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City Attorney
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GERARD ARQUERO IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer GERARD ARQUERO, #1958, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 7
26 years.
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28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.

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24 7. DRUG DEALING in the area of 24th Street and Capp Street at 6:00pm. (Police
25 Report # 041364465). On November 30, 2004, my patrol partner and I were on foot
26 beat in the area of 24th Street and Capp Streets. Based on my experience, this is a
27 known high crime area with numerous complaints regarding narcotics and gang
28

1 related activity. At this location, which is in the proposed Safety Zone, I watched
2 Hector Garcia from a position of concealment. Based upon prior contacts with Mr.
3 Garcia, I knew he was a known Norteño gang member. Again, based on my training
4 and experience, I believed Mr. Garcia's actions to be consistent with drug dealers
5 loitering in the area with the intent to engage in narcotics related activity. When I
6 began to approach Mr. Garcia, he saw me approach and began walking away. He
7 and an unknown male were lost in the area of Mission and 23rd Street. Later that
8 evening, I returned to the area of 24th and Capp Street to watch for Mr. Garcia's
9 return. At this time I observed Mr. Garcia's conduct from a position of concealment,
10 which was consistent with individuals attempting to conceal drugs and/or weapons in
11 nearby areas to avoid action by law enforcement. Garcia, who was in a vehicle,
12 exited that vehicle and I observed him picking up a small object concealed at the
13 bottom of a metal security gate. He then ran back to the waiting vehicle. I believed
14 Mr. Garcia returned to the aforementioned location to retrieve drugs and/or weapons
15 he concealed prior to us approaching him earlier in the evening. Thereafter, my
16 patrol partner broadcasted the vehicle description to other units in the area. Two
17 other officers, Molina and Kim, located the vehicle at 24th and Dolores Street and
18 conducted a traffic stop. Mr. Garcia was seated in the right rear passenger seat.
19 Hector Barrera and Isabel Torres were also in the vehicle. When I arrived at the
20 location of the stop, I conducted a search of the vehicle incident to arrest and located
21 suspected marijuana in the vehicle I also discovered suspected crack cocaine. Mr.
22 Garcia, Mr. Barrera, and Ms. Torres were arrested because the drugs were located in
23 different areas of the vehicle, over which all occupants shared control.

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25
26 8. ROBBERY WITH FORCE at 2700 21st Street (York) at 4:27pm. (Police Report #
27 060272976). On March 12, 2006, Officer Hyun and I responded to a call regarding a
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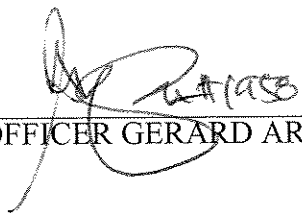
1 robbery at 21st and York Streets, which is in the proposed Safety Zone. Officers
2 Wolf, Heidorn, Jimenez, and Barretta also responded to the call for assistance. The
3 robbery suspect was Daniel Regalado. The victim was in the laundromat at 21st and
4 York when Mr. Regalado approached him and said, "Do you have problems?" The
5 victim told us he was scared and feared for his life. After a brief verbal exchange,
6 Regalado turned the victim around and started going through the victim's pant
7 pockets and the front pouch of his sweatshirt. Regalado took the victim's wallet and
8 keys and began walking toward the front door of the laundromat. Regalado took two
9 dollars out of the wallet and threw the wallet and keys back at the victim. Regalado
10 left the scene and the victim returned to his apartment. While in his apartment, the
11 victim looked out of his window and saw Regalado return to the scene riding a
12 scooter on the sidewalk of 21st and York. Regalado looked up at the victim and
13 yelled, "Fucking scrap, fucking scrap, I'm gonna beat your ass." The victim then saw
14 the police arrive on the scene and take Regalado into custody. According to the
15 victim, three days prior to this incident, Regalado approached him and said, "I saw
16 you writing MS 13 on the wall." The victim told Regalado that he did not do it and
17 that he was not a gangbanger. Regalado then told the victim, "If I catch you writing,
18 I'll kill you. If I don't someone else will." I understand from my training and
19 experience that there are two main rival gangs in the Mission: Norteño and Sureño.
20 MS-13 stands for Mara Salvatrucha (Mara means gang and Salvatrucha means
21 Salvadorian national) and they are Sureños who use the number 13 to identify
22 themselves. The Norteños use the number 14. Whenever a Norteño wants to
23 demean and insult a rival Sureño, the Norteño will call them "scrap." While I was
24 at the scene during this investigation, Dispatch advised us of a pending complaint of
25 a stolen vehicle at 21st and York. The owner of the stolen vehicle approached
26 Officer Hyun and told him that his vehicle was stolen at 21st and York. The car was
27 recovered, but without keys, which were in the car at the time. Those keys were
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seized from Regalado during the search incident to arrest, and were positively identified by the vehicle's owner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated:

 7/04/07

OFFICER GERARD ARQUERO, #1958

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2 ALEX G. TSE, State Bar #152348
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PRELIMINARY GANG INJUNCTION

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Hearing Judge:
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Place:

Date Action Filed: June 21, 2007
Trial Date:

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24 I, Officer NELSON A. ARTIGA, #1417, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 12
26 years.
27 2. My current assignment is patrol officer at Central Police Station.
28

1 3. INVESTIGATIVE DETENTION RELATED TO A SHOOTING at 25th Street and
2 Mission AT 11:30pm. (Police Report #060339366). On March 29, 2006, Officer
3 Valentini and I were assigned to uniformed patrol. At this time, I was assigned to
4 Central Station. During this patrol, we heard dispatch broadcast a vehicle
5 description that was involved in a shooting at 25th and Mission. While we were in
6 the area of 530 Broadway, we saw the vehicle that matched the description by
7 dispatch. The vehicle was unoccupied at the time. At approximately 11:45pm we
8 noticed Manuel Fernando Razo and Robert Ramirez approach the vehicle. Both men
9 entered the vehicle. Based on the fact that the vehicle may be a shooting suspect's
10 vehicle, we conducted a felony traffic stop of the occupants. There were a total of 4
11 occupants in the vehicle. In addition to Mr. Razo and Mr. Ramirez, Rosa Verdugo
12 and Melissa Jovivette were passengers and subsequently detained. After the search
13 of the vehicle, I contacted Officer McDonnell who advised me that, based on his
14 prior knowledge with the listed subjects, they are known gang associates.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct.

17 Dated: 7.2.07


OFFICER NELSON A. ARTIGA, # 1417

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10 vehicle, we conducted a felony traffic stop of the occupants. There were a total of 4
11 occupants in the vehicle. In addition to Mr. Razo and Mr. Ramirez, Rosa Verdugo
12 and Melissa Jovivette were passengers and subsequently detained. After the search
13 of the vehicle, I contacted Officer McDonnell who advised me that, based on his
14 prior knowledge with the listed subjects, they are known gang associates.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct.

17 Dated: 7.2.07

18  #1417
19 _____
20 OFFICER NELSON A. ARTIGA, # 1417
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Type: Initial

Incident Number
0-339-366

Occurrence from Date/Time
03/30/06 23:37

Occurrence to Date/Time
03/30/06 23:38

Reported Date/Time
03/30/06 23:38

CAD Number
060884088

Type of Incident
Investigative Detention -64085

At Intersection with/Premise type
ROMOLO Street, (Not Sidewalk)

Reporting Unit
3A11D

Location of Occurrence
534 BROADWAY St

Confidential Report?

Arrest Made?

Suspect Known?

Suspect Unknown?

Non-Suspect Incident?

Domestic Violence?

Gang Related?

Juvenile Subject?

Prejudice Based?

Location Sent
ON VIEW

How Cleared?

Reported to Bureau

Name

Star

Date/

Time

Elder Victim

Assigned by

NA/1417

Assigned by

I declare under penalty of perjury, this report of 6 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.

PROP 115 CERTIFIED 5 YEAR/POST

Signature:

Watch 1500-0100

Date 03/30/06 01:59:33

Reporting Officer

Star 1417

Station Central Station

Watch 1800-0111

Date 3-30-06

Reviewing Officer

STAR

Station CDA

Watch 21-07

Date 3-30-06

OIC SGT. D. PANINA

STAR

Station

Assigned by

NA/1417

OIC SGT. L. WITTEN

Re-Assigned to

VCTF

Add'l Copies CO D

Alias

Related Case 060-339-350

Related Case

Copies to

Varies

REPORTER

Code R

Name (Last, First Middle) SFPD #1417, #1126

City

State

Zip Code

Day Phone

Type

Home Address

City

State

Zip Code

Night Phone

Type

Work Address

City

State

Zip Code

DOB /

Age

DOB Unk.

or age between: and

Race

Sex

Height

Weight

Hair Color

Eye Color

ID Type Jurisd. ID No.

Confidential Person

Violent Crime Notification

293 PC Notification

Star

Follow-up Form YES

Statement YES

Relationship to Subject

Other Information/If Interpreter Needed Specify Language

School (if Juvenile)

Injury/Treatment

ALIAS

DETAINEE

Code D 1

Name (Last, First Middle) RAZO, MANUEL FERNANDO

City SAN FRANCISCO

State CA

Zip Code 94112-

Day Phone

Type Unknown

Home Address 327 PARIS ST

City

State

Zip Code

Night Phone

Type

Work Address

Height 5'06

Weight 165

Hair Color BLK

Eye Color BRO

DOB Unknown

Date of Birth 01/06/82

Age 24

or age between: and

Race H

Sex M

Height

Weight

Hair Color

Eye Color

SFNO 556638

J/D# (if Juvi.)

ID Type/Jurisdiction/Number

ID Type/Jurisdiction/Number

ID Type/Jurisdiction/Number

Warrant #

Court #

Action #

Dept

Enroute to

Book Section #5

Booking Location

Warrant Violation(s)

Violation(s)

Citation #

Star

Mass Arrest Code

M X-Rays

School (if Juvenile)

Mirandized

Star

Date Time St

Book/Cite Approval

Star

Mass Arrest Code

M X-Rays

School (if Juvenile)

Appear Date/Time

Location of Appearance

GAF Copy

Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
BLACK HOODIE, RED CLEVELAND JERSEY, BLUE PANTS

060339366

060339366

San Francisco Police Department
ADDITIONAL SUSPECTS

50339366

DETAINED

CODE D 2	Name (Last, First Middle) RAMIREZ, ROBERT	Home Address 501 TEMPLETON ST	Alias	City DALY CITY	State CA	Zip Code 94015-
Day Phone	Type	Work Address	City	State	Zip Code	
Night Phone	Type	School (if Juvenile)	Race H	Sex M	DOB Unknown <input type="checkbox"/>	DOB 11/13/82
			Height 510	Weight 190	Hair Color BLK	Eye Color BRO
SFNO 573787	J/D# (if Juv.)	ID No.	Book/Charge 3		Book/Charge 4	Book/Charge 5
Warrant #	Court #	Action #	Dept	Enroute To	Mirandized <input type="checkbox"/>	Star
Warrant Violation(s)			Bail	Appear Date/Time	Date/Time	Statement <input type="checkbox"/>
Citation #	Violation(s)	Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tatoos DESC: BLACK KNIT CAP, BLACK -SHIRT W/GOLD LOGO, BLACK PANTS						

ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.

PVT PERSON ARREST

DETAINED

CODE D 3	Name (Last, First Middle) VERDUGO, ROSA	Home Address 726 POTRERO AVE	Alias	City SAN FRANCISCO	State CA	Zip Code
Day Phone	Type Unknown	Work Address	City	State	Zip Code	
Night Phone	Type	School (if Juvenile)	Race H	Sex F	DOB Unknown <input type="checkbox"/>	DOB 07/20/83
			Height 503	Weight 130	Hair Color BLN	Eye Color BRO
SFNO 580525	J/D# (if Juv.)	ID No.	Book/Charge 3		Book/Charge 4	Book/Charge 5
Warrant #	Court #	Action #	Dept	Enroute To	Mirandized <input type="checkbox"/>	Star
Warrant Violation(s)			Bail	Appear Date/Time	Date/Time	Statement <input type="checkbox"/>
Citation #	Violation(s)	Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tatoos DESC: WHITE HOODED SWEATSHIRT, BLUE JEANS						

ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.

PVT PERSON ARREST

San Francisco Police Department
ADDITIONAL SUSPECTS

0339366

DETAINED 4

CODE D 4	Name (Last, First Middle) JOLIVETTE, MELISSA		Home Address 1695 MCKINNON AVE		Alias	City SAN FRANCISCO	State CA	Zip Code	
Day Phone	Type None	Work Address		City	State	Zip Code			
Night Phone	Type	Race H	Sex F	DOB Unknown <input type="checkbox"/> 01/21/88	Height 501	Weight 120	Hair Color BLK	Eye Color BRO	
School (if Juvenile)		ID No. DL D4129150 CA		ID No.		Where Booked			
SFNO NEG	J/D# (if Juv.)	Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	CWB Check	Star	
Warrant #	Court #	Action #	Dept	Enroute To		Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>
Warrant Violation(s)		Bail		Appear Date/Time		Location of Appearance			
Citation #	Violation(s)		Mass Arrest Code	M X-Rays <input type="checkbox"/>					
Book/Cite Approval	Star	Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tatoos							
DESC: BLACK JACKET W/FUR LINED COLLAR, BLACK TSHIRT, BLUE JEANS									

ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.

PVT PERSON ARREST

CODE	Name (Last, First Middle)		Home Address		Alias	City	State	Zip Code	
Day Phone	Type	Work Address		City	State	Zip Code			
Night Phone	Type	Race	Sex	DOB Unknown <input type="checkbox"/>	DOB	Height	Weight	Hair Color	Eye Color
School (if Juvenile)		ID No.		ID No.		Where Booked			
SFNO	J/D# (if Juv.)	Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	CWB Check	Star	
Warrant #	Court #	Action #	Dept	Enroute To		Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>
Warrant Violation(s)		Bail		Appear Date/Time		Location of Appearance			
Citation #	Violation(s)		Mass Arrest Code	M X-Rays <input type="checkbox"/>					
Book/Cite Approval	Star	Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tatoos							

ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.

PVT PERSON ARREST

339366

San Francisco Police Department PROPERTY LISTINGS

Code/No EVD 1	Item Description 849(b) FORMS	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity FOUR(4)	Value
Serial No.	From Where ISSUED TO (D1-D4) AT SCENE.								
Seized by (Star) 1417	Additional Description/Identifying Numbers								
Code/No EVD 2	Item Description DISKETTES	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity TWO(2)	Value
Serial No.	From Where SCENE								
Seized by (Star) 1417	Additional Description/Identifying Numbers 16 DIGITAL PHOTOS OF D1-D4 SUBJECTS AND U-VEHICLE TAKEN BY R/O AND OFF MATTHEWS #102								
Code/No	Item Description	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity	Value
Serial No.	From Where								
Seized by (Star)	Additional Description/Identifying Numbers								
Code/No	Item Description	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity	Value
Serial No.	From Where								
Seized by (Star)	Additional Description/Identifying Numbers								
Code/No	Item Description	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity	Value
Serial No.	From Where								
Seized by (Star)	Additional Description/Identifying Numbers								
Code/No	Item Description	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity	Value
Serial No.	From Where								
Seized by (Star)	Additional Description/Identifying Numbers								
Code/No	Item Description	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity	Value
Serial No.	From Where								
Seized by (Star)	Additional Description/Identifying Numbers								
Code/No	Item Description	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity	Value
Serial No.	From Where								
Seized by (Star)	Additional Description/Identifying Numbers								
Code/No	Item Description	Gun Make	Caliber	Color	Narcotics Lab No.	Brand	Model	Quantity	Value
Serial No.	From Where								
Seized by (Star)	Additional Description/Identifying Numbers								

060339366

San Francisco Police Department
VEHICLE INFORMATION

VEHICLE CODES: B -BOOSTED; D -DAMAGED; F -USED FELONY; T -TOWED; U -USED OTHER; V -VANDALIZED; X -STRIPPED

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.	
	U	4YBT919	CA	2006	PC	1G1BL52P8SR175174	
	Veh Year	Make		Model			
	1995	Chevrolet		IMPALA			
	Style			Color	Plates/VIN Match?	Plates Missing?	
Sedan, 4 door			Green	<input checked="" type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>		
Condition (Check all that apply)					Damage	Point of Entry	
APPARENTLY DRIVABLE <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>					NONE		
Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)	Tow Check (Name) Star	
<input type="checkbox"/>	<input type="checkbox"/>						
Hold For		Other Information					
OWNER	Registered Owner Business Name/Last Name,			First Name		Residence Phone	
	RAZO			MANUEL			
Residence Address			City	State	Zip	Business Phone	
327 PARIS ST			SAN FRANCISCO	CA	94112-		

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.	
	Veh Year	Make		Model			
	Style	Color			Plates/VIN Match?	Plates Missing?	
	APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>					FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply)					Damage	Point of Entry
APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>							
Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)	Tow Check (Name) Star	
<input type="checkbox"/>	<input type="checkbox"/>						
Hold For		Other Information					
OWNER	Registered Owner Business Name/Last Name,			First Name		Residence Phone	
Residence Address			City	State	Zip	Business Phone	

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.		
	Veh Yr	Make		Model				
	Style	Color			Plates/VIN Match?	Plates Missing?		
	Condition (Check all that apply)					Damage	Point of Entry	
	APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>							
Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)	Tow Check (Name) Star		
<input type="checkbox"/>	<input type="checkbox"/>							
Hold For		Other Information						
OWNER	Registered Owner Business Name/Last Name,			First Name		Residence Phone		
Residence Address			City	State	Zip	Business Phone		

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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
LAURO BACA IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer LAURO BACA, # 996, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 7 years.
27
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. STRONG ARM ROBBERY at 1179 South Van Ness Avenue and 23rd Street at
23 9:14pm. (Police Report #070479792). On May 10, 2007, Officer Lopez and I
24 responded to 1179 South Van Ness Avenue regarding a strong arm robbery.
25 According to details from dispatch, the reporting party's brother was robbed at 23rd
26 and South Van Ness, which is in the proposed Safety Zone. The victim was at the
27 corner of 23rd Street and South Van Ness Avenue and headed to the Cala Foods
28

1 grocery store. The victim said 2 unknown suspects, both of who are believed to be
2 juveniles, approached him. One of the suspects said, "give me your money or I'll
3 stab you" in Spanish. That suspect immediately took the victim's cell phone and then
4 the victim's wallet from his rear pants pocket. After taking \$120 from the wallet, the
5 suspect returned the wallet. Both unknown suspects then fled the scene. According
6 to the victim, one of the suspects was wearing a red-T-shirt and black pants. The
7 other suspect was wearing a gray shirt with blue pants. The victim recognized both
8 suspects and believed they usually hang out at 23rd and Shotwell streets. Based on
9 my experience and training, this area is Norteño gang territory and red is a Norteño
10 gang color.

- 11 8. COCAINE BASE, ROCK POSSESSION for SALE, RESISTING PEACE
12 OFFICER DUTIES CAUSING their SERIOUS INJURY or DEATH, PROBATION
13 VIOLATION (Police Report #070 627 032). On June 21, 2007, at approximately
14 4:26 p.m., I was in full police uniform and riding in a marked SFPD police vehicle.
15 My partner, Officer Lopez, #4111, and I were driving south bound Potrero Avenue
16 to Cesar Chavez. I have been assigned as patrol officer in the Mission District for
17 five years now and know this area to have a high amount of narcotics related activity
18 including sales and use. There have been numerous complaints from residents
19 regarding the activity as well as numerous arrests made by police officers. I also
20 know this area to be Norteño gang territory. Norteño gang members wear red in
21 their clothing and often display tattoos of their gang affiliation such as the letters SF
22 (representing Northern California), the letter N (for Norteño), the number 14 (the
23 14th letter of the alphabet is N), four dots, and the letter N encircled in a star (for
24 north star). Through my experience in the area, I know that Norteño gang members
25 engage in criminal acitivity such as drug dealing, shootings, stabbings and aggravated
26 assaults. Approximately one year ago, myself and two other Officers were shot at by
27 a group of Norteño gang members who were loitering in Rolph Playground, which is
28

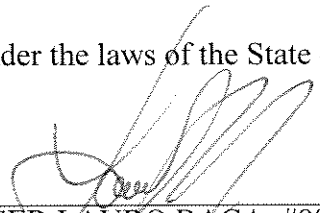
1 in the proposed safety zone, encircled by Potrero Avenue, Cesar Chavez and
2 Hampshire Streets. As Officer Lopez and I made a right turn from Cesar Chavez
3 onto Hampshire Street, we saw a latin male, later identified as Norteño gang member
4 Kevin Chavez, and two white male adults. Chavez was wearing a black puffy jacket,
5 black shirt, dark baggy jeans and tennis shoes with black, white and red coloring.
6 The four subjects were standing next to a concrete pillar, with Chavez facing south
7 toward Officer Lopez and myself. The white males had their backs turned to us and
8 were facing and standing directly in front of Chavez. I could see no other people in
9 the area. As we slowly approached, we saw that Chavez was holding a plastic
10 baggie that contained something white in his left hand. We then saw Chavez take a
11 few of the white items from the pastic bag with his right hand. At this point, Officer
12 Lopez stopped the patrol car right next to Chavez and the white males. We then
13 watched Chavez drop the white objects, which based on my training and experience I
14 believed to be suspected cacaine base rock, into one of the white males hands. Based
15 on my training and experience these actions were consistent with a street level
16 narcotics transaction. The 4 suspects then looked directly at us and almost
17 simultaneously said, "Oh shit!". The two white males turned and ran at which time I
18 saw US currency fly in the air from their possession. Chavez turned and backed up
19 against the fence of Rolpho Park while saying, "oh shit!", "oh shit!". I quickly exited
20 the patrol car and saw as Chavez made a movement as if he was going to run. I cut
21 Chavez off at which time he continued to back up against the fence while continuing
22 to say, "oh shit!" I then grabbed Chavez's left hand which contained the off white
23 rocks in plastic and he dropped them to the ground, scattering them through the
24 fence. I then attempted to gain control of both of Chavez's hands by grabbing his
25 jacket and he pulled away from me. I began to lose my grip as his jacket pulled off
26 of him and he resisted. I was able to grab onto Chavez's hair and after a short
27 struggle, I managed to pull him to the ground. Chavez quickly got up and attempted
28

1 to run away, I continued my hold onto his hair and was drug behind him. I then got
2 up and while still homding onto his hair, tackled Chavez from behind. I landed on
3 my left side and sustained a severe abrasion to my left forearm. I also hit the left
4 side of my head on the sidewalk causing swelling. I yelled at Chavez several times
5 to get onto his stomach as we wrestled on the sidewalk. Officer Lopez then ran up
6 and assisted me in taking Chavez into custody. Chavez then said, "stop pulling my
7 hair!" at which time I told him to get on his stomach. Chavez then stopped resisting
8 and said, "ok I give up" and we placed him under arrest. I got up and saw blood
9 dripping from my left forearm and felt the left side of my head slightly throbbing in
10 pain. My left knee was also in pain. Officer Lopez also sustined abrasions to his
11 knees and was in pain. Officers McDonnell, #1963, and Esponiza, #1449, arrived on
12 scene, at which time Officer Esponiza advised me that we had arrested "Kevin
13 Chavez". I looked at Chavez at which time I recognized him from prior encounters
14 as a Norteo gang member. I learned that Chavez was on felony probation for 11350
15 H&S, 496 PC and 12031(a)(2)(d) PC through January 2009. As a condition of his
16 probation Chavez is subject to a warantless search and has a stay away order from
17 the area of Cesar Chavez and Hampshire Streets through July 11, 2009. Medic 17
18 arrived and treated myself and Chavez, who was claiming to have an asthma attack,
19 for injuries. Chavez did not complain of any pain and had no visible injuries. Sgt.
20 Furnimger, #1297, arrived and took photos of my injuries and the area were the
21 narcotics were thrown. Officer Lopez seized the rocks from the ground and I seized
22 two one dollar bills from the sidewalk. We then went to Chavez's residence in order
23 to conduct a probation search. Officers searched Chavez's room for contraband with
24 negative results. Officers McDonnell, Espinoza and Lopez saw several items of
25 clothing that contained the color red including several pairs of shoes, shirts, and
26 pants. The shelves in his room also contained gang related graffiti. Chavez was
27 transported to Mission Station. Upon arrival at Mission Station, Officer Molina,
28

1 #1586, from the Gang Task Force arrived and took over the investigation. Officer
2 Molina seized the photo disk and Chavez's wallet which had an image of the British
3 flag with red on it. Officer Molina recognized and knows Chavez as a validated
4 Norteño gang member. Chavez was booked at Mission Station for possession of
5 cocaine base rock for sale, resisting a peace officer and causing their serious injury
6 and probation violation. Gang allegations were also charged. Officer Lopez booked
7 all evidence at Mission Station and hand carried the suspected cocaine base rocks to
8 the narcotics drop at the Hall of Justice. This case is currently pending in criminal
9 court.

