

1 DENNIS J. HERRERA, State Bar #139669
 City Attorney
 2 ALEX G. TSE, State Bar #152348
 Chief Attorney, Neighborhood and Resident Safety Division
 3 MICHAEL S. WEISS, State Bar #168378
 YVONNE R. MERE, State Bar #173594
 4 Deputy City Attorneys
 1390 Market Street, Sixth Floor
 5 San Francisco, California 94102-5408
 Telephone: (415) 554-3800
 6 Facsimile: (415) 437-4644
 E-Mail: michael.weiss@sfgov.org
 7 E-Mail: yvonne.mere@sfgov.org

ENROBSED
 FILED
 San Francisco County Superior Court

JUN 21 2007

GORDON PARK-LI, Clerk
 BY: CRISTINA F. BAUTISTA
 Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

NOV 21 2007 - 9:00 AM

DEPARTMENT 212

8 Attorneys for Plaintiff
 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 COUNTY OF SAN FRANCISCO
 12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF
 CALIFORNIA, by and through Dennis J.
 14 Herrera, City Attorney for the City and
 County of San Francisco,

15 Plaintiff,

16 vs.

18 NORTEÑO, a criminal street gang sued as
 19 an unincorporated association, and DOE
 20 ONE through DOE FIVE HUNDRED,
 inclusive,

21 Defendants.

Case No.

08CO7-264492

COMPLAINT FOR INJUNCTIVE
 RELIEF AGAINST THE NORTEÑO
 CRIMINAL STREET GANG

Type Of Case: (42) Other Complaint

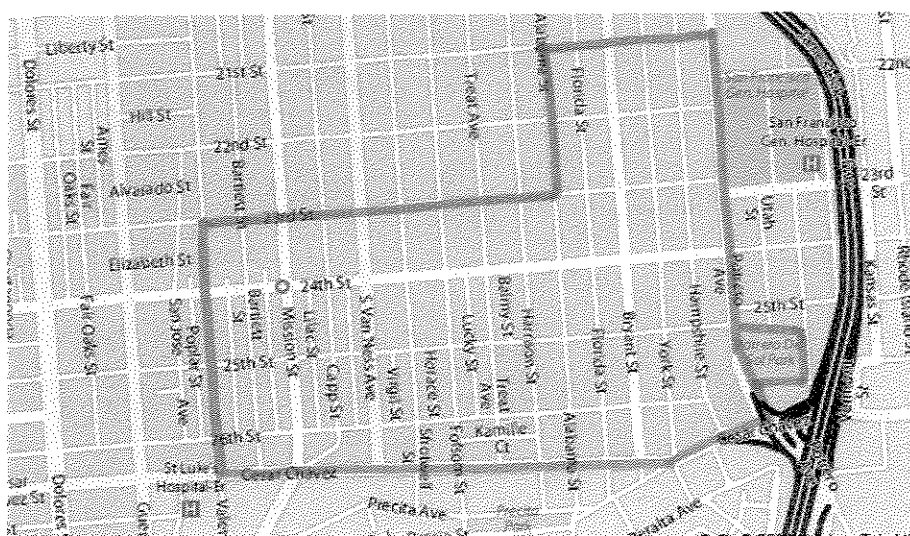
Attachments:

23 The PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J. HERRERA,
 24 City Attorney for the City and County of San Francisco (hereinafter, "Plaintiff" or "People") for
 25 their Complaint against NORTEÑO CRIMINAL STREET GANG (hereinafter, "Defendant" or
 26 "Norteño") and Doe One through Doe Five Hundred (collectively, "Defendants") hereby allege as
 27 set forth below:

1 **INTRODUCTION**

2 1. This action arises out of Defendant NORTEÑO CRIMINAL STREET GANG's
3 creation of a hazardous public nuisance in the southeast section of San Francisco's Mission District,
4 which Defendant "claims" as its territory or "turf."

5 2. Defendant NORTEÑO's turf, (hereinafter, "Proposed Safety Zone"), is an "L" shaped
6 area generally bordered by 23rd Street to the North (but extending to 21st Street at Alabama Street),
7 Valencia Street to the West, Cesar Chavez to the South, Potrero Avenue to the East, and extending
8 to encompass La Raza Park, also known as Potrero Del Sol Park as depicted below and attached
9 hereto as Exhibit A. The Proposed Safety Zone includes the sidewalk on each of these boundary
10 streets and 100 yards extending therefrom.



