

What you should know about gang injunctions in the Western Addition

An informational report prepared by the Brothers for Change Community Action Team

2008-09

Western Addition

San Francisco, California

This report summarizes information collected by the Brothers for Change Community Action Team (2008-09). The report will explain what gang injunctions are and how they are used in our community. The first half of the report provides answers to questions we were asked over the last 18 months. We then provide a timeline of gang injunctions in the Western Addition and a summary of information collected through 1) informational interviews and 2) a short survey on community members' experiences following the gang injunction. The report concludes with a summary of our "next steps."

Question: What is a civil gang injunction?

Answer: Civil gang injunctions restrict the actions of enjoined (named) persons within a geographically determined "safety zone." The injunctions allow local law enforcement to prevent alleged gang members from engaging in unlawful and otherwise lawful practices. In addition, gang injunctions restrict freedom of association without affording alleged gang members **due process rights** under criminal law (Barajas 2007). Because gang injunctions are **civil** actions, there is a lower legal standard of "preponderance of the evidence" (instead of "beyond a reasonable doubt"). While criminal laws are restricted to criminal behavior, injunctions can target **noncriminal** conduct, which offers prosecutors a mechanism that operates as a remedy apart from criminal law (Steward, 1998). This means that people named on the list can be punished in a **criminal** court for a violation of a **civil** order.

Question: Where did gang injunctions come from?

Answer: Gang injunctions become popular in Southern California in the 1980s and 1990s. Gang injunctions went hand-in-hand with a renewed call for "quality of life improvements" in American cities (Steward, 1998). Civil gang injunctions were initially designed to complement "broken windows" approaches to law enforcement approaches such as community policing. The broken windows theory (which is not supported with evidence) suggests that the suppression of relatively minor public nuisances to minimize social disorder to maintain a

community's quality of life (Wilson and Kelling, 1982). The broken windows theory also claims that broad police discretion is necessary for effective crime prevention, even if it means impinging on peoples' civil rights (Steward, 1998). **Ideally**, community policing involves police officers interacting **harmoniously** with neighborhood residents, but it can also involve aggressive intelligence gathering and surveillance tactics (Barajas 2007). Civil gang injunctions are often used with community policing when cities are fixing law enforcement resources onto one specific location in a community, like the Western Addition (Maxson *et al.*, 2003).

Question: Which communities are most affected by gang injunctions?

Answer: Civil gang injunctions are commonly found in communities undergoing attempts to **gentrify** and areas that are viewed as in need of "revitalization" or "renewal." For example, in Oxnard, California, an over **\$67 million dollar renewal project** was launched in the mostly Latina/o downtown neighborhood. The project was aimed at transforming the area into a place of commerce, industry, and tourism for middle-class professionals (Barajas, 2007). **A permanent gang injunction in 2005 soon followed** (against alleged members of the La Colonia Chiques gang) and **another gang injunction** in Oxnard was put into place in 2006 against the Southside Chiques street gang. The gang injunction safety zones in the Western Addition are adjacent to the recently built Fillmore Heritage Center and other new housing projects that were built in the last years of the Redevelopment Agency's control of the neighborhood. The area is now quickly gentrifying and is undergoing efforts to make the Fillmore a "destination neighborhood."

Question: Are gang injunctions racist?

Answer: The language of gang injunctions is "color-blind." Police chiefs and politicians typically describe their efforts as targeting "geographic areas" instead of groups of African American or Latino youth. But in the heavily Latino city of Oxnard, California all of the men named in the gang injunction were in their late teens

and twenties and were predominantly of Mexican origin (Barajas, 2007). In the Western Addition all of the 42 men listed in the injunction are African American. Approximately **90% are Black men under 30** and about 50% are Black men between the ages of 18 to 25. So, even if the language of gang injunctions is “color blind,” it is obvious that **gang injunctions have a disproportionate impact on younger Black and Latino men in California.**

Question: Why should I care if some gang members are harassed?

Answer: All African Americans are impacted by the use of harsh police practices against African American, inner city youth. The disproportionate number of Black men and women who are arrested and incarcerated casts a negative light on all **Black people**. So gang injunctions, much like earlier laws in the United States targeting African Americans, have the effect of **stigmatizing** African American communities and **maintaining racial inequality** (Steward, 1998).

Question: What are the historical roots of gang injunctions?

Answer: Civil gang injunctions are similar to vagrancy laws in California and the post-Reconstruction South in the second half of the 19th century (Steward, 1998). Vagrancy statutes were used to restrict workers to fixed work locations and eventually evolved into controlling and banishing **unwanted people** who threatened “financial burden, nuisance and potential criminality” (Steward, 1998). In the United States people of color have always been the primary victim of vagrancy statutes and ordinances (Steward, 1998). For example, the abolition of the formal institution of **slavery** in the southern United States resulted in the emergence of “**Black Codes.**” Black Codes relied heavily on broad vagrancy ordinances and were designed to reestablish control over former African American slaves that were technically free. Under this system, **the possibility of being arrested and charged with vagrancy prevented Black laborers from leaving their former masters’ plantations** (Du Bois, 1962). The Black Codes were

the response of southern white leaders to concerns regarding their own socioeconomic status (Steward, 1998).

Question: Do gang injunctions work?