10
11 I declare under penalty of perjury under the laws of the State of California that the foregoing
12 is true and correct.

13 Dated:

 # 996

OFFICER LAURO BACA, #996

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
KENNETH A. BATES IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer KENNETH A. BATES, #4196, declare as follows:

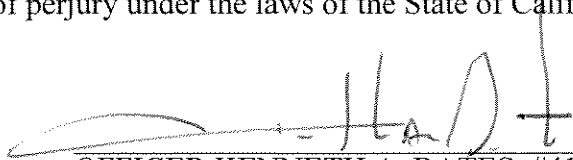
- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 6
26 years. I am currently stationed at Bayview District.
27
28

- 1 2. In my work as a San Francisco Police Officer, I have become familiar with
2 Defendant Norteño gang, and many of its San Francisco members, including
3 members of local Norteño subset/cliques such as a Loco North Side (LNS), 22nd and
4 Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Members of Norteño gang publicly identify themselves by hanging around with
15 other members of Norteño gang, within Norteño turf, wearing red clothing and red
16 accessories, often sporting symbols and tattoos commonly associated with the
17 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
18 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 19 6. AGGRAVATED ASSAULT WITH A WEAPON at 24th Street and Capp Street at
20 midnight. (Police Report # 050929052). On August 19, 2005, Officer Vernengo and
21 I were on vehicle patrol when we were dispatched to the area of 24th Street and Capp
22 Street regarding a possible battery at that location. When we arrived, the victim told
23 us he had just been beaten up by a group of Latin gang members and his bicycle was
24 stolen. The victim stated that they hit him with a chain of some sort and kicked him
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26
27
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1 numerous times with their feet as he was on the ground. The victim also stated that
2 one of the individual grabbed a hold of his dog's collar and lifted the dog off the
3 ground and choked her. I noticed that the victim had three lacerations to his
4 forehead that had been bleeding and his right eye was blackened and beginning to
5 swell. The victim refused medical attention. The victim then described for me the
6 each suspect and I relayed that information to other officers. Patrol Special Wilson
7 located five individuals matching the description. The suspects were walking
8 southbound on South Van Ness Street and approaching 26th Street. The victim
9 positively identified Ramiro Diaz, Anthony Raygoza-Ortiz and a juvenile suspect as
10 having beaten him. The juvenile suspect punched the victim hi his face and chocked
11 his dog. Mr. Diaz, who lived in El Sobrante, California, was the one who hit the
12 victim with the chain. And Mr. Raygoza-Ortiz punched and kicked the victim during
13 the incident. Mr. Diaz and Mr. Raygoza-Ortiz were transported to Mission Station
14 where they were booked. While at Mission Station, the victim provided a written
15 statement. The victim stated that one of the individuals stated to him that he "was
16 not allowed on their turf" and the members of the group were "Nortanos[sic]." The
17 victim stated that a Latin male wearing a black jacket and being chubby hit him with
18 a chain on the head and the face while yelling out "Norteno's." The victim stated that
19 he was also hit and kicked by a Latin male in his twenties wearing a red shirt.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct.

22 Dated: 7/2/07


23 OFFICER KENNETH A. BATES, #4196

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2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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8 Attorneys for Plaintiff
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
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16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD INSPECTOR
EDWARD T. YU IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Inspector EDWARD T. YU, #2248, declare as follows:

- 25 1. I am employed as a San Francisco Police Inspector, and have been so employed for
26 17 years.
27
28

- 1 2. I am currently Inspector assigned to the SFPD Gang Task Force, focusing on Latin
2 gangs.
- 3 3. I come into contact with gang members practically every day that I am on duty.
- 4 4. Through my work as a Police Inspector and specifically, in the Gang Task Force
5 Unit, I have become very familiar with Defendant NORTEÑO gang, and many of its
6 San Francisco members, including members of local NORTEÑO subset/cliques such
7 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
8 Alabama and 21st (21ABL).
- 9 5. The NORTEÑO gang claims its turf as the Southern section of the Mission District,
10 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
11 San Bruno, including La Raza Park to the East.
- 12 6. For years, the NORTEÑO gang has been committing a near-constant public nuisance
13 by committing in public, at all times of day or night, drug trafficking, assaults,
14 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
15 interference with public right of way, verbal and physical harassment and
16 intimidation, and other conditions offensive to the senses of the community
17 residents, merchants, and visitors.
- 18 7. Through my work, I am familiar with many of the known, admitted members or
19 associates of NORTEÑO gang, and I see them on the public street, within the
20 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 21 8. Members of NORTEÑO gang publicly identify themselves by hanging around with
22 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
23 and red accessories, often sporting symbols and tattoos commonly associated with
24 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
25 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 26 9. METHAMPHETAMINE OFFENSE and PAROLE VIOLATION at 24th and LILAC
27 STREET (Police Report #050 863 745). On August 2, 2005 at approximately 4:00
28

1 p.m., I was assigned to Gang Task Force and working in plain clothes capacity,
2 driving an unmarked police vehicle, when I came into contact with Kenneth Rael
3 walking with a female at the intersection of 24th and Mission Street. I know Rael
4 from prior contacts and GTF investigations. Mr. Rael is a known NORTEÑO gang
5 member with numerous NORTEÑO gang tattoos on his face and body. Mr. Rael is
6 also known by his gang moniker "Villain." I know Mr. Rael to be on active parole.
7 I saw Mr. Rael and the female, quickly walk into the taqueria located on the north
8 side of 24th and Mission Street. I contacted Rael and asked if he was still on parole.
9 Mr. Rael responded, "Yeah I'm still on parole and I just got out three weeks ago." I
10 conducted a pat search on Mr. Rael and recovered two "DANS" pills inside of his
11 right front pants pocket. I also recovered a screwdriver out of his right front jacket
12 pocket and a pair of green latex gloves from his left front jacket pocket. I placed Mr.
13 Rael into custody for possession of a suspected controlled substance. I transported
14 him to Mission Station where he was booked accordingly. I took photographs of his
15 gang tattoos and booked all evidence at Mission Station. I hand carried the
16 suspected narcotics to the narcotics drop box. A computer check revealed that Rael
17 was on active parole through 4-28-06. Inspector Lau contacted CDC and placed a
18 parole hold on Mr. Rael.

19 10. POSSESSION OF COCAINE FOR SALE and COCAINE TRANSPORTATION

20 (Police Report #051102249) This case was assigned to me after the initial
21 investigation was conducted by, and the initial police report was written by, Officer
22 DeJesus, #247, based on his on-scene observations, (see declaration of Officer
23 DeJesus, #247, filed herewith). On September 30, 2005, I received a call from
24 Officer DeJesus in regards to two "NORTEÑO" gang members in possession of
25 cocaine inside of a vehicle. Sergeant Browne and I responded to Bayview Station
26 and took over the investigation of this case. We conducted a taped interview of
27 suspect Miguel Salazar. During this interview, he self admitted to being an ex-
28

1 NORTEÑO gang member. He said he has been a NORTEÑO gang member from
2 1996 –2001. He admitted to being a passenger of the vehicle, but denied any
3 involvement in the cocaine that was recovered from the vehicle. I took digital photos
4 of his gang tattoos that included "415", "SF", "Money over bitches", "4", "district",
5 "GG bridge san fran" on his right arm and "NORTEÑO", "2", "Mission" on his left
6 arm and "NORTEÑO" on his right chest. We then interviewed suspect Edwin Mejia.
7 During this interview he self admitted to being a "NORTEÑO" Bryant street gang
8 member. He has been a member since 1990, approximately 15 years. He said he no
9 longer "gang bang". He was the driver of the vehicle but does not possess a valid
10 CA driver's license. He admitted that he gave his brothers name of "Rolando
11 Valladares", who is also known as "Chino" when he was stopped by the police. He
12 said he did this because he thought his brother had valid CA license. He has no
13 knowledge of the narcotics recovered from the vehicle. I took digital photos of his
14 gang tattoos that included, "Bryant St. Locos" on his collar area, "22" on his upper
15 chest, a joker clown displaying 5 cards equaling 2,2,b,1,4 on his left arm and "22B"
16 on his right forearm. I did not conduct an interview of suspect Ismael Salazar, I did
17 however, take photos of his gang tattoos which include "BSL", "XIV", "22" in roman
18 numerals on his front chest, "SAN FRAN" on his stomach, 4 dots on his left hand,
19 "SAN" on his right lower leg and "FRAN" on his left lower leg. I spoke to the
20 owner of the vehicle who told me that she let her boyfriend "Edwin Mejia" drive her
21 vehicle for the last couple of days. She stated that she had no knowledge of the
22 narcotics recovered in her vehicle. This case was presented to the District Attorney's
23 Office and Miguel "Shorty" Salazar, Edwin "Cholito" Mejia, and Ismael Salazar
24 were re-booked on felony charges.

25 11. FIREARM POSSESSION BY PROHIBITED PERSON on South Van Ness between
26 25th and 26th Streets (Police Report #060 165 412). This case was assigned to me
27 after the initial investigation was conducted by, and the initial police report was
28

1 written by, Officer Padilla, #4177, based on his on-scene observations, (see
2 declaration of Officer Padilla, #4177, filed herewith). On February 12, 2006 I was
3 informed by Officer Padilla that two "NORTEÑO" gang members were arrested for
4 possession of a firearm at 1428 South Van Ness. Sergeant Browne, #1893, Sergeant
5 Ali, #619, and I, responded to the scene and met with the Officers who briefed us on
6 the incident. We spoke to a witness, who was working behind the counter of "Vic's
7 Liquor" store. He played the surveillance video for us which showed one of the
8 suspects, a juvenile, holding his front waistband area and running south bound on
9 Van Ness Avenue and westbound on 26th Street towards Cypress Alley. When I
10 requested a copy of the tape, the witness became very apprehensive and stated that
11 he wanted to cooperate with the police, but is also very scared and intimidated by all
12 the "NORTEÑO" gang members who come inside of his store. He did not want the
13 "NORTEÑOS" to know that he was cooperating with police and expressed that he is
14 fearful that they might do some harm to him inside of the store. I explained to the
15 witness that the surveillance video had footage that was evidence to a crime and that
16 SFPD Crime Scene Investigations Unit would be responding to download the
17 footage. We then conducted a taped interview of a second witness. He was in his
18 room and heard officers yelling. He saw officers chasing one suspect towards 26th
19 and South Van Ness. He then saw a person who was sitting on the steps go
20 underneath a car, on his stomach. He was underneath the car for approximately 15 to
21 20 seconds. When the suspect came out from underneath the car, he was holding a
22 "silver" handgun in his right hand. The witness saw the suspect put the gun in his
23 back waistband. The suspect then got up from the sidewalk and took off running.
24 The witness said he knows the suspects to be "NORTEÑOS" and he sees them almost
25 every night. At Mission Station I conducted an interview with the juvenile who self
26 admitted to being a "NORTEÑO" gang member for the last 4 years. I also conducted
27 an interview with suspect Jose Amador. Mr. Amador stated that he is currently on
28

1 felony probation. He told me that he resides in the Ingleside District. He admitted
2 that he had just come from "Fino's" funeral service. "Fino" is a moniker for Rufino
3 Gutierrez, a well-known "NORTEÑO" gang member who was a victim of a
4 homicide on February 4, 2006. Mr. Amador denied NORTEÑO gang affiliation and
5 involvement with the gun that was recovered. He invoked Miranda and stated that
6 he wished to speak with his attorney. Sergeant Browne took digital photos of Mr.
7 Amador's gang tattoos which were, "SF All Hands On Heat" on his left arm,
8 "FRONT" on his right forearm, "LINE" on his left forearm, "The City, 24" on his
9 right shoulder, and "MISION" on his back. I spoke to Inspector Tolosa of CSI, who
10 responded to 26th and South Van Ness in an attempt to download the surveillance
11 footage. He met with the storeowner who refused to allow him to download the
12 footage. The storeowner stated that he has to deal with these "NORTEÑO" gang
13 members everyday and does not want them to retaliate because he is cooperating
14 with the police.

- 15 12. ASSAULT and ATTEMPTED HOMICIDE (Police Report #060 339 350). This
16 case was assigned to me on March 30, 2006, after the initial investigation was
17 conducted by, and the initial police report was written by, Officer Hampton, #1793,
18 based on his on-scene observations, (see declaration of Officer Hampton, #1793,
19 filed herewith). The three victims, all known "NORTEÑO" gang members, were
20 shot in front of a memorial shrine at 25th and Capp Street. The shrine was dedicated
21 to Roland "Chino" Valladares, also a known NORTEÑO gang member who was a
22 homicide victim, killed in a drive-by shooting that occurred on March 24, 2006. I
23 was told that one of the victims, Antonio Buitrago was treated and released, both
24 Antonio Garcia and Antonio Napoleon were still in the hospital and being treated.
25 We met with Mr. Napoleon in the hospital. He sustained one bullet hole to his right
26 knee. He would not provide us with any further details regarding the shooting. He
27 read and signed the SFPD Termination of investigation affidavit. We then spoke to
28

1 Mr. Garcia in his room. He sustained two bullet holes to each knee. He would not
2 provide us with any further details regarding the shooting. He read and signed the
3 SFPD Termination of investigation affidavit. I contacted Mr. Buitrago. Mr.
4 Buitrago stated that he no longer wanted any further SFPD investigation.. He read
5 and signed the SFPD Termination of investigation affidavit.

6 13. ATTEMPTED ROBBERY WITH KNIFE on Mission Street (Police Report #060
7 743 052). This case was assigned to me on July 18, 2006, after the initial
8 investigation was conducted by, and the initial police report was written by, Officer
9 Reiter, #790, based on his on-scene observations, (see declaration of Officer Reiter,
10 #790, filed herewith). I contacted the victim, Jesus Guerrero, about the incident. He
11 told me that he was coming from the Bank of America, when 3 to 4 Latin males, all
12 wearing blue clothing, approached him. He believes that they were possibly
13 "Sureno" gang members. Mr. Guerrero stated that he used to "gang bang" in his
14 younger years, but no longer is affiliated with any "NORTEÑO" gangs. Mr.
15 Guerrero said he did not want any further SFPD investigation on this case. He told
16 me that he wants this investigation to be "terminated." He stated that he would sign
17 a SFPD Termination of investigation affidavit. I attempted to contact Mr. Guerrero
18 for follow up several times following this conversation with no result.

19 14. ASSAULT and ATTEMPTED HOMICIDE WITH A GUN at 3300 26th Street
20 (Police Report #060 792 435). This case was assigned to me on July 26, 2006, after
21 the initial investigation was conducted by, and the initial police report was written
22 by, Officer Chan, #1323, based on his on-scene observations, (see declaration of
23 Officer Chan, #1323, filed herewith). I responded to 3300 26th Street, "Vic's Liquor"
24 store and spoke to the owner. He stated that he was not working the night that the
25 victim was shot. I then viewed the surveillance footage, which showed the victim
26 in front of the liquor store with another younger Latin male. We observe the two
27 quickly duck into the liquor store. One camera angle captured approximately 3 to 4
28

1 black males running away from the scene eastbound 26th from South Van Ness. We
2 interviewed the victim regarding the incident. He stated that the shooters were from
3 "Army" Street. He stated that he did not want any further investigation by the SFPD
4 on this case. He then signed the SFPD Termination of investigation affidavit. I
5 received information from Mission plainclothes unit, Officer Dempski, that the
6 juvenile pictured in the surveillance footage was in custody on an unrelated case. I
7 responded to their location and spoke to the juvenile who told me that he was with
8 the victim when he was shot several times outside of the liquor store. He said he was
9 not shot himself and that he left the scene before police arrived. He said he would
10 not be able to identify any suspects. I know both the victim and juvenile witness
11 from prior police contacts and know them to associate with NORTEÑO gang
12 members. I also know "Vic's Liquor" store at 3300 26th Street to be a place were
13 NORTEÑO gang members congregate and loiter.

14
15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct.

17 Dated:

18  2248
19 _____
20 INSPECTOR EDWARD T. YU, #2248
21
22
23
24
25
26
27
28

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
WONG IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Darren Wong, Star #1917, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for 1
25 year.
26
27
28

- 1 2. My current assignment is patrol officer at Ingleside Station. Prior to coming to
2 Ingleside Police Station, I was assigned to the Mission Police Station for
3 approximately 5 months.
- 4 3. In my work as a police officer, I have become very familiar with Defendant
5 NORTEÑO gang, and many of its San Francisco members, including members of
6 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
7 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 8 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
9 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
10 South, and San Bruno, including La Raza Park to the East.
- 11 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
12 by committing in public, at all times of day or night, drug trafficking, assaults,
13 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
14 interference with public right of way, verbal and physical harassment and
15 intimidation, and other conditions offensive to the senses of the community
16 residents, merchants, and visitors.
- 17 6. Through my work, I am familiar with many of the known, admitted members or
18 associates of NORTEÑO gang.
- 19 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
20 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
21 and red accessories, often sporting symbols and tattoos commonly associated with
22 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
23 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 24 8. ATTEMPTED ROBBERY WITH KNIFE at 25th and Valencia Streets) (Police
25 Report #060746551) On July 14, 2006, at 7:48 pm, I was on duty and was
26 dispatched to St. Luke's Hospital at 3555 Cesar Chavez Street, regarding a stabbing.
27 The victim, a juvenile who had been wearing a red canvas belt at the time of the
28

1 incident, told me that he was talking on his cell phone while walking southbound on
2 Valencia Street between 24th and 25th Streets. He stated that he was approached by
3 an unknown black male, 19 to 20 years old, 6' tall, 180 lbs, and bald. The victim
4 stated that the black male asked him, "What you got? What you got?" The victim
5 stated that he attempted to punch the suspect but the suspect blocked the attack and
6 subsequently stabbed his right forearm with a knife. The victim refused to answer
7 other questions and became unresponsive. The victim was released to Henry
8 "Solo" Hernandez, a known member of the 21 ABL clique of the NORTEÑO
9 criminal street gang, who the victim claimed was his cousin.


10 9. ROBBERY WITH A GUN at 22nd and Capp Streets at 5:30 am (Police Report #
11 060927171) On August 30, 2006, at 8:24 pm, I was on duty, and responded to 840
12 Treat Avenue, regarding a robbery incident. The victim, a 49-year old resident, told
13 us that he had been robbed at gunpoint on 22nd Street near Capp Street at 5:30 am.
14 He stated that the robber approached him, put a gun to his temple, and said: "Give
15 me your money!" The victim said that he didn't have any money, and the robber
16 searched the victim's clothing, taking his cell phone and a wallet. The victim stated
17 that he ran, but fell down on the sidewalk. The victim said that the robber walked up
18 to him, and put the gun to his back, and said: "Get up Puto, get next to the car."
19 The victim stated that the robber then went through his backpack. The robber then
20 walked southbound on Capp toward 23rd. The victim stated that his wallet contained
21 \$100 in US currency and an ATM card. The victim described the robber as a Latin
22 male, 28 to 30 years old, 5'8, 150 lbs, wearing a khaki cap and a red/white plaid
23 jacket.

24 10. ROBBERY WITH KNIFE at 23rd and Mission Streets (Police Report #061011339)
25 On September 21, 2006, at 6:14pm, I was on duty and responded to 23rd and South
26 Van Ness Avenue regarding a robbery with a knife. At the scene, I met the victim, a
27 36-year-old resident of the Oceanside District, who stated that he had been robbed by
28

1 three suspects at the corner of 23rd and Mission Streets. The victim described one of
2 the robbers as a Latin male, between 19 and 20 years old, 5'9", 165 lbs, and wearing
3 a black hat, a red and white shirt and black pants. He described the other two
4 robbers as Latin males, 5'9" and 5'7" respectively, 200 lbs and 165 lbs, respectively,
5 and both wearing white t-shirts and blue jeans. The victim stated that he was
6 walking southbound on Mission Street toward 23rd Street at 6:00 pm, when he saw
7 the three males walking eastbound on 23rd toward Mission Street. He said that the
8 three males surrounded him at the corner, and one suspect took out a knife while a
9 second suspect put his hand around the victim's neck. The first suspect said: "Give
10 me your wallet, give me your wallet." The victim stated that he took out his wallet
11 and gave it to the suspects. The victim stated that the first suspect took two swings
12 with the knife toward his abdominal area, before they fled eastbound on 23rd Street.
13 The victim stated that he recognized the three males as possible gang members who
14 frequent the 24th Street area, and would be able to recognize the suspects if seen
15 again. He described the knife as a 7" butterfly knife with a black handle.

16
17
18 I declare under penalty of perjury that the foregoing is true and correct.

19
20 Dated:

21  #1917 7/6/07
22 OFFICER DARREN WONG, Star #1917
23
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27
28

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

18
19 NORTENO CRIMINAL STREET
GANG, and DOE ONE through DOE
20 FIVE HUNDRED, inclusive,

21 Defendants.

Case No.

DECLARATION OF SFPD OFFICER
MICHAEL WOLF IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed:
Trial Date:

22
23
24 I, Officer Michael Wolf, #1568, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 7
26 ½ years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 Norteno gang, and many of its San Francisco members, including members of local
3 Norteno subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San
4 Fran Mission (SFM), and Alabama and 21st (ABL21).
- 5 4. The Norteno gang claims their turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 5. For years, the Norteno gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteno gang, and I see them on the public street, within the Norteno
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of Norteno gang publicly identify themselves by hanging around with
18 other members of Norteno gang, within Norteno turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteno gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 ABL21, SFM, XIV, 14, XX4, XXIV, North or Norte, the SF Giants, and SF 49ers.
22 Norteno gang members also wear North Carolina University sports attire.
- 23 8. AGGRAVATED ASSAULT WITH KNIFE at 24th and Mission near Bart (Police
24 Report #050389133). On April 8, 2005, at 5:50 p.m., I was on duty, and along with
25 Officer Shields, responded to 2975 Mission Street (at 24th) regarding a fight near the
26 24th Street BART Station. I observed Daniel Merlos, an admitted member of "22B"
27 (22nd and Bryant), a San Francisco-based subset/cliقة of the Norteno gang, wearing
28

1 gang attire (red jersey, red belt, and red shoelaces) to have been stabbed in the left
2 shoulder, and he was bleeding. Mr. Merlos refused to provide any information
3 regarding his injuries.