21 3. Defendant NORTEÑO is comprised of individual gang members, who both
22 individually and collectively are responsible in some manner for the nuisance in the Proposed
23 Safety Zone as further described in this Complaint.

24 4. Defendant, through its members, conducts itself in a nuisance-like manner, designed
25 to exercise control over the Proposed Safety Zone, to ensure a safe haven and to maximize profits
26 from its unlawful drug-dealing enterprise. Defendant monopolizes the area, controls the clientele
27
28

1 and pricing of drugs, all promoting a sense of fear through the community and the perception that
2 Defendants are above the law.

3 5. Defendant's nuisance conduct in the Proposed Safety Zone, including the illegal sale
4 of controlled substances, and related crime and nuisance, has created neighborhood conditions
5 which are injurious to health, indecent or offensive to the senses, obstruct the free use of property,
6 interfere with the comfortable enjoyment of life or property, and unlawfully obstruct the free
7 passage or use of public parks, streets, sidewalks and highways, in violation of Civil Code Section
8 3479 and 3480.

9 6. Specifically, within the Proposed Safety Zone, Defendant, through its members,
10 publicly engages in illegal drug sales, commits homicides, stabbings, shootings, and other
11 aggravated assaults against rival gang members and perceived gang members, loiters in public
12 places in a menacing manner to instill fear and discourage crime reporting, dominates the
13 neighborhood with verbal and physical intimidation, and persistently marks its territory with graffiti
14 vandalism.

15 7. The dangerous and offensive conditions in the Proposed Safety Zone created by
16 Defendant amounts to a public nuisance in that it affects at the same time an entire community or
17 neighborhood, and a considerable number of persons, within the meaning of Civil Code Section
18 3480.

19 8. By operating its drug enterprise within the Proposed Safety Zone in a manner
20 constituting a public nuisance, in violation of the Civil Code, Defendant has engaged, and continues
21 to engage in unlawful business practices prohibited by Business and Professions Code Sections
22 17200-17210.

23 THE PARTIES

24 9. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J.
25 HERRERA, City Attorney for the City and County of San Francisco, a city with a population in
26 excess of 750,000, as determined by the Demographic Research Unit of the State of California's
27 Department of Finance, brings this action pursuant to Civil Code Sections 3479, 3480, and 3491,
28

1 Code of Civil Procedure Section 369.5, 526, and 731, and Business and Professions Code Sections
2 17200-17210.

3 10. Defendant NORTEÑO is a criminal street gang within the meaning of California
4 Penal Code Section 186.22(f), being an ongoing organization of three or more persons, having as
5 one of its primary activities, the sale of controlled substances and other specified criminal acts,
6 having a common name, common colors, and common signs and symbols, and whose members
7 individually or collectively have engaged in a pattern of criminal gang activity.

8 11. Defendant NORTEÑO is sued as an unincorporated association under California
9 Code of Civil Procedure Section 369.5. Defendant NORTEÑO gang members share a common
10 name and purpose and function under circumstances where fairness requires that the group be
11 recognized as a distinct legal entity, because collectively they commit drug sales, shootings,
12 assaults, robberies, graffiti vandalism, and other crimes and nuisance behavior, in order to
13 intimidate witnesses and victims, acting in furtherance of the gang's criminal enterprise. Defendant
14 NORTEÑO acts by and through its members, both individually and collectively.

15 12. Defendant NORTEÑO also is, and at all times mentioned in the Complaint was, an
16 unincorporated association consisting of two or more individuals joined by mutual consent for an
17 allegedly common lawful purposes, including social, recreational, and other purposes.

18 13. Notwithstanding any common lawful purpose, Defendant NORTEÑO is now, and
19 at all relevant times has been, operating a drug-dealing enterprise and creating a public nuisance
20 within the City and County of San Francisco.

21 14. In this capacity, it is sued as the entity committing the acts alleged in this Complaint,
22 or directing the commission of the acts alleged in this Complaint.

23 15. As used in this Complaint, Defendant NORTEÑO refers to any member of the
24 Norteño criminal street gang which "does business," operates or functions in the City and County of
25 San Francisco, State of California.

26 16. Defendant NORTEÑO is sued in its capacity as the entity committing the acts
27 alleged in this Complaint, or assisting or directing the commission of the acts alleged in this
28 Complaint.