Answer: The research on the long-term effectiveness on gang injunctions is **mixed**, at best. To date there are no accurate figures on the number of gangs, gang members and gang crime in the United States. There are between 800 to 1,000 cities with gang crime problems, with more than 9,000 gangs and 400,000 gang members (Klein, 2002). The National Youth Gang Survey in 2002 found 2,300 cities with gang problems. The United States Department of Justice administered the 1998 National Youth Gang Survey and found a total of 28,700 gangs with an estimated 780,200 gang members, with 46 percent being Latina/o and 34 percent African American.¹ To combat gang problems, civil gang injunctions are increasingly used in communities of color throughout the Southwest, yet the number of alleged gang members continues to rise (Barajas, 2007). A report by the Justice Policy Institute concludes that heavy-handed law enforcement tactics, including civil gang injunctions, are not only ineffective in stopping gangs or gang violence, but make the problem worse. The report concludes that there is "no evidence that gang enforcement strategies achieved meaningful reductions in violence" and that gang injunctions merely displace criminal activity into neighboring areas.²

Question: What are the arguments for gang injunctions in the Western Addition?

Answer: **San Francisco City Attorney Dennis Herrera** has argued that civil gang injunctions respond to complaints by residents to stamp out public nuisances. Herrera believes gang injunctions "takes away the turf, which is the heart of a street gang. It is the equivalent of taking away a business' storefront."³ Using this logic, taking away a common place for individuals to gather effectively prevents criminal activities from taking place. Police argue that gang injunctions are an effective way to intercept activity before it reaches felony level.

Furthermore, **the State Supreme Court ruled that the rights of residents to live peacefully outweigh the rights of people who are creating public nuisances.**

Question: What are the arguments against gang injunctions?

Answer: Opponents of gang injunctions argue that people have a hard time getting their names off of gang injunction lists and from obtaining gainful employment. Furthermore, many argue that **not all individuals named in the injunctions are gang members.** One resident remarking on the Oakdale Mob suggested that “There is no initiation process, no common interest, nothing that makes these young brothers a gang except that they grew up and got arrested in the same neighborhood.”⁴ Through gang injunctions, police have the authoritative discretion to decide who they label as a gang member. Robert Amparan, an attorney for the Norteños in the Mission has called this process “government sponsored racial profiling.”⁵ It gives officers **a roving community warrant** to go after anyone they consider a gang member or associate. In addition, gang injunctions do not specify a procedure to hold police accountable for mistakes. Some civil liberties advocates say the injunction infringes on individual rights and is motivated by aiding gentrification that displaces long-time residents. For example, the gang injunction issued in Hunters Point coincides with a planned upscale housing development at the nearby Hunters Point Naval Shipyard.⁶ Furthermore, gang injunctions violate the right of free association and due process. At least seven sets of brothers are named in the San Francisco civil gang injunctions alone, which means that the injunctions have the power to prevent family members from association with one another.

Question: When does a person get off the gang injunction?

Answer: **Gang injunctions are permanent and forever.** On March 24, 2008, City Attorney Dennis Herrera’s office announced an agreement with the regional chapters of ACLU of Northern California and Lawyers Committee for Civil Rights of the San Francisco Bay Area that establishes an administrative “opt-out” procedure for

individuals named in civil gang injunctions in San Francisco. According to the City Attorney's office, the opt-out procedure is "is fair, transparent, accessible, and recognizes that individuals can and do change for the better."⁷ Individuals named in civil injunctions, and those that the City Attorney is seeking to enjoin, may voluntarily **apply to the City Attorney's office for removal from the enforcement list**. Individuals can bypass the administrative process set up by the City Attorney and to go directly to Superior Court to seek a modification of the injunction or to request removal from the enforcement list. If an individual goes through the City Attorney's office first and gets approval – the City Attorney will write a recommendation to the Court for or against name removal.

Question: How will the judge decide whether or not my name should be removed?

Answer: In addition to the petition, those seeking removal must provide **documented evidence** to support their name removal. An interview will be required by the City Attorney's office before any decision on an opt-out petition is made. Information obtained by the petitioner will be kept confidential to the extent required by law and will only be used for the decision in the opt-out process. If information is determined to be misleading or inaccurate, actions will be taken by the City Attorney to place the individual back on the list. The City Attorney will conduct its own investigation into the evidence submitted by the petitioner, and will use any other relevant information. Decisions on opt-out petitions will be made within 30 days of the request.

Question: Where can I find an "opt-out" application?

Answer: The opt-out petition is available on the City Attorney's website. Post-injunction opt-out petitions approved by the City Attorney are still subject to the Court's approval. Individuals seeking pre-injunction opt-out petitions must provide information to the City Attorney before the last day to file an opposition to the preliminary injunction. For pre-injunction opt-outs, the City Attorney will "exercise his best efforts to evaluate all requests prior to the hearing on the

preliminary injunction.”⁸ If the opt-out petition is granted by the City Attorney and the Court, the individual will receive notice, as well as the San Francisco Police Department within no more than three days of the modifications made to the enforcement list. In addition, the City Attorney will conduct a review of each gang injunction every three years to determine whether the injunction should remain in effect and if so, if any person should be removed from the enforcement list.

Question: What criteria is used to evaluate an “opt out” application?

Answer: The central criterion of an individual's request to opt-out will be granted is based on **whether or not that individual is an active gang member**. Other criteria include: gainful **employment**, whether the individual is pursuing an **education**, and **any activities that demonstrate a willingness to disassociate with gang related activities**. The City Attorney will also look favorably upon removal of gang related tattoos, ceasing to wear gang colors, or ceasing to spend time with known gang members. In addition, there is a time factor involved in which the more time the individual disassociates himself from a gang, the more favorable the outcome. The presumption is that named individuals are gang members, therefore it is unclear how to go about the opt-out procedure if one has never been a gang member.

