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## *Organized Resistance and Crime Policy: Exploring Gang Injunctions, Racialized Space, and Community Activism in Oakland, California*

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*Gang Injunction policies have been utilized since 1987 by law enforcement as a tool to deter crime by policing entire neighborhoods. Existing research on the effects of gang injunction policies relies heavily on mass surveys and other statistical data, yet there is little research on how these policies affect the communities they are imposed upon. In March 2015, the Fruitvale neighborhood in Oakland was the first community nationwide to successfully win the dismissal of an injunction policy. As communities are struggling to resist injunctions with some success, it is crucial that we empirically examine the experiences of the community members most affected by crime policy. This qualitative case study draws on archival data and in-depth ethnographic interviews with individuals from groups of key community stakeholders such as individuals named in the Fruitvale injunction policy, their family members, and community activists. These interviews aim to record and analyze a community response to the injunction policy, its possible effects, and the reaction to the dismissal of the policy in Oakland. The findings reveal themes and key issues surrounding the racialized nature of the injunction policy and the level of community activism that was instrumental in the dismissal of the policy. In dissecting the case of the Fruitvale injunction, communities facing similar policies may utilize strategies in their own continued struggles with injunction policies or policing of race and space.*

## **Introduction**

On March 6<sup>th</sup>, 2015 Oakland City Attorney Barbara Parker announced the dismissal of the Fruitvale gang injunction. This was a historic moment for communities who have opposed such policies. A gang injunction is a civil lawsuit filed against a street gang that targets individuals said to be members and a public nuisance, while limiting their movements within demarcated injunction areas (Maxson, 2004). Communities within injunctions fall subject to forms of surveillance and policing, producing hyper-criminalization of community members living in the injunction's boundaries. The process of hyper-criminalization is described by Victor Rios (2011) as occurring when an "individual's everyday behaviors and styles become ubiquitously treated as deviant, risky, threatening, or criminal across social contexts," (p. xiv). This process in conjunction with crime policies such as gang injunctions often lead to pronounced racial profiling as minorities within the area come under constant surveillance.

Injunction policies became a popular tool used to address alleged gang violence beginning in 1987, when the first was implemented in the Cadillac Corning neighborhood of Los Angeles (Muniz, 2015). Since the birth of the injunction policy as a crime fighting strategy, injunction policies have become a common tool used across California with over 150 gang injunctions in the state and growing numbers being implemented across the nation in places such as Texas and Chicago (O'Deane, 2011). Despite their popularity for allegedly reducing crime, research on the effects of gang injunctions on communities is largely missing.

## **Literature Review**

The state often influences the racialization of space in urban areas, reinforcing racial boundaries and furthering the cycle of oppression associated with legacies of segregation. George Lipsitz (2007) discusses the racialization of space as the

way “people of different races in the United States are relegated to different physical locations by housing and lending discrimination, by school district boundaries, by policing practices, by zoning regulations and by the design of transit systems” (p.12). While gang injunction policies allegedly function as a tool aimed at combating crime, they are imbedded with racial undertones despite being promoted as race neutral. These macro-level spatial forces may serve to protect white spaces, as Lipsitz argues, and keep them exclusive while solidifying the value of white privilege that is protected through these policies.

Literature regarding gang injunctions draws heavily on statistical data and fluctuating crime rates to equate success of injunction policies with crime reduction. What this literature fails to do is account for geographic shifts in crime rates or community responses to the policies. Research conducted by Matthew O’Deane (2012) utilizes archival data to substantiate claims of successful trends in crime rates due to implementation of injunction policies by providing lists, accounts, timelines and historical narratives, still, he doesn’t account for the community members who are directly affected. Another study conducted by Cheryl Maxson et al. (2005) examining the effects of gang injunction policies in San Bernardino, California, consisted of collecting 797 surveys before and 1229 surveys after the policy’s implementation in 2002. Maxson found a modest increase in community feelings of safety six months after the injunction in some of the survey areas; however, this increase was accompanied with heightened levels of police presence.

