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**An Invading Army:
A Civil Gang Injunction in a Southern California Chicana/o Community**

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Abstract

Over the past two decades, civil gang injunctions have been increasingly instituted in California, Texas, and other parts of the Southwest. Most of the existing research on injunctions focuses on the efficacy and constitutionality of this novel law enforcement tool and pay little attention to their contextual specifics. The following case study is meant to expand the discussion by examining why and how a small but eclectic crosssection of residents organized to oppose the institution of a gang injunction in Oxnard, California. It also shows how this opposition gained momentum by focusing on this gang injunction as a tool not for suppressing gang violence but for protecting the economic interests of elites in the revitalization of the city's downtown district. Finally, this analysis shows how local law enforcement cracked down on Chicana/o protesters of La Colonia barrio who exercised their constitutional rights of dissent, to peaceably assemble, and petition the government for a redress of grievances. This crackdown further marginalized this segment of the Oxnard community and ostensibly ended the career of this community's police chief.

Keywords

gang injunction; Chicanas/os; Oxnard; youth violence

Since the 1990s, civil gang injunctions have been increasingly instituted in minority communities in the United States, particularly in California, Texas, and other parts of the Southwest. Complementing an array of zero tolerance strategies designed, in the words of anthropologist Neil Smith, to “socially cleanse” neighborhoods undergoing economic revitalization, these injunctions allow local law enforcement to prevent suspected street gang members from engaging in otherwise lawful activities. Civil gang injunctions, for example, restrict the actions of enjoined persons within a geographically demarcated safety zone and preclude them from associating with other enjoined persons. Civil gang injunctions supplement other restrictions, such as curfews and prohibitions on gang attire, hand signals, and possession of graffiti paraphernalia. An enjoined person found violating any of these restrictions or the law is subject to arrest, criminal prosecution, and/or a fine ranging up to \$1,000.00 (Smith, 1996, 45–46; Davis, 1998, 384–386; Stewart, 1998, 2251–2268; Werdegar, 1999, 433–435; Smith, 2001, 68–69; Grogger, 2002, 72; Allan, 2004, 35, 51–53, 86; Gibson, 2005; Hernandez, 2005; Sklansky and Yeazell, 2006, 683).

Although civil gang injunctions have many supporters, they raise serious civil liberties concerns. Perhaps the most worrisome is that they conflate what is technically a civil action with criminal consequences. In effect, gang injunctions restrict guaranteed freedoms of association and expression without affording their targets due process rights under criminal law. Since they are civil actions, gang injunctions must meet a relatively low legal standard: a “preponderance of the evidence” as opposed to the criminal standard of “beyond a reasonable doubt.” Because enjoined persons are not initially charged with crimes, they are denied the right to an attorney unless they are already on probation. Most enjoined persons are economically disadvantaged,

and few are able to hire attorneys. As a result, civil gang injunctions meet little legal resistance (Stewart, 1998, 2251–2268; Werdegar, 1999, 433–435; Grogger, 2002, 72; Allan, 2004, 35, 51–53, 86; Sklansky and Yeazell, 2006, 7).

Civil gang injunctions raise other concerns as well, many of which are specific to the communities in which they exist. Most of the existing research on injunctions focuses on the efficacy and constitutionality of this novel law enforcement tool and pay little attention to their contextual specifics. The following case study is meant to expand the discussion by examining why and how a small but eclectic cross-section of residents organized to oppose the institution of a gang injunction in Oxnard, California. It also shows how this opposition gained momentum by focusing on this gang injunction as a tool not for suppressing gang violence but for protecting the economic interests of elites in the revitalization of the city's downtown district. Finally, this analysis shows how local law enforcement cracked down on Chicana/o protesters of La Colonia barrio who exercised their constitutional rights of dissent, to peaceably assemble, and petition the government for a redress of grievances. This crackdown further marginalized this segment of the Oxnard community and ostensibly ended the career of this community's police chief.

The research methodology used for this essay included my participation in community forums, city council meetings, and activist networks. I also attended many of the court proceedings for the injunction's preliminary and permanent approval. At these events, I interacted with Oxnard Police Department (OPD) leaders, attorneys, elected officials, parents, educators, the media, and alleged gang members. I supplemented these observations with newspaper accounts, government reports, interviews, and scholarly literature related to youth violence and law enforcement tactics of suppression.

The Dimensions of Zero Tolerance

Civil gang injunctions complement an array of law enforcement approaches, especially community policing and the theory of broken windows. One popular view of community policing envisions police officers interacting harmoniously with the constituencies they serve and monitor; the image of police officers dialoguing with residents and storeowners while walking or bicycling through neighborhoods often frames this perspective. Community policing, however, can also entail intelligence gathering and the aggressive surveillance of the socially disenfranchised. Conceived by James Q. Wilson and George L. Kelling in 1982, broken windows theory involves the hard line suppression of relatively minor public nuisance crimes such as graffiti, loitering, or panhandling in an effort to minimize social disorder and to maintain or improve a community's quality of life. Wilson and Kelling also posit that the presence of a police officer walking a neighborhood beat reinforces the informal rules of a community; when coupled with the discretion to solve problems, officers can address broken windows behavior that threatens the public's sense of safety and well-being (Wilson and Kelling, 1982, 29–38; Smith, 2001, 68–70; Greene, 2003, 4; Maxon et al., 2003, 241–242; Allan, 2004, 21–22).

Civil gang injunctions are linked to community policing and broken windows theory in two significant ways. First, injunctions are tied to community policing insofar as they concentrate the resources of law enforcement on specific neighborhoods, or “hot spots,” where gangs intimidate residents and are most active. Second, injunctions implement broken windows theory by targeting street gang members before they commit serious crimes. Furthermore, law enforcement utilizes injunctions in an effort to fragment a street gang's group identification (Maxon et al., 2003, 241–247).