4 9. GUNS and THREATS at 26th and Capp Streets (Police Report #050760016). On
5 July 7, 2005, at 10:43 p.m., I was on duty, and was among several officers who
6 responded to 26th and Capp Street on a call of "gang members threatening to shoot a
7 man" at a liquor store at 3353 26th Street. Upon arrival, I observed Noel Arguello, an
8 admitted member of 22B subset/cliue of Defendant Norteno gang, and Curtis
9 Lecompt, a known member of the LNS subset/cliue of Defendant Norteno gang.
10 The two men were standing infront of the subject liqour store at 26th and Capp,
11 wearing clothes that matched the description provided by the caller. I instructed both
12 men to walk toward me. As Mr. Arguello approached me, he reached into his
13 waistband and rapidly retrieved an object that looked like a pistol. As Mr. Arguello
14 raised the suspected firearm from his waistband, he rapidly turned his body, and
15 threw the suspected firearm into a nearby trashcan, causing a loud, metallic banging
16 sound. I immediately went to the trashcan and observed a pistol lying on top of the
17 trash. Mr. Arguello was placed under arrest. Mr. Lecompt admitted that he was on
18 parole, and was detained for further investigation. At Mission Station, Mr. Lecompt
19 admitted that he knows Mr. Arguello only by his gang moniker, "Mafioso," and that
20 he observed Mr. Arguello throw the gun in the garbage can. Mr. Lecompt has
21 several gang tattoos: the Golden Gate Bridge and city skyline on his back; "City" on
22 his left bicep and "Life" on his right bicep, and "SF" on his stomach.

23 10. MARIJUANA POSSESSION BY GANG MEMBER ON PROBATION at 3149
24 24th Street at Shotwell (Police Report #061203003). On November 10, 2006 at 8:46
25 p.m., I was on duty, and along with Officer Shields, responded to 24th and Shotwell
26 to assist in a gang investigation. I assisted other officers in carrying out cursory
27
28

1 searches of members of Norteno gang, including a search of William Whitebone,
2 who was currently on probation and had suspected marijuana in his pocket.
3
4

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Dated:

7 *04-28-2007*

Michael Wolf #1568 SFPD
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25
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OFFICER MICHAEL WOLF, #1568

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
WILBERG IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Ernest Wilberg, Star #1026, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 approximately 1 year.
26
27
28

- 1 2. My current assignment is patrol officer at Ingleside Station. Prior to coming to
2 Ingleside Police Station, I was assigned to the Mission Police Station for
3 approximately 4 months.
- 4 3. The NORTEÑO gang claims their turf as the Southern section of the Mission
5 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
6 South, and San Bruno, including LaRaza Park to the East.
- 7 4. For years, the NORTEÑO gang has been committing a near-constant public nuisance
8 by committing in public, at all times of day or night, drug trafficking, assaults,
9 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
10 interference with public right of way, verbal and physical harassment and
11 intimidation, and other conditions offensive to the senses of the community
12 residents, merchants, and visitors.
- 13 5. Through my work, I am familiar with many of the known, admitted members or
14 associates of NORTEÑO gang.
- 15 6. Members of NORTEÑO gang publicly identify themselves by hanging around with
16 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
17 and red accessories, often sporting symbols and tattoos commonly associated with
18 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
19 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 20 7. ROBBERY WITH FORCE at 2700 Mission Street on January 25, 2007 (Police
21 Report #070090633) On January 25, 2007, at 3:09 pm, I was on duty with FTO
22 Reilly, when dispatch sent us to 26th and Folsom Streets regarding a strong-arm
23 robbery in progress. Dispatch advised that the victim was following the two suspects
24 who robbed him. I met with the victim at 26th and Folsom Streets after
25 unsuccessfully looking for the suspects. The victim told me he was walking
26 southbound on the east side of the 2700 block of Mission Street, between 23rd and
27 24th Streets, the heart of the NORTEÑO turf, when he got robbed by two suspected
28

1 members of the NORTEÑO criminal street gang. The victim said one suspect
2 approached him from the front. He described this suspect as a 20-25 year old Latin
3 male, 5'7", 150 lbs, wearing short hair, a black jacket, black pants and black baseball
4 cap. The victim said he was approached from behind by a second suspect, described
5 as a Latin male, 5'5", 140 lbs, wearing a black hat, black t-shirt, black pants, and a
6 red belt. The first suspect said something to him, and then grabbed the victim's
7 necklace and ripped it off his neck. Both suspects fled on foot eastbound on 26th
8 Street.

9
10
11 I declare under penalty of perjury that the foregoing is true and correct.

12
13 Dated: 7-6-07

14  # 1026
OFFICER ERNEST WILBERG, Star # 1026

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
VILLARUEL IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Wesley I. Villaruel, Star #1939, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for 7
25 years.
26 2. My current assignment is patrol officer at Mission Station.
27

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including La Raza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. AGGRAVATED ASSAULT WITH KNIFE and COCAINE OFFENSE at Carnival
23 Festival (Police Report #060 565 505). On May 28, 2006, during the Carnival
24 festivities, Patrol Special Officer Wilson, #2554, on-viewed a stabbing victim at 20th
25 and Harrison Street. I responded and found the victim sitting on the sidewalk
26 holding a white shirt, soaked in his own blood, against the right side of his neck. A
27 medic responded and the victim was escorted to the ambulance due the streets being
28

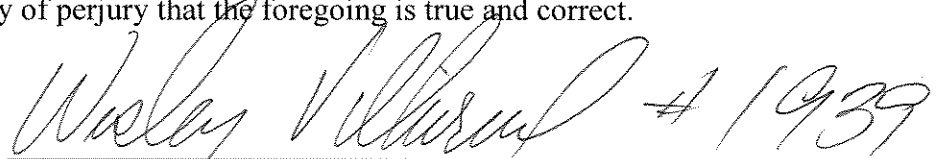
1 barricaded. I stayed with the victim and his mother. I heard via PIC (A-9) that a
2 possible suspect had been detained in front of 2478 Harrison Street, however, we
3 were unable to stop for a cold show as Medic #32, advised that the victim had to be
4 transferred to SFGH immediately. I spoke to the victim, he told me that he was
5 standing in line to check out a radio station's booth and while in line, seven unknown
6 subjects began flashing gang signs towards his direction. The seven unknown
7 subjects were all flashing the gang signs that included the number four, and doing so
8 using their index, middle, ring and pinky fingers. Several of the unknown subjects
9 were wearing red "rags" around their necks or on top of their heads. The victim
10 attempted to ignore the subjects but then turned and faced them. As he did so, he felt
11 a sharp, hot, stinging feeling on the right side of his neck. he immediately turned
12 clockwise and observed Bismark Ocampo walking away. The victim told me that as
13 Mr. Ocampo was walking away, he turned and made eye contact with him. The
14 victim touched the side of his neck and discovered that he was bleeding and advised
15 an Officer walking by of the situation. The victim described the suspect as a
16 Hispanic male in his late 20's to 30's, 5'10", 180 lbs., with a baldhead and wearing a
17 brown khaki button shirt, brown khaki pants with tattoos on both arms and tattooed
18 teardrops under his eyes. Inspector Yu, #2248, of the Gang Task Force arrived at the
19 hospital and took over the investigation. He interviewed the victim and advised me
20 that Mr. Mr. Ocampo was enroute to our location for a cold show. The victim was
21 read the cold show admonition and signed the admonishment. Mr. Ocampo arrived
22 at SFGH where I observed that he was wearing clothing that matched the description
23 given to me by the victim. Mr. Ocampo was wearing a brown khaki button shirt,
24 brown khaki shorts, long tube socks that were pulled up to his knees hitting just
25 below the bottom of his shorts, and red shoes. I noticed that with the socks pulled up
26 to his knees, it could have been mistaken that Mr. Mr. Ocampo was wearing pants
27 instead of shorts. The victim observed Mr. Ocampo and immediately said "yeah,
28

1 that's him." Mr. Mr. Ocampo was transported to Mission Police Station. I returned
2 to the Carnival down room and met with Officer Poggio, # 391 and Sgt. Miller,
3 #875. Officer Poggio informed me that he detained Mr. Ocampo in front of 2478
4 Harrison Street due to his matching the description of the suspect and close
5 proximity to the stabbing. Sgt. Miller advised me that he had conducted two cold
6 shows during Mr. Ocampo's detainment, and one of the witnesses positively
7 identified Mr. Ocampo as the subject who committed the stabbing. During a search
8 of Mr. Ocampo, Officer Festa, # 1685, located a small plastic baggie filled with
9 suspected crack cocaine that Officer Poggio showed me, I observed that it was
10 wrapped inside of a plastic bag and then the entire object was wrapped inside a piece
11 of newspaper. I retrieved the suspected crack cocaine and returned to Mission Police
12 Station where I was informed that Mr. Ocampo is currently on parole from the
13 California Department of Corrections. Mr. Ocampo was in violation of his Parole
14 Status and had a warrant for his arrest. Mr. Ocampo was booked for possession of
15 crack cocaine, aggravated assault with gang enhancement and violation of his parole.
16 The sealed narcotics envelope was hand carried to the narcotics drop box by officer
17 Kenney, # 572.

18 I declare under penalty of perjury that the foregoing is true and correct.

19
20 Dated:

7/9/2007

21  # 1939

22 OFFICER WESLEY VILLARUEL, Star #1939

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
VERNENGO IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Robert Vernengo, #4175, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 6 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
22 NORTEÑO gang members also wear North Carolina University sports attire.
- 23 8. SHOOTING INTO AN INHABITED DWELLING at 853 Alabama Street on March
24 23, 2006, at 1:54 am (Police Report # 050321840) On March 23, 2006, at 1:56 am,
25 I was on duty with Officer Poggio, when we responded to 853 Alabama Street
26 regarding shots fired. At the scene, we met with Kevin "Young C" Chavez, a
27 known and admitted member of the 21ABL clique of the NORTEÑO criminal street
28

1 gang. Mr. Chavez told us that "they shot at my house" and pointed to the front
2 windows of his house, where I could see that three front sliding glass windows were
3 shattered. We located five 12-gauge shotgun casings in front of 853 Alabama
4 Street. Mr. Chavez became uncooperative and stated that he did not want this
5 incident investigated.

6 9. AGGRAVATED ASSAULT WITH KNIFE at 24th Street at 2:46 am (Police Report
7 # 061283049) On December 3, 2006, at 2:51 am, I was on duty with Officer
8 Perdomo, when we were dispatched to SF General Hospital regarding a walk-in
9 stabbing victim. The stabbing victim, an 18-19 year-old male wearing khaki pants
10 with a red bandana hanging out of the left rear pocket and a red and white shirt, was
11 very uncooperative. He stated he was at a party somewhere on 24th Street and was
12 stabbed. He refused to give us any additional information. He suffered stab wounds
13 to his left arm, chest and left side of head. The victim's friend was equally
14 uncooperative.

15 10. LOITERING AT BART STATION AND BUS STOP at 24th and Mission Streets
16 (Police Report #070242828) On March 8, 2007, at 10:50 am, I was working foot
17 patrol with Officer Leong. We were at the 24th Street BART plaza when we
18 observed a group of four Latin males and possible members of the NORTEÑO
19 criminal street gang loitering at the bus stop. 24th Street is the heart of the
20 NORTEÑO gang's turf, and the BART plaza is one of the gang's favorite places to
21 loiter and sell narcotics. We watched as two #14 Mission Muni buses passed by and
22 the four unknown males made no effort to board either bus. As we approached the
23 group, two walked away, and we made contact with the remaining two: Francisco
24 Ramos, a 30-year old resident of the Bayview District, and Joshua "Little Sneeks"
25 Deleon, an 18-year old resident of the Excelsior District and known member of the
26 LNS clique of the NORTEÑO criminal street gang. Both told us they were waiting
27 for the #14 Muni bus. Mr. Ramos had an outstanding warrant, and was arrested.
28

1 During the search incident to arrest, we found a black ski mask and a black knitted
2 gloves which we noted since it was 70 degrees and sunny.

3
4 I declare under penalty of perjury that the foregoing is true and correct.

5 Dated: 07/05/07

6 Robert Vernengo #4175
7 OFFICER ROBERT VERNENGO, #4175

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 City Attorney
 2 ALEX G. TSE, State Bar #152348
 Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
 9 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
 14 CALIFORNIA, by and through Dennis J.
 15 Herrera, City Attorney for the City and
 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
 22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
 VALDEZ IN SUPPORT OF EX PARTE
 APPLICATION FOR ORDER TO SHOW
 CAUSE RE: PRELIMINARY GANG
 INJUNCTION AND PRELIMINARY
 GANG INJUNCTION

Hearing Date:
 Hearing Judge:
 Time:
 Place:

Date Action Filed: June 21, 2007
 Trial Date:

23
 24 I, Officer J. Valdez, #4228, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
 26 4 1/2 years.
 27 2. My current assignment is patrol officer at Mission Station.
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4228

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3. In my work in the Mission District, I have become very familiar with Defendant NORTEÑO gang, and many of its San Francisco members, including members of local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
4. The NORTEÑO gang claims their turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
5. For years, the NORTEÑO gang has been committing a near-constant public nuisance by committing in public, at all times of day or night, drug trafficking, assaults, robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession, interference with public right of way, verbal and physical harassment and intimidation, and other conditions offensive to the senses of the community residents, merchants, and visitors.
6. Through my work, I am familiar with many of the known, admitted members or associates of NORTEÑO gang, and I see them on the public street, within the NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
7. Members of NORTEÑO gang publicly identify themselves by hanging around with other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers. NORTEÑO gang members also wear North Carolina University sports attire.
8. AGGRAVATED ASSAULT WITH KNIFE at 24th and Bartlett Streets (Police Report # 060824408) On August 4, 2006, at 12:33 pm, I was on duty, and along with Officer Castillo, responded to 24th and Bartlett Streets regarding a stabbing. The victim, Jesus "Chuey" Guerrero, a 37-year old Richmond resident and known member of the NORTEÑO criminal street gang, was bleeding from several areas of

#9228

1 his body. Due to the extent of his injuries, Mr. Guerrero was transported
 2 immediately to SF General Hospital. I attempted to speak with employees of the
 3 ECO jewelry retail store at 3344 24th Street, who called the police. They said they
 4 only saw a bleeding man stumble into the store, so they called the police. (Later, the
 5 owner of the ECO store erased their security tape and said he did not wish to be
 6 involved in the investigation because he was afraid of retribution by the NORTEÑO
 7 gang.) I was approached by a witness who told me that she saw Mr. Guerrero
 8 speaking loudly with an unknown person, described as a Latin male, between 30-35
 9 years old, 6'0" and 210 lbs, with long dark hair and a red beanie cap. The witness
 10 said she saw Mr. Guerrero approach a green hatchback car and saw Mr. Guerrero
 11 walk away carrying a knife in his hand, which he then threw under a car at the
 12 northeast corner of 24th and Bartlett. A second witness came forward and said he
 13 saw the incident from the southeast corner of 24th and Bartlett Streets. The second
 14 witness said that Mr. Guerrero was being followed by the unknown Latin male
 15 suspect. Mr. Guerrero and the suspect exchanged words, followed by a fistfight.
 16 The second witness saw the suspect pull a knife from his front pants pocket and stab
 17 Mr. Guerrero several times in the abdominal area. Mr. Guerrero went into the ECO
 18 jewelry store and closed the front door. Later, when he came out of the store, several
 19 people shouted, "Chuy! Chuy!" The suspect saw Mr. Guerrero outside the store and
 20 shouted, "I'll pop you! I'm gonna get you next time!" Mr. Guerrero suffered 7 stab
 21 wounds, a lacerated kidney, lacerated intestines, and internal bleeding. Later, when
 22 Mr. Guerrero was recovering, he told police that he did not want their investigation
 23 to go further, but offered, "the youngsters are out of control, robbing their own
 24 homies and what not."

25
26 I declare under penalty of perjury that the foregoing is true and correct.

27 Dated: 7-9-07

28  #4228
 OFFICER J. VALDEZ, #4228

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
UANG IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Steven H. Uang, Star #1299, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for 1.5
25 years.
26 2. My current assignment is patrol officer at Central Station, but I worked at Mission
27 Station from January 2006 to August 2006.
28

- 1 3. In my work in the Mission District, I became familiar with Defendant Norteño gang.
2 4. The Norteño gang claims its turf as the Southern section of the Mission District,
3 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
4 San Bruno, including LaRaza Park to the East.
5 5. Members of Norteño gang publicly identify themselves by hanging around with
6 other members of Norteño gang, within Norteño turf, wearing red clothing and red
7 accessories, often sporting symbols and tattoos commonly associated with the
8 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
9 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.

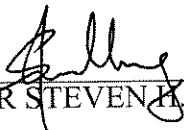
10
11 6. .SHOOTING into INHABITED DWELLING or VEHICLE, ATTEMPTED
12 HOMICIDE with GUN, ASSAULT at 1155 York Street (Police Report 060 366
13 400). On April 5, 2006 at approximately 11: 30 p.m., Field Training Officer Feliz,
14 #2027, and I, along with several Mission Units responded to York Street between
15 23rd and 24th Street regarding shots fired. I met with the victim who said that he was
16 driving his Mercedes northbound on York Street approaching 24th Street. As he
17 crossed the intersection at 24th Street, he noticed a tan or gold late 80's to early 90's
18 model Japanese car, either a Camry or Corolla with lightly tinted windows following
19 him from 24th Street. He was unsure which direction the vehicle came from. The
20 vehicle followed him very closely and the victim slowed down so that the vehicle
21 would not hit his Mercedes. He pulled his Mercedes to the right of the roadway and
22 stopped to allow the vehicle to pass him. The vehicle drove by him slowly and the
23 victim made eye contact with the two occupants. He described them as Hispanic
24 males, approximately 22-25 years old, wearing beanies. The passenger was wearing
25 a black leather jacket. The victim acknowledged the suspects with a "head nod" and
26 received a "head nod" back. The victim then stated, "Then they busted me." The
27 victim stated that the suspects then fired five to six shots at him. The victim
28

1 slouched down in his seat to avoid getting shot. He then peeked above the steering
2 wheel and saw the vehicle continue northbound on York Street at a moderate rate of
3 speed. The victim then jumped out of his Mercedes and ran south bound to the bar
4 on the corner of York and 24th to call for help. I saw what appeared to be two bullet
5 holes to the driver's door and one bullet hole to the passenger door on the driver's
6 side of the Mercedes. The window of the driver's door was also shattered. The
7 victim believed the suspects were "Surenos" based upon the area he was in and
8 would be able to identify the suspects. The victim said he had no gang affiliation.
9 The victim suffered an abrasion to the inside of his right wrist as a result of this
10 incident. Officer Vernengo, # 4175, recovered four casings on the ground in the
11 vicinity of the Mercedes. Officer Fischer, #230, took ten photos of the casings and
12 Mercedes as evidence. I secured and maintained custody of the disk that contained
13 the photos and the casings recovered by Officer Vernengo as evidence. I met with
14 an anonymous witness who stated that he was in the liquor store on the corner of
15 York and 24th Street and was talking to some friends when he noticed two vehicles,
16 a Camry and Contour, driving around the streets. He stated "they were scrambling
17 around the area for about thirty minutes. They were driving in and out of the streets
18 like a maze." He then saw the Mercedes driving northbound on York crossing 24th
19 Street when the Camry and Contour came from eastbound on 24th Street and turned
20 north bound to York Street following after the Mercedes. He then heard four shots.
21 He looked down York Street and saw the Camry and Contour following each other
22 northbound on York Street. The witness stated that he saw two occupants in the
23 Camry but was only able to describe the driver as a bald Hispanic male
24 approximately 20 to 25 years old with dark skin tone, dark hair with a moustache and
25 goatee and wearing a black "Giants" jacket with orange trim. He stated that the
26 Contour was in beat up condition. The area was searched for the suspects and
27
28

1 suspect vehicle with negative results. I booked the disk containing the photos and
2 the casings as evidence at Mission Station.
3
4

5 I declare under penalty of perjury that the foregoing is true and correct.
6

7 Dated: 07/02/07

8  #1299
9 _____
10 OFFICER STEVEN H. UANG, Star # 1299
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1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
15 Herrera, City Attorney for the City and
County of San Francisco,

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
THOMPSON IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Dack Thompson, #1292, declare as follows:


- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 9 years.
27 2. My current assignment is patrol officer at Bayview Station.
28

3. In my work as a San Francisco Police Officer , I have become familiar with gangs such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
4. The NORTEÑO gang claims their turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
5. Members of NORTEÑO gang publicly identify themselves by hanging around with other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers. NORTEÑO gang members also wear North Carolina University sports attire.
6. PROHIBITED WEAPON at 24th and Mission Streets at 10:09 pm (Police Report # 051269532) On November 9, 2005, at 10:09 pm, I was on duty with FTO Sergeant Falvey, on foot patrol on 24th and Bartlett Streets. We responded to a complaint of an assault with a deadly weapon in progress on 24th Street and Mission. Dispatch provided the following description: 5 Latin males, wearing red, black, and white, one female in all red clothing, running back toward 24th Street from 23rd Street. It was also broadcast that the group was kicking another individual and throwing trashcans at him. I saw a group of four people fitting the broadcast description on the southwest corner of 24th and Mission Streets, the heart of the NORTEÑO gang turf. A marked police vehicle approached the group, and the group divided into two and walked in separate directions. I stopped and detained a person later identified as Daniel "Vamps" Santiago, a 19-year old Latin male resident of Mariposa Street and known member of the NORTEÑO criminal street gang. Sgt. Falvey detained an individual later identified as Edwin Henriquez, an 18-year old Latin male resident of

1 the Bayview District. Sgt. Falvey conducted a cursory pat search of Mr. Henriquez
2 and found an awl wrapped in a red bandana in his rear pants pocket. In my
3 experience, an awl can be used as a stabbing weapon. Another officer detained a
4 female juvenile suspect, wearing all red clothing at 25th and Mission Streets.
5 Another officer detained male juvenile suspect at 24th and Mission Streets. An
6 unknown witness advised that the four individuals we ha detained were the four that
7 were involved in the fight at 24th and Mission Streets. The witness said that the four
8 detained suspects had earlier been congregating on the southeast corner of Mission
9 and 24th Streets, in front of the McDonald's restaurant. Officer Goodwin went to the
10 area around McDonalds and conducted a search, and found a pair of separated
11 scissors and a pair of red shoelaces in the flower bed in front of McDonald's. I
12 conducted a search of the same area and found a folding knife and a red umbrella in
13 the flower bed in front of McDonald's.

14
15 I declare under penalty of perjury that the foregoing is true and correct.