Researchers have made troubling connections between gang injunction policies and monetary incentives. In 2007, Frank P. Barajas discussed the battle over the gang injunction in Oxnard, California, asserting that at the time the policy was announced, “the city experienced 29-30 crimes per 1000 people, making it one of the safest cities in the nation for its size” (p. 405). Despite these statistics, the city aggressively pursued the injunction while it was in the midst of massive re-development. Barajas cites a study conducted in Los Angeles by Alejandro Alonso (1999), which found that “If you map out every gang injunction in LA County, you will observe a pattern of ‘privileged adjacency.’ In Los Angeles,

every gang injunction seemed to target a gang that was located in an area that has more affluent concerns” (p.404). Recent scholarship by Ana Muñiz (2015) provides further evidence that connections between gang injunctions and spatial politics exist by exploring the first gang injunction in the Cadillac Corning neighborhood of Los Angeles. Muñiz utilizes the policy as a case study that provides evidence of how gang injunction policies have assisted in criminalizing youth of color while simultaneously protecting affluent neighborhoods.

### **The Proposed Study**

This study focuses on Oakland, California, as a starting point for examining the link between injunction policies, racialized space, and strategies to counter these forces within the affected community. A premise of this study is that, apart from the effectiveness of injunctions in “reducing crime,” such policies have an impact on the social climate of the community in which they are implemented. While the study also relies on the premise that gang injunction policies are harmful to and ineffective in the communities where they are implemented, it is beyond the scope of this study to conduct a policy analysis of the Fruitvale gang injunction. Rather, this study will focus on using ethnographic interviews to record the community’s response to and role in the dismissal of the Fruitvale anti-gang injunction policy in Oakland.

The main questions to be addressed in this study are as follows: What is the response of key community stakeholders to the dismissal of the Fruitvale Injunction? How did community activism play into the dismissal of the injunction? What does the example of the Fruitvale gang injunction and the activism that led to its dismissal tell us about modern spatial politics in the greater Bay Area, California and the United States?

## Methods

### *Study design*

This study uses in-depth semi-structured interviews to identify and further analyze the effects of the racialized nature of the Fruitvale gang injunction, the effects of the policy within the community, and the role activism played in the dismissal of the policy. Six interviews were collected from key community stakeholders at a space of the interviewee's comfort.

### *Participants*

The participants in this study include an individual named in the gang injunction, family members of those named and community activists. Interview participants included 1-3 individuals from each community stakeholder group. Study participants were interviewed for approximately twenty minutes to one hour. Snowball sampling was utilized to gain access to study participants through a connection the researcher had in the community.

### *Procedures*

Upon concluding all interviews, the researcher transcribed and stored them in a code-protected device. After transcription, the researcher analyzed the documents in order to identify common themes. Upon identifying themes, the researcher interpreted how the trends found in this study may be relevant to other communities facing similar policies.

### *Study Limitations*

Due to the small sample size, larger-scale studies may need to be conducted. Considering the participants were recruited from the study site in Oakland, California, these results may not represent the views and outcomes for other communities. Injunction policies are typically implemented in underserved neighborhoods with large minority populations so this research may reflect larger societal attitudes toward these policies. Further research will be needed to confirm this hypothesis.

Throughout the study, the use of snowball sampling was difficult. Because the target population is considered a vulnerable and specific population, it proved difficult to access many individuals who fell under the target populations. Due to the small window for data collection—two months—the researcher had to modify the targeted sample size from 12 individuals to a final count of 6 individuals.

## **Results**

The analysis begins by examining possible racializing forces behind the injunction as described by participants. Themes including criminalization and gentrification, the effects of the policy on the community stakeholders such as psychological effects and familial effects, and the impact of activism on the dismissal will be examined.

