

SF NO INJUNCTIONS COALITION GUIDE FOR OAKDALE RESIDENTS

City Attorney Dennis Herrera obtained gang injunctions in the Oakdale neighborhood starting in 2007. The injunctions have led to increased harassment of residents in the neighborhood as well as confusion about residents' rights. Today, only 18 people are listed on the Oakdale injunction, while 35 people are listed on injunctions in other SF neighborhoods. If you are on the Oakdale injunction, you are prohibited from the following activities within the "safety zone":

- Intimidating a witness to, victim of, or someone who has complained about the "Oakdale gang."
- Possessing or knowingly remaining in the presence of someone possessing a gun, ammunition, or illegal weapon.
- Making graffiti or possessing graffiti tools (including spray paint and felt tip markers).
- Selling, possessing, or using controlled substances or paraphernalia (including rolling papers).
- Knowingly being in the presence of controlled substances or paraphernalia.
- Being on property not open to the general public, including SF Housing Authority and AIMCO, except with prior written permission or in the presence of the owner or renter.
- Loitering in public with the intent to sell drugs.
- Loitering in public between midnight and 5 am.
- Threatening a person to join or to prevent them from leaving the "Oakdale gang."
- Being in public with any known member of the "Oakdale gang," except when attending school or church, or when three or fewer such people are at an anti-drug/gang/crime program or charitable activity run by the City or a registered community agency. Keep in mind that "known members" includes anyone listed on the injunction and anyone that SFPD has "validated" as an "Oakdale gang" member and entered into their gang database. There is zero transparency about who SFPD has validated.



Violation of the injunction can be punished as a misdemeanor with up to 6 months in county jail. Being on the injunction can also lead to a gang enhancement in criminal court, which carries an additional 2, 15, or 25 years in prison. People who are not on the injunction cannot violate the injunction. However, if they associate with people who are on the injunctions, SFPD may use this as evidence to "validate" them and enter them into the gang database. This can lead to a gang enhancement in a criminal case.

If you are not sure if you're on an injunction, contact EndTheInjunctions@gmail.com.

KNOW YOUR RIGHTS!

IF YOU ARE ARRESTED, say "I am going to remain silent. I want to see a lawyer." If you are arrested for a nonviolent misdemeanor, cops are required to cite you and release you if you identify yourself. If you are arrested and taken to jail, your right to remain silent DOES NOT include booking questions, such as your name, address, and date of birth. Assume that all phone calls are being recorded. DO NOT talk about your case on a jail phone.



IF YOU ARE STOPPED BY THE POLICE, stay calm. Don't run, argue, resist, or obstruct the police. Keep your hands visible. Ask "Am I being detained?"

- ◆ If the cops say no, ask "Am I free to go?" and WALK AWAY. They cannot detain you or take your picture without cause. If they try to speak with you, you do not have to answer.
- ◆ If the cops say yes, you are being detained. Ask "WHY?" You must give your name to identify yourself, but you do not have to answer other questions. Say "I am going to remain silent. I want to see a lawyer." If you are under 18, also demand that your parents be present. DO NOT volunteer information. DO NOT WAIT for them to read your rights – they may not do it. DO NOT DISCUSS your immigration status.
- ◆ If police want to search you, say "I do not consent to a search." This may limit the evidence they can use against you.

REMEMBER: *You have legal rights, but many police won't respect those rights.*

Cops **CANNOT SEARCH** you simply for being on the injunction. Cops **CAN SEARCH** you if:

- ◆ You consent to a search. In this case, you can limit the scope of the search, such as giving permission to search your bag but not your car.
- ◆ You are arrested. If arrested in your home, they can search the area around you but not the whole house unless they have a search warrant.
- ◆ They have a search warrant. The scope of the search may be limited by the warrant. You can ask to see the warrant and make sure they only search areas named in the warrant.
- ◆ If cops stop you for a traffic violation, they can search your vehicle if they have probable cause. This means they must have some facts or evidence to believe you're involved in criminal activity, such as seeing or smelling contraband in plain view or plain smell.
- ◆ You have a warrantless search condition. This applies to all people on parole and postrelease community supervision, and many (but not all) people on probation or mandatory supervision. It allows cops to search your person, property, or home without a warrant. However, they must know that you have a search condition beforehand; if they search first and find out afterward, it may be an illegal search. In your home, they can search common areas and your personal areas. They cannot search private bedrooms of other people in the home.
- ◆ They have "reasonable suspicion" that you are engaged in criminal activity. This requires factual circumstances – not just a hunch – that would lead a reasonable officer to believe criminal activity is occurring. They can stop you to investigate and can "frisk" you, or pat down your outer clothing, if they have cause to believe you have a weapon. They cannot go into your pockets, purse, or bag just to see what's in there; they must feel something that appears to be contraband or evidence.

IF COPS ARE HASSLING YOU, get their names and badge numbers. You have the right to ask a cop to identify themselves. Write down the time, date, and what happened.

IF YOU SEE COPS HASSLING OTHERS, take a video or photographs with your cellphone or camera. If they try to stop you, say that you are simply documenting what is happening. As long as you aren't interfering with arrest, you are allowed to document.

REPORT POLICE ABUSE to the SF Dept. of Police Accountability (sfgov.org/dpa), the SF Whistleblower Program (sfcontroller.org/whistleblower-program), or file a citizen's complaint with SFPD.

SF NIC (SAN FRANCISCO NO INJUNCTIONS COALITION)

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