1 17. Defendants DOE ONE through DOE FIVE HUNDRED are sued herein under
2 fictitious names. At this time, Plaintiff does not know the true names and capacities of these
3 Defendants, but prays the same may be inserted when ascertained.

4 18. At all times herein mentioned, each Defendant was an associate, affiliate, or recruit
5 of the other Defendants, and at all times, was acting within the course and scope their association,
6 affiliation, or recruitment.

7 19. Actions taken or omissions made by Defendant's associates, affiliates, or recruits, in
8 the course of their association, affiliation, or recruitment shall be considered the acts and omissions
9 of Defendant for purposes of this Complaint.

10 20. Whenever reference is made in this Complaint to any act or omission of Defendant,
11 such allegation shall mean that each Defendant did or authorized the act or omission, or recklessly
12 and carelessly failed to supervise, control, or direct other persons who engaged in the act or
13 omission.

14 **AREA TO BE SUBJECT TO INJUNCTION:**
15 **THE PROPOSED SAFETY ZONE**

16 21. Plaintiff's Proposed Safety Zone is an "L" shaped area generally bordered by 23rd
17 Street to the North (but extending to 21st Street at Alabama Street), Valencia Street to the West,
18 Cesar Chavez to the South, Potrero Avenue to the East, and extending to encompass La Raza Park,
19 also known as Potrero Del Sol Park. The Proposed Safety Zone includes the sidewalk on each of
20 these boundary streets and 100 yards extending therefrom.

21 22. For decades, and at all times herein mentioned, Defendant has "claimed" the
22 Proposed Safety Zone as its territory or "turf." It is in this Proposed Safety Zone that Defendant,
23 through its members, has created a public nuisance by engaging in street-level drug sales, and other
24 criminal and nuisance activity designed to support and protect its turf and maintain it for their
25 nefarious enterprises.

26 23. Plaintiff, by this action, seeks to designate the Proposed Safety Zone a nuisance-free
27 area, and seeks to obtain an injunction to prohibit Defendant and its members from committing its
28 gang-related crime and its gang-related nuisance activity within the Proposed Safety Zone.

GENERAL ALLEGATIONS
NORTEÑO CRIMINAL STREET GANG:
FACTS AND HISTORICAL CONTEXT

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2
3
4 24. Plaintiff is informed and believes that Defendant NORTEÑO is a nationally
5 recognized violent criminal street gang with a substantial presence in Northern California and San
6 Francisco. Plaintiff is informed and believes that Defendant has approximately 300 active members
7 in San Francisco.

8 25. Plaintiff is informed and believes that NORTEÑO means "Northerner" in Spanish,
9 and distinguishes Defendant from its archrival, the Sureno ("Southerner") Criminal Street Gang,
10 another nationally recognized, violent criminal street gang, with a substantial presence throughout
11 California, including San Francisco's Mission District.

12 26. Plaintiff is informed and believes that Defendant NORTEÑO's rivalry with the
13 Sureno Criminal Street Gang is a longstanding and bitter rivalry that can be traced back to the
14 1960s.

15 27. Plaintiff is informed and believes that Defendant NORTEÑO is the street-level
16 component of "Nuestra Familia" or "NF," a highly organized prison gang overseen by prisoners
17 from the lockdown area of Pelican Bay Prison, California's highest security prison.

18 28. Plaintiff is informed and believes that Defendant NORTEÑO is part of an organized
19 power hierarchy, which includes gang members who are incarcerated and gang members on the
20 street. Street level operators also known as "street soldiers" or "homies," are the primary
21 perpetrators of the subject public nuisance and work at the direction of the "shot callers." The term
22 "shot caller" refers to those gang members who have served time in prison and upon release have
23 been appointed to manage local gang operations, or "regiments." Those appointments are made by
24 the gang's "lieutenants", "captains," and "generals," all of whom are incarcerated, some serving life
25 sentences.

26 29. Defendant NORTEÑO is organized throughout the state in different "regiments" that
27 manage Defendant's local gang operations.
28

1 30. Plaintiff is informed and believes that Defendant self-identifies in San Francisco as
2 the "San Francisco Regiment" and is known by local monikers or cliques, including: "Loco North
3 Side" ("LNS"), "San Francisco Mission" ("SFM"), "Alabama and 21st Street" ("ABL 21"), and "22nd
4 and Bryant Street" ("22B").