Question: How can community members express opposition to gang injunctions?

Answer: In Oxnard, the community organized to articulate a public critique and to offer alternative approaches of social prevention and intervention. Community members launched a commentary campaign in the local newspaper, fundraised to finance a legal challenge, and held street marches and activities to raise public consciousness (Barajas, 2007). Residents of La Colonia integrated themselves at institutional civil functions such as city council meetings. Community members in the Mission and the Western Addition also actively opposed gang injunctions.

II. Gang Injunctions in the Western Addition

Gang Injunctions in California

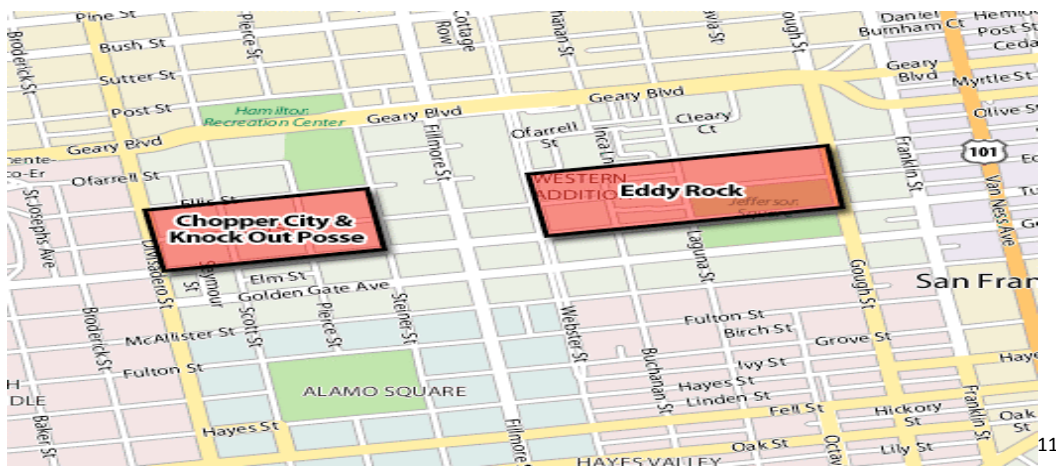
Los Angeles is often credited to have the worst street gang problem in the nation, if not the world⁹, the state has been at the forefront of the effort to develop aggressive new anti-gang tactics (Werdegar, 1999). The first attempt to obtain an injunction came in 1980 when the Santa Ana police department went to the City Attorney to seek assistance with a gang hangout hoping to bar individuals from congregating at an alleged gang members' residence.¹⁰ The judge in that case denied the preliminary gang injunction request. In 1981 and 1982, the Los Angeles City Attorney obtained gang injunctions in Pomona and West Covina. In the Pomona gang injunction, the City Attorney and Deputy District Attorney worked together to get a preliminary gang injunction naming 12 defendants. The judge in the Pomona case only issued the injunction against the homeowner whose residence was an alleged gang hangout. In the West Covina injunction, 5 of Alwood Street Lodies were named as defendants and the injunction was granted. In 1982, the Los Angeles City Attorney filed an injunction against Dogtown, Primera Flats, and the 62nd Street East Coast Crips naming over 70 alleged gang members. This was the first injunction to sue a gang, as well as individual members as an incorporated association. In 1987, Los Angeles City Attorney filed and won an injunction against the Playboy Gangster Crips naming 23 alleged gang members. This was **the first injunction to include "members of the gang" in addition to individual members named in the lawsuit**. The injunction against the Playboy Gangster Crips did not specify a geographical location, other than Los Angeles City limits. Later in 1992, Burbank City Attorney issued an injunction on an entire city block, naming 34 alleged members of the Barrio Elwood Rifa. This injunction was the first to include the "non-association" clause prohibiting standing, sitting, walking, driving, and gathering in public or public view with any other defendant in the targeted area.

In 1993, Los Angeles City Attorney issued an injunction against the Blythe Street gang in the San Fernando Valley. Alleged Blythe Street gang member "Speedy Gonzales" fought his case in Supreme Court on grounds that municipal court judges do not have jurisdiction to review injunctions issued by Superior Court (Penal Code Section 166(a)(4) states that all

