted to target street organizations, ushering in a war on gangs.

A series of laws in the 1980s and '90s funneled additional funding to local police agencies, making it possible for them to become increasingly militarized. More and more, they incorporated SWAT teams and military equipment into routine policing and sought out training from military units worldwide. These policy investments paved the way for the proliferation of gang injunctions. In 1988, the Street Terrorism Enforcement and Protection (STEP) Act instituted felony prosecution of active gang members, felony penalties against adults who coerce youth into joining a gang, and possible life terms in prison for murder convictions involving drive-by shootings.<sup>28</sup> The law also outlined penalties for graffiti and the sale of illegal weapons. Then the Violent Crime Control and Law Enforcement Act of 1994 formed the Office of Community Oriented Policing Services (COPS) and implemented the devastating Three Strikes law and the Federal Assault Weapons Ban, which amplified the crackdown on gang activity and provided increased funds for local gang enforcement.<sup>29</sup>

Today, nearly every police department in California has an anti-gang unit, many funded and supported through the 1992 FBI Safe Streets Violent Crime initiative. Following September 11, 2001, the federal government has additionally offered specific funding streams for gang enforcement and incentives for local police collaboration with the Department of Homeland Security and Immigration and Customs Enforcement (ICE). This collaboration exposes defendants to “terror enhancement” penalties for a varied number of charges, including some gang-related offenses.<sup>30</sup> Culturally and politically the lines between “terrorist,” “insurgent,” “immigrant,” and “gang member” have been aggressively blurred. Communities, particularly poor communities of color, find their neighborhoods being viewed by police as warzones, replete with military hardware and technology, as well as theories and strategies of containment, neutralization, and restriction of movement.

## WHY WE OPPOSE INJUNCTIONS

While law enforcement, city governments, and the media tout the supposed benefits of gang injunctions, they rarely mention the devastating negative effects. Injunctions lead to increased police harassment and brutality, decreased

community unity, family separation, racial profiling, and gentrification. Individuals named in the injunction often find it impossible to get a job, especially since the injunctions appear on background checks.

Injunction enforcement relies on visual identification of alleged gang members and gives law enforcement an incredible amount of discretion. Gang injunctions lead to the increased harassment of people who fit the description of anyone on the list, in effect amounting to racial profiling.<sup>31</sup> They sustain white supremacy by stigmatizing entire groups of people as probable criminals. Young men of color are disproportionately labeled as gang members, and the consequences are felt by family, friends, and community members. While whites make up a significant share of actual gang membership, they are rarely identified as gang members by police. No gang injunction in California's history has ever targeted a white gang or person.<sup>32</sup>

In the long term, gang injunctions frequently usher in a wave of gentrification. The first injunction in North Oakland specifically cited that as an intended outcome. A joint report by the Oakland City Attorney's Office and the OPD, delivered to the Public Safety Committee of the Oakland City Council on February 11, 2010, stated that "providing additional law enforcement tools and resources at the local level to improve public safety and eradicate criminal street gangs will help create a better environment for economic growth and development."<sup>33</sup> Redevelopment, also sometimes called "urban renewal," historically has forcibly displaced poor and working-class populations, turning over their land to wealthy redevelopers for free or a below-market-value price. Even though levels of violence may increase or stay the same with a gang injunction in place, white and middle- to upper-class people perceive that the police are "doing something about crime," so they feel safer and move in.

Proponents of the injunctions explicitly support "blight" policing in North Oakland. Some praise the economic changes that accompany expulsion of poorer people from foreclosed properties and gladly to welcome in "professionals...those who have steady employment, income and reserves in the bank."<sup>34</sup> Meanwhile, people of color are pushed out of neighborhoods as they feel more threatened due to intensified surveillance and increased police presence. Anecdotal evidence suggests that similar push-outs have occurred in those neighborhoods where injunctions were imposed in San Francisco—in the Mission, Western Addition, and Hunter's Point.

Finally, gang injunctions consume a tremendous amount of resources from city budgets that could build strong, stable and healthy communities.<sup>35</sup> In fact, the actual amount of money spent on injunctions is often hard to quantify when considering the multiple pots (City Attorney and police department staff time, costs of patrols, litigation costs, etc.) from which the funding is allocated. City officials, we have found, are resistant to push for disclosure of these various amounts, obscuring the real costs of injunctions



and avoiding any accountability. Despite the fact that injunctions have not been proven to be an effective violence prevention tool, municipalities often choose to implement injunctions at the expense of violence prevention programs or community-based programs such as youth centers.<sup>36</sup> Oakland continues to experience a serious budget shortfall, and yet, the city favors investing more money in the police department, rather than supporting the library, education systems, or Parks and Recreation.