5 31. Plaintiff is informed and believes that the Defendant NORTEÑO entrusts "shot
6 callers" in its local regiments to locally manage street-level operations, overseeing the distribution
7 of weapons, the sale of narcotics, the protection of the turf, the recruitment of new members, and
8 the physical violence against rival gangs.

9 32. Even when local monikers are adopted, Defendant and its members still commonly
10 identify themselves and distinguishes itself from its rivals by the common use of the color red, the
11 letter "N," and the number "14" or "XIV" (N is the fourteenth letter of the alphabet) and consider
12 themselves to be living the "Norteno Lifestyle."

13 33. Plaintiff is informed and believes that Defendant's gang colors, letters and numbers
14 appear in their clothing, accessories, jewelry, tattoos, gang signs, and graffiti.

15 34. Plaintiff is informed and believes that Defendant's archrival, the Sureno Criminal
16 Street Gang is also an active prison gang, known as the "Mexican Mafia" and commonly identifies
17 itself by the color blue, the letter "M" and "La Eme" and the number "13" or "XIII" (M is the
18 thirteenth letter of the alphabet). Plaintiff is informed and believes that inside of prison,
19 Defendant's rival gang is known as the "Mexican Mafia," while outside of prison, the rival gang is
20 known as "Surenos" and/or they adopt local monikers, such as San Francisco-specific, "16th Street
21 Surenos", "19th Street Surenos", "MS-13", "11th Street Surenos", among others. Even when local
22 monikers are adopted, Sureno and its members still identify with the color blue, the letter "M," and
23 the number "13" or "XIII," and consider themselves to be living the "Sureno Lifestyle."

24 35. Plaintiff is informed and believes that Defendant NORTEÑO has been operating in
25 San Francisco's Mission District for decades.

26 **NORTEÑO'S "CLAIMED TURF" = PROPOSED SAFETY ZONE**

27 36. Plaintiff is informed and believes that Defendant NORTEÑO has "claimed" the
28 Proposed Safety Zone in the southeast section of the Mission District as a safe haven for drug

1 dealing and related activities. By way of reference, Plaintiff is informed and believes that
2 Defendant's archrival, the Sureno Criminal Street Gang, "claims" the northeast section of San
3 Francisco's Mission District for the same purposes.

4 37. Plaintiff is informed and believes that there is an "unclaimed" border zone in
5 between Defendant's claimed turf and its rival's claimed turf, which includes 22nd Street.

6 38. Plaintiff is informed and believes that one of Defendant's primary purposes is to
7 generate income from the illegal sale and distribution of controlled substances, including heroin,
8 cocaine, and marijuana within the Proposed Safety Zone.

9 39. Plaintiff is informed and believes that when Defendant declares that it has "claimed"
10 the southeast area of the Mission District, it means that Defendant asserts its right to sell narcotics
11 and commit other crimes within the claimed area.

12 40. Plaintiff is informed and believes that a well-guarded, fiercely defended, gang turf is
13 critical to the success of Defendant's drug-dealing enterprise, because it provides Defendant a safe
14 haven and all but guarantees Defendant will earn a profit without having to compete for customers.

15 41. Plaintiff is informed and believes that once Defendant has "claimed" its turf, its
16 members will vigorously defend it, including the use of deadly force, to prevent encroachment or
17 trespass by anyone they suspect or perceive is a member of any other criminal street gang.

18 42. Plaintiff is informed and believes that Defendant advertises its "claim" to the
19 Proposed Safety Zone by committing crimes and creating public nuisances within the Proposed
20 Safety Zone in order to make their menacing presence known to residents and merchants, including:
21 loitering in public places, trespassing, drinking alcohol in public, obstructing free passage on public
22 streets and sidewalks, and committing graffiti vandalism. Plaintiff is informed and believes that
23 Defendant uses violence, fear, threats, and intimidation to deter residents and merchants from
24 reporting crime or public nuisances to San Francisco Police Department.

25 43. Plaintiff is informed and believes that the persistent and substantial graffiti
26 vandalism within the Proposed Safety Zone is related to Defendant "claiming" its turf. Graffiti is
27 Defendant's way of marking its territory, communicating to others that the area belongs to
28

1 Defendant. Plaintiff is informed and believes that rival gangs, such as Sureno, frequently commit
2 graffiti vandalism in the Proposed Safety Zone as a sign of disrespect for Defendant.