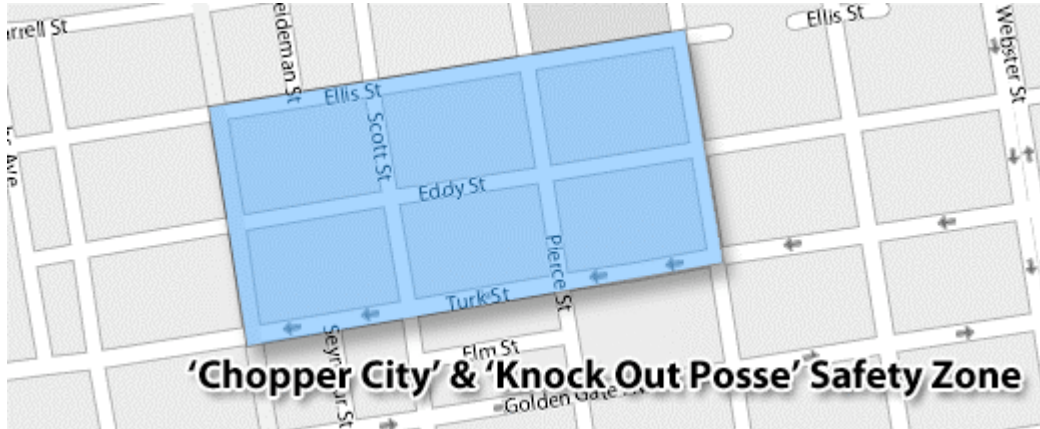
criminal cases filed must be filed in Superior Court). The State Supreme Court overruled the Court of Appeal and held that municipal court has “some limited right of review” over injunctions issued by the Superior Court. **All cases have since been pursued in criminal court as misdemeanors.** Since the San Jose City Attorney issued a gang injunction against Varrio Sureño Trece/Varrio Sureños Locos (**People v. Acuña**) the California Supreme Court rulings in civil gang injunctions have been more frequent. **Gallo v. Acuña paved the way for the accelerated deployment of anti-gang injunctions not only in California** but also in the rest of the United States. However, Gallo v. Acuña raises a number of **constitutional concerns** that were not adequately address, namely vagueness in language. The unclear language in the Gallo v. Acuña ruling sets the stage for **arbitrary enforcement** by law enforcement officials who already have a sketchy track record when dealing with racial and ethnic minorities (Werdegar, 1999).

Gang Injunctions in the Western Addition

In the Western Addition there are two six-block safety zones near federally subsidized housing complexes on Eddy Street. These zones also border the Fillmore Jazz Preservation District and recent development projects sponsored by the San Francisco Redevelopment Association and private developers (see below; maps last accessed June 19,2009, http://www.sfgov.org/site/city_attorney_page.asp?id=88624)



Safety Zone: Chopper City and Knock Out Posse are restricted from six square blocks bordered by Ellis Street on the north, Divisadero Street on the west, Turk Street on the south and Steiner Street on the east.



Safety Zone: Eddy Rock is barred from gathering in a six-square block area bordered by Ellis Street on the north, Gough Street on the east, Turk Street on the south and Webster Street on the west. That area includes Jefferson Square.



To get a court to approve a civil gang injunction the City Attorney must produce heavy documentation proving that a gang is a “public nuisance.”¹² Civil Code Section 3479 defines a public nuisance as: “anything which is injurious to the health, including but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction

to the free use of property, so as to interfere with the comfortable enjoyment of life or property..." The process for obtaining an anti-gang injunction is routinized and involves police officers and city and district attorney's spending up to several months identifying individuals believed to be members of a gang in addition to cataloging unlawful and anti-social acts in the neighborhood that seem gang related. Names are taken from regional and state gang member databases, from **declarations from police officers in the neighborhood** and affidavits of local residents (Werdegar, 1999). Most data on alleged gang members collected by law enforcement derive from self-identification, monikers, tattoo insignia, local resident input and their style of dress and demeanor (Romo and Santos, 2007). Once this information is compiled, **it is taken to court** as a request to enjoin the named individuals and declare the gang a public nuisance. Paperwork on the prosecutor's part can be very extensive. In the civil gang injunction issued to alleged "Oakdale Mob" members in the San Francisco Bayview Hunters Point area, City Attorney Dennis Herrera compiled a 1,000 page document used in court to support that Oakdale Mob is a public nuisance.¹³

After documentation is submitted to the court, the City Attorney then petitions the court to get a "safety zone" which is a defined area where gang members are prohibited from specific activities named in the civil injunction. Injunctions bar persons identified as gang members by law enforcement from engaging in restricted activities in specified areas. *People v. Engelbretch*, 67 Cal. App. 4th at 1261, **defines an active gang member as:**

"a person who participates in or acts in concert with an ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of acts constituting the enjoined public nuisance, having a common name or common identifying sign or symbol and whose members individually or collectively engage in the acts constituting the enjoined public nuisance. The participation or acting in concert must be more than nominal, passive, inactive or purely technical."

Judges have 90 days to decide whether to grant an injunction. Preliminary injunctions are temporary with an intent on becoming permanent upon further pursuit of the City Attorney

and further review of the Court. **Permanent injunctions are forever.** San Francisco has **three permanent injunctions** on a total of four gangs. Once the judge grants the injunction, police are supposed to serve each individual member named in the injunction with a notice to go to court, which **does not always happen.** For example, in the injunction issued against the “Broderick Boys” in West Sacramento, only one defendant out of 11 was served a notice and the police relied on that one defendant to spread the word to the rest of the defendants named in the suit. Consequently the state appeals threw out that injunction (which was eventually granted).¹⁴ Individuals named in the gang injunction are served to arrive to court on a set date in order to: “...show cause, if any it has, why its associates, affiliates and recruits, and all persons acting in concert with or participating with it or acting in its behalf, should not be enjoined and restrained by Order of this Court during the pendency of this action from engaging in or performing, directly or indirectly, any of the following activities within the Proposed Safety Zone...”¹⁵ In several gang injunction cases, such as the ones in the Western Addition, **defendants typically have not shown up for court.** Informational interviews with men named on the gang injunction revealed that they were instructed not to show up for court by people who were working on the issue in the community. Individuals named in gang-injunctions often do not appear at the preliminary injunction hearing and those defendants who do appear are rarely represented by counsel (Werdegar, 1999). The City Attorney’s office in San Francisco, together with ACLU of Northern California reached an accord for an “opt out” procedure for name removal in which individuals named in civil injunctions can voluntarily apply to be removed from a gang injunction list. Because the enforcement list is part of the Court-issued injunction, the Court must therefore approve the removal of any person from the enforcement list.