The civic participation of named individuals as well as that of their families is invalidated by the criminalizing effects of injunction. As such, their experiences of police harassment, raids, and imprisonment fail to be taken into account as evidence of the negative effects of injunctions. This type of social and economic isolation, which also undermines community cohesion and stability, is more likely to cause, rather than reduce violence. The growing tensions of isolation, disunity, instability, and violence have an extremely corrosive effect on the ground from which individuals and neighborhoods could organize toward changing their conditions in the short, medium, and long term. When viewed in this way, it can be argued that injunctions are not actually intended to reduce violence, but rather are specifically designed to target communities of color for economic and social dissolution.

## **PART TWO: RESISTING INJUNCTIONS**

### **THE FIGHT BEGINS**

IN AUGUST 2009, the City of Oakland appointed Anthony Batts as the Chief of Police. As Police Chief in Long Beach, CA, Batts had implemented gang injunctions. Working in concert with Oakland City Attorney John Russo, Batts attempted to use injunctions in Oakland as part of his strategic plan to target “gangs, drugs and guns.” Batts embarked on an extensive public relations campaign, speaking publicly to neighborhood associations and holding press conferences to support this initiative, while labeling Oakland one of the most dangerous cities in the United States.

In February 2010, John Russo began his own public relations campaign to push gang injunctions, meeting with police-aligned groups like the Neighborhood Crime Prevention Councils (NCPCs) and members of the Oakland Neighborhood Watch Steering Committee. Russo filed both injunctions on behalf of the People of California, allowing him to pursue the suits without having the approval of City Council or the Mayor, while drawing down scarce city funds to litigate and enforce the injunctions. As of June 2011, the litigation cost of the injunctions has topped \$2 million.

In addition to naming entire gangs, Oakland's gang injunctions name specific individuals who are allegedly affiliated with "North Side Oakland" and the Norteños. Initially, both injunctions named an additional 60–70 John Does, allowing individuals to be added on a rolling and indefinite basis. The City Attorney's office repeatedly claimed that the injunctions only named adults and would only target adults, yet as of June 2011, youth in North Oakland had reported being stopped by the police and asked if they were named in the injunction.<sup>37</sup>

Police intervention into the East Oakland injunction began early in the process. In an atypical move, the City Attorney used the OPD to deliver documents notifying defendants that they were being named in the injunction. The result was that the OPD began "multitasking": they would stop by an individual's home to deliver the legal papers, and then proceed to search the residence with as many as eight cops at a time. Stop the Injunction Coalition's legal team began receiving calls from unrepresented defendants, and heard stories about how the police had interrogated their younger siblings, terrified their families, and ransacked their homes.

Those defendants who were bold enough to contest the gang injunctions were met with the force of multiple sectors of the prison industrial complex. For example, a parole officer learned that a defendant targeted by the Fruitvale injunction and a co-defendant had been stopped by police on their way to a meeting with their defense attorney. When the defendant next appeared in court to fight against being named on the injunction, the parole officer claimed he had violated his parole by associating with a "known gang member" and was arrested. The co-defendant in question had never been convicted of a gang crime and did not have any "gang conditions" in his probation agreement. The logic here was that because these men were both defendants in the gang injunction case, one could be arrested for "associating" with the other. The assumption is that both defendants are guilty until proven innocent. The defendant that was arrested had been working with the coalition and had just previously given several interviews to media. Upon his arrest, the City Attorney used his twitter account during working hours to mock the defendant. The defendant spent several months in jail and prison before being cleared of the parole violation.

## **ORGANIZING OPPOSITION**

Almost as soon City Attorney Russo announced his plan to unleash injunctions across Oakland, community members and organizations began to speak out and organize, forming the Stop the Injunctions Coalition (STIC). This broad coalition—composed of organizations, youth, lawyers, named defendants, and other community members—mounted a three-pronged campaign against the injunctions. To date, this is the only campaign to

challenge injunctions collectively (rather than each defendant hiring a private attorney) and has informed similar struggles from Santa Barbara to Los Angeles and Sacramento.

STIC understood that increasing police discretion would negatively affect entire communities through the act of policing itself, would drain funds from social services, and facilitate gentrification.<sup>38</sup> With that understanding in mind, we took up both informing our neighbors about the impacts of the injunctions to bolster support for our campaign and to reduce the isolation people named on the list and their families faced as a result of being targeted by the injunctions.