3 44. Plaintiff is informed and believes that Defendant commits crime and nuisance as part
4 of its "claiming" its turf, because by marking its territory, chasing off potential competition, and
5 deterring crime reporting, it will then have unfettered access to drug customers, practically
6 guaranteeing a successful drug dealing business, and significantly diminish the likelihood of police
7 interference.

8 **GANG VIOLENCE IN THE PROPOSED SAFETY ZONE**

9 45. Plaintiff is informed and believes that the majority of the violence that occurs within
10 the Proposed Safety Zone is perpetrated by Defendant against actual or perceived members of the
11 rival gang, in an effort to protect its turf, or by Defendant's rivals against Defendant, in retaliation or
12 to show disrespect toward Defendant. There are also a significant number of innocent bystanders
13 who are victims of Defendant's crimes.

14 46. Plaintiff is informed and believes that Defendant is suspected of orchestrating,
15 directing, causing, inviting, participating in, committing and/or being the target of at least 18
16 homicides within the Proposed Safety Zone within the last three years.

17 47. Plaintiff is informed and believes that Defendant is responsible for numerous
18 shootings, stabbings, robberies, and other aggravated assaults committed within the Proposed Safety
19 Zone within the last three years. The shootings, stabbings, robberies, and aggravated assaults
20 within the Proposed Safety Zone have been perpetrated by Defendant against rival gang members or
21 innocent bystanders. Shootings, stabbings, robberies, and aggravated assaults within the Proposed
22 Safety Zone have also been perpetrated by rival gang members against Defendant, or innocent
23 bystanders. By shooting, stabbing, carjacking, robbing, and assaulting rival gang members or
24 perceived rival gang members within the Proposed Safety Zone, whether in retaliation or due to
25 feeling "disrespected," Defendant has created a dangerous, fearful, and atmosphere in the
26 neighborhood, which is injurious to health, indecent or offensive to the senses, is an obstruction to
27 the free use of property, and interferes with the comfortable enjoyment of life or property.

1 the neighborhood and to rival gangs that it "claims" the Proposed Safety Zone as its safe haven for
2 street sales of controlled substances.

3 55. Plaintiff is informed and believes that Defendant uses graffiti vandalism to show its
4 omnipresence within the Proposed Safety Zone, to establish its dominance of the area, and to
5 intimidate neighbors and merchants from reporting its crimes and nuisance conduct.

6 56. Plaintiff is informed and believes that at all times herein mentioned, Defendant has
7 used and continues to use graffiti markers and spray paint cans to deface homes, businesses, buses,
8 sidewalks, streets, mailboxes, even trees within the Proposed Safety Zone.

9 57. Plaintiff is informed and believes that at all times herein mentioned, Defendant's
10 graffiti vandalism has resulted in visual blight, and has created a dangerous, fearful atmosphere
11 within the Proposed Safety Zone, which is injurious to health, indecent or offensive to the senses, is
12 an obstruction to the free use of property, and interferes with the comfortable enjoyment of life or
13 property.

14 58. Plaintiff is informed and believes that at all times herein mentioned, Defendant's
15 graffiti vandalism has resulted in real financial losses as private and public property owners have
16 been forced to spend time and money to repeatedly abate gang graffiti within the Proposed Safety
17 Zone, and has negatively impacted property values in the Proposed Safety Zone.

18 59. Plaintiff is informed and believes that at all times herein mentioned, Defendant's
19 graffiti vandalism has negatively impacted businesses in the Proposed Safety Zone by frightening
20 away and otherwise deterring potential customers.

21 **PUBLIC NUISANCE WITHIN THE PROPOSED SAFETY ZONE**

22 60. At all times herein mentioned, Defendant has conducted, and continues to conduct,
23 its business in a manner that has created, and continues to create, a public nuisance within the
24 Proposed Safety Zone.

25 61. Defendant's conduct within the Proposed Safety Zone has resulted in conditions that
26 are injurious to health, indecent or offensive to the senses, obstruct the free use of property, and
27 interferes with the comfortable enjoyment of life or property, in violation of the California Civil
28 Code.

1 and damage, in that said conditions will continue to be injurious to the enjoyment of life and the
2 free use of property by said residents and citizens.

3 **COUNT TWO**
4 **GENERAL PUBLIC NUISANCE STATUTE**
5 **(Civil Code Sections 3479, 3480)**

6 71. Plaintiff hereby incorporates by reference Paragraph 1 through 70 as though fully set
7 forth herein.