16 Dated:

 # 1292 7/05/07
OFFICER DACK THOMPSON, #1292

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
JOSELITO P. SY IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Joselito P. Sy, Star #1764, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 1 years.
26 2. My current assignment is patrol officer at Mission Station.
27
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ROBBERY on STREET with FORCE at 24th and Mission (Police Report #070 404
23 971). On April 20, 2007, at approximately 2:33 p.m., Officer Gassen, # 59, and I,
24 spoke to a juvenile victim of theft. The victim and his friend were sitting inside of
25 the McDonald's restaurant on 24th and Mission Street, at approximately 8:30 a.m.,
26 when two unknown Hispanic male suspects approached him from his side and asked
27 him if he claimed anything. From my training and experience, I know that gang
28

1 members often ask other suspected gang members what they "claim" in order to
2 determine if that person self identifies with a rival gang. The victim said that one of
3 the suspects then said, "You look like that one scrap that checked me." I also know
4 from my training and experience, that "scrap" is a derogatory term used by Norteño
5 gang members towards rival Sureno gang members. As the suspect said this, he
6 grabbed ahold of the victims gold necklace and started twisiting it around his neck as
7 if looking for the endlink. He then yanked the chain from the victims neck and both
8 suspects ran out of the McDonald's. The victim had a red scratch on the right side of
9 his neck. The victim said that the second suspect did not say or do anything to him.
10 The victim did not know the suspects but said that he would be able to identify them
11 again. I called the Robbery unit and advised Inspector Mulken, #1027 of the
12 incident. Inspector Mulken asdvised me to notify the Gang Task Force Unit, I then
13 called GTF and notified Officer Labanowski, #984, of the incident.
14
15

16 I declare under penalty of perjury that the foregoing is true and correct.
17

18 Dated: 07/04/07

19 
OFFICER JOSELITO P. SY, Star # 1764

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
SPAGNUOLO IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Spagnuolo, #22, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 2 years.
27 2. My current assignment is patrol officer at Northern Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. ROBBERY WITH FORCE at South Van Ness Avenue and 23rd Street (Police
15 Report # 060638863) On June 14, 2006, at 1:00 pm, I was on duty working the
16 counter at Mission Police Station when I was approached by a juvenile robbery
17 victim. He told me that he and his friend were walking northbound on South Van
18 Ness Avenue between 22nd and 23rd Streets when they were approached by three
19 juvenile suspects from behind. One suspect asked them if they were "scraps"
20 (Surenos). The victims told them that they didn't belong to any gang and showed
21 them they were not wearing any gang colors. The suspect told the victim to give him
22 his cell phone, which the victim was holding in his hand. The suspect then grabbed
23 the victim's necklace and ripped it off his neck without his permission. The suspect
24 pushed the victim and then fled with the others westbound on 23rd Street.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Dated: 07/04/07

27 OFFICER SPAGNUOLO, #22
28

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2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
SANTIAGO IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer Eric Santiago, #1498, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 5 years.
27 2. My current assignment is patrol officer at Mission Station.

28 

1 custody. Mr. Arguello, a 21-year old resident of 24th Street, is a known member of
2 the NORTEÑO criminal street gang. I spoke with the first victim, a 60-year old
3 resident of California Street, who was bleeding from the nose and who said he felt
4 disoriented. The first victim told me that at 2:05 pm, he was walking southbound on
5 Mission Street, when Mr. Arguello came running toward him, and with his left
6 forearm struck the victim in the face, causing the victim to fall to the floor and lose
7 consciousness. When the first victim regained consciousness, he got up and
8 approached Mr. Arguello, and with a closed fist struck Mr. Arguello in the neck.
9 There were several blows then exchanged between the victim and Mr. Arguello. The
10 victim, from ten feet away, pointed to Mr. Arguello (in custody) and said, "That's
11 him. That's the guy who hit me." The second victim, a 26 year old resident of Bernal
12 Heights at work delivering food, told me that he stepped out of the restaurant where
13 he works, and saw Mr. Arguello approach him. Mr. Arguello took his elbow and
14 struck the second victim in the throat, causing the victim to fall to the ground,
15 suffering from severe pain in his throat and difficulty breathing. The third victim, a
16 24-year old resident of Bernal Heights, told police that he was walking northbound
17 on Mission Street when he saw Mr. Arguello approach him. Mr. Arguello struck the
18 third victim in the face, breaking his nose and causing the victim to bleed profusely
19 and fall to the ground. Later, the third victim positively identified Mr. Arguello as
20 the person who struck him. . A fourth victim, a 57-year old resident of the Ingleside
21 District, who had just eaten at the McDonald's at 24th and Mission Street, told police
22 that Mr. Arguello approached him and struck on the bridge of his nose, causing a
23 laceration, but he declined medical treatment. The fourth victim positively identified
24 Mr. Arguello as the person who assaulted him. All four victims said they do not
25 know Mr. Arguello. Three victims were all taken to SF General Hospital for medical
26 treatment
27
28



1 9. BRANDISHING A DEADLY WEAPON at 26th and South Van Ness Avenue

2 (Police Report # 060114691) On January 30, 2006, I was on duty with Officer
3 Mendiola, when we were dispatched to 26th and Bryant Street regarding a fight.
4 Near the intersection of 26th and South Van Ness Avenue, I observed a Latin male
5 suspect, 5'6", 140 lbs, 18-25 years old, wearing a black and orange "SF" baseball hat
6 and black jacket chasing a Latin male, 5'4", 140 lbs, 18-22 years old, wearing a black
7 jacket. I then observed the suspect pull a black semi automatic handgun from his
8 jacket and point it at the person he was chasing. The suspect looked in our direction,
9 and then began to run westbound on 26th with the gun still in his hand We pursued
10 on foot. The suspect ran northbound on Cypress Street out of my view, but got into a
11 gold Lexus SUV being driven by a second suspect. The two suspects drove off
12 westbound on 26th Street. The victim ran in an unknown direction
13

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Dated: 7/9/07

16 
17 _____
18 OFFICER ERIC SANTIAGO, #1498
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28

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ROBERT SANCHEZ IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Robert Sanchez, #7, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 16 years.
27
28

- 1
- 2 2. My current assignment is patrol officer at Mission Station.
- 3 3. In my work in the Mission District, I have become very familiar with Defendant
- 4 NORTEÑO gang, and many of its San Francisco members, including members of
- 5 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
- 6 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 7 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
- 8 District, from 23rd Street to the North, Valencia to the West, Cesar Chavez to the
- 9 South, and Potrero Avenue, including LaRaza Park also known as Potrero Del Sol
- 10 Park to the East.
- 11 5. Through my work, I am familiar with many of the known, admitted members or
- 12 associates of NORTEÑO gang, and I see them on the public street, within the
- 13 NORTEÑO turf and the proposed Safety Zone, practically every day I am on duty.
- 14
- 15 6. POSSESSION OF BASE COCAINE FOR SALE at 24th and Hampshire Street
- 16 (Police Report #070 873 738) . On March 28, 2007 at approximately 7:45 p.m., I
- 17 along with Officer Moody #1545, Officer Greiner # 154, and Officer Richardson
- 18 #1231, were driving westbound on 24th and Hampshire Streets in an unmarked police
- 19 vehicle when I observed Michael Sanchez looking down at his hands as he sat on
- 20 the ledge of a laundromat located on the northwest corner of 24th and Hampshire
- 21 Streets. Sanchez looked up in our direction and then placed his right hand behind the
- 22 small of his back and moved it around for a few seconds. He then quickly brought it
- 23 back to the front part of his body. We recognized Sanchez from past contacts and
- 24 knew he was on the juvenile probation. We stopped our vehicle and approached
- 25 Sanchez displaying our police stars. I pat searched Sanchez and no contraband was
- 26 located on him. Believing that Sanchez possibly concealed contraband in his rear end
- 27 area, Officer Neves #587, and Officer Ng #1832, transported Sanchez back to
- 28

1 Mission Station for further investigation. At Mission Station, Officer Neves saw
2 Sanchez moving his hands around behind his back as he sat on the bench in the
3 booking area. Officer Neves then saw Sanchez discard a black piece of plastic on the
4 bench. Officer Neves seized the piece of plastic and saw that it contained several
5 rocks of suspected base cocaine. The narcotics were booked by Officer Moody and I
6 placed them inside the narcotics drop box. Sanchez was booked for possession of
7 base rock cocaine for sale.

- 8
- 9 7. SALES OF BASE ROCK COCAINE TO A POLICE OFFICER at 1032 Florida
10 Street (#070 225 505) On January 22, 2007 at approximately 3:49 p.m., dispatch
11 broadcast a call for service at 1037 Florida. The dispatcher stated that there were
12 three latin males selling drugs in front of 1037 Florida. We got together a "buy-bust"
13 operation, Officer Lozao #554 was in possession of marked city funds and was
14 acting as the "buy" officer. Officer Richardson #1231, was the cover and the
15 remaining officers were the arrest team. Officer Lozano told me he was south on
16 Florida Street when he noticed two latin males, later identified as NORTEÑO gang
17 members Henry Hernandez and Juvenal Alcantar, looking at him as they stood
18 across from 1032 Florida Street. Both subjects moved their heads up as they kept
19 eye contact with Officer Lozano. Officer Lozano stopped walking and both subjects
20 crossed the street and approached him. Alcantar asked Officer Lozano "You
21 looking?" Officer Lozano replied "Yeah, I need a twenty". Alcantar looked at
22 Hernandez and said "Give him a twenty". Hernandez placed his right hand inside his
23 right front pants pocket and pulled out a plastic bag containing small rocks and
24 crumbs of suspected base cocaine and gave it to Officer Lozano. In return Officer
25 Lozano gave Hernandez a marked twenty dollar bill and gave officers the "bust"
26 signal. During this transaction Officer Lozano told me that Alcantar was looking in
27 all directions, acting as a "look out". Both Hernandez and Alcantar were arrested
28

1 and I recovered the marked city funds from Hernandez' right front pants pocket.
2 Hernandez was on probation for possession of cocaine base for sale at the time of
3 this contact and a charge of 1203.2 (A) was added. I know Hernandez and Alcantar
4 to be NORTEÑO gang members who are always hanging out with other
5 NORTEÑOs at 22nd and Florida Streets which is NORTEÑO turf. Due to these
6 circumstances both subjects were also charged with 182.22 (A).

- 7
8 8. ROBBERY ON PUBLIC STREET WITH KNIFE at 24th and Mission Streets (Police
9 Report #051 187 843) On October 20, 2005 at approximately 8:52 p.m., Officers
10 Richardson #1231, Moody #1545, Greiner # 154 and I responded to Mission and 24th
11 Streets regarding a robbery with a knife. The description of the suspect was a latin
12 male wearing a black shirt, blue pants and riding a mini bike. Officer Richardson and
13 I saw a possible juvenile suspect, slowly riding a BMX bike east on Mission Street
14 and stopped in front of McDonalds. Officer Moody and Greiner detained the juvenile
15 who was with David Soto near the McDonalds Entrance. I met with the victim who
16 was Spanish speaking. The victim stated that he was walking to the bart entrance
17 located on the northeast corner of Mission and 24th Streets when he was approached
18 by the the juvenile suspect who was on a small bike. The the juvenile was with
19 another subject, later identified as Eddie Castrillo, who was on foot. The victim
20 stated that the the juvenile suspect asked him for a dollar to which the victim told
21 him he didn't have any money. The juvenile suspect then tore off the earphones the
22 victim had in his ears and snatched the radio the victim had in his right hand and
23 handed the items to Castrillo. The juvenile suspect then attempted to forcibly
24 remove the victim's watch from the victims left wrist but was unsuccessful because it
25 was fastened tightly. The victim who was afraid for his safety, began walking really
26 fast to the bart entrance. The juvenile suspect then rode his bike in front of the
27 victim's path and with Castrillo they blocked the victims path and movement. The
28

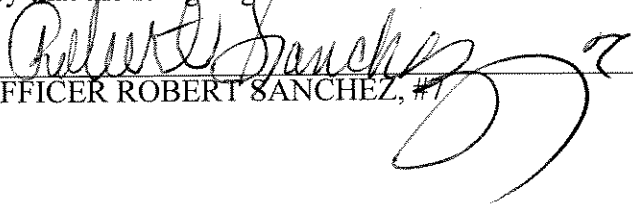
1 juvenile suspect asked the victim who he was and if he "banged". The victim
2 responded "no". The juvenile suspect then grabbed the victims red baseball cap off of
3 the victims head and asked the victim if he was a "sureno". The victim responded
4 "no". The juvenile suspect examined the baseball cap and told the victim "You must
5 be a sureno, your hat has some blue on it". I noticed the victims baseball cap had a
6 blue design on the brim. The juvenile suspect then violently placed the baseball cap
7 back on the victim's head and demanded a dollar. Again, the victim stated that he
8 didn't have any money. The juvenile suspect then emptied the victim's front pants
9 pocket and tossed several items that he had inside his pockets on the ground. The
10 victim stated that the juvenile suspect then placed a kitchen knife that he held in his
11 right hand against the victims' left side and said "This is a robbery, I want all your
12 money". The victim who told me that he feared for his life, took his wallet out of his
13 rear pants pocket and opened it. The juvenile suspect grabbed the wallet, removed
14 fifty dollars from it and tossed the wallet and the remaining contents on the ground.
15 Both suspects then fled south on Mission Street. The victim kept a visual of both
16 suspects who were now joined by other individuals as they passed McDonald's. The
17 juvenile suspect returned to 24th and Mission Streets on his bike. The victim saw
18 when the juvenile suspect was detained by Officers Moody and Greiner and told me
19 that we had the right suspect. During the interview we were standing approximately
20 twenty five feet from the juvenile suspect when the victim pointed to him and said
21 "Yeah, that's him...he took my money and radio". The juvenile suspect was arrested
22 and transported to Mission Station. Officer Moody recovered the stolen radio from
23 the juvenile suspects right front jacket pocket and it was booked at Mission Station.
24 Officer Richardson and I drove the victim around the area. As we drove by the
25 southeast corner of Shotwell and 24th Streets the victim saw Eddie Castrillo and said
26 "There's the other guy that robbed me". We placed Castrillo under arrest and
27 transported him to Mission Station. Sergeant Michael Browne #1893 of Gang Task
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Force responded to Mission Station and determined that both the juvenile suspect and Eddie Castrillo were NORTEÑO gang members. Both subjects were booked for 186.22 (A)PC and 212.5(C) PC.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:



OFFICER ROBERT SANCHEZ, #1

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
YVONNE R. MERE, State Bar #173594
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E-Mail: yvonne.mere@sfgov.org

8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
15 Herrera, City Attorney for the City and
County of San Francisco,

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
SALVADOR IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Ray Salvador, Star #1300, declare as follows:


- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 13 years.
26 2. My current assignment is patrol officer at Mission Station.
27
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. FOUND PROPERTY, GRAND THEFT of FIREARM on Shotwell and Cesar
23 Chavez (Police Report # 070 077 067). On January 1, 2007, at approximately 8:19
24 a.m., I responded to the area of Cesar Chavez and Shotwell regarding a firearm that
25 was found by a citizen. Upon arrival I was flagged down in front of 1298 Shotwell
26 by the reportee who told me that he was the one who located the firearm. He said
27 that he was getting into his vehicle this morning and noticed a gun under a white
28

1 vehicle that was parked near the location. The citizen did not wish to leave any
2 further information at the time and drove away from the scene. Lieutenant Oberzier,
3 #1640, and Sergeant Greely, #317, arrived on scene and we located the semi-
4 automatic firearm under a van in front of 1298 Shotwell. A check of the hand
5 engraved numbers on the still intact magazine and visible serial number, revealed
6 that the firearm was listed as stolen from a San Francisco Police Officer. CSI
7 Officers Gnomes and O'Connor (5L21), responded to the scene, took photos and
8 custody of the firearm. I spoke to the owner of the van who said he parked his
9 vehicle at the location around 7:45 a.m. and did not notice the firearm.
10

11 I declare under penalty of perjury that the foregoing is true and correct.

12
13 Dated: 07/04/07

14  # 1300
15 _____
16 OFFICER RAY SALVADOR, Star # 1300
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1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
YVONNE R. MERE, State Bar #173594
4 Deputy City Attorney
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E-Mail: yvonne.mere@sfgov.org

8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
RUSSELL IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Josey Russell, Star #1030, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for 2.5
25 years.
26 2. My current assignment is patrol officer at Park Station.
27
28

- 1 3. The NORTEÑO gang claims their turf as the Southern section of the Mission
2 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
3 South, and San Bruno, including LaRaza Park to the East.
- 4 4. For years, the NORTEÑO gang has been committing a near-constant public nuisance
5 by committing in public, at all times of day or night, drug trafficking, assaults,
6 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
7 interference with public right of way, verbal and physical harassment and
8 intimidation, and other conditions offensive to the senses of the community
9 residents, merchants, and visitors.
- 10 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
11 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
12 and red accessories, often sporting symbols and tattoos commonly associated with
13 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
14 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 15 6. LOADED FIREARM WITH ALTERED IDENTIFICATION, CRACK COCAINE,
16 EVADING POLICE, HIT AND RUN, RECKLESS DRIVING at 26th and Bryant
17 Streets) (Police Report #051186168) On October 20, 2005, at 1:37, I was on duty
18 with Sgt. McDowell, patrolling in a marked police vehicle and in full uniform, when
19 we were called to 25th and Shotwell regarding four subjects in a black van that had
20 threatened a man with a gun. Another unit located the suspect van and tried to effect
21 a traffic stop with lights and siren. The car appeared to stop. We started to approach
22 the vehicle on foot when the vehicle fled west on 25th to southbound Mission to
23 eastbound 26th, in violation of VC 2800.1 (evading police). We observed the vehicle
24 run several stop signs and reached speeds of up to 50 miles per hour, while failing to
25 yield to pedestrians and other traffic, in violation of VC 23103 (reckless driving).
26 The vehicle crashed into a telephone pole with its front end on the southeast corner
27 of 26th and Bryant Strrets. The driver, later identified as John "Lobo" Eaton, an 18-
28

1 year old resident of the Ingleside District and known member of the NORTENO
2 criminal street gang, exited the car and fled on foot eastbound on 26th in violation of
3 VC 20002 (hit and run). After a long chase involving several other officers, Mr.
4 Eaton was finally taken into custody at 2861 Bryant Street. Meanwhile, the other
5 suspects in the car were identified as: Joseph Nunez, an 18 year old resident of
6 South Van Ness Avenue; a 16-year old juvenile resident of the Excelsior District
7 and known member of the 22B clique of the NORTENO criminal street gang who
8 was wearing blue jeans with red stripes down the legs; and another 16-year old
9 juvenile resident of South Van Ness Avenue, wearing a red hair tie. They were all
10 taken into custody at gunpoint on the corner of 26th and Bryant Streets. From the
11 car, we recovered a loaded revolver, and one rock of suspected crack cocaine and
12 wrapped in cellophane.

13
14 I declare under penalty of perjury that the foregoing is true and correct.

15
16 Dated:

07/05/07

17 
OFFICER JOSEY RUSSELL, Star # 1030

1030

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City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
RODGERS IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Matthew Rodgers, Star #1914, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 8 years.
26 2. My current assignment is patrol officer at Northern Station.
27
28

- 1 3. In my work as a police officer, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ASSAULT AGGRAVATED with KNIFE at La Raza Park (Police Report #050 020
23 882) On January 6, 2005, at approximately 1:45 p.m., just prior to the start of our
24 shift, there was a report of a knife fight in the area of 26th and Mission. Day watch
25 units who responded were unable to locate any victims or suspects. One person was
26 reported to have been stabbed in the back, the other in the arm. Reports indicated
27 that two suspects or victims in the fight had fled the area. Officer Heidohm, #2105,

28
2015 

1 and I responded to St. Lukes Hospital regarding a stabbing that had occurred. We
2 arrived and met with the victim Hector Garcia. Mr. Garcia is a known Norteño gang
3 member that frequents the 24th and Mission surrounding area. He was in the
4 emergency room receiving treatment for two stab wounds, one to the middle of his
5 back, the other to his left arm. Garcia stated that he had no involvement or
6 knowledge of a knife fight. He told us that he was on his way to La Raza Park to
7 meet his wife when a man approached him from behind and said, "Give me
8 everything you got!" Garcia fearful for his safety looked over his shoulder and
9 started to run away from the suspect. As he ran, he felt a sharp pain in his back. He
10 realized that he had been stabbed and continued running to San Francisco General
11 Hospital. Unaware that her husband had been injured or was on his way to the
12 hospital, she was there waiting for him. Garcia stated that he had determined that
13 San Francisco General Hospital was to busy and went to St. Lukes instead. St Lukes
14 is two blocks away from 26th and Mission, the location of the original knife fight.
15 Garcia was unable to provide any suspect description and said he would not be able
16 to identify the suspect if he saw him again.

- 17 9. AGGRAVATED ASSAULT WITH GUN at 24th and Capp (Police Report #051 104
18 314). Officer Heidohm, #2015, and I responded to the area of 25th and Capp
19 regarding a report of shots fired. We arrived and heard a man groaning in pain on
20 the 900 block of Capp. We found the victim bleeding from the legs. He moaned, "I
21 got shot! I got shot!" The victim was reluctant to provide us with information about
22 what had happened. Officers located a witness who had been out his store sweeping.
23 He said the victim was with a group of guys walking west on 24th Street. As they
24 reached the corner, a guy jumped out from behind a car parked on the northwest
25 corner and started firing at the victim and his companions. The group fled and the
26 victim stumbled onto the street. He then got up and ran south on Capp Street. The
27 shooter ran north on Capp Street. He described the shooter as wearing a white shirt
28

1 and a baseball cap. Officer Barretta later found an expended round in a wall of the
2 parking lot across the street. A further search of the area provided no evidence of a
3 crime scene. There were no casings or a blood trail to indicate exactly where the
4 victim was shot. We responded to San Francisco General Hospital and attempted to
5 further interview the victim. He was walking alone and had seen some friends at the
6 corner. As he approached 24th and Capp, he heard gunshots and turned to see a bald
7 dark skinned male wearing a blue t-shirt. The suspect yelled, "fuck you" to the
8 victim as he fired. The victim turned to flee and quickly realized that he had been
9 shot in the legs. He fell and hid behind a parked car in front of 912 Capp. There, he
10 decided it would be a good idea to hide his red bandana and skull cap as not to be
11 further mistaken for a Norteño gang member. He could provide no further
12 information as why he would have been targeted or who would have wanted to shoot
13 him. Officer Heidohrn booked the expended round into evidence at Mission Station.

14 10. AGGRAVATED ASSAULT WITH KNIFE AT 24th and Mission Streets (Police
15 Report # 060374077) On April 7, 2006, at 5:30 pm, I was on duty, and with Officer
16 Heidohrn, responded to a report of a stabbing at 24th and Mission. Upon arriving, we
17 met with two other officers and a medic. The victim was being transported to SF
18 General Hospital to treat his life-threatening injuries. Several unidentified witnesses
19 told us that the victim had been stabbed by two Latin males, one wearing a blue
20 jacket, and one wearing a red jacket. Only one witness had seen the actual stabbing.
21 The case investigation was continued by officers at Gang Task Force (see
22 Declaration of Inspector Lau, filed herewith).

23 11. ASSAULT AGGRAVATED WITH GUN AND ASSAULT AGGRAVATED WITH
24 FORCE AT 2764 23rd Street (Police Report # 060 080 252. On January 21, 2006 at
25 approximately 6:25 p.m., Officer Heidohrn, #2015, and I responded to 2764 23rd
26 Street regarding a report of a man with a gun and a battery that had occurred. We
27 arrived and met with the two victims. The first victim was bleeding from the mouth
28

1 and had blood on his shirt. He was out of breath, very excited and appeared to have
2 just been in a fight. Officer Esparza, # 4150, and Officer Valdez, # 4228, arrived on
3 scene to assist with translation. The victim said that he was going to the corner
4 Laundromat to meet his wife. He encountered a group of about 10 to 15 Hispanic
5 males all about 18 to 20 years old, standing and drinking alcohol in front of the
6 adjacent building. He described the group as local "cholos" and thought that they
7 were gang members. In the group Miguel Rodriguez appeared to be the ringleader.
8 As the victim passed through the group, he felt a strong shove from behind and heard
9 someone yell in English "stupid nigger!" several times. He turned to defend himself
10 and was shoved to the ground by the group. As he tried to push his way past several
11 of them including Rodriguez began punching and kicking him. They continued to do
12 so until he was able to leg tackle one of them and get them into a headlock. The
13 victim grabbed his assailants' genitals as hard as he could; this allowed him a
14 moment to escape to his apartment. As he did several of the suspects threw bottles at
15 him. The second victim ran to assist him and they called 911. The victims returned
16 in an attempt to get a better description of the suspects, when they came outside they
17 noticed that Rodriguez was now coming out of his house holding a silver revolver.
18 He pointed the gun at them, continuing to shout obscenities, as he did this the rest of
19 the group encouraged and enticed him. The two victims ran upstairs and once inside,
20 ducked down in fear of being shot at. After a few moments of silence they called
21 911. The victim said that Rodriguez, the suspect with the gun lived at 2770 23rd
22 Street, however he was unsure of his last name and only knew him by his first name
23 "Miguel". They added that he lived with his parents.