Very early in the process we reached a crucial consensus that we would struggle to defeat the injunctions themselves, and not just try to remove individual people from the list. While the fight in the court forced us to defend individuals, as a coalition we never argued on the basis of innocence or guilt. Instead, we held firm that people who had caused harm to others were still a part of our communities and needed strong support and resources rather than policing and imprisonment. In this vein, advocating for concrete alternatives to reduce violence was always a central part of our strategy, and we looked to coalition members who had been imprisoned, as well as youth who were targeted by policing, to provide this expertise in what strategies could have helped them avoid police violence or imprisonment, had they been available.

We used grassroots organizing and legal strategies that worked in communication with and in support of each other, though not always explicitly. Sometimes this meant that the organizing contingent had to push the public dialogue in ways that the limitations of legal discourse and procedure would not allow. Sometimes the legal team had to prioritize serving the immediate, representational needs of their clients—the named individuals—in ways that further entrenched the discourse in legal bureaucracy, which the grassroots movement could not publicly valorize. Consistent media work supported all of these approaches as we aimed to defeat the injunctions—in the courthouse, with the City Council, and in the public discourse.

## **MOUNTING RESISTANCE**

Gang injunctions were introduced in Oakland just as a large, vibrant grassroots movement against police brutality had been reawakened after the murder of Oscar Grant III—execution style, as he lay face down, handcuffed and restrained on a subway platform—by a public transit cop. His murder was witnessed and recorded by hundreds of people, who disseminated images and video widely. Longstanding distrust of police coupled with the overwhelming attention to Oscar Grant's death put state efforts to immobilize and displace communities of color in sharp relief and provided the context for the struggle against gang injunctions.

While the groups organizing in response to the Grant killing and those against gang injunctions maintained separate identities and courses of action, the black-led “Justice for Oscar Grant” movement regularly turned out to STIC meetings, town halls, City Council meetings, and other actions to offer support. Likewise, from the beginning STIC’s struggle was against the use of policing to address social, economic, and political problems, not just against the use of gang injunctions. While the injunctions provided a worthy target, organizing against the injunctions was also consistently a way to generate opposition to the police state and to develop meaningful community-based solutions to violence.

An organization of formerly imprisoned people, many of whom had personal experience with gangs, called the first meetings of what would become Stop the Injunctions Coalition. The coalition drew from several community organizations’ membership bases in Oakland in collaboration with interested individuals from the North Oakland area. STIC was also in contact with organizers who had fought against gang injunctions in neighboring San Francisco. A woman who ran a community center within the injunction zone and had personal connections with the families of many of the young men named in the injunction provided meeting space. While she wasn’t a formal member of the coalition, she consistently connected us with people who would be directly affected by the injunction, informed us about community events that we should attend, provided neighborhood history, and gave us tips for building trust in the neighborhood. With a regular meeting place established, we quickly formed media, legal, and outreach teams, and began creating flyers, information packets, talking points, and a petition against the injunctions.

Coalition members developed a set of demands to frame the campaign in North Oakland. The demands included: an end to the use of gang injunctions and removal of people from the gang database; community participation in decision-making affecting Oakland residents; increased support for community programs; an end to gentrification and an increase in safe, affordable housing; police accountability; and enforcement of Oakland’s status as a sanctuary city, including non-cooperation with ICE. Having unified demands that were determined collectively by the coalition was crucial to ensuring that we could focus our messaging and campaign strategy.

We developed messages stemming from the demands and used them to inform language for flyers and outreach efforts. Because the coalition emerged from people representing a variety of politics and perspectives, the work to develop coherent messages that all coalition members could get behind was difficult. We wrestled with tensions between what we thought could be winning messages and articulations of what the coalition actually wanted. We struggled to achieve a balance between concrete details and rhetoric. And we debated as to what kind of language would resonate most strongly with the neighbors.

We divided our media effort into two streams: working with the press and developing propaganda. We pursued traditional tactics such as sending press releases, holding press conferences, speaking on radio shows, and writing letters to the editor and op-eds. We also developed fact sheets, rebuttal statements to the City Attorney, a Know Your Rights pocket guide addressing issues related to the injunctions, and outreach flyers. We created a blog ([stoptheinjunction.wordpress.com](http://stoptheinjunction.wordpress.com)) that served as a repository for all the tools we were developing, and which we also used to publish our own statements about the injunctions, to announce upcoming mobilizations, and to launch the campaign's audio and video media. Working with a local radio personality, STIC also held a "people's town hall" broadcast from the Oakland City Council chamber. During the meeting community members testified about the effects of policing on their communities and offered ideas about what alternatives to policing would make their neighborhoods safer.