Oxnard, California and the lay of the land

The seaside city of Oxnard lies 60 miles northwest of the Los Angeles metropolis (Figure 1). The local economy has traditionally relied on agribusiness, and although Oxnard has never matched nearby Santa Barbara as a tourist destination, its beaches and annual strawberry and salsa festivals have drawn thousands of visitors, mostly from the Southern California region.

With the rise of coastal real estate prices over the last three decades, area growers have steadily sold prime agricultural lands for development. The resulting population growth has transformed Oxnard's character. Between 1970 and 1990, the city's population doubled from 71,000 to 142,000 residents; by 2000, the population reached 172,000. Between 1990 and 2000, the Latino proportion of the population increased from 54 to 66%, and the non-Hispanic white populations declined from 32 to 20% (US Bureau of the Census, 1990, Summary Tape, Census 2000; State of California Department of Finance, 2005).

In an attempt to transform this beachside community to a 21st-century city of commerce, industry, and tourism, elites embarked upon a \$28 million revitalization project of the downtown district and an \$800 million RiverPark housing development, mainly targeting middle-class professionals. The growth in population (particularly one that was distinctly non-white), coupled with real estate development, created a simultaneous sense of unease and boosterism. On the one hand, an unspoken nativism toward Latino immigrants, specifically those perceived to be "illegal," raised concerns about the city's demographic transformation; on the other, the city's rise in property values and modernization inspired economic enthusiasm (Kelley, 2004; Haddad, 2005; Macchiarella, 2005a, b).

Between 1992 and 2002, Oxnard averaged 8 murders per year. In 2003, however, 22 homicides were reported, and residents pressured city officials to react. Oxnard Police Chief Art

Lopez sought to institute gang injunctions, an idea he had favored since his arrival from the Los Angeles Police Department in 1998 (FBI Crime Index; Lopez, interview, 2005).¹

Similar to injunctions originating in Los Angeles, the Oxnard injunction restricts the activities of persons identified by law enforcement as gang members: specifically, members of the La Colonia Chiques gang. These restrictions included prohibitions on intimidating witnesses, fighting, drug trafficking, acting as a lookout, and violating any law. The Oxnard injunction also established a 10 p.m. curfew and prohibits enjoined persons from possessing graffiti paraphernalia, wearing gang apparel, flashing gang signals, and associating with other identified La Colonia Chiques gang members in public and public view. The injunction anchored these proscriptions to a safety zone. Enjoined individuals found violating these “rules for living” face arrest, criminal prosecution, and six months in jail (Injunction facts, 2004; Hernandez, 2005c).

Violence and Intimidation on the Oxnard Plain: A Historical Synopsis

In explaining the forces that pressure a relatively small percentage of Chicana/o youths into gangs, anthropologist James Diego Vigil, in the seminal book *Barrio Gangs: Street Life and Identity in Southern California*, utilizes the concept of multiple marginality. Gang-involved youths, according to Vigil, have been marginalized by the systems of education, justice, community, and family. This also exists within historically constructed ecological settings (Vigil, 1988, 1-11). In fact, many of the social-historical experiences recognized by Vigil—such as the immigration of Mexican nationals to Los Angeles during the first half of the twentieth century, their residential segregation to barrios and colonias, inferior schooling, police brutality, and associated forms of racism—have been etched into the collective memory of the Chicana/o community in the city of Oxnard. Since Vigil’s publication of *Barrio Gangs* more recent literature from varying academic disciplines attempting to comprehend the phenomenon of gang

formation have adopted and expanded the definition of multiple marginality to consider the systematic demonizing of youths, a culture of violence, the evisceration of enrichment social programming, and contending that street gangs are a human expression of resistance to inhumane state oppression (Gilligan, 1992, 89–102, 191–207; Klein, 1995, 87, 137; Smith, 1996, 45; Rodríguez, 2001, 86, 100–106; Barrios, 2003, 119–132; Dichiara and Chabot 2003, 78–81; Brotherton and Barrios, 2004, xv–xvi, 36–36; Fremon, 2004, 5–6, 40–44; Prothrow-Stith and Spivak, 2004, 60–62, 118–119).

For much of the last century, Chicanas/os² within the Oxnard community witnessed episodic clashes with law enforcement, often times in relation to their challenging the prerogatives of ruling elites. Three years before Oxnard's incorporation in 1903, for example, Mexican residents protested the suspicious deaths of two compatriots in a jailhouse blaze. Not satisfied with the findings of town officials who attributed the fire to a failed escape attempt, Mexican community leaders summoned the Mexican Consul in Los Angeles, Guillermo Andrade, to conduct his own investigation (Mexican Consul Investigates, 1900). Three years later a bitter strike involving an exceptional interethnic alliance between Japanese and Mexican sugar beet workers (*betabeleros*) occurred. Instigated by the slashing of the existing wage rate by fifty percent, this struggle entailed a dramatic street shootout between the local police and strikers (Almaguer, 1994).

With the intensification of the Great Depression in 1933 another strike erupted. Mexican *betabeleros* resisted another wage cut and organized under the Communist Party affiliated Cannery Agricultural Workers Industrial Union (CAWIU). As in 1903, the conflict involved not only strikers and growers but also law enforcement agencies that embarked on a series of measures to defeat the union. For example, in addition to the close surveillance and infiltration of CAWIU, the OPD and Ventura County Sheriff escorted scabs to work sites while transporting

identified labor organizers outside the boundaries of the county. The OPD frequently raided the homes of CAWIU members as well as the hall of *La Unión Patriótica Benéfica Mexicana Independiente* mutual aid society that served as the headquarters for the union in Oxnard. After the successful defeat of this strike, both the city and county implemented labor injunctions on the picketing of work sites. As with gang injunctions, this strategy thwarted the efforts of labor protestors under the pretext that picketing and other similar activity constituted a public nuisance (Gallo v. Acuña; Barajas, Spring 2004, 38-47).