TIMELINE OF GANG INJUNCTIONS IN SAN FRANCISCO

- 2006, September 27 City Attorney Dennis Herrera files first Civil Gang Injunction against Oakdale mob in Bayview Hunters Point area.
- 2007, March 15 Court grants **Permanent** Injunction against Oakdale Mob.

- 2007, June 21 City Attorney Dennis Herrera files **second civil gang injunction** against Norteños in the Mission area.

- 2007, June 21 City Attorney Dennis Herrera files third civil gang injunction against Chopper City, Eddy Rock and Knock Out Posse in Western Addition area.

- 2007, October 12 Court grants **Preliminary** Gang Injunction against Norteños in the Mission.

- 2007, December 18 Court grants **Permanent** Injunction against Eddy Rock, Knock Out Posse and Chopper City in Western Addition.

- 2008, March City Attorney announces “Opt Out” Procedure to get off a gang injunction list.

- 2008, June Court grants **Permanent** Injunction in the Mission

WESTERN ADDITION – CHOPPER CITY, EDDY ROCK, AND KNOCK OUT POSSE

People of the State of California v. Chopper City, Eddy Rock and Knock Out Posse, S.F. County Superior Court No. 07-464493 (Judge Peter Busch), filed June 21, 2007.

Details: The gang injunctions in the Western Addition proposed by the City Attorney’s office against Chopper City, Eddy Rock and Knock Out Posse “targets gangs that are suspected by police of involvement in a particularly violent outbreak of recent shootings.”¹⁶ On December 18, 2007, a permanent injunction was granted by the courts prohibiting alleged members of Chopper City and Knock Out Posse from 11 activities including: flashing gang signs or symbols, standing sitting, walking driving gathering or appearing anywhere in public with other known Chopper City or Knock Out Posse member. Chopper City and Knock Out Posse are allegedly affiliates and are enemies with Eddy Rock. Chopper City and Knock Out Posse claim the geographical areas bordered by Ellis Street to the north, Steiner Street to the east, Turk Street to the south and Divisadero Street to the west. Eddy Rock claims the geographical areas bordered by Ellis Street on the north, Gough Street on the east, Turk Street on the south and Webster Street on the west.¹⁷ Unlike the gang injunction in the Mission District, no curfew was

placed in the Western Addition gang injunctions because shootings happen throughout the day. In addition, this court order also specifies that alleged gang members listed in the “List of Gang Members for Service and Enforcement of Permanent Injunction” may motion to make modification to the order (get themselves off the list “Opt Out”) – in addition, motions can be made by the “People” to add additional persons to be bounded by the order (“Opt In”).

Summary of Informational Interviews and Surveys

Over the last 18 months, the Brothers for Change Community Action Team conducted several interviews and group conversations with residents (and former residents) of the “safety zones.” Eight people named in the gang injunction participated in the interviews. The interviews were used to spread information about the gang injunctions and to gain information regarding how to best help people get off of the injunction and to prevent new people from being added to the list. The informational interviews with men named on the gang injunction list and other residents revealed many of the concerns held by opponents of gang injunctions. Four central themes in the interviews and conversations were: 1) a general **lack of awareness and understanding of gang injunctions**, 2) the disruptive impact of gang injunctions on **family and peer networks**, 3) perceptions that gang injunctions were being used to **push people out of the Western Addition**, which also makes people **more vulnerable to lethal violence** by pushing them out of their “comfort zones,” and 4) **increased harassment** from police and probation officers as a result of the gang injunction. In this section, we provide excerpts from these interviews and conversations that illustrate these themes.

I. Lack of awareness

One young man who is in his twenties and is named on a gang injunction in the Western Addition said: “I was trying to find out how I got on the gang injunction, like what is a gang injunction, and my probation officer had explained to me that... **they just wanted to label where we live and put a name on the place where we live; and say that we are associated with that gang or we are a part of the gang...** and, like it don’t seem accurate to what they are doing.” While this young man does not challenge his culpability, he resists the claim that he is a gang member. A general lack of awareness is also revealed in this exchange with a group of

young men in the Western Addition, including one young man who was named in the injunction:

Interviewer: Did you guys know that the injunction is permanent?

Respondent 1: It's permanent?

Interviewer: [Did you know] that if you guys don't get your names off it, your name will be on there permanently. Did you know that? Did you know that the injunction is permanent?

Respondent 1: I didn't know that.

The same respondent was also not aware that getting a job was not enough to get your name removed from the injunction:

Respondent 1: If you got a job will they still leave you on the gang injunction?

Interviewer: If you are on the gang injunction and you get a job, you are on the gang injunction until you go through the process of getting your name off the gang injunction.

An interview participant who is named on the gang injunction reported that the details of the gang injunction were not explained to him:

Interviewer: You feel that if you go out they'll say well you're too close to this person and take you down. And do you know, are you clear on all the parts of it, what you can't do that is tied to the gang injunction? Did they lay it out for you, what you can and you can't do?

Respondent: They didn't lay it out for me. I still don't get why they put the gang injunction on me, feel me?

Near the end of this small group conversation, one of the participants asked how to get off of the list and Erris Edgerly, Executive Director of Brothers for Change Inc. explained the process to the entire group.