24 I declare under penalty of perjury that the foregoing is true and correct.

25
26 Dated: 7/4/07

27  #1914
28 _____
OFFICER MATTHEW RODGERS, Star # 1914

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ROBLES IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Robles, #1467, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 14 years.
27 2. My current assignment is patrol officer at CENTRAL Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. SEARCH WARRANT ON KNOWN NORTEÑO KEVIN CHAVEZ FOR
15 NARCOTICS-RELATED VIOLATIONS (Police Report # 050235291) On March
16 11, 2005, at 9:00 am, I was on duty, and with Sgt Rubino, Officers Philpot,
17 McDonnell, Bucy, O'Rourke, Dorantes, Padrones, Gaffud, and Pandolfi, we served a
18 search warrant at 853 Alabama Street, home of suspect Kevin "Young C" Chavez, a
19 known member of the NORTEÑO criminal street gang. Mr. Chavez was arrested for
20 his connection with narcotics sales, and we recovered miscellaneous gang indicia
21 from Mr. Chavez's bedroom.

22
23 I declare under penalty of perjury that the foregoing is true and correct.

24 Dated:  7/18/07


OFFICER EDMOND ROBLES, #1467

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City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ROBINSON IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Patrick Robinson, #4057, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 8
26 years.
27
28

- 1 2. My current assignment is patrol officer at Northern Station but I previously was
2 assigned to Mission Station..
- 3 3. In my work with the San Francisco Police Department, I have become familiar with
4 Defendant NORTEÑO and other gangs, and many of their San Francisco members.
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Members of NORTEÑO gang publicly identify themselves by hanging around with
15 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
16 and red accessories, often sporting symbols and tattoos commonly associated with
17 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
18 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
19 NORTEÑO gang members also wear North Carolina University sports attire.
- 20 7. TERRORIST THREATS AGAINST KNOWN GANG MEMBER ALEX REYES
21 (Police Report # 060333374) On March 28, 2006, at 11:00 am, I was on duty when
22 a woman came to Northern Station to make a report regarding threats made to her
23 boyfriend, Alex Reyes, a 19-year old Latin male resident of Webster Street and
24 known member of the 22B clique of the NORTENO criminal street gang. The
25 threats were reportedly made by Oscar Perez, a 27-year old Latin male resident of
26 the same address on Webster Street. According to the reportee, Reyes and Ortiz had
27 been drinking alcohol from 5:00 am to 11:00 am. She said that Perez got very drunk
28

1 and began arguing with Reyes regarding a man who is a friend of Reyes but rival
2 gang member to Perez. She said that Perez told Reyes, "I'm from MS, I'm going to
3 kill you." Perez showed the reportee 5 bullets from his pocket and told her, "This is
4 what I'm going to use to kill that bitch," which she took to mean a threat to Reyes.
5

6 I declare under penalty of perjury that the foregoing is true and correct.
7

8 Dated: 7-2-07

 #4057
9 OFFICER PATRICK ROBINSON, #4057
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1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 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. CGC 07-464492

DECLARATION OF SFPD OFFICER
RICHARDSON IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

22
23
24 I, Officer Pete Richardson, Star # 1231, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 16 years.

- 1 2. My current assignment is Narcotics where I work as a plainclothes, undercover
2 officer, mostly in the Mission District.
- 3 3. In my work as an undercover narcotics officer in the Mission District, I have become
4 very familiar with Defendant NORTEÑO gang, and many of its San Francisco
5 members, including members of local NORTEÑO subset/cliques such as a Loco
6 North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama
7 and 21st (21ABL).
- 8 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
9 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
10 South, and San Bruno, including LaRaza Park to the East.
- 11 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
12 by committing in public, at all times of day or night, drug trafficking, assaults,
13 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
14 interference with public right of way, verbal and physical harassment and
15 intimidation, and other conditions offensive to the senses of the community
16 residents, merchants, and visitors.
- 17 6. Through my work, I am familiar with many of the known, admitted members or
18 associates of NORTEÑO gang, and I see them on the public street, within the
19 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 20 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
21 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
22 and red accessories, often sporting symbols and tattoos commonly associated with
23 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
24 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 25 8. SAWED-OFF RIFLE, BULLETS, and SALE OF CRACK COCAINE at 24th and
26 York Streets (Police Report #050405808). On April 12, 2005, at 5:40pm, I was on
27 plainclothes duty, and was among several officers, uniformed and undercover, who
28

1 responded to 24th and York on a call of Hispanic male suspects selling drugs in front
2 of 1176 York Street, near 24th Street. A uniformed car arrived and parked at 24th and
3 York. My undercover team parked on an opposite corner at 24th and York. I
4 observed admitted member of the 22B subset/cliue of NORTEÑO gang, **Noel**
5 **Arguello aka "Mafioso,"** standing in front of 1176 York Street. I also observed
6 known member of the ABL 21 subset/cliue of NORTEÑO gang, **Kevin Chavez**
7 **aka "Young C,"** and associate Pablo Rodriguez walk away from where Mr.
8 Arguello stood, and approach the marked police vehicle and engage in a discussion
9 with the uniformed officers. While Mr. Chavez and Mr. Rodriguez engaged the
10 uniformed officers, I observed Mr. Arguello take his backpack and walk in my
11 direction, while continuously looking back toward the uniformed officers in the
12 marked car. I observed Mr. Arguello quickly take off the backpack, and place it into
13 the bed of a nearby-parked pickup truck, while continuously looking at the
14 uniformed officers talking with Mr. Chavez and Mr. Rodriguez. Mr. Arguello then
15 began walking towards 24th Street, continuously looking back at the marked police
16 vehicle. I know Mr. Arguello to have a substantial criminal history, including being
17 arrested for gang related violence, robbery, and gang enhancement charges. I
18 approached Mr. Arguello and asked him if he owned the truck. Mr. Arguello told
19 me he didn't own the truck and that he didn't know who owned it. Given my
20 observations, I detained Mr. Arguello on suspicion of discarding weapons or
21 contraband hidden in his backpack. I retrieved the backpack and found inside, a
22 sawed off rifle, five 22-caliber bullets, and a red rag. At the base of the backpack,
23 gang graffiti was written in black ink: 22B... XIV...Bryant...XX BSL...Norte. I
24 placed Mr. Arguello under arrest. Meanwhile, Mr. Chavez and Mr. Rodriguez
25 walked away from the marked patrol car, and headed towards 24th Street when they
26 observed Mr. Arguello handcuffed and seated on the sidewalk, at which point Mr.
27 Chavez dropped a white napkin onto the ground. Mr. Chavez, who was wearing a T-
28

1 shirt with a red emblem, a red hat, red gloves and a red bandana, was detained for
2 littering, and the white napkin was retrieved, and found to contain suspected base
3 rock cocaine. Mr. Chavez was also found to have \$165 in mixed denominations in
4 his pocket, which is consistent with street level drug sales. Mr. Chavez was arrested
5 for possession for sale of base rock cocaine.

6 9. SALE OF CRACK COCAINE on Capp Street between 24th and 25th Streets.

7 (Police Report #050420050). On April 15, 2005, at 6:20 pm, I was on plainclothes
8 duty, and among several officers patrolling the area of 24th and Mission,
9 investigating NORTEÑO gang activity and NORTEÑO gang crime. At 952 Capp
10 Street, between 24th and 25th Streets, I observed several admitted, active members of
11 "22B" (22nd and Bryant,) a San Francisco-based subset/cliqye of the NORTEÑO
12 gang, including, Juan Romero aka "Travieso" (on parole for 245(a)(1) assault),
13 Carlos Morales aka "Smokey," Isabel Torres aka "Snoopy," and Carlos Aguilar aka
14 "Cabezon." I know these gang members from numerous contacts. As we pulled up
15 alongside the members of NORTEÑO gang, Mr. Romero turned towards 24th Street
16 and threw two plastic bags, later determined to contain base rock cocaine and
17 cocaine salt, onto the front yard of 952 Capp Street, and then walked away. Mr.
18 Romero stumbled as he walked, appearing intoxicated. Some of the others walked
19 away on Capp in the other direction, while Mr. Morales, Ms. Torres, and Mr. Aguilar
20 remained at 952 Capp. I retrieved the baggies, and arrested Mr. Romero for
21 possession of cocaine for sale. Mr. Romero had \$202 in his front pocket, appeared
22 intoxicated, and had a strong odor of alcoholic beverage on his breath. Ms. Torres
23 was investigated for possible warrants. Mr. Morales was determined to have a
24 pending criminal case for 422 (threats) and 186.22 (gang enhancement), stemming
25 from an arrest at 24th and Lilac. Mr. Aguilar was released at the scene. A parole
26 search was conducted of Mr. Romero's residence. Officer Molina of the Gang Task
27
28

1 Force located gang-related letters, a gang drawing, and a jail identification bracelet
2 in a box in Mr. Romero's bedroom.

3 10. FELON IN POSSESSION OF AMMUNITION at 24th and Capp Streets (Police
4 Report #051106334). On October 1, 2005, at 6:10 pm, I was on plainclothes duty,
5 and with several other officers, patrolling 24th and Mission Streets, investigating
6 NORTEÑO gang activity and NORTEÑO gang crime. On the southwest corner of
7 24th and Capp Streets, I observed Ernesto Arroyo aka "Spooks," an admitted member
8 of "LNS" (Locos North Side), a San Francisco-based subset/cliqye of NORTEÑO
9 gang. We had had numerous prior contacts with Mr. Arroyo, and knew he had a
10 warrantless search condition as part of his CYA parole for robbery and his felony
11 drug probation out of San Mateo County. We conducted a probation search of his
12 person and his residence at 1409 Shotwell Street, where we located a magazine
13 loaded with seven live 9mm rounds in the jacket pocket of a jacket hanging in Mr.
14 Arroyo's closet.

15 11. DRINKING ALCOHOL IN PUBLIC, IMPEDING VEHICULAR TRAFFIC,
16 THROWING BOTTLES AND COPPER PIPES AT CARS ON 24th between
17 Mission and Capp Streets. (Police Report #051250161). On November 4, 2005, at
18 10:45 pm, I was on plainclothes duty, and along with several other officers, was
19 patrolling the area of 24th and Mission Streets, investigating NORTEÑO gang
20 activity and NORTEÑO gang crime. I observed Daniel Merlos, an admitted member
21 of "22B" (22nd and Bryant Street), a San Francisco-based subset/cliqye of
22 NORTEÑO gang, along with ten other people, standing on the south sidewalk of 24th
23 Street between Mission and Capp Streets. We have had numerous prior contacts
24 with Mr. Merlos. I observed Mr. Merlos drinking from a 40 oz. beer bottle. I
25 observed Mr. Merlos run into 24th Street, and throw his 40 oz. beer bottle, with
26 considerable force, at a blue vehicle traveling in front of us, that had been stopped at
27 a red light. I observed Mr. Merlos' beer bottle shatter against the rear side of the blue
28

1 vehicle. Immediately after the bottle shattered, the blue car swerved into the
2 oncoming traffic lane of 24th Street. I then observed Mr. Merlos run toward the blue
3 vehicle with a 3-foot long copper pipe in his hand, and saw him hurl the pipe like a
4 spear at the blue vehicle, yelling, "Norte, putos!" After arresting Mr. Merlos, I
5 learned that he was on active felony probation for drugs.

6 12. SELLING NARCOTICS ON THE STREET, OFFERING TO SELL HEROIN TO
7 UNDERCOVER POLICE OFFICER AT 22nd and Capp Streets (Police Report
8 #070069218). On January 19, 2007, at 3:40 pm, I was on plainclothes duty, and
9 along with several other officers, was patrolling the area of 24th and Mission Streets,
10 investigating NORTEÑO gang activity and NORTEÑO gang crime. We were
11 conducting surveillance at 22nd and Capp Street due to recent complaints of drug
12 trafficking on that corner. We observed Pedro Velasco, Israel Velasco, and
13 Armando Velasco standing together at 22nd and Capp Streets, constantly looking
14 around in all directions, at passing vehicles and pedestrians. We observed a white
15 male approach the three Velascos and engage in a short conversation. The white
16 male gave some US currency to Israel, who handed it to Armando, who put it in his
17 pocket. The white male then approached Pedro, who spat numerous multi colored
18 balloons from his mouth into his hand. Pedro handed the balloons to the white male,
19 who then put the balloons in his mouth. Based on our training and experience, we
20 strongly believed that the Velascos had just conducted a drug deal with the white
21 male. Due to their use of balloons in their mouth, we suspected the drug being sold
22 was heroin, since it is often packaged in balloons. We decided to attempt a "buy
23 bust" operation. An undercover officer approached Pedro and asked for "Chiva"
24 (street term for heroin). Pedro told him that he had it, but had to go to his house and
25 get it, and to wait there for ten minutes. Pedro then walked to 869 Alabama Street,
26 near 22nd Street. When Pedro came back out of 869 Alabama Street he acted
27 nervously, and did not return to the undercover officer. We moved in and arrested
28

1 Pedro for the observed sale and offering to sell heroin to the undercover. He gave us
2 consent to search his residence, where we found plastic packaging material, balloons,
3 and \$200 in cash on the floor.

4 13. POSSESSION OF BASE ROCK COCAINE FOR SALE at 1227 Hampshire Street
5 between 24th and 25th Streets (Police Report #070086814). On January 24, 2007, at
6 2:15pm, I was on plainclothes duty, and along with another officer, was patrolling
7 the area of 24th and Hampshire Streets, due to complaints of constant drug
8 trafficking. We conducted surveillance of the area, and at 2:15pm, I observed Joshan
9 Williams and Gene Watson standing together in front of 1227 Hampshire Street at
10 24th Street. I recognized Mr. Williams and Mr. Watson as regulars who loiter there.
11 Mr. Williams was wearing red tennis shoes, and Mr. Watson was wearing a red and
12 white shirt. Red is the color associated with the NORTEÑO gang and its associates
13 and affiliates. I observed an unknown person approach Mr. Williams and Mr.
14 Watson and watched the unknown person give Mr. Williams numerous bills of US
15 currency. Mr. Williams counted the money and put it in his pocket. Mr. Williams
16 then reached into another pocket and pulled out a plastic lotion bottle, which
17 contained a baggie with numerous off-white colored rocks of suspected base rock
18 cocaine. Mr. Williams took several rocks and gave them to the unknown person.
19 During the transaction, Mr. Watson stood next to Mr. Williams, constantly looking
20 around in all directions. We arrested Mr. Williams and Mr. Watson for selling base
21 rock cocaine. We seized the lotion bottle from Mr. Williams' pocket, and saw that
22 the bottom was cut open and it contained a plastic bag with 13 off white rocks and
23 crumbs of suspected base rock cocaine. We also seized \$1,787 from Mr. Williams'
24 pocket, including 74 twenty-dollar bills, consistent with street level drug dealing.
25 We also searched Mr. Williams' car and found a box of plastic baggies and an
26 electronic scale in the trunk.

1
2 14. SALE OF BASE ROCK COCAINE TO UNDERCOVER OFFICER at 24th Street
3 between Folsom Street and Treat Avenue (Police Report #070423965). On April 25,
4 2007, at 4:20 pm, I was on plainclothes duty, and along with several other officers,
5 was conducting a "buy bust" operation in the area of 24th and Hampshire Streets, due
6 to complaints of constant drug trafficking there. On 24th Street between Folsom and
7 Treat, I observed John Eaton, an admitted member of the NORTEÑO gang who I
8 have had numerous prior contacts and conversations with, and know to be on felony
9 probation for being a felon in possession of a gun. I observed Mr. Eaton conduct a
10 drug deal with an undercover officer, when he accepted \$20 in marked city funds
11 from the officer, and in exchange, gave the officer base rock cocaine. When Mr.
12 Eaton was arrested, he had seven additional rocks in his mouth and another rock in
13 his pocket. Mr. Eaton also had a cell phone which contained photographs depicting
14 him with a shotgun over his shoulder as he posed with a bandana over his face.
15

16 15. POSSESSION OF BASE ROCK COCAINE FOR SALE; POSSESSION OF
17 AMMUNITION at 24th and Capp Street (Police Report #070445260). On May 1,
18 2007, at 3:00 pm, I was on plainclothes duty, and along with several other officers,
19 was patrolling the area of 24th and Mission Streets, due to complaints of constant
20 gang activity and gang crime by members of NORTEÑO gang. At 3:00 pm, we
21 observed Luis Badilla aka "Rascal," an admitted, active member of NORTEÑO
22 gang. We had had numerous prior contacts with Mr. Badilla, and knew him to be on
23 CYA parole. We observed Mr. Badilla riding a bicycle on the sidewalk, and
24 detained him to issue him a citation. While we had him detained, I decided to
25 conduct a parole search of Mr. Badilla. While conducting a pat search, a plastic
26 baggie, contained seven individually wrapped rocks of suspected base rock cocaine,
27 fell from inside Mr. Badilla's pant leg to the sidewalk. We also conducted a parole
28

1 search of Mr. Badilla's bedroom in his home at 1428 Guerrero Street. In Mr.
2 Badilla's room, we found and seized eleven .22 caliber live rounds and a shotgun
3 shell.
4
5

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Dated: 07-02-07


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9 OFFICER PETER RICHARDSON, Star # 1231
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City Attorney
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
DANIEL REYES IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Daniel Reyes, #492, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 2 years.
27 2. My current assignment is patrol officer at Mission Station
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 Norteño gang, and many of its San Francisco members, including members of local
3 Norteño subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San
4 Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 5. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ROBBERY WITH FORCE at 21st and Bryant Street (Police Report #061 277 672).
23 On December 1, 2006, I was working station duty at Mission Station when a
24 Hispanic male victim walked in to report a gang related robbery that had occurred a
25 few days earlier. On November 28, 2006 at approximately 7:30 p.m., the victim was
26 walking south bound on Bryant Street when he was surrounded by approximately 15
27 suspects wearing red clothing and red bandanas over their faces. One of the suspects
28

1 grabbed the victim by his shoulders and asked him if he was a "Sureno." The victim
2 replied that he was not a "Sureno." The suspect continued to hold the victim by his
3 shoulders while the other suspects began to take the victims belongings from his
4 possession. The victim was afraid for his life and just let the suspects take his
5 possessions. The suspects stole over 14 items including the victims identification,
6 bank card, jewelry, cell phone and school books. One of the suspects said "I wanna
7 kill you," before fleeing the scene.

8
9 I declare under penalty of perjury that the foregoing is true and correct.

10 Dated: 07/02/07

11 
12 _____
13 OFFICER DANIEL REYES, #492

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
REITER IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Matthew Reiter, Star # 790, declare as follows:

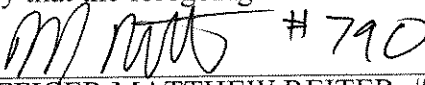
- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 1 1/2 years.
27 2. My current assignment is patrol officer at Bayview Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. ATTEMPTED ROBBERY WITH KNIFE BY SUSPECTED RIVAL GANG
15 MEMBER AGAINST KNOWN NORTEÑO GANG MEMBER (Police Report #
16 060743052) On July 13, 2006, at 9:22 pm, I was on duty with FTO Officer Oliva,
17 when we were dispatched to St. Luke's Hospital regarding stabbing. On arrival, I
18 met with the victim, Jesus "Chuey" Guerrero, a 37-year old Latin male resident of
19 Daly City and known member of the NORTEÑO criminal street gang. Mr. Guerrero
20 had two stab wounds, one to the upper back and the other to the upper portion of his
21 right arm. He told us that earlier that day, at 4:30 pm, he was at Mission and 14th
22 Streets waiting at the bus stop on the southwest corner. He said he started to walk
23 away from the bus stop, when he saw a green Datsun vehicle drive by with two Latin
24 males inside. Mr. Guerrero said: "I think they were Surenos." He saw the car park,
25 and the two Latin males get out, and approach him. The next thing he knew, his
26 necklace was being pulled from his neck from the side. He said that the first suspect
27 punched him twice in the face, once in the left eye and once in the lip. Then the
28

1 second suspect stabbed Mr. Guerrero with a knife from behind. Mr. Guerrero said he
2 was unable to get a good look at the suspects, but said they both were Latin males,
3 both 5'11", both 190 lbs, and both wearing blue hats.
4

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Dated:

7  #790
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9 OFFICER MATTHEW REITER, #790
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City Attorney
2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
REILLY IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Lynn Reilly #1141, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 7 years.
27 2. My current assignment is patrol officer at MISSION Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. ROBBERY WITH FORCE, POSSESSION OF DEADLY WEAPON WITH
15 INTENT TO ASSAULT at 26th and York Streets (Police Report # 060533847) On
16 May 19, 2006, at 9:08 pm, I was on duty and in a marked SFPD vehicle, when I was
17 dispatched to the area of York and Cesar Chavez regarding a battery being
18 committed by a large number of "Bryant Street" gang members against the caller's
19 cousin. I located two people at 2900 Cesar Chavez. One of them, a 19-year old
20 resident of San Bruno, was holding a towel to his mouth, saying that he had been
21 bleeding from the mouth. He told me that he and the man with him (his cousin), a
22 20-year old resident of the neighborhood, were at Rolph playground, located at Cesar
23 Chavez and Hampshire Street, smoking a cigarette, when he heard whistling and saw
24 a group of 12-16 young, Latin males walking toward them, most of them wearing red
25 clothing and/or accessories. The victim and his cousin began to run but several of
26 the suspects "got in my face." The victim said the only white male in the group, a
27 6'0 tall male, very thin, wearing a red beanie and black "hoodie" jacket, said, "Bryant
28

1 Street, Bryant Street, where you from?" The victim said that all the other suspects
2 repeated, "Bryant Street, Bryant Street" several times. The group blocked their path
3 and taunted them. The victim stated that four of the suspects began to hit and kick
4 him, took his jacket and rifled through his pants pocket, taking his credit card and US
5 currency. They also took his ring of his left hand. The victim's cousin stated that
6 while the victim was being attacked, he was fending off additional suspects. He said
7 that one of the suspects pulled out a black handgun and said, "I'm going to put a
8 bullet in this nigga." Both victims were vague on descriptions and details of this
9 attack.

- 10 7. LOITERING AND INTERFERING WITH TRAFFIC at Shotwell near 24th Street
11 (Police Report # 060720759) On July 7, 2006, at 8:08 pm, I was on duty with
12 Officer Reiter, in full uniform and on patrol in a marked SFPD vehicle driving
13 northbound on Shotwell toward 24th Street. I saw two males on the west side of the
14 street, later identified as Anthony "Boracho" Urbina, a 19-year old resident of Daly
15 City and known member of the NORTENO criminal street gang, and Omar Varela,
16 an 18-year old resident of Daly City and known member of the NORTENO criminal
17 street gang. Mr. Varela was wearing a red shirt over a white shirt, blue jeans, red
18 belt, and white shoes with red shoelaces. There was a third male on the east side of
19 the street, later identified as a juvenile from Oakland, who was wearing red boxer
20 shorts, and a red belt with the number "24" on it. The three were playing a
21 dangerous game involving lunging into the busy street, and passing a basketball in
22 front of the moving cars. The three were acting with total disregard for their safety,
23 the safety of others, or the property of others. We detained the three to advise them
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1 regarding their disregard for the safety of vehicles. A computer check showed that
2 Mr. Valera had an outstanding warrant. All parties advised they do not live in the
3 neighborhood or the area.
4

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Dated: 07-04-07

 #1141
7 OFFICER LYNN REILLY, #1141

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
15 Herrera, City Attorney for the City and
County of San Francisco,

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
POGGIO IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer LEONARD POGGIO, #391, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 5+
26 years.