This conflict continued through the 1940s with the emergence of the Zoot Suit subculture. In oral history interviews conducted with Oxnard residents who came of age during the 1940s, subjects detailed witnessing OPD officers frequently detaining, stripping, shearing the hair, and removing the double-soled shoes of young Chicanos dressed in the Zoot Suit style. On one occasion, an uprising nearly occurred in 1942 when the OPD tear-gassed Chicana/o residents dancing to outdoor music near the downtown boulevard. Interview subjects also recalled hearing shrieking inmates at the city's jail, apparently, suffering from the brutality of police guards (Pachuco Suspects Arrested; Given Free Haircuts, 1942; Police Use Tear Gas Against Local Crowd, 1942; Officials Flay Tear Gas Use, 1942; Barajas, 2001, 238).

More recently in 1997 an OPD officer shot Oliverio Martinez five times, leaving him blind in one eye and paralyzed in both legs. Controversy mounted as information surfaced that an OPD supervisor obstructed hospital emergency room treatment to interrogate Martinez (Oliverio Martinez, Plaintiff-Appellee, v. City of Oxnard; Oxnard Police Department; Art Lopez, Chief; Maria Pena; Andrew Salinas; Ron Zavala, Defendants, and Ben Chavez, Defendant- Appellant. 2001). In 2001 OPD shootings involved persons with mental illness, one resulting in the death of 23-year-old African American Robert Lee Jones (Kelley, 2001a; Hughes, 2002; Lopez,

interview, February 1, 2005). Shortly after Jones' death, an African American family driving to church found themselves pulled over by an OPD officer. Subsequently, the police placed the father, Neil Skipwith, face down on the pavement. During the course of the detention, twelve OPD officers drew their guns on the family. In the end, the family was released; the OPD held that the incident was a case of mistaken identity (Kelley, 2001b).

This selected historical overview of law enforcement's relationship with people of color provides the *a priori* why a small but vocal segment of the community adamantly opposed the OPD's expansion of authority in relation to the permanent institution of a civil gang injunction. Moreover, it is equally important to consider the timing and milieu in which the injunction was introduced.

Vengeance and Reinvention

On March 25, 2004 Chief Lopez, accompanied by Ventura County Deputy District Attorney Karen Wold, convened a media conference announcing the court filing for a civil gang injunction against the Colonia Chiques street gang. To solidify community support, the OPD and Ventura County District Attorney (VCDA) produced a presentation integrating crime statistics, legal definitions, an amateur history of La Colonia Chiques, and graphic images of victims of alleged gang violence. Other slides depicted human billboards, as one viewer characterized them, tattooed with monikers, tear drops, COXCH, Colonia, and Chiques among other representations. Deputy district attorney Wold regularly referenced the Mexican Mafia not only to suggest links between La Colonia Chiques with this infamous prison gang but also to disembody any community identification with this largely youth, street gang. At one point, Chief Lopez stated, "We've had enough. . . . We have gang members and gangs that are out of control. . . . Like a pack of wolves that go out there and prey on the citizens of our area"

(Parrilla, 2004). Chief Lopez would not only repeat this sort of rhetoric but also connect the issue to the global war on terror since 9/11 and characterizing the community as an urban war zone. For example, in reaction to criticism in the community against the injunction Lopez wrote the local newspaper and stated:

The injunction will give them [gang members] an excuse to leave the gang—something that is very difficult to do. It will give officers the tools to stop these street terrorists before they commit their cowardly acts of violence. They act in groups, not as individuals, to carry out their deeds, typically, after drinking or using drugs to get up their ‘courage.’ By preventing these individuals from gathering in groups, we believe we can curb the violence. This injunction in no way negatively affects law-abiding residents, nor does it focus on any particular ethnicity or age group. It simply aims to change the illegal behavior of these predators -- this pack of wolves -- that prey on innocent people. (Lopez, 2004)

The insinuation to a chemically influenced, animalistic propensity for bloodletting violence echoed the propaganda of the Los Angeles Sheriff Department in the infamous 1942 Ayres report of the Sleepy Lagoon case and is typical of the language used to promote gang injunctions and similar zero tolerance gang suppression measures. Lopez was also disingenuous in stating that the injunction did not target any particular ethnicity or age group; an overwhelming number of police identified La Colonia Chiques gang members consisted of persons of Mexican origins³ in their late teens and twenties. Therefore the injunction, by its very nature, targeted a specific ethnic, age group (McWilliams, 1990, 211–212; Escobar, 1999, 212–213; Holland, 2004).

During the VCDA’s portion of the March 2004 announcement of the injunction, deputy district attorney Wold, in an attempt to articulate law enforcement’s long-term commitment to curbing gang related violence stated, “People who are not even born yet can be served with this

order 20 years from now” (Parrilla). Persons with deep reservations for the injunction strategy expressed a particular unease for this statement as it suggested that gang youth violence was a phenomenon beyond solution. Moreover, this nihilistic rhetoric also alluded to a biological predisposition for violence among some residents in La Colonia.

When asked by the media on his views regarding the OPD and VCDA announcement, Francisco Romero—a middle school educator in one of the city’s barrio neighborhoods and a person who had witnessed and experienced, respectively, the use of excessive and unwarranted force at the hands of the OPD—expressed concern for the civil rights of people living in La Colonia barrio. As a representative of the grass roots community organization the Committee on Raza Rights, Romero stated, “The injunction is about militarizing the community, pretty much holding hostage the community. . . . You could seal off Colonia and you're not going to solve the issue of criminals and gangs. It won't be reduced if you put troops in there. . . . You don't fix the problem by putting a youngster in jail. You're just moving the problem from one place to another” (*Ibid.*; Singer, 2006).

The OPD and VCDA showcased their presentation at numerous neighborhood councils, the Oxnard Chamber of Commerce, and court proceedings. A significant number of community members found the injunction presentation campaign of the two agencies gratuitous and dehumanizing, and expressed their concerns to Police Chief Lopez and city officials. Hence, opposition toward this tool of suppression was rooted in the Mexican community’s contentious history with law enforcement and the interests it protected. Skeptical of the unchecked authority of law enforcement, another segment was equally concerned with the injunction’s infringement upon constitutionally protected civil liberties.