II. Impact on family and peer networks

“Well me personally, I feel like the gang is injunction is a way of separating people or somethin’ like, you know, like people I might have grown up with all my life, I might have grown up with em’ and now they come with this gang injunction where it should be family injunction if anything I feel like, you know?” I mean like people I grew up with, I’m 21 right now and people I been playin’ in the sand box since I was 5 with, you know, they tryin’ to tell them you’re a gang, you can’t be with him. You know? And it be somebody that’s like family, like my cousin or one of my brothers or somethin’ that I grew up with all my life and they separating us, you can’t be with him.”

--African American man, 21 y.o.

This quote from one of the participants in the informational interview highlights a common concern about the gang injunctions: that it disrupts family and extended family networks. Some men have to “sneak” back to the neighborhood just to see their family members. The same young man above reported that even though he is not listed on the gang injunction he feels like he’s on the gang injunction by virtue of his association with these family members: “Yeah it go both ways. I’m not on the gang injunction personally, but I feel like I’m on the gang injunction, my family and my friends are on the gang injunction. So it feels like I am on the gang injunction. They can’t even come and chill and have a good time like it use to be. Its not like it use to be, not at all.” The gang injunction presents a challenge for family members that rely on each other for various basic needs, like childcare or supplemental financial support. There are approximately seven sets of brothers on the Western Addition gang injunction; three of these individuals are 2 sons and a father—if they don’t separate the moment they walk out there from door, then can be arrested and charged with a misdemeanor and serve up to six months in jail. Similar challenges were experienced by people named on the gang injunction from both safety zones in the Western Addition:

Safety Zone 1

Interviewer: How many of it really in the family is on the gang injunction?

Respondent 1: Half of them.

Respondent 2: Man, they have put my whole family on gang injunction and I don't know why.

Interviewer: So do you, you really think that it's impacting your family, since all of ya'll are on the gang injunction ya'll cant stand together ya'll can't go over to where you are from, Martin Luther King, where you were raised?

Respondent 1: They separated us, they got us separated...they got us over here, there.

Respondent 2: It feels like OG segregation, baby, let me tell you, you can't even hug your loved one you grew up with, your first cousin. You be with him, you go into custody, I was born with him.

Safety Zone 2

Respondent 1: Everybody, everybody, it ain't one person on that list who ain't known the next person, I mean, it ain't like they just met each other, they been around each other for years, and years to go, and year, and years, and years...

Respondent 2: Like, 'cuz, I used to spend the night, we used to really like spend the night at each other houses, we used to go to school together, you know, go to after-school programs, all this...going on field trips with your summer programs and, you know, [we] grew up together, like, really grew up together, like, it was [we were] with each other everyday and now that we done moved back in these apartments, we reunited, and they're tryin' to call us a gang."

These remarks highlight another common complaint from people listed on the gang injunction and some other residents: that these young people are not official gangs, rather they simply are friends and family that have grown up together in the same housing complex.

Respondent: As far as about being in a gang, it's not no gang, you know what I mean. Even if people you got witnesses, whatever, we are all family, you know what I mean, and we all stick together, anyone would do that.

III. Pushing People Out

Interviewees expressed fears that the gang injunction is being used to push people out of the Western Addition: "I feel like they tryin' to like take people from they homes like where they live, like, environment, you feel me?" Being pushed out of their neighborhood presents a special problem for young people who have learned how to stay safe in the neighborhoods they grew up in. During a small group conversation, one respondent expressed a concern about the potential for increased lethal violence by pushing people out of their neighborhood "comfort zone":

Like I heard about the Oakdale gang injunction, right? It was like Oakdale over there in the Bay View area, they gave them a gang injunction and its like you know, well if somebody can't be somewhere they been all there life, you know its no place like home. So once they bring you up outta there, you out your safe zone, your comfort zone. So now you gotta go somewhere else, like for example, I heard like an Oakdale guy, one of em' he uh they gave him a gang injunction so now he can't come home no more so now he is somewhere in like the Tenderloin or somethin' and ended up getting killed. They took him out of his safe zone where he comfortable and safe at and they don't care where you go really. So, you know what I'm sayin' he went over there to the TL now and ended up getting killed.

During this conversation, one respondent who was on the gang injunction thought that having his name on the publicly available list made it difficult for him to get a job: "Every time I fill out a job application I do good on my interview, but then the second part is my background check.

They probably want to boot me right there because my name comes up on the gang injunction and that's why it's hard for me to get a job right now."

Another conversation with two men named on the injunction revealed a concern that family members of men named on the gang injunction were being evicted from their housing units. As a result, family members and friends were wary about having young men in the area: "Then its also scaring neighbors. People that we know like our families, and our mothers' friends and stuff it has them scared to even have us come in they house and near their house and around them kids because now they got this label on us saying that we gang members and the police is arresting us and all this stuff."

IV. Finally, conversations with young men and neighborhood residents, including young men named on the gang injunction, reported that police officers use the gang injunction to taunt or harass those who are named on the gang injunction and other young men in the neighborhood, including juveniles. The following exchange illustrates common reports of officers using the gang injunction as a way to increase their targeting of young men in the neighborhood:

Interviewer: Are there particular officers that use the gang injunction to kind of harass you? Or do you mean all the officers? Is there a good officer that you can you know [name].

Respondent 2: None of them.

Interviewer: No?