2. In my work as a patrol officer assigned to the Mission District, I have become very familiar with Defendant Norteño gang, and many of its San Francisco members, including members of local Norteño subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
3. The Norteño gang claims its turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
4. For years, the Norteño gang has been committing a near-constant public nuisance by committing in public, at all times of day or night, drug trafficking, assaults, robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession, interference with public right of way, verbal and physical harassment and intimidation, and other conditions offensive to the senses of the community residents, merchants, and visitors.
5. Through my work, I am familiar with many of the known, admitted members or associates of Norteño gang, and I see them on the public street, within the Norteño turf and proposed Safety Zone, practically every day I am on duty.
6. Members of Norteño gang publicly identify themselves by hanging around with other members of Norteño gang, within Norteño turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
7. ROBBERY WITH FORCE at 26th Street and Mission at 11:36 pm (Police Report #063004525). On October 27, 2006, I was dispatched to the above location with another officer in response to a call that two males were trying to rob people in the area. Numerous patrol units were subsequently sent out to locate these two suspects. The two suspects were later identified as Alex Reyes and Marvin Galvez. The victim identified both as the proper subjects. While walking northbound on Mission

1 Street, between 25th and 26th, which is in the proposed Safety Zone, Mr. Reyes and
2 Mr. Galvez approached the victim, surrounded him, and started to pat him down.
3 When the victim tried to walk away, Mr. Galvez told the victim in Spanish, "shut up
4 or we will beat your ass." The victim then reached into his own pocket and threw
5 down his wallet on the ground because he believed Mr. Reyes and Mr. Galvez were
6 gang members and might have a weapon. According to the victim, Mr. Reyes picked
7 up the wallet, took the money out, and then threw the wallet on the ground. There
8 was a third party witness to this incident who saw Mr. Galvez and Mr. Reyes rob the
9 victim. That witness was afraid of gang repercussions and agreed only to be
10 interviewed over the phone. After the arrest, Mr. Galvez and Mr. Reyes were
11 transported back to Mission station where another officer took photos of both and
12 recognized Mr. Reyes and Mr. Galvez as active members of the 22nd and Bryant
13 Norteño gang.

14 8. NARCOTICS SALE WITH WEAPON at 908 Shotwell at 9:57pm (Police Report
15 #061099307). On October 14, 2006, another patrol officer and I were dispatched to
16 908 Shotwell to investigate a possible drug deal. One suspect was Hispanic, wore an
17 orange shirt and red bandana over his face. This suspect was later identified as
18 Daniel Gonzalez. He was also seen holding a gun in front of 908 Shotwell, which is
19 in the proposed Safety Zone. Mr. Gonzalez was at the time identified with William
20 Thomas Whitebone and Juan M. Barrera. On October 13, 2006, there was a reported
21 shooting one block away, and a triple shooting nearby at 24th and York. I know that
22 the area around 23rd and Shotwell is Norteño street gang territory and that the gang
23 members wear red clothing and apparel. When my patrol partner and I initiated a
24 consensual encounter with Gonzalez, Whitebone and Barrera, Gonzalez, who was
25 holding a red bandana, dropped the bandana to the ground as I walked up to him. He
26 also threw what I recognized to be a copper-colored bullet on the ground near a
27 garbage can. Recognizing the bullet, we believed these suspects to be possessing
28

1 firearms so we detained them at gunpoint for our safety and requested additional
2 Mission Station units. All three suspects were handcuffed. Subsequently, I searched
3 the area and found the bullet on the ground. Officers on the scene began looking for
4 a possible handgun outside 908 Shotwell. Officers on the scene also saw
5 approximately 3 inches of a silver handgun barrel lying partially covered by a white
6 t-shirt on the passenger side rear seat of a vehicle that was registered to Mr.
7 Gonzalez. This vehicle was parked in front of 908 Shotwell. The handgun was
8 loaded. Because the handgun was found in Mr. Gonzalez's registered vehicle, he
9 was arrested for charges N/W 12031(2)(d) PC and N/W 12025(b)(4)(PC. Mr.
10 Gonzalez was subsequently booked at Mission Station.

11 9. BATTERY VICTIM AT 26th Street and South Van Ness (Police Report

12 #050657811). On May 8, 2005, I was working the front desk at Mission Station and
13 a victim reported a battery, which took place a month before. The victim reported
14 that was walking home in the area of 26th and South Van Ness, which is in the
15 proposed Safety Zone, and a group of 10 Hispanic males approached him using
16 profanity. These individuals were wearing mostly red clothing and the victim
17 recognized them as Norteño gang members. One of the suspects punched the victim
18 on the side of his left eye causing him to fall to the ground. The male suspects then,
19 as a group, kicked the victim while on the ground and caused a one-inch cut above
20 his right eyebrow. The victim was then able to escape and subsequently transported
21 himself to San Francisco General Hospital for treatment. The victim was not able to
22 recognize any of the suspects.

23
24 I declare under penalty of perjury that the foregoing is true and correct.

25 Dated:

7/4/07

25 Leonard Poggio #391
26 OFFICER LEONARD POGGIO, #391
27
28

1 DENNIS J. HERRERA, State Bar #139669
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2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
PADILLA IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Sean Padilla, Star # 4177, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 5
26 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and the proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. GUN on South Van Ness Avenue, between 25th and 26th Streets (Police Report #060-
23 165-412). On February 12, 2006, at 8:08pm, I was on duty with my partner, Officer
24 Duarte, and patrolling the area of South Van Ness between 25th and 26th Streets. An
25 admitted member of NORTEÑO gang (Rufino Gutierrez aka "Phino") had recently
26 been killed and his funeral had been held the weekend before. We were focused on
27 preventing gang retaliation violence. We were driving on South Van Ness just past
28

1 25th Street, when I saw two Latin males, later identified as **Jose Amador** and a
2 juvenile, both of whom ducked down and tried to conceal themselves from our view
3 behind an SUV. I stopped my car in front of 128 South Van Ness, as the two males
4 attempted to walk away towards 25th Street. As I got out of my car, I heard a
5 distinctive sound from behind the SUV, like the sound of a gun hitting the ground. I
6 detained the two males, and ordered them to sit down on the steps. During the
7 detention, Mr. Amador, also known as "**Pee Wee**," an admitted member of the LNS
8 subset/cliq̃ue of Defendant NORTEÑO gang, who was on probation at the time,
9 acted very nervously and eventually jumped to his feet and ran across South Van
10 Ness towards 25th Street. We chased Mr. Amador but were not able to find him.
11 While chasing Mr. Amador, the juvenile ran away. I asked people in the area to help
12 me locate the juvenile. A witness told me that after I left to find Amador, the
13 juvenile had retrieved a gun from under the SUV and then ran towards 26th Street. I
14 drove to the corner of South Van Ness and 26th, where several members of
15 NORTEÑO loiter and deal drugs. While there, the juvenile reappeared and walked
16 towards me from Cypress Alley. The juvenile, also an admitted member of the
17 NORTEÑO gang, stated that he was coming from "Phino's funeral." The juvenile
18 was detained. Meanwhile, other officers located Mr. Amador hiding under a car
19 located at 25th and Shotwell Streets, and then brought him to our location at 26th and
20 South Van Ness. Officer Duarte searched Cypress Alley and immediately located a
21 stolen, loaded, .45-caliber semi-automatic handgun in a pile of trash. Surveillance
22 from a nearby liquor store showed the juvenile walking quickly on South Van Ness,
23 holding his waistband, then walking westbound on 26th towards Cypress Alley,
24 where the gun was found. When arrested, Mr. Amador had a T shirt with a photo of
25 the deceased member of NORTEÑO, a cell phone, a camera, a red felt tip marking
26 pen, and a red ribbon with writing mourning deceased gang member.

1 9. AGGRAVATED ASSAULT WITH GUN at 3308 26th Street near South Van Ness
2 (Police Report # 060006985). On January 2, 2006 at 8:56pm, I was on duty, and
3 along with Officer Duarte and other officers, I responded to the area around 26th and
4 Capp Streets regarding multiple gunshots fired. The victim, Miguel Sanchez aka
5 "Migs," was brought to San Francisco General Hospital by his girlfriend and another
6 friend, Royal Leblanc Wallace. Mr. Sanchez later admitted to us that he is a member
7 of "LNS" (Locos North Side), a San Francisco-based subset/cliq^{ue} of the
8 NORTEÑO gang. According to the victim's girlfriend, she saw the victim get shot
9 by an unknown Hispanic male in front of the liquor store at 26th and South Van Ness,
10 but was unable to provide any additional information about the shooter. We found a
11 knife in a metal sheath under the passenger seat of the victim's girlfriend's car. The
12 case was then assigned to Gang Task Force.


13
14
15 10. POSSESSION OF FIREARM at 3262 24th Street (Police Report #070487159). On
16 May 13, 2007, at 1:30 am, I was on duty with Officer Cowhig, patrolling the area of
17 24th and Folsom Streets. On the corner of 24th and Folsom, I observed several Latin
18 males who I took to be members of the NORTEÑO criminal street gang, because
19 they were in the heart of NORTEÑO territory (24th Street), appeared to be loitering,
20 and were wearing Giants baseball jerseys and hats, typical for NORTEÑO gang
21 members. As I drove by, they separated and walked in different directions. One of
22 the Latin males, Alberto Terrez began walking on 24th toward Capp Street. He
23 repeatedly looked over his shoulder at me, which caused me to become suspicious. I
24 conducted a stop and performed a quick search for weapons. During the pat down, I
25 felt the handle of a metal object inside of his waistband, which turned out to be a
26 loaded .40 caliber handgun for which he had no permit. Mr. Terrez turned out to
27 have a criminal record with several arrests for gang participation, narcotics sales,
28

1 robbery, assault, and weapons. I also discovered that Mr. Terrez was on probation
2 through 2009 with a warrantless search condition.
3

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Dated:

7/2/07

 4177
OFFICER SEAN PADILLA, Star # 4177

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Chief Attorney, Neighborhood and Resident Safety Division
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Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
STEPHANIE OTAGURO IN SUPPORT
OF EX PARTE APPLICATION FOR
ORDER TO SHOW CAUSE RE:
PRELIMINARY GANG INJUNCTION
AND PRELIMINARY GANG
INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer Stephanie Otaguro, #1659, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 8
26 years.
27 2. My current assignment is patrol officer at Ingleside Station
28

1 3. ROBBERY on STREET OR PUBLIC PLACE with FORCE at Paris and Excelsior
2 Street (Police Report #060 563 941). On May 28, 2006 at approximately 12:46 a.m.,
3 Officer Weidman, #1600, and I, along with several officers responded to Paris and
4 Excelsior Street regarding a robbery. We searched the area for suspects and the
5 vehicle to no avail. We met with the victim and I observed that he had bruising to
6 the forehead, lefteye and nose. I also observed abrasions to his left knee. The victim
7 said he was kicked in the head and face area several times. The victim was walking
8 home when he saw a white truck pass him on the street. As he contiuned walking he
9 noticed that the truck had stopped and three unknown suspects were out of the
10 vehicle. He was approached by a Hispanic male, later identified as Michael
11 Sanchez, who bear hugged him. He tried to break away and run but a second
12 unknown suspect grabbed him from behind. Sanchez and the second unknown
13 suspect began to punch the victim with closed fists several times in the face. The
14 victim began to yell and told the victims to stop. The victim could hear the suspects
15 laughing at him. The second unknown suspect wrestled the victim to the ground and
16 was on top of him to prevent him from getting up. Sanchez and the second
17 unknownn suspect began to kick the victim in the face and head area. The victim
18 then heard someone yelling and stating that they were going to call the police.
19 Sanchez, the second unknown suspect and the third unknown suspect, who was just
20 standing by the vehicle, all got into the vehicle and fled the area. The victim went
21 home and called police. The victim said that he could possibly identify suspect one
22 and two. The victims wallet was also stolen from his person during the incident.
23 Officer Weidman spoke to a witness who said he heard yelling. He said he looked
24 out hiswindow and saw two suspects on top of the victim. He yelled at the suspects
25 to stop but they did not. He then yelled that he was going to call the police. He said
26 the suspects then got into a silver Ford F150 and fled the scene. The witness then
27 said that the suspects went around the block and then down the street again. The
28

1 witness said he could not identify any of the suspects. As I was completing the report
2 for this incident, Dispatch notified the Ingleside Units that Mission Station Unit
3 (3D14E) stopped a vehicle that was involved in a shooting in their district and also
4 matched the description and license plate in this robbery. We were informed that
5 they had suspects detained as well. I contacted the victim who agreed to identify the
6 possible suspects. I read the cold show admonition to him and transported the victim
7 to Mission and 22nd Street where he positively identified Michael Sanchez. The
8 victim stated "that's the guy who bear hugged me!" All other suspects were not
9 positively identified by the victim. The victim also positively identified the vehicle.
10 Officer Lynch, # 4099, searched the vehicle and found and seized the victim's stolen
11 property in the front passenger side door panel pocket. The victim was transported
12 to Mission Station where he was interviewed by Officer Molina, #1586 from Gang
13 Task Force. Michael Sanchez was booked at Mission Station.

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Dated:

 #1659 7-9-07

OFFICER STEPHANIE OTAGURO, #1659

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

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ORTEGA IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer GLENN ORTEGA, #2226, declare as follows:

25 1. I am employed as a San Francisco Police Officer, and have been so employed for

26 11 years.
27
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. AGGRAVATED ASSAULT OF A PREGNANT VICTIM WITH FORCE AND
23 BATTERY WITH SERIOUS INJURIES at 22nd Street and Alabama Street at
24 10:20pm. (Police Report #040711007). On June 21, 2004, Officer Lopez and I were
25 dispatched to 22nd Street and Bryant Street regarding an assault with a bat. Upon
26 arrival at the scene we were directed by witnesses to investigate a vehicle. We
27 detained the driver, a juvenile, and Anna Laura Behena, the passenger, pending our
28

1 investigation. Two other patrol officers responding to the call from dispatch were
2 subsequently able to locate two victims. One victim was 3 months pregnant at the
3 time. Both victims were struck by a baseball bat. Medics arrived on the scene to
4 evaluate the victims' condition. As part of our investigation, patrol officers on the
5 scene interviewed several witnesses to the incident, and some of those witnesses
6 were able to positively identify the suspects. One victim, who was 3 months
7 pregnant, told me that she was from Los Angeles and in San Francisco on vacation.
8 She was walking in the area of 22nd and Alabama when a gold colored vehicle pulled
9 up to them. The vehicle contained three suspects. Suspect Bahena was wearing a
10 red jacket. Ms. Bahena then yelled out in Spanish, "que rifas?" which means, "What
11 gang do you claim?" According to the victim, she could see that Ms. Bahena was
12 holding a small aluminum baseball bat behind her back. Ms. Bahena then ordered
13 the victim to unzip her sweatshirt to see what color shirt she had on. While
14 unzipping her sweatshirt, the victim told her that she was not in a gang and was
15 pregnant. When Ms. Bahena saw that the victim was wearing a blue t-shirt, Ms.
16 Bahena attacked the victim and struck her on the head with the bat. Ms. Bahena then
17 struck the victim on the right bicep and right knee with the bat. The juvenile suspect
18 then joined the assault and battery and began kicking and punching the victim. The
19 altercation then quickly escalated and involved another victim and suspect.
20 Numerous people then began yelling at the group to stop fighting. The suspects then
21 suddenly stopped and ran towards the parked vehicle. The three suspects then got ///

22 ///

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24 ///

25 ///


26 ///

1 into the vehicle and fled the scene. Several minutes later the vehicle returned with 2
2 out of the 3 suspects, and then we arrived on the scene. We arrested the 2 suspects in
3 the vehicle and transported them to Mission Station.
4

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
6 and correct.

7 Dated:

8 7/3/07

9  # 2226
10 OFFICER GLENN ORTEGA, #2226
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1 DENNIS J. HERRERA, State Bar #139669
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Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

18
19 NORTEÑO, a criminal street gang sued as
an unincorporated association, and DOE
20 ONE through DOE FIVE HUNDRED,
inclusive,,
21

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
O'CONNOR IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Brendan O'Connor #435, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 2 years.
26 2. My current assignment is patrol officer at Mission Station.
27
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. CRIMINAL THREATS, LOITERING, TRESPASSING, PUBLIC INTOXICATION
23 at Bartlett Street between 25th and 26th Streets) (Police Report #070485802) On
24 May 12, 2007, at 3:51 pm, I was on duty with Officer Daugherty, and we responded
25 to 349 Bartlett (between 25th and 26th Streets) regarding a threat. We met with the
26 victims who live at this address, who told us that at 2:50 that afternoon, an unknown
27 Latin male wearing a red jacket, carrying a red backpack, and smelling of alcohol,
28

1 was sitting on the front steps of their home with two females. One of the victims
2 stated that they had recently had problems with people hanging around on the steps
3 to their home, drinking alcohol and dealing narcotics. The victim told us that he
4 asked the three people to get off of his steps, prompting the Latin male to say,
5 "Maybe this place will burn down, you son of a bitch." The victim said that this
6 statement "scared the hell out me," so he wanted to file a police report.

7
8
9 I declare under penalty of perjury that the foregoing is true and correct.

10
11 Dated:

07/05/07

 #435
OFFICER BRENDAN O'CONNOR, Star #435

1 DENNIS J. HERRERA, State Bar #139669
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2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER NG
IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Charlie Ng, #1832, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 1 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. ROBBERY W/ KNIFE AND AGGRAVATED ASSAULT WITH KNIFE at 24th
15 and Shotwell Streets at 2:32 am (Police Report # 070180325) On February 19, 2007,
16 at 2:38 am, I was on duty with FTO Oliva, when we were dispatched to respond to
17 24th Street regarding a person stabbed in the neck. Upon our arrival, I observed that
18 four other officers were on the scene, and that there were two victims: one was
19 sitting on the sidewalk in front of the Guadalajara Taqueria; the other was sitting
20 inside the taqueria. I could see that the first victim had a six-inch long superficial cut
21 on his chest, and a half-inch laceration on his hand, which was bleeding. I rode with
22 the SFFD medic which transported the victims to SF General Hospital. I spoke with
23 both victims. The first told me that at approximately 2:32 am, he was walking
24 eastbound on the north side of 24th Street. As he was approaching Shotwell Street,
25 two unknown Latin males came up from behind, stopped him, and asked him for
26 money in Spanish. One suspect was described as a Latin male, 20-25, 6'0", 250 lbs
27 and a mustache, wearing all blue clothing. The other suspect was described as a
28

1 Latin male, 5'2, 150lbs, long hair, and all blue clothing. One suspect grabbed the
2 victim from behind, with both hands, prompting the victim to yell for help. The
3 suspects told the victim that if he didn't give them money, they would kill him. One
4 suspect told the victim "te va a cagar la chingada madre" which the victim took to
5 mean that he was going to be seriously hurt or even killed. The victim was fearful
6 for his life. One of the suspects pulled out a knife with his right hand and placed it
7 around the victim's neck. Then the suspect searched the victim for money and found
8 \$100 in US currency in the victim's pants pocket. The second victim came out of
9 the taqueria, saw the robbery and came over to help the victim, but the suspect
10 stabbed him. I spoke to the second victim who told me that he left the taqueria, and
11 was walking westbound on 24th Street when he saw the suspects robbing the first
12 victim, and told the suspects to "leave him alone." The suspect with the knife swung
13 the knife and cut the second victim on the left side of his neck. A witness to the
14 incident told the police that he was the suspects robbing the victim, and then saw one
15 of the suspects walk into El Farolito Restaurant at 2779 Mission. Police responded
16 to 2779 Folsom Street, and met with the security guard. The guard said that he saw
17 the suspects and saw one stabbing a tree with knife, and then throw it to the ground.
18 The guard picked the knife up and threw it in the garbage can. The guard showed us
19 the knife which we recovered, and showed to the victims, who both positively
20 identified the knife as the one used in the attacks.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Dated: 07/05/07

23  1832
24 _____
25 OFFICER CHARLIE NG, #1832
26
27
28

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

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

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
NEVES IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Matthew Neves, Star #587, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 5 years.
26 2. My current assignment is patrol officer at Mission Station.
27
28

- 1 3. In my work as a patrol officer in the Mission District, I have become very familiar
2 with Defendant NORTEÑO gang, and many of its San Francisco members, including
3 members of local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd
4 and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ROBBERY with FORCE and MARIJUANA OFFENSE at 3275 24th Street (Police
23 Report #050 284 533). On March 13, 2006, at approximately 5: 58 p.m., Officer
24 McMahan, # 1797, and I, were in full uniform and driving a marked patrol vehicle.
25 While on foot on the northeast corner of Mission and 24th Street, I was approached
26 by a Hispanic male, who spoke only Spanish. He showed me an empty wallet and in
27 Spanish said something about someone in red taking his money. Officer McMahan
28

1 advised dispatch of the incident. The victim kept pointing over at the area of 24th
2 and Capp Street. I placed the victim in the back of my patrol vehicle and we
3 searched for the suspects. As we approached the intersection at 24th and Capp
4 Streets, the victim pointed to two Hispanic males leaning against a car. We detained
5 the two Hispanic males, identified as Hector Garcia and Alex Reyes. Both Garcia
6 and Reyes were wearing clothes with red as the predominant color. The lower 24th
7 Street area is known turf for the NORTEÑO street gang. Through my training and
8 experience, I know NORTEÑO gang members identify themselves by wearing red
9 clothing. Hector Garcia is a known NORTEÑO gang member. He is familiar to
10 many of the officers at Mission police station as a NORTEÑO gang member who
11 goes by the street name of "Pulga." Sergeant Perez, #2217, responded to our location
12 to provide translation for the victim. The victim said, "I was robbed in the Carlos
13 Club." The Carlos Club is a bar located at 3278 24th Street. When asked who
14 robbed him, the victim replied, "that guy right there with the bald head stole my
15 money." The victim then pointed at Mr. Garcia and identified him as the man who
16 had robbed him. When asked if anyone else was involved in the robbery the victim
17 stated, "yes, there was another man but you don't have him, I don't know who he is."
18 Sgt. Perez pointed to Mr. Reyes and asked the victim if he was involved and the
19 victim stated, "No, he was not there." Officer McMahan placed Mr. Garcia under
20 arrest. In a search incident to arrest, Officer McMahan discovered a baggie of
21 suspected marijuana in Mr. Garcia's right front pants pocket. Mr. Garcia was then
22 transported to Mission Police Station. Mr. Reyes was released per 849(b) PC.
23 Officer Martinez, #4190, assisted with further questioning of the victim in Spanish at
24 Mission Police Station. The victim said he was in Carlos Club playing pool when he
25 saw the suspect walk in. The victim said "I recognize him from around 24th Street
26 and the Carlos Club, but I don't know his name." The victim asked Garcia if he
27 wanted a beer to which Garcia replied, "Are you buying?" The victim replied that he
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1 was and bought two beers. He then pulled out his wallet and paid. The victim said
2 he had about \$380.00. He believed the suspect had seen the money because he
3 pulled out his wallet and paid right in front of him. When the two finished their
4 beers, Mr. Garcia asked him if he wanted to go have a cigarette. They walked out
5 into the back patio area of the bar. The victim walked to the back corner area of the
6 patio and was urinating when Garcia came up behind him, wrapped his right arm
7 around the victim's neck and stated in Spanish, "Give me your money." The victim
8 replied, "what are you talking about, what's going on." Garcia again stated, "give me
9 your money." The victim began to struggle and was trying to pull away when Garcia
10 pulled him back and they both fell to the ground. Garcia was holding him with one
11 hand and trying to reach into his pockets with the other hand when a second
12 unknown male ran up to them. Garcia then stated to the unknown suspect "look in
13 his pockets, he has money." Garcia was also yelling at the victim, "take out your
14 money, give it to me." The victim kept saying, "I don't have any money." The
15 unknown suspect kept saying to Garcia, "He doesn't have any money, he doesn't
16 have any." Garcia responded, "he has it, I saw it." The victim was laying on his
17 back right pocket so that they could not get his wallet out, however the unknown
18 suspect eventually found the wallet and pulled it out of his pocket. He then stated to
19 Garcia, "I got it, let him go." The victim then saw the suspect take his money out of
20 his wallet and proceed to throw the wallet back at the victim. The suspect then
21 jumped over the back fence of the Carlos Club and Garcia walked back into the bar.
22 When the victim went back inside, Garcia was gone. The victim then told the owner
23 he had been robbed and asked some people to call the police for him. The victim
24 waited for police about 15 minutes when he saw a police car coming and flagged it
25 down. Sgt. Limbert, #689, who was in the vehicle responded but was unable to
26 understand the victim because he does not speak Spanish. From what Sgt. Limbert
27 was able to understand, it seemed that the victim had been robbed. The victim
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1 pointed at about four males all dressed in mostly red. Sgt. Limbert went over to
2 detain the men in front of Carlos bar at 3278 24th Street, when one of the men ran
3 into the Bar and out onto the back patio. Sgt. Limbert went after the man but when
4 he reached the patio the man was gone. When Sgt. Limbert returned to the front of
5 the bar, everyone, including the victim was gone. When asked why he left the area,
6 the victim replied " I was frustrated because the guys who robbed me got away and
7 the police did not speak Spanish so I left to find more police who speak Spanish."
8 The victim said that the man that Sgt. Limbert chased was the unknown suspect
9 involved in the robbery. The victim said he was unable to call police because he
10 does not have a cell phone. He said that he asked other people to call for him, but no
11 one did so he just waited until I saw more police drive by. Officer Keith, #2222
12 responded to Carlos Club and spoke to the owner. Officer Keith asked him if he
13 knew what had happened and he stated, "yes the man got robbed." The owner stated,
14 "he was hanging out with NORTEÑO gang members and I saw them go into the
15 back." The owner stated that he would be able to identify the men if saw them again.
16 Officer Keith retrieved the surveillance video for the bar and issued the owner a
17 property receipt for it. Photos were taken of the victim's scratches on the left side of
18 his neck and the left side of his back. Hector Garcia was booked. Upon arrival at
19 Mission Station, Officer Heidohrn searched Garcia and recovered \$420.00 from
20 Garcia's wallet located in his right rear pants pocket and \$30.00 from his left front
21 pants pocket. I took control of the currency and Officer McMahan booked it into
22 evidence at Mission Station. We also confiscated Garcia's clothing, which consisted
23 of a white jersey, black pants, one red handkerchief, one red t-shirt and one red
24 belt and booked them into evidence. We were unable to review the entire
25 surveillance tape, but what was reviewed showed the victim and suspect in the bar at
26 the same time. All evidence was booked at Mission Station.