Why Gang Injunctions?

Injunctions like the one in Oxnard have proliferated in California and other parts of the Southwest. From the standpoint of public relations, the title “civil gang injunction” perceptually allows municipal leaders in and out of law enforcement to proclaim control of a situation that manifest in youth violence. This explains one reason why Chief Lopez and the VCDA scripted a Manichean presentation to showcase throughout the city of Oxnard—placing the actions of law enforcement on the side of good and further marginalizing alleged gang members, and persons associating with them, on the side of terrorists (Davis, 386).

Injunctions, however, do more than assuage the fears of residents. Although far from conclusive, research on their effectiveness suggest immediate, short-term suppression results, albeit very limited. Indeed, the year before the 2003 spike of 22 murders, 10 homicides occurred in Oxnard. After the June 2004 authorization of a preliminary injunction, the number of homicides in the city dropped to 18 for the year. For 2005, the number of murders increased to 19 and decreased to 13 in 2006. This data, however, does not reveal if a significant number of these homicides were linked in any way to the activities of La Colonia Chiques. It is also not clear whether the Oxnard civil gang injunction in and of itself reduced violent crime due to the concurrent utilization of other suppression strategies encompassing a general increase in enforcement, inter-agency co-operation, and enhanced police intelligence. Furthermore, statistical mean reversion may also be an additional factor in explaining the perceived effectiveness of gang injunctions like the one in Oxnard since they are instituted during periods of unusually high levels of violent crime that may have declined with or without the exercise of extraordinary suppression tactics (FBI Crime Index; Allan, 87; Grogger, 74–86; Maxon et al., 2005, 591–598).

Voices of Dissent

Following the pronouncement of the VCDA and OPD, the *Ventura County Star* newspaper published on March 30th an essay by Romero protesting the implementation of a preliminary injunction. Romero described the injunction as a continuation of the historical oppression of people of Mexican origins. Instead of the further marginalization of barrio youths, Romero called for the community's creation of effective prevention and intervention social programming. Romero also criticized Chief Lopez for his statements, specifically his "pack of wolves" metaphor, and utilizing the Colonia Chiques gang as a ploy to mask the socio-economic inequities suffered by residents of La Colonia. Romero then highlighted how the forces of racism and economic exploitation that fed itself:

. . . off the backs of the Mexican worker is the same system that petitions and calls for injunctions in the poorest sectors of our barrios, the incarceration and criminalization of our youth and the efforts against the righteous struggle for self-determination and community empowerment (Romero, 2004).

While jolting the sensibilities of fear ridden middle-class readers, Romero emphasized community-based reforms addressing the factors that influenced the formation of gangs. And at an August 2004 city council discussion on youth violence, Romero restated, "If we're serious about talking about issues of youth-on-youth violence, we need to begin about five steps back before we take these punitive measures. . . The most important tool we have is the community, and that tool was never utilized" (Alvarez, 2004).

The political leadership of Oxnard, however, did not seriously explore the concept of involving the community to address the rise in youth violence in 2004, even to complement suppression tactics. In fact, councilperson Andres Herrera stifled the appeal from residents for municipally funded youth violence specific prevention and intervention programming by

regularly pointing out that Oxnard is a general law city, essentially absolving the council from addressing this need. This was a missed opportunity due to the existing literature suggesting that effective, long term solutions to youth violence integrate suppression strategies with community-based prevention and intervention programming (Minutes Oxnard City Council, August 3, 2004)

Although not insurmountable, this balanced approach faces many obstacles as governmental agencies have competing interests and varying jurisdictions as councilperson Herrera alluded to. Community groups and organizations, moreover, often do not have the budgets or expertise to service at-risk and gang-involved youth with very high needs. In addition to funding, the coordination of time and commitment is a critical component to reconcile the distinct missions of governmental agencies and community groups in order to define the problems facing youth as well as develop appropriate solutions. If the political leadership of a city, such as in Oxnard, is unwilling to incorporate the intervention and prevention resources within a community the results of suppression efforts are often limited and ephemeral. In places such as Boston, St. Louis, and Boyle Heights studies propose that political leaders must recognize that intervention, prevention, and suppression are not mutually exclusive; these strategies overlap and complement each other (Decker and Curry, 2003, 193–213; Tita et al., 2003, 102–130)

To sustain a public discourse on the injunction, on May 11 Romero, along with Virginia Sanchez and the co-proprietors of the Rodolfo F. Acuña Gallery and Cultural Center (a.k.a., the Café on A) Dr. Deborah De Vries and Armando Vazquez, held a news conference outside the Oxnard Civic Center. With attorneys from the county's Public Defender's office observing, Romero faulted the VCDA and OPD for not naming specific individuals within the preliminary injunction. Vazquez (a youth advocate, educator, and former probation officer) faulted the two agencies for not conducting due diligence in creating an overbroad injunction as well as not

involving the community in the formulation of fundamental solutions addressing youth violence (Aspuria, 2004).

On May 19 the local chapter the League of United Latin American Citizens (LULAC), a national, reformist advocacy organization, held a media conference declaring its opposition to the injunction. A main contention of the conference's organizers was the OPD's failure to consult with the community. On behalf of the Ventura County National Association for the Advancement of Colored People, President John R. Hatcher III expressed apprehension in the injunction's potential for stereotyping Hispanics. Educator and LULAC member Guillermo Terrazas criticized the OPD for violating the public's trust as it showcased the injunction subsequent to the abrupt termination of a Racial Profiling and Cultural Sensitivity Training program designed to strengthen police-community relations. Wary of further entangling Chicana/o youth in the criminal justice system, others opposed the expanded discretion that the injunction afforded police officers (Gutierrez, 2004a, b).