Strong messages are only as powerful as their messengers, however. The coalition developed a group of key spokespeople who could offer statements and quotes, speak at press conferences, give interviews, and act as the faces of the movement. STIC's spokespeople included neighbors living in the injunction zone, a parent of one of the named defendants, lawyers, and formerly imprisoned people. We trained them on speaking to media outlets and practiced using the messages in response to a variety of situations. These trainings were good opportunities to prepare coalition members for interviews; they also helped us hone our messaging and tailor our talking points.

Early on, our media strategy focused primarily on community education. Since the City Attorney snuck the temporary North Oakland injunction through with minimal public input, many neighbors did not know that an injunction was to be put in place, or what it would do. In the press we focused on highlighting the anti-democratic nature of the process of implementing the injunctions. As we became more cohesive as a coalition, our press work and propaganda became less about merely sharing information and more about proactively offering analysis and suggesting alternatives to the injunctions. The coalition took up the slogan, "Our Oakland, Our Solutions," as a way to express the centrality of our struggle for self-determination within the fight to eliminate injunctions.

In our early street outreach efforts, we began door-knocking, talking to small business owners and people on the street, going into corner stores and barber shops and cafes, and regularly visiting a flea market that was close to the injunction zone. We also spoke at every community forum we could and presented workshops for organizations and classrooms. We passed out flyers, talked to people about the injunction, invited them to events, and collected petition signatures. Sometimes we had posters to pass out or hang

up in businesses. Later on, our outreach teams would each stick to a specific few-block area to build relationships and familiarity with the neighbors.

## COMPETING NARRATIVES

People in North Oakland were eager to share their views on policing and its impacts when we did door-to-door canvassing and general outreach at local shops and flea markets. Listening to their stories strengthened our resolve and our ability to talk confidently to a variety of audiences. Documenting individual accounts of police violence was a key strategy to move community members, the City Council, and the media to envision what gang injunction enforcement would look like in North Oakland. It also helped us counter the biggest lie that gang injunction proponents were telling: that the injunction would only affect the individuals who were named by it. The effort to counter that particular misinformation campaign was present in everything we did. Luckily, many North Oakland residents, especially youth of color, were clear that they would be the targets of any increased policing in their neighborhoods whether or not they had been named in the injunction.

Stop the Injunctions Coalition's role was also to help shift the debate so that the terrain on which the grassroots organizing took place was one that we were shaping, rather than the Oakland Police Department and the City Attorney's office. In order to do this, we listened closely to how different sets of people talked about policing, gang injunctions, violence, and interventions so we could be flexible and targeted with our messaging as we moved from audience to audience. Youth groups and local artists made beautiful posters and banners, community members were trained as spokespeople, hundreds of people were mobilized, and we started to help shape the story the media was telling about the injunctions.

The City Attorney's office was caught off guard by STIC's large and loud presence against the North Oakland injunction and immediately tried to discredit us by saying that we didn't care about gang violence. While we had been talking with neighbors, allies, and the media about gang injunctions being a waste of resources, we began to see that we needed stronger language about alternative solutions to gang violence. We fortified our arguments by presenting examples of local organizations working with gang-affected youth—without involving cops. These included a community center bringing youth from different neighborhoods together for a weekly dinner and political education, and an arts center providing after-school programming. We offered these organizations and others as strong community and youth empowerment resources and collaborated with them in our organizing efforts. City officials were not receptive to these ideas, but the public often was. By highlighting local groups' programs, we forged key alliances that were crucial in building a broad-based movement.

## IN AND OUT OF COURT

Alongside these community efforts, STIC's legal strategy always played a defined role in the campaign, developing from a relationship between organizers from targeted communities and legal advocates. At its core, the approach was based on the shared assumption that litigation could not be the primary path to eliminating the injunctions, and that building power and unity at the community level is the only way to make lasting change. At the same time, since courts are where the gang injunctions are prosecuted, we had little choice but to fight there as well and to work with attorneys to bring community voices into that forum.