1 9. COCAINE BASE, ROCK OFFENSE and TRANSPORTATION OF COCAINE at
2 La Raza Park (Police Report # 041 120 966) On September 30, 2004, at
3 approximately 12:12 p.m., Officer Manfredi, Star #4193, and I, were in full uniform
4 and assigned to walk the foot beat along the 24th Street corridor. At approximately
5 12:00 p.m., we entered "La Raza Park" on the Utah Street entrance. We observed
6 Hector Garcia and Luis Ramirez walk into La Raza Park from along Potrero Street.
7 Garcia was walking with what appeared to be an open bottle of beer in his right
8 hand. We recognized Garcia from prior contacts, one contact being the day prior (9-
9 24-04). Garcia was wearing a white and red jersey with brown pants. We then
10 began walking towards Garcia and he looked directly at us. Officer Manfredi
11 motioned for Garcia to come over to us, but he began to walk away towards the park
12 exit on Utah Street. Ramirez was following behind him. Officer Manfredi stated,
13 "Hector come here we just want to talk to you." Garcia then began walking at a high
14 rate of speed and exited the park with Ramirez about 15 feet behind him. We caught
15 up to Garcia and Ramirez and detained them both. Garcia had a closed bottle of
16 Corona beer in his hand. Ramirez had a closed bottle of "HPNOTIQ" vodka in his
17 right hand. Just as Garcia rounded the corner and was out of sight, Officer Manfredi
18 informed me that he heard something hit the ground. He motioned towards the
19 street. I looked and saw an orange pill container on the street. I walked to the
20 container and picked it up. Upon looking into the container, I discovered a plastic
21 baggie containing a white substance, which through my training and experience, I
22 believed to be cocaine. Below the first plastic baggie was a second plastic baggie
23 containing off white colored rocks, which through training and experience, I believed
24 to be crack cocaine. Officer Manfredi and I maintained visual contact of Ramirez
25 the entire time and did not see him throw anything from his person. Garcia had only
26 been out of our site for approximately 3 seconds after rounding the corner.
27 Considering that Officer Manfredi had heard the sound of something hitting the
28

1 ground in the area where I found the container, just after Garcia rounded the corner,
2 we determined that the suspected cocaine and crack cocaine were in the possession
3 of Garcia. We placed him under arrest and he was transported to Mission Station.
4 Ramirez was advised and released per 849(b) PC. The only other person on the
5 block where we detained Garcia and Ramirez was a male who had been sweeping up
6 the leaves on the sidewalk. When asked if he saw Garcia throw anything he stated
7 "No, I wasn't paying attention, I couldn't hear anything either, I'm wearing
8 headphones." The suspected narcotics were hand delivered to the narcotics drop box
9 at 850 Bryant Street. Drug dealers and users often conceal drugs on their person.
10 Due to this fact, Officer Manfredi conducted a strip search of Garcia at Mission
11 Station with negative results. Garcia was booked at Mission Station. Officer
12 Manfredi booked all evidence at Mission Station.

13
14 I declare under penalty of perjury that the foregoing is true and correct.

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16 Dated:

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 # 587 7-4-07

OFFICER MATTHEW NEVES, Star #587

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2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
15 Herrera, City Attorney for the City and
County of San Francisco,

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
NELSON IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:


23 I, Officer Michael Nelson, Star # 1676, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for 11
25 years.
26 2. My current assignment is officer at Gang Task Force.
27
28

1 3. POSSESSION OF CRACK COCAINE FOR SALE at 165 Cypress Street between
2 25th and 26th Streets (Police Report #060776514) On July 22, 2006, at 5:28pm, I
3 was on plain clothes duty working Violence Reduction Response for the Gang Task
4 Force in the Mission District. We were driving eastbound on 26th Street at Cypress,
5 when I observed three Latin male adults standing in a semi-circle in the middle of
6 Cypress Street. One of the three, Jose Alberti, a 19-year old resident of Turk Street
7 in San Francisco, who was wearing a red shirt, which I know to be associated with
8 the NORTEÑO criminal street gang, appeared to be showing the other two, much
9 older men something in his hand. As we approached, I saw Mr. Alberti stuff a
10 plastic baggie inside of his waistband as he started to turn and walk away from us. I
11 detained Mr. Alberti, and recovered a plastic baggie with crack cocaine from the
12 front waistband of Mr. Alberti's jeans. I found another plastic baggie with crack
13 cocaine on the left side of his waistband. Mr. Alberti was not in possession of any
14 means to ingest the crack cocaine. Later, it was determined that Mr. Alberti's phone
15 had several gang-related photos in it, including the Welga bird with a hand-written
16 "14," and two individuals that frequent 24th Street, throwing "14" gang signs.

17
18
19 I declare under penalty of perjury that the foregoing is true and correct.

20
21 Dated: 07/03/07

22  #1676
OFFICER MICHAEL NELSON, Star # 1676

1 DENNIS J. HERRERA, State Bar #139669
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
NAJARRO IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Elmer Najarro, Star #1078, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 over seven years.
26 2. My current assignment is patrol officer at Southern Station. prior to this assignment,
27 I was at Mission Police Station for approximately five years.
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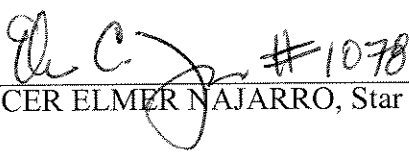
- 1 3. In my work in the Mission District, I have become familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. Loitering at 24th and Capp (FI#0401127) On September 4, 2004, at approximately
23 9:20 p.m., I observed Hector Barrera on 24th and Capp Street. I know Mr. Barrera to
24 be a NORTEÑO gang member. Through my training and experience, I know that
25 NORTEÑO gang members display their gang affiliation by wearing red colored
26 accessories and clothing. On this date, Mr. Barerra was wearing red colored shoes.

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Mr. Barrera told me that he resides at 1641 Newcomb Street, which is outside of the proposed Safety Zone.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/2/07

 #1078

OFFICER ELMER NAJARRO, Star #1078

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2 ALEX G. TSE, State Bar #152348
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
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16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
MUSTAFICH IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Carlos Mustafich, Star #1774, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 8 years.
26 2. My current assignment is plain-clothes officer at Bayview Police Station.
27
28

1 3. COCAINE BASE ROCK POSSESSION FOR SALE, METHAMPHETAMINE
2 OFFENSE, PROBATION VIOLATION (Police Report #051 097 935) On
3 September 29, 2005, at approximately 4: 30 p.m., Officers Solares, # 2011, Dejesus,
4 #247, Fitzpatrick, #114, and I were working in a plain clothes capacity in the
5 Bayview district in an unmarked car. We were traveling west on McKinnon Street
6 when I saw Walter Bonilla, Joseph Aguayo, and Eddie Ellenberg in front of 1715
7 McKinnon. I know Aguayo from prior contacts and know him to be on felony
8 probation with a search condition. I know him to live at 1715 McKinnon. We exited
9 our vehicle and approached the three subjects. I contacted Aguayo and began
10 searching him. I asked him if he was still living with his mother and he replied,
11 "yes." Officer Solares contacted Bonilla who told him that he was on felony
12 probation with a search condition and that he was moving from his prior address.
13 Officer Fitzpatrick contacted Ellenberg who stated that he also was on felony
14 probation with a search condition. I instructed Officer DeJesus to conduct a
15 probation search of Joseph Aguayo's residence at 1715 McKinnon. Aguayo became
16 extremely nervous and began saying that he was not getting along with his mother
17 and that he was looking to move out. Officer DeJesus entered the house and
18 immediately saw a male, identified as Elvis Martinez, sitting on a small bed in a
19 bedroom just to the left of the front door entrance to the house. Officer DeJesus
20 walked Mr. Martinez out of the house and began a probation search. Officer
21 DeJesus located in plainview, 3 plastic bindles containing numerous rocks of
22 suspected crack cocaine located on the floor. I began to assist Officer DeJesus, and
23 located a plastic baggie containing 30 rocks individually wrapped in plastic on the
24 bed closest to the door leading to the hallway. Officer DeJesus located a plastic bag
25 containing 8 blue tablets of suspected ecstasy and 2 plastic bags containing suspected
26 methamphetamine on the floor. I lifted the mattress to the bed closest to the door
27 leading to the hall and located a pill container containing 15 codeine pills. Next to
28

1 the pill bottle, I located a black .38 caliber revolver with a brown handle. Officer
2 DeJesus also found numerous plastic baggies (packaging materials-dime bags) and a
3 box of plastic baggies on the ground. Officer DeJesus found a black digital scale and
4 a silver and green scale on top of a black speaker located between both beds. Officer
5 DeJesus found indicia for Elvis Martinez under a small bed located farthest from the
6 door leading to the hallway. Officer DeJesus also located seven pieces of indicia for
7 Walter Bonilla underneath the bed where the firearm was. Officer DeJesus found
8 indicia for Joseph Aguayo on the ground near the door leading to the hallway and a
9 photo album containing numerous photos next to the indicia for Mr. Bonilla. I
10 located a blue bullet resistant vest located under the mattress in the bedroom adjacent
11 to where most of the evidence was found. Officer Fitzpatrick took a total of 19
12 photos of the handgun, which he later booked at Bayview Police Station. Ellenberg
13 was released per 849(b)PC. Upon conducting a search prior to transport, Officer
14 Erb, #686, found a plastic baggie containing numerous rocks of suspected crack
15 cocaine falling from inside Mr. Bonilla's right pant leg. The subjects were
16 transported to Bayview Police Station. At Bayview Police Station, Sergeant Fabbri
17 approved a strip search of Bonilla, Aguayo and Martinez. While conducting the strip
18 search of Martinez, Officer Fitzpatrick found a plastic bindle containing 5 off white
19 rocks of suspected crack cocaine between Martinez' buttocks. I contacted Officer
20 Molina, #1586, of the Gang Task Force Unit and informed him of the incident. Both
21 he and Inspector Lau, #1476, responded and conducted interviews of the three
22 subjects. Officer Molina informed me that Bonilla, Aguayo and Martinez were all
23 validated active NORTEÑO gang members and instructed me that they should be
24 charged with 186.22(a)PC. Officer DeJesus sealed the suspected narcotics in my
25 presence and hand carried them to the narcotics drop box at 850 Bryant Street.
26 Officer Fitzpatrick booked the strip search forms and photo disk. Officer Mar, #547,
27 of CSI responded and processed the handgun. Officer Solares then booked the
28

1 handgun, along with 6 live rounds, which were inside of the handgun at Bayview
2 Police Station. Aguayo, Bonilla and Martinez were booked for possession of
3 cocaine base for sale, methamphetamine offense and probation violation.

4 I declare under penalty of perjury that the foregoing is true and correct.

5
6 Dated:

7 7-4-07

8  #1774

9 OFFICER CARLOS MUSTAFICH, Star # 1774

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
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Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

18 NORTEÑO CRIMINAL STREET
19 GANG, and DOE ONE through DOE
20 FIVE HUNDRED, inclusive,

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
MICHAEL KENNETH MOODY IN
SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24
25 I, Officer MICHAEL KENNETH MOODY, declare as follows:

- 26 1. I am employed as a San Francisco Police Officer, and have been so employed for
27 7 years.
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
22 7. CARRYING A CONCEALED WEAPON WITH A FELONY OR NARCOTICS
23 CONVICTION at 1210 Hampshire at 23:47. (Police Report #050278592). On
24 March 11, 2005, Officers Sanchez, Richardson, Zachos and I were working in plain-
25 clothes capacity in the area of 25th and Hampshire Streets. As we drove northbound
26 on Hampshire from 25th to 24th Streets, I observed four individuals leaning against
27 the wall in front of 1210 Hampshire Street. The four individuals were named
28

1 Manriquez, Martinez, Guevara, and Ramirez. Three of the four individual were
2 dressed in red attire: Manriquez was wearing a red t-shirt; Guevara was wearing red
3 and white tennis shoes and a red beanie cap; and Ramirez was wearing red and blue
4 tennis shoes. As we drove by, Manriquez looked in our direction and appeared
5 startled. I then saw Manriquez, a resident of Daly City, take his right hand and place
6 a chrome revolver into his waistband area and then walk northbound on Hampshire.
7 All three other suspects, Martinez, Guevara and Ramirez, also attempted to leave the
8 scene. We halted the four suspects. Officer Zachos seized the chrome revolver from
9 Manriquez. Officer Sanchez seized suspected narcotics from Martinez. Officer
10 Richardson informed me that Manriquez is on felony probation for a drug-related
11 offense. Officer Richardson also informed me that Manriquez is a validated
12 NORTEÑO and that his street moniker is "Pancake." Manriquez and Martinez were
13 arrested and booked at Mission Station.

- 14 8. POSSESSION OF AMPHETAMINE AND COCAINE FOR SALE at 25th and York
15 Streets at 19:26. (Police Report #060663842). On June 22, 2006, Sergeant Brown,
16 Officer Grenier and I were working in a plain clothes capacity in the area of 26th and
17 Harrison Streets. We were targeting this area because of the high volume of gang
18 and narcotics crime in the area. While traveling southbound on Harrison Street from
19 26th Street we saw a vehicle operated by Ernesto "Spooks" Arroyo, an admitted
20 NORTEÑO gang member. I also know Arroyo to be on felony probation. While
21 observing the vehicle driven by Arroyo, I watched the vehicle ignore three arterial
22 stop signs at 26th and Harrison Streets, 25th and Harrison Streets, and Florida and
23 York Streets. We ordered Arroyo to pull over, Arroyo eventually stopping in front
24 of 2825 25th Street. As Sgt. Brown approached the vehicle, Arroyo looked down and
25 began to lean forward placing his left hand on the steering wheel and reaching his
26 right hand towards the floor area. Arroyo unsuccessfully tried to conceal the contents
27 of his right hand from the police. Police recovered five bags of suspected
28

1 methamphetamine from the driver side floorboard. All occupants were ordered from
2 the vehicle. In addition to Arroyo, Walter Ferretti, and a juvenile were present in the
3 vehicle. Ferretti, who was on felony probation, was found to be in possession of
4 eight off white colored rocks, suspected crack cocaine, wrapped in clear plastic. As
5 Arroyo was transported to Mission Station, an additional two off white rocks
6 wrapped in clear plastic were seized from the back seat of the police vehicle were
7 Arroyo was sitting. Arroyo was then placed on a bench in the holding area of
8 Mission Station when Officers Hampton and Kenney noticed that his right hand was
9 closed. Officers Hampton and Kenney pried open Arroyo's hand and seized an
10 additional fifteen off white rocks wrapped in clear plastic, three pieces of clear
11 plastic and one small ziploc bag containing white crystalline.

- 12 9. CARRYING A CONCEALED WEAPON AND COCAINE AND MARIJUANA
13 OFFENSES at 2764 24th Street. (Police Report #070060200). On January 1, 2007,
14 Officer Richardson and I were working in full uniform and driving an unmarked
15 vehicle in the area of in the area of 24th and Hampshire Streets. Carlos Rojas
16 ("Rojas") was standing in front of 2764 24th Street. As we pulled the unmarked car
17 directly in front of Rojas, Rojas stated, "Moody I got nothing on me but these two
18 weed pills!" I asked Rojas if he had anything else and Rojas admitted to having a
19 knife. I seized the butterfly knife with the three and a half inch blade from Rojas
20 pocket. Rojas, who had an additional, two infraction warrants, was arrested on
21 narcotics and weapons charges.

22
23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Dated:

26 7/9/07

27 

28 OFFICER MICHAEL MOODY

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD GANG
OFFICER MOLINA IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Mario Molina, Star # 1586, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 12
26 years.
27
28

- 1 2. My current assignment is Gang Officer with the Gang Task Force, focusing on Latin
2 Gangs.
- 3 3. In my work as a San Francisco Police Officer, and especially in my assignment with
4 the Gang Task Force, I have become very familiar with Latin gangs such as
5 Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such as a
6 Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
7 Alabama and 21st (21ABL). I come into contact with the Latin gang members
8 practically every day that I am on duty.
- 9 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
10 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
11 South, and San Bruno, including LaRaza Park to the East.
- 12 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
13 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
14 and red accessories, often sporting symbols and tattoos commonly associated with
15 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
16 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
17 NORTEÑO gang members also wear North Carolina University sports attire.
- 18 6. POSSESSION OF CRACK COCAINE FOR SALE at the Carlos Club Bar on 24th
19 Street near Lilac Alley (Police Report # 051088514) On September 27, 2005, at
20 6:19 pm, I was on duty with Gang Probation Officer Herrera. We were traveling
21 westbound on 24th Street approaching Mission Street, an area I know to be the turf of
22 the NORTEÑO criminal street gang and frequented by its members who engage in
23 the sales and use of illegal narcotics. I have made numerous arrests on this particular
24 block. As we drove in front of the Carlos Club bar, Herrera told me he had just seen
25 Jose "Conde" Campos at the entrance to the Carlos Club bar. I know Mr. Campos, a
26 34-year old resident of San Pablo, CA, to be an active member of the 22B clique of
27 the NORTEÑO criminal street gang, and know that he is on felony probation for a
28

1 gang-related assault with a deadly weapon, with gang conditions and a stay away
2 order from the 24th Street corridor from Guerrero to Potrero, La Raza Park, Garfield
3 Park, and Mission Street between 22nd Street and Cesar Chavez – all turf claimed by
4 the NORTEÑO criminal street gang. We arrested Mr. Campos, and, during a search
5 incident to his arrest, found a large chunk of crack cocaine in a plastic bag inside his
6 pants pocket. At the station, I took photos of Mr. Campos' gang tattoos, including: a
7 drawing of a "Pistolero" holding two smoking guns, one in each hand, wearing a
8 Pistolero hat with the number "2" "North Sider" "2" across the rim of the hat. He
9 also has two female faces, one crying and one smiling, which are indicative of the
10 gang life and the gang culture. Mr. Campos was also in possession of \$114 in mixed
11 denominations of US currency.

- 12 7. GANG GRAFFITI On March 22, 2006, I was on duty and responded to the area of
13 20th and Florida Streets regarding a citizen's complaint of gang graffiti. I saw that
14 both the southeast and southwest corners of 20th and Florida Street were marked with
15 gang graffiti. The graffiti is a challenge from the 16th and 19th Street Sure no gang
16 infiltrating the turf of the 21ABL clique of the NORTEÑO criminal street gang. On
17 the southeast corner of 20th and Florida, 19th Street Surenos had written in blue spray
18 paint, "CONS X3, Lonely, Grizz, Triggs, Moe, 19th St." 21ABL gangsters had
19 crossed out the 19th Street tags, and written in red spray paint, "21st ABL, LNS, Play,
20 Nino, Sapo." On the southwest corner of 20th and Florida Streets, the 16th St Surenos
21 had written in blue spray paint, "SUR 13, X6 ST VL." 21ABL gangsters had crossed
22 out the Sureno graffiti, and written in red spray paint, "Norte XX1 St, XX1 St." I
23 then drove to the 800 Block of Alabama Street, which is considered a stronghold for
24 21ABL. I saw that a garage located midblock on the east side of Alabama Street had
25 been sprayed with NORTEÑO graffiti, including: "ALABAMA BLOCK LOCOS
26 21st, ABL XX1 Tank Fuck the pigs." The letter "S" had been crossed out
27 throughout to show disrespect to the rival Sureno gang.
28

1 8. SHOTS FIRED, POSSESSION OF A LOADED FIREARM BY A PROHIBITED
2 PERSON at 22nd and Mission Streets at 3:21 am on May 28, 2006. (Police Report #
3 060564080) This shots fired and firearms case at 22nd and Mission Streets, that
4 occurred on May 28, 2006 at 3:21 am, was assigned to me after the initial
5 investigation was conducted by, and the initial police report was written by Officer
6 Lynch, Star # 4099, based on his on-scene investigation with Officer Lopez, Star
7 #4111 (See Declaration of Officer Lynch, filed herewith). At 3:47 am on May 28,
8 2006, I arrived at 22nd and Mission Street and met with Officers Lynch and Lopez,
9 who briefed me on the incident. From prior police contacts, arrests, and
10 investigations, I recognized Michael "Monster" Sanchez, Victor "Nino" Cano, and
11 Christian Lule, but not Victor Gutierrez. Mr. Sanchez, Mr. Cano and Mr. Lule are
12 all known to me as active members of the NORTEÑO criminal street gang. The
13 truck that they suspects had been driving and Michael Sanchez were both identified
14 as being involved with an earlier Robbery in the Ingleside District. At 4:32 am, I
15 spoke with a witness to the shots fired case. The witness told me that he was in the
16 area of Valencia and 20th Streets when he heard shots fired, and identified Carlos
17 "Droops" Carranza as the person shooting off a gun at that location. The witness
18 was at home when he heard the sound of a gunshot, and looked out the window and
19 saw a man in a blue and yellow shirt, Carlos Carranza, fire a round into something or
20 someone. A pickup truck pulled up further west. Bottles were thrown at the truck
21 and shots were fired. He saw Carranza shooting at the truck. There were 5-7 other
22 people with Carranza. Later, the witness was taken to 22nd and Mission where he
23 identified the truck that Mr. Sanchez, Mr. Cano, Mr. Lule and Mr. Gutierrez had
24 been driving as the same involved with the shooting. The witness said the first shot
25 fired was not at the truck but towards a liquor store. The witness described Mr.
26 Carranza's clothing, and later identified Mr. Carranza's sweatshirt as the one worn by
27 the shooter. I then spoke with Mr. Carranza. He told me that he was coming from
28

1 La Rondalla restaurant, when he saw a grey truck, double cabin, with nice rims,
2 maybe a Toyota, pass by. One shot was fired from the truck. The truck came back
3 from Guerrero toward Valencia, and began shooting again. The truck next came
4 westbound from Mission Street, and stopped in front of La Rondalla. Someone in
5 the truck asked, "Where you from?" A girl said, "MS 13." Someone in the truck
6 pulled a gun and fired one shot. The gun was described as silver or chrome, not a
7 revolver, and the shooter was in the back of the truck. Mr. Carranza denied being a
8 member of MS 13, but had gang-related tattoos: "PVLS Parke Vista Loco Street."
9 He has been with San Francisco MS for four years. He claimed to be a victim in this
10 incident and denied firing a gun.