8 72. As described above, Defendant is now, and for a considerable period of time, and all
9 times pertinent to the allegations in this Complaint, has been, conducting a business enterprise
10 within the Proposed Safety Zone, in a manner constituting a continuing public nuisance within the
11 meaning of Civil Code Sections 3479 and 3480. The practices described above are injurious to the
12 health and safety of the residents and merchants of the Proposed Safety Zone, are offensive to the
13 senses, and interfere with the comfortable enjoyment of life and property. The practices described
14 above affect a considerable number of persons and an entire community or neighborhood.

15 73. At all times herein mentioned, Defendant knew or should have known that its
16 conduct was creating a public nuisance in the Proposed Safety Zone, as alleged in the Complaint,
17 but failed to take reasonable steps to abate the public nuisance.

18 74. Unless enjoined, Defendant will continue to operate its business enterprise in the
19 Proposed Safety Zone as a public nuisance.

20 75. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the
21 public from the present danger and harm caused by the conditions described above. Unless
22 injunctive relief is granted to enjoin Defendant, the public will suffer irreparable injury and damage.

23 76. Unless this public nuisance is abated, the community, the neighborhood, and the
24 residents of San Francisco and the citizens of the State of California will suffer irreparable injury
25 and damage, in that said conditions will continue to be injurious to the enjoyment of life and the
26 free use of property by said residents and citizens.

27 ///

28 ///

1 practices. Unless injunctive relief is granted to enjoin Defendant's unlawful business practices,
2 Plaintiff will suffer irreparable injury and damage.

3 85. Defendant is subject to civil penalties of up to \$2,500 per violation of the Business
4 and Professions Code for each act of unfair or unlawful business practice.

5 86. Defendant is subject to additional civil penalties of up to \$2,500 for each act of
6 unlawful or unfair business practice perpetrated against one or more elderly or disabled persons.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays that judgment be entered in favor of Plaintiff and against
9 Defendant NORTEÑO Criminal Street Gang, as follows:

10 1. For a judicial determination that Defendant NORTEÑO Criminal Street Gang is a
11 criminal street gang within the meaning of Penal Code Section 186.22;

12 2. For a judicial determination that Defendant NORTEÑO Criminal Street Gang, its
13 members, associates, affiliates and recruits, be declared to have created a public nuisance within the
14 Proposed Safety Zone, in violation of California Penal Code Section 186.22a(a), California Civil
15 Code Sections 3479 and 3480 and California Business and Professions Code Section 17200-17210;

16 3. For a judicial determination that the Proposed Safety Zone is where Defendant has
17 created the nuisance, and designating the same as the Safety Zone;

18 4. For an Order enjoining and restraining Defendant NORTEÑO and its members,
19 associates, affiliates, recruits, and anyone acting on its behalf, from committing crimes, such as
20 illegal drug use, possession and/or sales, and any other conduct amounting to a nuisance, within the
21 Safety Zone, in accordance with Penal Code Section 186.22a (a), Civil Code Sections 3479, 3480,
22 and 3491, Code of Civil Procedure Section 369.5 and 731, and Business and Professions Code
23 Section 17206.

24 5. For an Order, enjoining and restraining Defendant NORTEÑO gang, its members,
25 associates, affiliates, and recruits, from engaging in or performing, directly or indirectly, any of the
26 following activities *within the Safety Zone*:

27 a. INTIMIDATION. Confronting, intimidating, annoying, harassing,
28 threatening, challenging, provoking, assaulting, or battering any person;

1 b. GUNS OR DANGEROUS WEAPONS. (1) Possessing any gun, firearm,
2 ammunition, or illegal weapon as defined in Penal Code Section 12020, (2)
3 knowingly remaining in the presence of anyone who is in possession of such gun,
4 firearm, ammunition or illegal weapon, or (3) knowingly remaining in the presence
5 of such gun, firearm, ammunition, or illegal weapon;

6 c. GRAFFITI or GRAFFITI TOOLS. Damaging, defacing, or marking any
7 public or private property of another, or possessing spray paint cans, felt tip marker,
8 or other graffiti tools as defined in Penal Code Section 594.2;

9 d. DRUGS AND CONTROLLED SUBSTANCES. (1) Selling, possessing,
10 manufacturing or using any controlled substance or related paraphernalia, as defined
11 in Health and Safety Code Section 11364, including, but not limited to, rolling
12 papers, smoking pipes of any kind, crack vials, and syringes, (2) knowingly
13 remaining in the presence of anyone selling, possessing, or using any controlled
14 substance or related paraphernalia, (3) knowingly remaining in the presence of any
15 controlled substance or such related paraphernalia, (4) driving under the influence of
16 any controlled substance, or (5) being under the influence of drugs in public;

17 e. ALCOHOL. Using, consuming, possessing or purchasing alcoholic
18 beverages unlawfully including but not limited to public intoxication, driving under
19 the influence of alcohol, drinking alcoholic beverages in public, and possession of an
20 open container of alcohol.