From the beginning of the struggle we used the court dates as opportunities to rally against the proposed injunctions, build momentum, and gather media attention. Community mobilizations to court and rallies outside the courthouse were important parts of an integrated legal and organizing strategy during the North Oakland hearing and continue to be part of STIC's strategy. A consistent and strong community presence offered support to the defendants, let the judge know his decisions were being monitored, and also gave the coalition opportunities to voice our side of the story, developing rally speakers and media spokespeople in the process.

As we grew, our coalition began to shape the terms of the debate. We produced educational flyers and videos, screened movies on the policing of youth and street organizations, held Know Your Rights events, and created police complaint reporting forms and an anonymous police abuse hotline for Oakland residents. The cumulative effect led to clear calls for neighborhood self-determination being heard in City Hall, in the press, and beyond.

## MOVING EAST

The lessons we learned organizing against the North Oakland injunction left us well positioned to fight when the City Attorney announced plans for a second injunction, this time in the Fruitvale/San Antonio neighborhoods of East Oakland.

Fruitvale already had established networks that were tapped by organizers from the neighborhood to spread information and mobilize people. These networks were based on long-standing relationships with community-based organizations in the injunction zone, including some that had direct connections to many of the defendants. Although the Fruitvale neighborhood has experienced some development, it had not experience the decades of destabilizing, fragmenting, and disenfranchising gentrification that the North Oakland neighborhood had.

When the second injunction was announced, Fruitvale organizers and residents had already seen the results of the North Oakland injunction and understood what it would mean to give police even more authority. Fruitvale is a

predominantly Latina/o community that is heavily impacted by the collaboration between local cops and ICE agents. In relationship to recent city-sponsored economic redevelopment projects in the area, Fruitvale residents saw a heightened police presence—and with it increased racial profiling, harassment, checkpoints, raids, imprisonment, and deportations, and police killings.<sup>39</sup>

Years earlier, in 2007, several organizations with broad working-class, Third World constituencies—many of them based in the Fruitvale—joined to form the Oakland Sin Fronteras Coalition. The focus of the alliance was to bring attention to the attacks on migrants and show their relationship to militarization, imprisonment, and police violence. When the injunctions hit, many of these organizations understood the importance of stopping yet another attempt to augment policing powers. Member groups of the Sin Fronteras Coalition took the lead in gathering together educators, community members and youth groups, including those working with gang-impacted and gang-affiliated youth, to discuss strategies and community solutions. They came to a North Oakland STIC screening of *Bastards of the Party*, a film STIC had been showing with ally organizations to deepen a shared historical analysis of injunctions. After the film, the group from the Fruitvale continued to visit North Oakland STIC meetings to learn what strategies had been successful in the North and to initiate collaboration and tool sharing. The groups ultimately joined forces and STIC expanded our focus to include East Oakland.

Several lawyers took the Fruitvale/San Antonio cases on a *pro bono* basis, offering substantially more legal support than defendants had when fighting the North Oakland injunction. The attorneys met with gang outreach workers to learn more about the individuals named on the list. The legal team began by representing a single defendant, hoping to get his name removed from the injunction, but soon realized that they couldn't effectively litigate the case that way. They realized the only way to challenge the scope of the injunction and the various restrictive terms was to represent as many of the defendants as possible.

The court system inherently individualizes social and economic problems, so the legal team had no choice but to try to prove that their individual clients were no longer gang members, were innocent of their charges, or had been rehabilitated—or else, to highlight school- or job-related reasons the injunction shouldn't be applied. At the community level, organizing and messaging were shaped to make sure that this individualization did not leave anyone behind; we fought for more community resources and argued that the injunctions were illegitimate. This combined pressure forced the judge to waive the \$945 court fees.

By the time the City Attorney pushed for the East Oakland injunction, we had already learned some important lessons for our media and public education work. We knew that consistent core messages and reliable, articulate



spokespeople were our strongest assets. As the organizing began to incorporate the struggle in East Oakland, we worked with community organizers in the Fruitvale to modify STIC's messages to integrate their language and priorities. We expanded our pool of spokespeople to include defendants in the new injunction, as well as young people, youth advocates, and others from East Oakland. We also consolidated demands from the two neighborhoods:

1. Stop the injunctions and all police violence.
2. Community self-determination: We know what our communities need; we have our own solutions.
3. Defend immigrant communities. No deportations or collaboration with ICE.
4. Stop gentrification.
5. Accountability from city government and increased decision-making power for all Oakland residents.