Consistent opposition to the injunction by a core group of critics impelled a public debate revolving around its efficacy and necessity. Early meetings convened by Romero at the Café on A, initially under the organizational title of the Coalition for Police Accountability (CPA), focused on comprehending the causes and consequences behind the DA's filing for the injunction. After several initial meetings Romero, in consultation with affected residents of La Colonia barrio, renamed CPA the Colonia Civil Rights Coalition (CCRC). An *esprit de corps* quickly developed among regular attendees. CCRC soon became active in fundraising in the organization of car washes, selling menudo breakfast tickets, and a door prize contest to support a legal challenge to the injunction. CCRC also recruited attorney Gabriella Navarro-Busch to provide legal aid to enjoined persons. Ultimately, Navarro-Busch, along with the Public

Defender's office, would represent enjoined clients as interveners in their constitutional challenge to the Oxnard civil gang injunction in the Ventura County Superior Court room of Judge Frederick H. Bysshe. Many La Colonia youth targeted with the injunction attended the meetings of CCRC and court hearings. These acts of agency on the part of La Colonia youth, often accompanied by family and friends, enabled them to de-marginalize themselves and be socially integrated within arenas of the larger community as well as familiarize more privileged CCRC members to the environs of their barrio—at least temporarily (Dolores “Dolly” Villa, interview, July 23, 2004; Cafe´ on A Community meeting with enjoined. August 30, 2004. Video recording by George Sandoval; *The People of the State of California, et. Al. Plaintiff Vs. Colonia Chiques, an Unincorporated Association; and DOES 1-500, Inclusive, CASE NO. CIV226032 Ruling Request for the Preliminary Injunction, Defendants.* June 1, 2004).

The Specter of Privileged Adjacency

Meanwhile, the *Ventura County Star* published on May 20th an essay co-authored by De Vries and Vazquez titled, “10 Things About Civil ‘Gang Injunctions’ You Should Know.” Within the opinion article De Vries and Vazquez posited that the injunction was actually a policy guarding the city’s financial interests in the revitalization of its downtown district and larger real estate aspirations. They quoted Alejandro Alonso, a University of Southern California geography PHD candidate whose research examined the politics and effectiveness of similar injunctions in Los Angeles County, stating, “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. . . .”⁴ In light of rising real estate development and revitalization projects in Oxnard’s downtown district, the notion of privileged adjacency resonated with critics of the injunction.

On the evening of June 10, the Boys and Girls Club of Greater Oxnard and Port Hueneme hosted and co-sponsored with several agencies and non-profit organizations an informational forum titled, "Gangs and Gang Injunctions." Originally, only two non-community persons with gang expertise were slated to speak, moderated by Dr. Steven F. Arvizu, an Oxnard resident and former president of the local community college. Immediately prior to the forum, however, organizers of the event included OPD detective Neil Holland, Wold, and De Vries on the panel in an effort to placate appeals for a more "balanced" dialogue. James Diego Vigil, led the discussion with an historical overview of gangs. Alonso followed with a presentation on the nature of gang injunctions and emphasized their adjacency to Los Angeles inner city renewal projects. Holland and Wold delivered an abbreviated version of their presentation described above. De Vries then detailed the components and successes of the KEYS Academy as a model for intervention (Informational Forum, 2004).

The panel delivered their information to an audience comprised mainly of people of Mexican origins sensitive to the socio-historical realities of the city and the forces of multiple marginality. After summarizing the legal aspects of the injunction, Wold indicated that the injunction in question would serve as a test case for gangs not only in Oxnard but also in other communities of the county. This, among other statements made by Wold and Holland, drew sharp questioning and comments from listeners (*Ibid*).

Earlier in the day the OPD and the VCDA delivered their presentation to a more amenable audience at an Oxnard Chamber of Commerce luncheon. In introducing detective Holland and deputy district attorney Wold, Chief Lopez opened by referencing a police report submitted to support the injunction. The anecdote described a mother walking in the downtown district while holding her child. Lopez went on to state, "one of these street terrorist, one of these predators

came up to her and said, ‘give me your money or I am going to knife your child.’ Now if that is not a really good reason to have [for the injunction]. . . So when you’re talking about why we need this, the evidence is compelling. It is overwhelming that there is a reason why we need this in our community and it is to keep it safe. We have had enough. It is as simple as that. We have had enough.”⁵ Holland and Wold then projected a red-dot map plotting some two thousand incidents of crime in the city allegedly all committed by La Colonia Chiques that accompanied explicit images of assaulted victims and a gangster rap video filmed in La Colonia barrio of Oxnard (Oxnard Chamber of Commerce luncheon, June 10, 2004, Video Recording by George Sandoval).

Perhaps sensing the audience’s horror at the Chamber of Commerce luncheon, councilperson Herrera posed a question concerning the actual state of public safety in the city. Chief Lopez then went on to add, that the year before, the city experienced only 29 to 30 crimes per 1000 people, making it one of the safest cities in the nation for its size. Lopez also emphasized that violent crime was significantly reduced by 5% over this same period and closed in stating, “This is a safe community. . . By no stretch of the imagination do we have a crime-ridden community. I think it is a very safe community and has been for a number of years” (Video Recording, June 10, 2004).⁶

The emphasis on Oxnard’s actual overall safety complemented the city’s reinvention at the start of the 21st century. This makeover paralleled, if not, intersected, the world of a disenfranchised community historically afflicted and marginalized by repressive law enforcement tactics dating back to the early part of the previous century. One factor that differentiated the past from the present, however, was the racial makeup of the city’s political leadership. For the entirety of its history, white elites with interests linked to the region’s

integrated economies of agriculture and real estate dominated the city. In contrast, in 2004 the city's political leadership on the five member council consisted of three senior men of Mexican origins as were the city manager and police chief. Hence, the combined factors of social class, generational differentiation, and the institutional socialization of the political leadership seemed to have influenced these councilpersons to support the injunction absent a minimum of dissent or questioning.