21 f. TRESPASSING. Being present on any private property, including San
22 Francisco Housing Authority property, except (1) with the prior, written consent of
23 the owner or the owner's agent, or (2) in the physical presence of the owner or
24 owner's agent, or person in lawful possession of the property;

25 g. GANG SIGNS, RED GARMENTS, GANG SYMBOLS. Flashing gang
26 signs or wearing red garments, or showing any gang symbols, including "14,"
27 "Norte," or "XIV;"
28

1 h. ASSOCIATION. Standing, sitting, walking, driving, gathering, or appearing
2 anywhere in the public view or any place accessible by or to the public, with any
3 known member of the NORTEÑO Criminal Street Gang, excluding: 1) when all
4 individuals are inside a school in class or on school business; and 2) when all
5 individuals are inside a church. This prohibition against associating with other
6 NORTEÑO gang members applies to all travel to or from school or church, and to
7 any congregating before school or church or after school or church.

8 i. LOITERING. Loitering in a public place in a manner and under
9 circumstances manifesting the purpose and with the intent to commit an offense
10 specified in Chapter 6 of the Health and Safety Code, commencing with Section
11 11400, in accordance with Health and Safety Code Section 11532(b);

12 j. CURFEW. Being outside on the public street or sidewalk between the hours
13 of 10:00 pm on any day and sunrise the following day, unless 1) immediately going
14 to or immediately returning from a legitimate religious event or medical
15 appointment, 2) actively engaged in a legitimate business, trade, professions, or
16 occupation which requires your presence during curfew hours, or 3) involved in a
17 legitimate emergency situation that requires immediate attention;

18 k. GANG RECRUITMENT. Taking any action to recruit gang members for
19 Defendant NORTEÑO Criminal Street Gang, or make any threats or promises to
20 shoot, stab, strike, hit, batter, injure, assault, disturb the peace, or destroy the
21 personal property of anyone, as an incentive to join Defendant gang; and

22 l. STOPPING MEMBERS FROM LEAVING. Taking any action to stop a
23 gang member from leaving Defendant NORTEÑO Criminal Street Gang, or make
24 any threats or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the
25 peace or destroy the personal property of anyone, as an incentive not to leave
26 Defendant gang.

27 m. VIOLATION OF OTHER LAWS. Violating any federal, state or local law
28 that (1) prohibits violence and threatened violence including murder, rape, robbery

1 by force or fear, assault and battery, (2) prohibits interference with the property
2 rights of others including trespass, theft, driving or taking a vehicle without the
3 owner's consent, and vandalism, or (3) prohibits the commission of acts which create
4 a nuisance including the illegal sale of controlled substances, loitering with the intent
5 to commit a narcotics-related offense, and blocking the sidewalk; and

6 6. For such other and further relief as the Court may deem proper.

7 Dated: June 20, 2007

DENNIS J. HERRERA
City Attorney
ALEX G. TSE
Chief, Code Enforcement and Resident Protection Team
MICHAEL S. WEISS
YVONNE R. MERE
Deputy City Attorneys

11
12 By: 

MICHAEL S. WEISS
Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

14
15 By: 

16 YVONNE R. MERE
Attorneys for Plaintiff
17 PEOPLE OF THE STATE OF CALIFORNIA
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A	Map of Proposed Safety Zone

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1 **EXHIBIT A**
2 **MAP OF PROPOSED SAFETY ZONE**

3
4 The Proposed Safety Zone is an "L" shaped area generally bordered by 23rd Street to the North (but
5 extending to 21st Street at Alabama Street), Valencia Street to the West, Cesar Chavez to the South,
6 Potrero Avenue to the East, and extending to encompass La Raza Park, also known as Potrero Del
7 Sol Park. The Proposed Safety Zone includes the sidewalk on each of these boundary streets and
8 100 yards extending therefrom.