### **SHAPING PUBLIC DISCOURSE**

Fighting the injunctions in the press could only work as one means of drawing attention to the issue. Drawing on the long, vibrant history of cultural resistance in Oakland, art, music, and performance have become crucial pieces of STIC's media work. Creating a visual language for the campaign was as important as solid talking points. We joined forces with an artists' collective to create campaign posters, and coalition members in both neighborhoods held banner-making parties to ensure that our public presence was as dynamic and colorful as the coalition itself. Local musicians wrote songs and shot videos specifically for the anti-injunction effort. Youth organizers created chants based on popular songs, including a coalition favorite based on Cali Swag District's "Teach Me How to Dougie." Members of a local cultural center helped coordinate street theater performances for our rallies and incorporated an anti-injunction storyline into their youth theater group's year-end performance. Artists from that same cultural center have also collaborated with defendants named in the East Oakland injunction to design murals in the injunction zone.

As we refined our demands, talking points, and strategy, we knew that we had to educate and include the community that would be impacted by the injunctions. We began by conducting town halls where we disseminated information, developed strategy and demands, and collected ideas about ways to mitigate violence in the neighborhoods without increased policing. To organize

the town halls we began by outreaching to the defendants, their families and friends, community elders, and gang-affected and gang-affiliated youth. Through this process we were able to get a number of defendants to lead pieces of the organizing work, tell their stories in community settings, become media spokespeople, and educate young people about the affect the gang injunctions had on their lives, their families, and on the broader community.

We all agreed on the need for activities during which we could shape the public discourse, rather than just showing up whenever the City Attorney or police chief spoke about the injunctions. Youth took the lead in creating spaces where young people could develop ideas for actions and led the planning and training for them. Some actions followed those tested in North Oakland, including press conferences, marches, City Hall and court mobilizations, as well as street theater, educational workshops, banner drops, wheat pasting, and community bike rides through the injunction zones.

## **A WEEK OF ACTION**

Because City Council is supposed to direct the City Attorney's office, we knew that it was important to get Council members to take a public stance on the injunctions. We began driving a wedge between the unpopular City Attorney and the City Council. The City Council and the newly-elected mayor initially dodged the issue by saying that they hadn't been briefed on the injunctions, and therefore could not speak about it. We began mobilizing hundreds of community members once or twice a month to attend the City Council Public Safety Committee meetings and to speak against the injunctions.

During this period, our messaging gelled among our supporters, and a large and very diverse crowd seemed to speak with a single voice. After several months, we were able to pressure the Public Safety Committee, and later the entire City Council, to request further information about the injunctions from the City Attorney's office and the Oakland Police Department. When the report was released, it showed that after one year the injunctions had cost \$760,000. We gained substantial ground on our argument that injunctions are a waste of resources in a cash-strapped city, and we used the informational hearing to offer our own report on the financial and social costs, as well as our suggested alternatives.

Meanwhile, the youth organizers suggested a "Week of Action" to educate and stir up energy among community members and to put pressure on city officials. That week in March 2011 became one of the most memorable moments in the campaign and generated energy not only among Oaklanders, but also among people fighting injunctions in neighboring cities.

The week was designed to build community support and culminated in a mass rally. We opened the week with a press conference highlighting the voices of teachers and emphasizing the trade-offs between education spending and

the money spent on the injunctions. We also took the opportunity to reiterate that injunctions were not driven, recommended, or desired by the neighbors who would be most impacted by them. The next day we held bike rides in the North and East Oakland injunction zones to continue informing community members about this issue. The cyclists made stops at schools and other key community institutions in the zones. On Wednesday, we conducted more than 35 workshops throughout the Oakland school system, reaching at least 500 youth, during which STIC discussed the injunctions and collected suggestions for addressing violence in our neighborhoods. These responses were turned into a report that was submitted by STIC youth members to the city later that month. Wednesday ended with a youth concert to create a safe and fun place for young people to enjoy themselves as a means of highlighting how rare such events are for the youth in Oakland.

Thursday we held a vigil for people affected by violence. It was attended by residents who had been hurt by all forms of violence, including families of those who have died at the hands of the Oakland police. The vigil demonstrated a key part of our strategy—showing that we, too, have been impacted by violence and care deeply about the solutions to it. Rejecting policing as a response to violence is foundational to our rejection of the gang injunction strategy. The vigil helped us reiterate that policing causes harm; that policing will only augment violence, not quell it.

The Week of Action culminated with a youth-led action in which young people walked out of school and marched through the East Oakland injunction zone, taking over nine major intersections, before arriving at the STIC demonstration. Over 500 people gathered in a main city plaza to rally against gang injunctions. The rally featured street theater, hip-hop acts, and speakers.