And just as the consideration of race should not be forced on a problem fundamentally grounded in social class, the issue of race should also not be ignored as an important element of a larger situation since the injunction targeted a population predominantly of Mexican origins. Furthermore, although there may not have been a deliberate racist motivation behind the decision to implement the civil gang injunction in this community Chicanas/os and their allies viewed the controversy from this lens: that is, they believed that the civil gang injunction by its very nature targeted a historically racialized community. Indeed, the accusation of institutional racism was openly articulated throughout the injunction debate (Informational Forum, 2004; Romero, 2004). At one point, Oxnard resident, Nicolás M. Crisosto read the following poem during the public comments segment of a city council meeting:

There seems to be a misleading, basic assumption
that the city cares about us all, the same
but that's not true, equality is a gross presumption
to at least a thousand of us, it has attached special blame.

A 6.6 square mile civil gang injunction
a tool to protect us from urban terrorists, but not urban blight

combating the roots of social inequities is outside of its function
but enabling mislabeling of young Mexicanos sounds right?

With greed and racist rhetoric as their conjunction
Oxnard developers, their police, and their legal players don't surprise
in their system, forgetting to ask the community is not a dysfunction
since the fastest way to get rid of us is to criminalize.

While moving in with a cineplex, an international marketplace, and no
compunction

for those who won't afford these lush graces
the new Oxnardians will delight in multidimensional consumption
not like most living in la Colonia and Chique's poor places.

But wait, its good that the police chief's guns and resounding gumption
are aimed at society's most violent disgraces
be reassured misidentification will not be a regular malfunction
when locking up Chique's brown faces.

And so it is, unless we shout no! to this plan for the Mexicano community's
defunction
and organize alternatives for youth and all of us to share

segregation, discrimination, and economic exploitation with have successful
resumption

here in Oxnard, the city that cares (“Oxnard Cares,” June 22, 2004; Minutes Oxnard
City Council, July 13, 2004).⁷

In addition to the factors of racism and Alonso’s definition of privileged adjacency that complements Neil Smith’s concept of global social cleansing by way of the institution of zero tolerance policies emerging out of New York City during the 1980s (Smith, 2001, 68), Gary Stewart, in the *Yale Law Journal*, argues that gang injunctions such as the one in Oxnard are designed to marginalize the physical movement and association of poor non-whites from economically sensitive public spaces. Stewart likens injunction safety zones to vagrancy laws in California and the post-Reconstruction South during the second half of the 19th century (Stewart, 1998, 2251-2258). This is a significant point considering that at ground zero of Oxnard’s own 6.6 square mile safety zone was the city’s downtown revitalization effort estimated at over \$67 million. Hence, the Oxnard injunction more than coincidentally protected the adjacent interests of elites by removing the visibility of perceived public nuisances, who in this case was any young, bald Chicano male identified as a Colonia Chiques gang member (Bruce, 2005; Hernandez, 2005a, b).

Protest from the Margins

As the opposition collectively investigated the origins and necessity for a civil gang injunction, linked questions arose regarding the integrated effort of elites to revitalize the city’s downtown district, the community’s reaction to the numerical spike in homicides, and the socio-economic forces contributing to gang formation. This varied group also articulated a public critique and proposed more holistic approaches of social prevention and intervention after superior court

judge Bysshe granted a preliminary injunction in June of 2004 as part of a routine process toward its permanent institution. This encompassed the energies of people from within and outside of La Colonia manifesting in a commentary campaign in the countywide newspaper, fundraisers to finance a legal challenge, interfacing with families who had a least one member enjoined, street marches, and activities seeking to raise public consciousness.

Indeed, most persons were little aware of, or knew nothing about, the technical aspects of injunctions. And based on my conversations with county residents and reading letters to the *Ventura County Star* editor and its online chat discussions, an overwhelming consensus existed in support of the injunction. Injunction critics (consisting of young men and women of La Colonia, educators, artists, lawyers, students, and community activists), nonetheless, challenged the public relations campaign of the VCDA and the OPD. This coalesced largely around law enforcement's attempt to marginalize further the historically disenfranchised residents of La Colonia and, in particular, their children.

For months, one resident in La Colonia defiantly staked a large "NO GANG INJUNCTION" banner in the front yard, facing a busy intersection. Others wore t-shirts with the Dallas Cowboy Star—an insignia adopted by the street gang of La Colonia Chiques—and the words "No Gang Injunction." Twenty-three year old Dolly Villa, along with other La Colonia residents identified as "gang associates" and "gang members" organized fundraisers to finance a legal defense. In fact, a few weeks after the VCDA and OPD's announcement of the civil gang injunction Villa wrote the *Ventura County Star* and stated:

. . . I am in strong opposition to the gang injunction the Oxnard Police Department is trying to impose on the community of La Colonia.

Finding out about the gang injunction that would change my community forever through the front page of the newspaper has concerned me greatly. Never were members of the Colonia community given a chance to voice their opinions and concerns. For the city to come out and say that 99 percent of my community supports this injunction is preposterous.

Colonia has taken the blame for the 39 homicides the city claims are linked to us. What police fail to mention is that 20 of the 39 times, Colonia was actually the victim. The city has gone to great lengths to try to take control over La Colonia. Day after day, kids are harassed, confused and misled by the Oxnard Police Department. Now it wants more power? Colonia is sick and tired of taking the blame for the crime in our city.

. . . This gang injunction does nothing more than segregate the community of Colonia. Do we not have civil rights too? Yes we do. This injunction is a direct violation of the civil rights given to us as Americans. You cannot tell me who I can and cannot have in my car. If I choose to be outside my house past 10 p.m., then let me. If my friends are walking down the street, I have the right to talk to them, no matter what they are wearing. I am an American citizen. This is part of my freedom. If I choose to wear Dallas Cowboys clothing every day, then so be it.

At the Colonia community carwash April 3, the cops were there at 9 a.m. No, not to get their cars washed, but to inform us that we could not use our own park for a fund-

raiser. There were four cop cars and two motorcycle officers. All that for a community carwash? Fortunately, we were able to relocate. The cops, unfortunately, relocated with us and continued to harass and videotape our event.