Respondent 1: There's officers that use it [the gang injunction] like for power or somethin'. There's an officer his name is [member of San Francisco Gang Task Force]. He always pull up on us, "you're on the gang injunction, you're on the gang injunction." He feel like he got the power, like "I could take you if I want to, so you better not say the wrong thing." You know what I'm sayin'? He pull up, "you're on the gang injunction." He told me I was on the gang injunction several times. I had to check

[correct] him every time. I said you better go check that gang injunction. I'm not on that, dog. You talkin' to the wrong dude. You know what I'm sayin'?

What is needed to help?

Young men that were interviewed expressed a general reluctance to use the opt-out process developed by the City Attorney and the Lawyer's Committee for Civil Rights because they do not want to admit to being a gang member. When asked, young men expressed a desire for jobs:

Interviewer: What do you guys think plans should look like to help people get off the list? How can we help people do that? You guys are the experts.

Respondent 1: They can help us with jobs. A job fair, something.

One young man named on the injunction also expressed a lack of faith in community leaders' efforts to ensure respectful treatment from the police:

To me, to tell you the truth the police, the gang task force, they aint scared of no community leaders and I see them cuss the community leaders out to they face. Oh, they aint nothin'. F*ck you this and they told X. "... what can you do?" So they don't care about no community leaders or none of that, they do not care at all. Cursed them out in they face and they will tell em' they aint nothin' in they face.

His remark highlights a general concern shared by other residents, that is, that some police officers and gang task force members do not treat residents in the "safety zones" (especially those who live in federally subsidized housing units) with respect.

Survey Responses

The responses from the surveys reflect similar themes revealed in the interviews. A total of 21 interviews were completed. All of the respondents were over 18. Most were male (12), resided in the safety zone north west of Fillmore Street (King Garvey and Pitts Plaza = 62%), and

most have lived in the Western Addition for more than five years (~90%). Slightly over half of the respondents were unemployed, 57% had been incarcerated at some point in their lives but none were currently on probation or parole. 57% volunteered in the Western Addition.

While 80% of respondents reported that they were “aware of the gang injunction,” on 38% reported that they were “well informed” about the injunction. Two out of three respondents (~66%) reported that the injunction affected them or any member of their household directly. 42% reported that the injunction prevented them from associating with family members and 29% reported that the injunction prevented them from associating with family members. Respondents also reported a lack of faith in law enforcement. While 28.6% agreed with the statement “There are some law enforcement officers in the neighborhood who want to see young men succeed” almost twice that number (52%) agreed with the statement “There are some law enforcement officers in the neighborhood who want to see young men go to jail.” 43% of respondents agreed with the statement “Generally, law enforcement officers believe that all young men in the neighborhood are criminals.” Nearly half of the respondents believed that the gang injunction would make the neighborhood safer in the long-term (47.6%), yet 38% also believed that the injunction “would increase police harassment of young men in the neighborhood.” Nearly a quarter of the respondents believed that the injunction would help to move Black people out of the Western Addition. Only 10% believed that the injunction would reduce violence in the neighborhood in the long-term.

The responses reinforce reports and concerns that were uncovered by the Brothers for Change Community Action Team over the course of the last 18 months. Generally, there is a lack of understanding about what the gang injunction is and what it does. Responses suggest that the impact of the gang injunction extends into peer and family groups. The survey responses also suggest that the policing of the gang injunction may result in the profiling and targeting of young Black men in the neighborhood. The survey responses suggest that residents hold mixed beliefs about the ability of the injunction to have a long-term positive effect on the neighborhood.

Next Steps

The Brothers for Change Inc. Community Action Team has met regularly over the last eighteen months. The creation of the Community Action Team has helped to build social capital among members of the community as neighborhood residents share their skills and resources with others. This work will continue after the grant period ends. The majority of the Community Action Team participants will continue to work together as members of a newly formed Lower Fillmore Neighborhood Association. There are dozens of neighborhood associations that surround and intersect the Lower Fillmore, however, a neighborhood association has not been established specifically for the Lower Fillmore.

A Lower Fillmore neighborhood association is needed to address the community's unique needs, including those outlined in this report. Violence has been a significant and unresolved tragedy impacting Lower Fillmore residents, homeowners and businesses for over 40 years. The impact of violence on a community is immeasurable and often impedes its growth and prosperity. A neighborhood association can be a vehicle and a tool to finally resolve this crisis. Neighborhood associations can also bring a diverse community together to solve its problems and maintain its achievements collectively. By building partnerships, awareness and trust among neighbors, we can create a unified plan and voice for our community. This association can act as a vehicle to help our community lock elbows with stakeholders like the police, city officials, community-based organizations and others to help them understand our communities unique needs and strength. There are over a hundred neighborhood associations in San Francisco and many have been responsible for the survival and wealth of the city's neighborhoods. While one person can act, the voice of an entire neighborhood can do much more. After reading this report, we hope you decide to stay involved by joining the **Lower Fillmore Neighborhood Association**.

Thanks to the all of the members of the Brothers for Change Community Action Team—and the Western Addition community—for their time and work over the last 18 months!

The Brothers for Change Community Action Team was made possible with funding support from the San Francisco Department of Public Health.