## **MARKING PROGRESS**

In spring 2011, after more than a year of controversy, City Council succumbed to pressure to bring the issue to a full vote, with the potential of defunding injunctions entirely. With only two weeks notice, we seriously stepped up our outreach. STIC and our allies made hundreds of calls and sent hundreds of emails to the City Council members and the mayor opposing the injunctions—and policing more broadly. We asked our allies to reach out to their members and to commit to speaking out against the injunctions.

The night of the vote, 30 community organizations sent representatives to testify against the injunctions, and 300 community members turned out, with more than 150 staying until midnight to speak to the City Council. While we lost the vote 4–3, the City Council also voted that no more injunctions could go forward without an independent review of the proposed East

Oakland and temporary North Oakland injunctions. They also ordered that all John Does must be removed from both injunctions.

While these may seem small steps, they represent the most effective challenge to gang injunctions to date. Striking the John Does from the injunction limits the discretion police may apply in targeting potential defendants and thus limits the formal means through which police may exert their power. Instating a check system—“no more gang injunctions without an independent review”—actually halted hasty implementation of additional injunctions later that summer, thus representing a real strategic win; we curbed the ability of politicians to deploy injunctions at will.

In the course of the campaign, we faced many challenges, not the least of which was deeply ingrained support for policing among city officials. Additionally, the City Attorney’s office was equipped with substantial resources for a propaganda offensive against us. The fight has been constant, with various battlegrounds, and there have been months during which we would ask people to turn out once a week to court hearings, City Council meetings and even committee meetings within City Council. Maintaining energy and momentum and making sure that we were consistently reflecting on strategy and not just jumping from action to action were serious concerns that we struggled with. Another large challenge was making sure that as we fought this policing strategy, we also continued providing support to the defendants and their families, especially those who were becoming primary targets due to their involvement in resistance work.

In North Oakland specifically, we had large challenges to overcome. We were unable to create sustained relationships with defendants named on the list for several reasons: *Pro bono* legal representation had not been available in that case and many of the people named were already imprisoned. We had a largely white outreach team trying to make meaningful, yet quick, connections in a working and middle class black neighborhood experiencing gentrification. That this particular North Oakland community had been worn down from decades of trauma, including the deadly police repression of the Black Panthers, also had an effect on organizing. Moreover, after the City Council decision, many people were deeply discouraged. Because so much of our base is made up of people who are generally excluded from decision-making, this disappointment had a serious impact on momentum. Yet the gains Oaklanders have made in our struggle against gang injunctions put us in a strong position for the next phase of our ongoing fight.

In August 2011, two City Council members proposed amending the May 17 vote and introducing two new injunctions. They also simultaneously proposed a day and night youth curfew and anti-loitering legislation. Calling upon our allies again and reminding them of our show of power just months earlier, we mobilized hundreds of concerned Oaklanders

to City Hall in early October to speak out against all the proposals. We stayed at the microphone until midnight, challenging the racist nature of the policies and showing them to be exclusionary tools that would inflict more violence on communities already feeling the burden of policing. We also stressed how irresponsible it would be to funnel more funding toward new injunctions without having done the review of the existing ones. The City Council voted to send all three measures back to the Public Safety Committee for further review. As of June 2012, they have not pursued these proposals any further.

By uniting courtroom and grassroots organizing strategies under core demands linking gang injunctions to the systemic violence of policing, gentrification, the criminalization of immigrants, and lack of access to decision-making, the Stop the Injunctions Coalition sustained and grew itself and generated new possibilities for future struggles against state violence in Oakland and elsewhere.

### **PART THREE: LESSONS LEARNED**

AS OF THIS writing STIC's campaign against gang injunctions is ongoing.

When we look ahead at what is next, we draw on some important lessons. Strong, clear, consistent messages are our most effective tools in making our case. When we speak in our own words using our own language, rather than that of the state, we are able to establish the terms of the fight and put ourselves in the position to take the offense rather than continually responding to our adversaries. Using the media, we have been able to help keep the political priorities of the campaign focused and clearly articulated across neighborhoods, organizations, and events, helping provide a picture of the coalition as unified. We kept opposition to the injunctions at the forefront of public discussion for over a year. We garnered attention and solidarity from communities across California, the U.S., and the world.