### **What is the racialized nature of the policy?**

Racialization is described by Omi and Winant as, “an extension of racial meaning to a previously unclassified racial relationship, social practice or group” (p.13). This process of meaning making can manifest itself in many forms and in the case of the Fruitvale injunction it can be seen on multiple levels. Beyond the racial tone set by the sole targeting of Latino males in the Fruitvale gang injunction, it also shows up in more complicated ways under the themes of criminalization and gentrification. These two themes represent different arms of the racialized nature of the Fruitvale gang injunction policy that work together to move the policy and the desired outcomes forward.

### ***Criminalization***

The stated purpose of gang injunctions by proponents of the policies is to reduce crime in “crime hotspots,” yet interview data revealed the complicated ways community stakeholders experience racialization and criminalization within the injunction boundaries. This broad criminalization related to the policy granted police the authority to stop and question any individual who appeared to fit the profile of a gang member within the spatial injunction area.

They are this horrible tactic to clear and criminalize certain people...you could be in different parts of the city and just because of the color of your skin you could be stopped; because this individual, the individual police officer, has the authority to stop you... There is an entire spatial tool that allows for that to happen without any question. - Meli, Activist

As Meli described, the gang injunction led to increased racial profiling and contact with law enforcement for many members of the community who could be profiled as a gang member. Being that the injunction was primarily placed against forty Latino men in the Fruitvale area, the risk of such contact was not evenly distributed throughout the community. Young Latino men experienced a higher risk of racial profiling. This heightened risk opens the door to increased likelihood of police contact, incarceration, and the long-lasting consequences on life chances that comes as a result of such contact. The extra authority given to police officers to enforce the injunction policy also increased the labeling of youth as potential gang members as well as increasing police surveillance within the community at large.

### ***Gentrification***

The labeling experienced by community members is part of the larger phenomenon of being displaced from the community. The interconnectedness of criminalization and the push and pull factors of gentrification were explained by interview participants who described the way racial profiling under gang injunctions serves the needs of gentrification. Gentrification is described by Smith (1984) as a process by which, “working class residential neighborhoods are rehabilitated by middle class homebuyers, landlords and professional developers (p.139). Muñiz (2015) connects injunction policies with gentrification as a “way to displace the last of the unwanted residents” when development is underway (p.115). As Bay Area housing prices continue to rise and vulnerable communities continue to be targeted and displaced, the gang injunction was experienced by key stakeholders as a tool of that process.



There has been an immense amount of gentrification and I think that gang injunctions are one of the many tools... that increases the amount of fear-mongering towards a certain population that is not a desired population for the area. As development is happening, you create a fear of a certain group of folks that you're intending to push out... Wherever gang injunctions hit, it was increased funding for policing and hand-in-hand with that, increased funding for new development that was not meant for the communities that were rooted in those areas. -Sandra, Activist

As Sandra highlights in her statement, gang injunctions in different locations not only targeted racialized bodies and low income communities but also served to bolster the police force giving them increased power of surveillance used to continue to harass entire communities. While in the midst of pushing for development, the injunction's implementation was experienced by many stakeholders as a tool to facilitate the continued process of displacing racialized segments of the population. When harassment and profiling are increased, there is an incentive to vacate the area in an act of self-preservation, leaving room for the continued shift in neighborhood demographics. The web of harassment, racialization, criminalization and gentrification described by community stakeholders highlight the broad net that injunctions cast upon communities that are already vulnerable.

### **Effects of the Fruitvale Gang Injunction Policy on Key Community Stakeholders**

Participating community stakeholders reported two prominent themes of psychological and familial effects related to the injunction.

#### ***Psychological Effects***

Five out of six interview participants discussed the psychological effects that were experienced personally or within the community as a result of the Fruitvale gang injunction, including fear of being named in the policy, increased

surveillance, paranoia, police harassment and violence, and PTSD. Community stakeholder Marcos, who has lived in the injunction zone his entire life, describes his experience being pulled over by Oakland police officers after being named on the Fruitvale gang injunction.