This report will be posted on Brothers for Change’s website:

<http://brothersforchangeinc.org/innovation.html>

Appendix I

Steps to Name Removal from Enforcement List:

- 1) Filing a Petition to City Attorney – Main question asked: “Please explain why you should no longer be considered an active gang member.”
- 2) Review of Petition and Decision by City Attorney – an interview will be scheduled to go over the petition (representation may be present).
- 3) Decision by the City Attorney – A decision will be mailed within 30 days. If approved, notification will be sent an address provided. If denied, a petition with new evidence can be submitted, or an individual can go directly to the Court to file papers requesting removal from enforcement list.
- 4) Petitioning the Court for Removal – If approved by City Attorney, an individual must still file with the Supreme Court for name removal. The City Attorney will file paperwork indicating that they do not object for name removal from the enforcement list.

Appendix II—Other gang injunctions in San Francisco

Information available at: www.sfgov.org/site/cityattorney

BAYVIEW HUNTERS POINT –OAKDALE MOB

People of the state of California v. Oakdale Mob S.F. County Superior Court No. 06-456517 (Judge Peter Busch), filed Sept. 27, 2006;

Safety Zone: Four block radius of Navy Road, Griffith Street, Palou Avenue, and Ingalls Street.



Details: This injunction prohibits 22 alleged members of the Oakdale Mob from engaging in 11 activities including: loitering, trespassing, and a 10pm curfew. A violation of these restrictions could be prosecuted civilly, have monetary penalties and limited jail time, or prosecuted criminally as misdemeanor and violators could face up to 6 months in jail. The City Attorney compiled a 1,000 page complaint against the Oakdale Mob which included declarations from the police documenting that members were public nuisances.

Since the Bayview/Hunters Point gang injunction was the first of its kind in San Francisco, City Attorney Herrera and others had a political investment in this gang injunctions success. Residents in the Bayview Hunters Point area believed that the area had calmed down before the gang injunction because an internal truce was made. Police refute that argument.

They also claimed that police patrolled the area more in order to prove that the injunction had worked.

MISSION DISTRICT - NORTEÑOS

People of the State of California v. Norteño, S.F. County Superior Court No. 07-464492 (Judge Patrick J. Mahoney), filed June 21, 2007.

Safety Zone: 60 square blocks of the Mission District from Cesar Chavez Street to the south, Valencia Street to the west, Potrero Avenue to the east, and 21st and 23rd streets to the north.



Details: This injunction prohibits those named from: confronting, harassing, threatening, challenging, provoking, assaulting, battering, any person known to be a victim of witness to, of known to have complained about any activity of Norteño, no weapons or dangerous weapons, no graffiti or graffiti tools, staying away from drugs, no trespassing, no gang signs, symbols or red clothing, cannot stand, sit, walk, drive, gather or appear in public view or anywhere accessible to the public with any known member of Norteño gang. Cannot loiter with the intent to commit a narcotics related offense, cannot loiter in public between 10pm and 5:30am the following day. Cannot block the passage of any vehicle, cannot recruit anyone into the Norteño gang, obey all laws, and cannot prevent anyone from leaving the Norteño gang. Violators face penalties of up to 6 months in jail. While in this injunction City Attorney Herrera has focused on

the Norteños in the Mission, he claims to have plans of target the Sureños as well, who dominate the northern part of the Mission.

On October 12, 2007 a preliminary injunction was granted by the Superior Court of California. Nineteen persons were named in the injunction and were notified through “publication and personal service.” Thirteen more were named, but hadn’t been served. Eight of the persons served requested and were granted the right to “intervene,” or contest allegations of their membership in the gang in attempt to remove their names from the list. The language of the courts calls these people “interveners.” The preliminary injunction is effective only against those who have been named and served. Upon service, these individuals have the right to challenge the “People’s” or the City Attorney’s evidence. The ACLU also filed an “Amicus Brief in Opposition” to the preliminary injunction. Ninety-three declarations were filed defining the Norteños as a public nuisance. Interveners submitted three declarations from citizens who stated that they do not harass residents using People ex rel. Gallo v. Acuña (the 1997 San Jose case) to argue that declarations from citizens can be used to affirm their opposition. The City Attorney refuted that claim by stating that People ex rel. Gallo v. Acuña does not mandate citizen declarations. No one showed up on behalf of the Norteños for the preliminary injunction. One male and one female were found not to be active gang members by the court and they were excluded from the injunction. The Interveners focused their objection to the injunction based on the right of free association with family (same consideration was rejected by People v. Engelbretch, 67 Cal. App. 4th at 1261). Second, Interveners objected to the police’s right to harass and target Latinos. This case relied on the “gang expertise” of officer Molina, and cited his experience with testifying in court as an expert on the Norteño gang. The Interveners presented a declaration from Judith Greene, an expert on gang suppression tactics who testified that gang injunctions are ineffective for these three reasons: “very loose criteria are used to establish who is a gang member, the fact that the consequences being placed on a gang injunction are permanent and the fact that the affected community input is ignored.”¹⁸ The Interveners contend that the safety zone is confined to a narrower area as proposed by the People.

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- ¹⁶ Herrera IDs 76 Gang Members in Case for Injunctions in Mission, Western Addition: Thousands of Pages of Evidence Detail Illicit Drug Trade, Intimidation and Violence—often Victimized Youth, Seniors and Immigrants. Office of the City Attorney Dennis Herrera Online Press Office. www.sfgov.org/site/cityattorney
- ¹⁷ "City Attorneys MPAs for Eddy Rock, Chopper City and Knock Out Posse Gangs." www.sfgov.org/site/cityattorney
- ¹⁸ "Courts Order Granting Preliminary Injunction." See SF City Attorney webpage at www.sfgov.org/site/cityattorney