Our messages are only as strong as our messengers. Our effectiveness has come from our spokespeople remembering that they are delivering the messages of the coalition and not promoting themselves. Our coalition members did not lose sight of this. And we do not need to rely on corporate media outlets to engage local communities. We successfully combined self-made media with corporate media to provide a wide range of pieces in a variety of formats to communicate why injunctions are such a violent, dangerous policing tool. Creative use of self-made media can be powerful in subverting dominant messages. Most of all, our campaign is best served when media tactics follow the organizing strategy rather than trying to lead it.

In the courtroom, we were able to learn lessons from other legal fights and to wage the first “people’s” legal struggle against gang injunctions. By staying connected with the grassroots organizing, going over language and possible legal strategies, and taking much direction from the community, the legal team was able to bring the politics into and out of the courtroom—bringing defendants into the organizing, exposing the injustice of injunctions themselves, and creating time and space for the rest of us to move strongly in City Hall and in the media. We have to remember: most gang injunctions are implemented in a matter of weeks, with hearings often lasting only minutes. The Fruitvale courtroom struggle lasted many, many months and is far from over. While we have not been able to defeat the injunctions in court, we have scaled them back; the Fruitvale injunction is perhaps the weakest ever to be imposed.

When the City Attorney announced his gang injunction plans, he did so with a puffed-out chest and expecting no resistance. Because of the community’s organizing efforts, things have changed. Oakland has only two temporary injunctions, instead of the ten proposed. The once-arrogant City Attorney, John Russo, left town to take a job in a neighboring city, and Anthony Batts, the police chief who brought gang injunctions with him from Long Beach, resigned soon after. In the media, injunctions are almost always preceded by the adjective “controversial” and followed by comments about their costliness and unpopularity. Most Oaklanders now know what a gang injunction is, and more and more people are against them. Future injunctions seem unlikely.

### **FIGHTING HARD, FIGHTING SMART**

Anti-injunction organizing has required a systemic analysis of policing and power that is challenging but that also creates many opportunities. By working to understand the systems that gang injunctions are a part of, as well as the histories of those systems, we were able to keep an eye on a bigger picture even as we were required to take specific actions in the here and now. In order to fight against the injunctions, we had to think and plan and act strategically. We had to ask: Why gang injunctions? Why now? Where do these things come from? Where are they going? We had to learn some history. We had to educate ourselves politically. We had to figure out ways to respectfully navigate cultural and linguistic barriers.

For many of us, hanging around City Hall wasn’t how we necessarily wanted to spend our Tuesday evenings and the courtroom was one of the last places we would go willingly. Many of us had never talked to the press before. Many of us had never sat through hours of planning meetings or done much organizing at all. But by building an organizing framework that valued collectivity, leadership development, accountability, and discipline we were able to engage with these challenges and weaknesses and to turn that

engagement into strength. One of the tests of that strength will be our ability to learn further lessons and apply them in the future. Another test will be our ability to communicate these lessons and have them applied by others in different locations.

In our grassroots organizing work, we learned how to make decisions as a coalition, build the leadership of a variety of people, and ignite the participation of other organizations for mobilizations. We learned that the city government, specifically the OPD and the City Attorney, were very well resourced, but were often lumbering and clumsy. While we know they are able to smash you hard if you're under their boot, we also learned that we could beat them in creativity, predict their moves, get out ahead, and out-flank and out-sprint them. This knowledge was inspiring and we gained a lot of support and momentum in that process. But morale and momentum are hard to sustain, especially in the face of defeats—however technical and short-term.

### **THE FUTURE IS UNWRITTEN**

The history of the Stop the Injunctions Coalition in Oakland is still being written. We have been around for less than two years. And we have much fighting ahead of us.

The immediate future of STIC will be to monitor, delegitimize, and smash the existing injunctions; defend against the slim possibility of future injunctions; and continue to build and highlight all the community-based work happening to fight violence and harm in Oakland. Just as we learned a great deal from other cities' struggles, STIC has been contacted by organizers in cities throughout California beginning or continuing to fight injunctions in their communities. While much of the organizing in Oakland has been within the starkly delineated zones where the injunctions have been imposed, the ideas and strategies developed here could be useful elsewhere.

We hope that just as we learned from others, we will be able to share what we have learned. We hope that others will be able to improve on those lessons and strike decisive victories against gang injunctions all over the country. We hope that those victories will act as a basis for further gains against the violence of policing and toward fundamental shifts in power.

The idea of self-determination remains at the heart of how we understand and articulate our fight against gang injunctions. It helps us to remember that this fight is as much about building what we want as it is about tearing down what we do not want. Self-determination by definition is a long-haul proposition, but it is surely attainable and definitely worth the struggle.

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