They were telling me they would kill me if I move... And he said, 'you are a known gang member on the injunction you might kill us all'... the cop was shaking when he was putting handcuffs on me... I didn't want to go outside. I didn't want to be in Oakland no more. I wanted to move... Basically that PTSD of being pulled over by the police. So even though I know I'm doing good, I'm legit, I'm off probation, there was that fear of an officer harassing me. It was a deep impact in the community where a lot of people didn't want to go outside because of that harassment.

As highlighted by the experience shared by Marcos, there was a deep-seated fear associated with police contact after being named on the injunction. His description of having his life threatened by the police to the point where he did not even feel safe in his own neighborhood provides a glimpse into some of the psychological effects present after the injunction was implemented. Marcos' account of having PTSD and fearing for his life at the hands of a police officer is but one of 40 of the defendants on the Fruitvale gang injunction case.

### *Effects on Family*

Participating community stakeholders also spoke of the impact that increased surveillance and police contact has on families. Marcos described the spatial restrictions created by the injunction. He emphasized the injunction's impact on his ability to visit his family's home—a home where his family has lived since 1962 and one which was located directly in the injunction zone.

I grew up there. Born and raised... So I grew up there for thirty years but my family been there since 1962. I didn't want to go over because the neighborhood that my family lived in is one of the known

neighborhoods...So I'm like damn, I want to go there but I don't want to get harassed by the police. And second of all, I don't want the police to harass my family.

Marcos highlights the effects of having family living in the injunction zone. The fear of not wanting one's family to be harassed is powerful enough for individuals to avoid the targeted injunction zone altogether. In Marcos' case, his family had been living on a street in the injunction zone for nearly five decades at the time the policy was announced. Yet, suddenly his presence in the spatially demarcated injunction area created a threat of harassment for himself and his family. His experience illustrates what Ana Muñoz (2015) discusses as one of the largest impacts of the first gang injunction: it "terrorized people into fleeing public space and sometimes, the neighborhood" (p.51). This flight from the neighborhood was also detailed by another study participant whose family opted to move to the Central Valley after continued harassment by the police when her brother was listed on the gang injunction.

### **How did community activism play a role in the dismissal of the injunction policy?**

The activism that occurred around the Fruitvale gang injunction brought out themes including the importance of a multi-faceted approach to activism and the politicization of the defendants.

#### ***Activism***

The multi-faceted movement against the injunction policy facilitated by activist and community members in the Fruitvale area was highlighted in statements from key community stakeholders. One stakeholder, Pete, reflects on the ways the activists were able to use diverse tactics against the policy.

There were actions in the streets, there were teach-ins, there were all kinds of very heavy people power movement to prevent the gang injunctions. Folks felt really strongly that they weren't effective, they

were harmful, they were tools of gentrification, and that we have better solutions to the issue of gang violence, gang activity, in Oakland... A lot of grass roots work, a lot of taking it to the individual politicians that were pushing it. When the dust settled, two police chiefs got retired in Oakland, just because they were seen as figure heads of the gang injunction movement, and there was so much movement work against that, that it became a third rail politically in Oakland.

As Pete highlights, the diverse tactics used to advocate against the injunction policy led to many historic outcomes for communities facing gang injunctions. Not only were the groups opposing the injunction able to generate mass support in the community, but they also were able to see shifts in the city's politicians who were the original proponents of the policy. These groups were able to mobilize hundreds of community members to show up for rallies, protests, court hearings and city council meetings (Maher, 2010; Kerr, 2011). They were able to put pressure on city council members to investigate the policies and prolong decisions about the city council's support (Bryson, 2011). As history tells us, without this resistance, it is likely that the Fruitvale gang injunction would have passed and been implemented indefinitely.

### *Politicization of Defendants*

Every activist that was interviewed pinpointed the politicization of defendants as a major driving force behind the successful opposition to the injunction policy. In his closing remarks Marcos spoke of the duality of his process of politicization. He experienced many negative impacts as a result of being named as a defendant in the policy yet, through his politicization, he was able to find his voice and hope that he can continue advocating for change.