. . . Colonia needs positive programs in the community. Keep our recreation center open longer. After-school programs would be nice. There are better solutions. The gang injunction is the worst and most expensive. Thank you to the Committee for Raza Rights and its coordinator, Francisco Romero, for all of their support. Colonia can't do it without them. . . .

. . . For once, our community is taking a stand and protecting the rights we are entitled to. We are not going down without a fight—a fight for the rights we shouldn't have to fight our city for. God Bless America! (Villa, 2004)

At one point, Villa became so politicized that she became an official candidate for that year's city council elections. To silence this dissenting voice, the OPD cracked down not only on Villa's acts of agency but also on her family, neighbors, and friends. Villa documented 30 incidents of what she described as police harassment and civil rights violations. And in addition to having her vehicle impounded, the OPD regularly and frequently patrolled Villa's residence and engaged her. Indeed, a video clip located on the *Ventura County Star* website captured an OPD officer hovering nearby Villa's voter registration table and petition drive opposing the injunction in front of a mini-market in La Colonia on July 8. The footage demonstrated Villa repeatedly asking the officer the reason for his standing nearby; he gave no response. (2004, The Oxnard-Journal, April 4, <http://www.oxnard-journal.com/colonoxox.htm>; Moraga, 2004;

Minutes Oxnard City Council, June 22, 2004; Hernandez, 2004; Villa, interview).

Following the civil court's granting of a preliminary injunction, various young men and women living in and out of the barrio joined the efforts of CCRC. Aware that the city's council meetings were re-broadcast throughout the week on the local television cable access channel, speaking during the public comments segment emerged as a strategy by which to educate and shift public opinion. Residents of La Colonia, specifically, resisted their further marginalization by integrating themselves within institutional civic functions such as the council's weekly meetings. On July 27, members and supporters of CCRC collectively approached the city council dais and declared their opposition to the injunction. Several persons suspected of being gang members testified to the constant harassment and police raids experienced in relation to the injunction (Minutes Oxnard City Council, April 13, May 4, 26, July 13, 20, 22, 27, 2004). Jose Gonzalez proclaimed, "The truth must be present and all perspectives by the community must be heard, not only from authorities ... The truth must be spoken out" (Hernandez, 2004).

The young men and women of La Colonia who publicly denounced the injunction quickly experienced the retaliation of law enforcement, resulting in their identification as "gang associates" if not gang members. In experiencing intense police repression, one family with two enjoined brothers placed a video camera at the entrance of their apartment to monitor the actions of the OPD. Resentful that their own activities were being scrutinized, the OPD worked, according to this family, to have them evicted from their public housing complex. Eventually, Dolly Villa and many La Colonia residents who exercised their agency of resistance would be driven underground and silenced. At a university panel discussion focusing on civil gang injunctions on April 25, 2006, OPD Chief John Crombach, Art Lopez' former assistant chief and successor, admitted that in 2004, "We [the OPD] became an invading army in the community ...

That's incredibly expensive and not the way we want to do business" (CORE Meeting with Enjoined Families, March 9, 2005; Anonymous source August 19, 2004; Navarro, 2006). Very rarely does law enforcement own up to being as extreme as an "invading army."

To engage the public at large, CCRC members living outside of La Colonia successfully lobbied the city council to place on its August 3 agenda a presentation titled, "Preventative Measures to Address Youth Violence" with the negotiated understanding with the office of the city manager that the injunction would not be an aspect of the discussion. Not to be gagged completely, during the "Public Comments on Items not on the Agenda" period CCRC members recounted their opposition to the gang injunction. During the presentation, De Vries overviewed the KEY Leadership Academy as a model of intervention and Crisosto highlighted the importance of community involvement to address the fundamental causes of youth violence (Minutes Oxnard City Council, August 3, 2004).

After the presentation, CCRC asked the council to respond. Due to the council publicly refraining from taking a position on the injunction, this was a strategic point of the agenda item. To thwart the central message of CCRC, councilperson Herrera cited general law restrictions prohibiting the city from funding social programming and emphasized the philosophy of individual responsibility and self-help as the solution for wayward youths. Councilperson John Zaragoza attempted to discredit the efforts of CCRC by accusing the group of not fostering concern for the victims of violence. In the end, the council stated that it could only support preventative and interventionist programs by way of the distribution of federal community development block grant funds. Therefore, little, if any, principal municipal funding would be allocated for these purposes (*Ibid*).

CCRC ultimately split into two groups due largely to persons of La Colonia being driven underground by the revanchist actions of law enforcement. The collective at the Café then renamed itself the Chiques Community Coalition Organizing for Rights, Employment, Equity, and Education (CORE) to broaden the scope of its activism. The group integrated the epithet Chiques (a nickname of the city of Oxnard referenced by Chicanas/os) into the organization's title to re-appropriate the term from the sole uses of law enforcement. CORE members also felt that this would complicate law enforcement's highly subjective identification of gang members since use of the word Chiques was supposedly a fundamental element in determining a person's gang membership and association. With middle class educators and activists embracing the word Chiques, the injunction tool, it was believed, would be less effective in restricting the freedom of speech. At the same time, law enforcement would not be so brazen, or imprudent, as to target them as it did the young men and women of La Colonia due to CORE members being more socially networked with other professionals and organizations, higher educated, and able to afford competent legal counsel if required.

Notwithstanding the efforts of CCRC and CORE, on June 5, 2005 Judge Bysshe granted permanent status to the injunction (The People of the State of California, et. Al. Plaintiff Vs. Colonia Chiques, an Unincorporated Association; and DOES 1-500, Inclusive, Defendants. CASE NO. CIV226032 AMENDED JUDGEMENT FOR PERMANENT INJUNCTION, June 1, 2005). While the VCDA strongly led the public to believe that the injunction would only apply to adults who were the "worst of the worst" of gang members, the OPD subsequently began serving juveniles. After the November election, Oxnard's new mayor, Thomas Holden, downplayed the existence of the injunction and espoused in his speeches the trope of a three-legged stool entailing suppression, prevention, and intervention social programming. With the

installation of a new mayor, Chief Lopez abruptly announced his retirement three years after making the short list for the police chief vacancy at the Los Angeles Police Department. Chief Lopez apparently alienated political support on the council by his characterization of the city as an urban war zone—jeopardizing the community’s goodwill—and his contentious engagement of injunction critics in the media. Lopez’s successor, OPD Assistant Chief John Crombach, echoed Mayor Holden by highlighting the importance of community policing. Even the Ventura County District Attorney and deputy district attorney Wold adopted the language of prevention and intervention and took a more conciliatory approach in its public relations. Both Chief Crombach and the DA’s office, however, continued to express their desire to expand the injunction to other gangs within the city.

Lessons Learned

As a participant observer involved with opponents of the civil gang injunction, I witnessed how the machinery of law enforcement devises consent for such a draconian policy by creating varying versions of reality. Conversely, at the start, people who joined the actions of the Colonia Civil Rights Coalition responded to differing aspects of the OPD and VCDA office’s propagandistic presentation. Exasperated by the rash of homicides in 2003, I, myself, questioned the kind of community I lived in and welcomed a special measure to abate youth violence; but I soon became as troubled by the public relations campaign of dehumanization and scapegoating employed by law enforcement. Chief Lopez’ audacious rhetoric, in particular, offended a segment of the Ventura County community sensitive to the contentious history of barrio communities with law enforcement and others conscious of the forces of multiple marginality that directed young Chicanas/os to the street culture of gangs.

Opponents of the injunction held that the further marginalization of at-risk and gang-involved youth was not the answer to the spike in the homicide rate; to the contrary, the city needed to implement a strategy of integration via well funded interventionist social programming encompassing innovative recreational opportunities, job training, mentoring, and the arts. Instead of eradicating troubled youths further to the shadows of society, members of CCRC and others believed that at-risk and gang-involved persons required the embrace of the community. But as strongly as injunction opponents believed in this approach in reforming the lives of young people, many supporters of the injunction vented their frustrations against these youths and those who advocated on their behalf.

In the end, there are three lessons that I wish to leave readers. First, disenfranchised and marginalized barrio youth of La Colonia demonstrated a determination to be integrated into the larger fabric of the community. These youths exhibited this resolve in their civil protest to the injunction as well as participation in the activities of: fundraising, voter registration, attending vigils and marches, the consideration of becoming involved in electoral politics, and observing the proceedings of municipal government and the justice system. In this regard, the community of Oxnard and civic leaders, principally, rebuffed a unique opportunity to incorporate and rehabilitate a significant number of people at-risk and gang-involved by not providing the structural support and hiring experienced, caring professionals toward this end. Instead, the OPD and the VCDA, like “an invading army,” vanquished the constructive agency of multiply marginalized people seeking to incorporate themselves into the larger community by way of an unimaginative zero tolerance strategy that is a civil gang injunction.

The second lesson consists of the fundamental reason why civil gang injunctions are attractive to law enforcement agencies. At the start, gang injunctions immediately place a

targeted group on alert that a crackdown is eminent, suppressing violent activity temporarily. Civil gang injunctions also effectively disarm defendants, at least those not under probation, from obtaining a legal defense since this is not a guaranteed right within civil law, allowing law enforcement to infringe upon the civil liberties of persons even when no crime has been committed. Once targeted and rendered legally defenseless, suspected gang members are socially cleansed from public spaces and further relegated to the shadows of a marginal existence.

Lesson three. Since suppression tactics against street gangs are popularly supported and sanctioned more often than not by the courts, the Oxnard civil gang injunction proved that law enforcement's propaganda campaign gratuitous. In this regard, Chief Art Lopez, to his political detriment, and the Ventura District Attorney's Office overplayed the urban terrorist public relations strategy that antagonized constituents sensitive to the oppressive realities within barrio communities.

Coda

In October of 2006, the Superior Court of Ventura County issued a second permanent gang injunction in Oxnard against the Southside Chiques street gang. Absent the demagogic rhetoric that accompanied the first gang injunction on the part of the VCDA and OPD, limited public opposition arose to the Southside Chiques injunction. To date, however, other cities in Ventura County address youth violence without the use of civil gang injunctions such as the ones in Oxnard.

¹ Lopez served as a LAPD Officer for 28 years. Upon Lopez's appointment as chief in 1999, his assistant chiefs successfully discouraged the idea of implementing an injunction.

² This label is used to identify persons of Mexican origins raised in the United States politicized by their life experiences and who are collectively committed to social justice and addressing historically based inequities facing

disenfranchised communities. This definition is also used to recognize barrio youth, particularly those at-risk or gang-involved. For a thorough discussion on the origins and politics of this label see, Oboler, 1995, 58-79.

³ Persons of Mexican origins is an umbrella reference that includes recent and long time resident nationals of Mexico as well as citizens of the United States.

⁴ The essay would later be converted into a CCRC pamphlet.

⁵ In a meeting with opponents of the injunction at the Café on A in the summer of 2004, Police Chief Lopez, to his credit, admitted that utilizing “street terrorists” and “pack of wolves” rhetoric, in his words, were “not the way to go.” Café on A meeting with Police Chief Art Lopez, August 12, 2004.

⁶ In the municipal election of 2004, councilperson John Zaragoza’s reelection literature highlighted a 60% decline in the city’s overall crime rate. Furthermore, violent crime dropped by 50% over the last ten years. This made the city the fifth safest in the nation with a population between 150,000 and 200,000. Indeed, the Zaragoza campaign declared that, “Oxnard’s crime rate is lower than many cities in California, including Beverly Hills, Newport Beach, Palm Springs, Santa Barbara, and Ventura, “A Plan for a Better and Safer City,” John Zaragoza reelection literature 2004.

⁷ The official motto of Oxnard is, “The City That Cares.”

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