So this whole experience was like a good and bad thing because it was hella bad in the beginning but it birthed something. We made connections with a lot of folks throughout the state...It got me to start speaking out because my grandpa always planted seeds and always talked to me about the Black Panthers, the Brown Berets the Cesar

Chavez movement because he was a part of a lot of those actions out here in the Bay Area... A lot of those seeds were planted but they didn't bloom until I started meeting other activists that when they came to talk to me... This whole experience and defeating it gave me hope that we can even take on something else as long as we stay united and stay together.

## **Discussion**

The goal of this study was to explore the community's response to the Fruitvale gang injunction in Oakland, California. By conducting in-depth semi-structured interviews, the response of three community stakeholder groups was recorded. These stakeholder groups reported vast effects of the policy ranging from racialization, criminalization and displacement to psychological issues, impacts on family, and fear of remaining in their community. The interviews also revealed themes of community empowerment, individual politicization and community mobilization as a result of the organized resistance to the gang injunction policy. Future research should include a larger sample size and have a balanced representation of each stakeholder group. Authorities and proponents of the Fruitvale gang injunction policy were not interviewed in this study because there has been ample representation of such narratives in both academic literature as well as mainstream media. The goal of this study was to amplify the voices of those members of the community who were directly affected and have been historically silenced.

**"That's why it's important to create your own narrative and tell your own stories." – Meli, Activist**

Gang injunction policies have vast direct and indirect impacts on the communities where they are implemented. The continual silencing of such communities allows for the policies to continue to be developed as tools to fight crime. The silencing coupled with the unleashing of aggressive policing and profiling tactics, such as gang injunctions, continues to marginalize entire

communities as well as create a feeding system for the prison industrial complex by criminalizing minority youth. When researchers uplift those voices, the voices of the criminalized, the marginalized, the displaced and those labeled a danger, they chip away at those narratives and create a new way to shape the future and create space for alternate solutions to deal with issues of crime and poverty.

Throughout the interviews, key community stakeholders expressed the empowerment they felt when they became active in opposing the gang injunctions. The organized resistance to the Fruitvale gang injunction provides a powerful example of what can be achieved with a sustained effort against an inherently racial policing policy. The activism that led to the police chief's eventual dismissal has the power to change the course of crime policy in California. With communities across California still fighting against new gang injunction policies, Oakland should serve as a prime example that there is power in the community that cannot be denied.

Defendants in any gang injunction case need the support of the community. In Oakland, these defendants were fortunate enough to receive that support in their battle for justice. The continued struggle against the policy could not have happened if it were not for the defendants standing up against the policy- even when they faced intensified police surveillance and harassment as a result. The politicization process some of them experienced was powerful and painful at times. In the end, it paid off and now many of them are able to give back to their communities in meaningful ways.

**“When you get educated and politicized just plant those seeds because eventually they will grow” Marcos, Defendant & Activist**

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Ronald E. McNair, an engineer, scientist and astronaut, was born on October 12, 1950 in Lake City, South Carolina. McNair was the son of an auto mechanic. His perseverance in the face of poverty and prejudice led him to successful completion of a bachelor's degree, magna cum laude, in Physics from North Carolina A & T State University in 1971. Five years later he earned a Ph.D. in physics from the Massachusetts Institute of Technology.

Dr. McNair was nationally recognized for his work in the field of laser physics and received many honorary degrees, fellowships and commendations. His achievements were not limited to academia. He was a sixth degree black belt in karate and was an accomplished saxophonist.

In 1978, Dr. McNair was selected for the NASA space program and was the second African American to fly in space. His life ended tragically on January 28, 1986 when the Challenger space shuttle exploded and crashed into the ocean, taking the lives of six other astronauts.

The McNair Scholars program is dedicated to preserving his legacy of scholarship and accomplishments.