11 9. POSSESSION OF LOADED FIREARM BY PROHIBITED PERSON AND

12 LOITERING BY KNOWN GANG MEMBERS at 24th and Shotwell (Liquor Store)

13 (Police Report # 060586012) On June 2, 2006, at 9:42 pm, I was on duty and riding
14 with Officer Espinoza in an unmarked vehicle eastbound on 24th Street at Shotwell.
15 We were monitoring a group of NORTEÑO criminal street gang members that were
16 loitering in the areas of 24th and Capp Street and 24th and South Van Ness Avenue,
17 both areas being NORTEÑO criminal street gang territory. I saw numerous
18 members of the 22B clique of the NORTEÑO criminal street gang loitering on the
19 southeast corner of 24th and Shotwell Streets in front of a liquor store called
20 "George's Market." I recognized Antonio "Tones" Buitrago and Salvador "Trucha"
21 Rodriguez. From numerous prior police contacts, I knew both to be active members
22 of the NORTEÑO criminal street gang. I also knew that Mr. Rodriguez, resident of
23 Silver Avenue, was on CDC parole from a gang-related incident. I knew that he had
24 gang conditions that prohibited him from loitering with other gang members or being
25 in gang territory. I made eye contact with Mr. Buitrago, who then turned and said
26 something to Mr. Rodriguez. Mr. Rodriguez looked in my direction, and began
27 walking away. I called his street name, "Trucho, wait up. Police." He began to run
28

1 into George's Market. I ran after him. I entered the store and saw his right hand
2 pulling out from under his waistband, and putting a handgun on top of the counter
3 and pushing it toward the man behind the counter. I arrested Mr. Rodriguez and
4 conducted a search of his vehicle back at Mission Station. In his vehicle, the
5 following items were found and seized: an RIP Poster featuring Roland "Chino"
6 Vallardes' photo, red T-shirts with the "RIP Chino" photos, and gang-related writing.
7 A subsequent search of Mr. Rodriguez's residence yielded the following items: a red
8 belt, a belt buckle with the letter "N," a poster and two sets of photos with gangsters
9 from the LNS and 22B cliques of the NORTEÑO criminal street gang, flashing gang
10 signs, and a cap with the Huelga bird. I recognized several members of the
11 NORTEÑO criminal street gang flashing gang signs in the photos, including: Jose
12 "Pee Wee" Amador, Antonio "Triste" Garcia, Salvador "Trucho" Rodriguez, John
13 "Grenas" Portillo, Ernesto "Spooks" Arroyo, Phillip "Filthy Phil" Junti, and Miguel
14 Sanchez.

15 10. LOITERING GANG MEMBER IN GANG TERRITORY WITH OTHER GANG
16 MEMBERS AND IN POSSESSION OF KNIFE, ALL IN VIOLATION OF

17 PROBATION CONDITIONS at 24th Street and Capp Street (Police Report #
18 061086241) On October 11, 2006, at 3:00 pm, I was on duty, and with Gang
19 Probation Officer Herrera, we were in the area of 24th and Capp Streets, the turf of
20 the NORTEÑO criminal street gang. Herrera recognized John Eaton, a 19-year old
21 resident of Fillmore Street, known member of the NORTEÑO criminal street gang,
22 and felony probationer with gang conditions. Eaton was standing on the southeast
23 corner of 24th and Capp Streets. He was accompanied by numerous known members
24 of the NORTEÑO criminal street gang, including: Vidal "Pee Wee" Sandoval, and
25 Joshua "Li'l Sneeks" Deleon. I knew that Eaton was in violation of the gang
26 conditions of his probation for wearing a red rosary, associating with known gang
27 members, and being in gang turf. He was also in possession of a knife.
28

1 11. WITNESS INTIMIDATION / DISSUADING A WITNESS (Police Report #
2 070196112) While investigating an October 13, 2006 shooting involving Oscar
3 Cordero, a known member of the NORTEÑO criminal street gang, I received a
4 phone call that the identity and location of one of my witnesses had been disclosed to
5 Mr. Cordero's family. On November 20, 2006, I learned from the witness' attorney,
6 that the Cordero family members had approached the witness. On November 28,
7 2006, I spoke to the witness, who told me that Cordero's wife had approached his
8 wife and knew that he had given a statement. Cordero's wife wanted to know what
9 the witness intended to do (i.e., testify or not). I spoke to the witness' wife who
10 confirmed that Cordero's wife had approached her. The witness told me that
11 Cordero's father in law, was looking at him strangely. I began to monitor the calls
12 made by Cordero from jail. On November 7, 2006, Cordero called his father in law,
13 and talked about the police investigation, making reference to a prior encounter with
14 the witness. On November 9, 2006, Cordero called his wife, and said, "You need to
15 talk to the lady, the one lady, so just do that, for real." That was four days before
16 Cordero's wife approached the witness' wife. On February 16, 2007, I obtained a
17 search warrant for the Cordero residence at 1026A Shotwell. I recovered indicia of
18 Cordero's residence, a photo of Cordero flashing gang signs, and 26 letters sent by
19 Cordero in jail to his wife. In a letter dated November 9, 2006, he wrote, "I hope that
20 you talk 2 the lady and did what youre suppose 2 do because that's very important for
21 me right now." In a letter with a post office mark of November 8, 2006, Cordero
22 wrote, "...hoping that you talk 2 that lady in a NICE calm way let her know I'm
23 youre husband and that there's no harm feelings when I get out I'm just gona move
24 on and hopefully she can convince that dude you know..." In a letter dated
25 November 13, 2006, Cordero writes, "...do what I told about the "Your friend" that's
26 hella important 4 me right now I just want everything 2 go smooth and good so I can
27 get out and continue with our lives because this jail shit is not 4 me. Baby be strong
28

1 and do everything you can help me get thru this bullshit because all I really depent
2 on is you and its because I trust you and I know you're gonna do you are best but
3 really do it." In a letter dated November 29, 2006, Cordero writes about a drawing
4 of a "tweety" on the background of the letter, then goes on: "Baby, I hope that you
5 do all that I ask you 2 do because believe it or not that shit is stressing me out, and it
6 makes me feel hopeless like this tweety bird I drew you I'm not going 2 be and
7 asshole about it, but baby please I ask 2 just take care of all this shit O.K. That all
8 I'ma say just do it. Also make sure that "your friend" knows what time it is and
9 everything is understood so everything goes O.K. with me that is the most important
10 thing that I really I'm worry about 2 so please make sure you do all this so I can see
11 you soon." In a letter dated February 15, 2007, Cordero writes, "Baby I'm going to
12 tell you something, OK. There is only one thing that has me here and that could
13 make this take longer I don't know how or what, but somehow someway I hope that
14 it does the right thing 4 me 2 get out as soon as possible and you know what I mean,
15 so please be the smartass that you are and help me OK babe because it's the only
16 thing that stopping me. I get made at [blank] sometimes because of this, but is OK.
17 There would always be haters and lyers. So I pray 2 got this comes true for me and I
18 got 2 go home 2 you Tracy and only you, but till then help me in whatever way that
19 you can, you know what I mean!!!! I love you Tracy, PS. Don't let me down
20 because this is more important then anything going on!!!!"

21
22 I declare under penalty of perjury that the foregoing is true and correct.

23
24 Dated: 7/9/07


25 MARIO MOLINA, #1586

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD SERGEANT
MILLER IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Sergeant Miller, #875, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 21 years.
27 2. My current assignment is Sergeant at Mission Station.
28

1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).

5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.

8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.

13 NORTEÑO gang members also wear North Carolina University sports attire.

14 6. SUSPICIOUS OCCURRENCE AT LA RAZA PARK AT POTRERO AVENUE

15 (Police Report # 060669771) On June 16, 2006, at 11:12 am, I was on duty and
16 responded to La Raza Park at 1449 Potrero Avenue to assist another police officer
17 who was chasing a suspect through the park. A 911 caller described the suspect by
18 the clothing he was wearing, and said the suspects street name is "Pulga." The caller
19 further stated that the suspect had a gun and had threatened him. Numerous officers
20 searched for the subject, but he had escaped. I know from my experience working in
21 the Mission District, that the NORTEÑO criminal street gang uses La Raza Park as
22 one of their main places to hangout. I also know that one of the members of the
23 NORTEÑO criminal street gang goes by the gang name "Pulga." I later learned that

1 Pulga is the gang name used by Hector Garcia, a known member of the NORTEÑO
2 criminal street gang. I also learned the Mr. Garcia was on felony probation for
3 assault with a deadly weapon, and had a warrantless search condition. I talked to
4 Mr. Garcia's probation officer who confirmed Mr. Garcia's gang moniker and also
5 confirmed his address.
6
7

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Dated: 7-4-07

SGT SGT. J. MILLER, 875
10 SGT JAMES MILLER, #875
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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
MCDONNELL IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Dion McDonnell, Star #1963, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 8
26 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, commonly wearing red
19 clothing and red accessories, often sporting symbols and tattoos commonly
20 associated with the NORTEÑO gang and its San Francisco-based subset cliques,
21 such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants,
22 and SF 49ers.
- 23 8. FIREARM AND NARCOTICS at 26th and South Van Ness Avenue (Police Report
24 #040479299) On April 27, 2004, at 11:55 pm, I was on plain clothes duty with
25 Officer Espinoza and other officers, patrolling the area around 24th Street, which is
26 the heart of the NORTEÑO criminal street gang's turf. I observed seven individuals
27 loitering in front of a liquor store at the intersection of 26th Street and South Van
28

1 Ness Avenue, including: Joseph "Capone" Fuimaono (an 18 year old resident of the
2 Bayview District and known members of the NORTEÑO criminal street gang), Jose
3 "Pee Wee" or "Agua" Amador (a 22-year old resident of the Bayview District and
4 known members of the NORTEÑO criminal street gang), Noel "TJ" (now
5 "Mafioso") Arguello (a 21 year old resident of the Bayview District and known
6 members of the NORTEÑO criminal street gang), Delia Mendoza (a 32 year old
7 resident of Bernal Heights), Kelly Lapierre (a 19 year old resident of the Bayview
8 District), and a juvenile resident of the Bayview District. I observed Mr. Fuimaono
9 stick his arm inside his pants up to his elbow, and then shake his pants aggressively,
10 until a plastic baggie containing suspected narcotics fell out of his pants onto the
11 sidewalk area between his feet. When the group dispersed and we moved in, Mr.
12 Fuimaono saw the police and began to run, ignoring commands to stop. While he
13 was running, I saw Mr. Fuimaono peel off his jacket and drop it on the sidewalk
14 right before we arrested him. The plastic baggie containing off white rocks of
15 suspected cocaine base were recovered from Mr. Fuimaono's person. I recovered his
16 jacket from the sidewalk and seized a loaded .38 caliber firearm (undercover special)
17 which was concealed in the left inside pocket. I recognized Mr. Fuimaono from
18 prior arrests and contacts. I know him to be a member of the NORTEÑO criminal
19 street gang, using the moniker, "Capone." Mr. Arguello admitted to me that he was a
20 member of the 22B clique of the NORTEÑO criminal street gang. He said he was
21 jumped into the gang 3 years before at La Raza Park. He told me his street moniker
22 is "TJ" (although now his moniker is "Mafioso"). Mr. Arguello has a large tattoo of
23 "22" on his back.

- 24 9. LOITERING AND BLOCKING SIDEWALK at 24th and Mission Street (Police
25 Report #040813578) On July 16, 2004, at 8:37 pm, I was working with Officers
26 Espinoza and Molina, patrolling the area of 24th and Mission. I observed a large
27 group of 8 Latin males and two Latin females, loitering on the north side of 24th
28

1 Street near the Carlos Bar, a favorite hangout for members of the NORTEÑO
2 criminal street gang. The group was hanging around the building and blocking the
3 sidewalk, forcing pedestrians to step into the street to pass. I recognized some of the
4 Latin males to be members of the 22B clique of the NORTEÑO criminal street gang,
5 including: Edwin "Puppet" Rodriguez (a 24 year old resident of San Pablo wearing a
6 black "SF" jersey, on CYA parole with conditions prohibiting him from associating
7 with known gang members or wearing gang-related clothing), Nelson "Pirata"
8 Rodriguez (a 24 year old resident of the Bayview District), Rudy "Hippie" Luna (a
9 25 year old resident of 22nd Street wearing a red t-shirt), and Hector "Wise" Berrera
10 (a 31 year old resident of the Bayview District wearing a red and white plaid shirt).
11 Another member of the group, Eduardo Jimmy "Evil" Reyna, a known member of
12 the NORTENO criminal street gang, was wearing a black hooded sweatshirt, with
13 "In Loving Memory of Chucky XX2B 83081 61603" written in red lettering.
14 Alfredo "Chucky" Duenas was a member of the NORTEÑO criminal street gang
15 who was shot and killed in 2003.

16 10. LOITERING AND BLOCKING SIDEWALK at McDonald's at 24th and Mission
17 Streets (Police Report #050012958) On January 4, 2005, at 4:15 pm, I was working
18 plain-clothes detail in the area of 24th and Mission Streets with Officer Espinoza. I
19 observed a large group of approximately ten people, many of whom I recognized as
20 members of the NORTEÑO criminal street gang, congregating on the southeast
21 corner of 24th Street at Mission, at the entrance to the McDonalds restaurant. This
22 McDonald's is favored by the NORTEÑO criminal street gang as it is in the heart of
23 the NORTEÑO turf area. The group was blocking the east side sidewalk, causing
24 pedestrians to walk in the street to get around them. We watched the group for forty-
25 five minutes, during which they continuously blocked pedestrians from being able to
26 use the sidewalk. I arrested Mauricio Rodriguez, a resident of Silver Avenue, for
27 marijuana possession.
28

1 11. SALES OF COCAINE BASE ON BART PLAZA at 24th and Mission Streets (Police
2 Report #050017726) On January 5, 2005, at 7:05 pm, I was on plain-clothes duty
3 with Officer Espinoza, working the area of Mission and 24th Streets. I observed two
4 Latin males standing in the southwest BART plaza at 24th and Mission Streets. I
5 recognized one of the males as Daniel "Smokey" Valdez, a known LNS NORTEÑO,
6 and learned that the other was a juvenile NORTEÑO member, who is also a graffiti
7 tagger. Mr. Valdez, who lives on Church Street near 23rd Street, was wearing a
8 black jacket, black pants, and a white shirt with red sleeves. I watched as Mr.
9 Valdez and the juvenile engaged in suspected hand-to-hand drug sales to third parties
10 in the BART plaza. First I saw Mr. Valdez walk away and engage in a suspected
11 drug sale to an unidentified male, while the juvenile acted as a lookout. After the
12 sale, Mr. Valdez rejoined the juvenile on the plaza. Next, Mr. Valdez engaged in a
13 suspected drug sale to a woman. During the sale to the woman, I observed Mr.
14 Valdez stand near the BART plaza fence line, and remove a plastic baggie, lower the
15 baggie, and manipulate the baggie. Thereafter, Mr. Valdez motioned for the woman
16 to come closer and extended his hand. The woman extended her hand and took a
17 small object from Mr. Valdez, giving him money in exchange. I observed Mr.
18 Valdez remove a wad of money from his pants pocket, put the woman's money in
19 with the rest, and then rejoin the juvenile. We moved in and arrested Mr. Valdez
20 and the woman buyer. The juvenile ran. I searched Mr. Valdez and found in the
21 waistband of his underwear, a plastic baggie containing a large off-white chunk of
22 suspected cocaine base. \$155 in mixed denominations was later recovered from Mr.
23 Valdez. In my presence, Officer Espinoza seized from the woman's jacket pocket,
24 three loosely wrapped, off-white rocks, a crack pipe, and a used syringe. We located
25 the juvenile hiding in the entrance to the Carlos Club Bar on 24th Street, near
26 Mission. \$145 in mixed denominations was later recovered from the juvenile.
27
28

1 12. KNOWN GANG MEMBERS ASSOCIATING IN VIOLATION OF TERMS OF

2 PAROLE at 24th Street at Harrison Street (Police Report #050500878) On May 5,
3 2005 at 2:45 pm, I was working plain-clothes duty with Officer Espinoza, patrolling
4 the area of 24th and Harrison Streets. I observed Gary Salmeron and Walter Bonilla
5 with two other Latin males in the street in front of 2828 Harrison. I recognized Mr.
6 Salmeron and Mr. Bonilla from prior contacts, and also know them both to be LNS
7 NORTEÑO members. At the time, Mr. Salmeron was on parole with gang
8 conditions, and Mr. Bonilla was on felony probation. After a parole search of Mr.
9 Salmeron's residence, nine letters were seized, which reflected correspondence
10 between Mr. Salmeron and other gang members, and reflected continued
11 involvement in the gang, in violation of his parole.

12 13. AGGRAVATED ASSAULT WITH GUN at 26th and South Van Ness on May 31,

13 2005 at 10:00 pm. (Police Report 050610160 linked to Officer Marco Garcia's
14 initial report) On May 31, 2005, I was on duty with Officer Espinoza, and was part
15 of the response team to a shooting at 26th Street and South Van Ness Avenue. When
16 we arrived, we noticed a 14-year old African American boy jumping around and
17 being very animated, screaming and yelling saying, "they shot my brother, damn!" I
18 approached the 14 year old and asked him what was going on. He told me, "I ain't a
19 snitch, I ain't talking to the cops, damn!" I asked him if he'd seen who shot his
20 brother. He responded, "yeah, I saw the whole thing, I ain't talking to you." I
21 detained him. I accompanied the shooting victim to SF General Hospital. He told
22 me the following: The victim was at the liquor store with his brother. When the
23 victim left the store, he saw his brother was in a verbal fight with an unknown Latin
24 male. The victim said there was a group of approximately 10 Latin males outside the
25 store. The victim said the Latin male asked if they were hustling on the corner, to
26 which they said, "No." The victim described the Latin male as 24-26 years old, 5'6"
27 with a shaved head, heavy set, wearing a white t-shirt. The Latin male challenged
28

1 the victim's 14-year-old brother to a fight. The victim intervened and said the Latin
2 male would have to fight him telling him that his brother was "just a kid and you're a
3 grown ass man, your gonna have to fight me." At that point, the victim says a car
4 pulled up from westbound 26th Street and the passenger yelled at him, "who wants
5 beef with the NORTENOS?" At that moment, the passenger, another Latin male
6 with a ponytail, handed the first Latin male a gun. The victim saw the gun and ran.
7 He heard one shot and felt something in his right shoulder.

8 14. COCAINE BASE, MARIJUANA and OBSTRUCTION OF TRAFFIC at 853

9 Alabama and 22nd and Potrero Avenue at 10:05 pm (Police Report #051032527) On
10 September 13, 2005 at 10:05pm, I was working plain clothes duty with Officer
11 Espinoza, patrolling the 800 block of Alabama Street in an unmarked vehicle. I saw
12 a car with tinted windows double parked at 853 Alabama, obstructing the flow of
13 traffic, without any lights on at all. I recognized the vehicle from a description
14 provided by dispatch a week earlier, which reported that the occupant of this vehicle
15 had a gun. The vehicle eventually began to move northbound on Alabama, and we
16 followed. When the car got to Potrero and 22nd Street, it was stopped by a marked
17 police unit. I stood next to the passenger side of the car, and smelled a strong odor
18 of marijuana. From numerous prior contacts, I recognized the passenger as Kevin
19 "Young C" Chavez, a known member of the NORTEÑO criminal street gang. When
20 Mr. Chavez exited the car, I observed a baggie with a large rock of suspected cocaine
21 base on his seat.

22 15. LOITERING at 24th and Mission Streets (Police Report #060088303) On January
23 23, 2006, at 1:36pm, I was on plain-clothes duty with Officer Espinosa, patrolling
24 the area of 24th and Mission Streets. I observed a large group of males standing on
25 the stairs of the McDonald's restaurant, a favorite hangout for members of the
26 NORTEÑO criminal street gang. From numerous prior contacts, I recognized many
27 of the group to be members and associates of the NORTEÑO criminal street gang.
28

1 This group included: a 17-year old resident on Capp Street, Charles (aka
2 Christopher) Perez, a resident of the Ingleside, a juvenile who lives at 4247 25th
3 Street (at Castro), David Ray Soto, a resident of South San Francisco, a juvenile
4 resident of Folsom Street, and a juvenile resident of the Bayview District. On
5 numerous prior occasions, I have admonished these same individuals regarding
6 loitering in the area. Mission businesses and community members have complained
7 often about loitering by gang members and its negative impact on their ability to do
8 business. I observed the group for five minutes and noted that they were making no
9 attempts to enter the restaurant or leave the stairs. I advised the group that this
10 would be the last admonishment.

11 16. LOADED FIREARM at Folsom and 21st Street (John O'Connell School)

12 (Police Report #060086965) On January 23, 2006 at 3:21pm, I was on plain-clothes
13 duty with Officer Espinoza. We responded to the area of 21st and Folsom Street on a
14 call regarding a possible gang fight. Dispatch advised that the parties might be
15 member of the NORTEÑO criminal street gang and were "showing their colors."
16 We apprehended a fleeing juvenile suspect at 20th and Treat, a resident of the
17 Bayview District, who I recognized to be a member of the ABL 21 clique of the
18 NORTEÑO criminal street gang. As we were arresting the juvenile, security
19 officials at John O'Connell School notified us that they had located a loaded firearm
20 a short distance from our location. The juvenile, after being Mirandized, told us
21 that he is a member of NORTEÑO criminal street gang, and that he "hangs with
22 ABL 21." He admitted his clothing (black and red jacket, red jersey with "21" on it,
23 red shorts, white and red shoes, and one glove) is related to his gang. He stated that
24 he came to 21st and Folsom at the request of his friend because the friend was going
25 to be in a fight after school with some other Latin males.

26 17. AUTO THEFT at 24th and Mission Streets (Police Report #060307426) On March

27 21, 2006 at 6:02pm, I was working with the Auto Theft Task Force conducting a
28

1 "Bait Car Vehicle Theft Prevention Operation" at Mission and 24th Streets. The
2 designated "bait car" was parked on the southeast corner of 24th and Mission,
3 unlocked and with the key in the ignition. A Latin male juvenile, wearing a black
4 49ers jersey and black skullcap, drove off with the car. The vehicle was disabled
5 remotely by the Task Force. The juvenile, later to be identified as a member of the
6 NORTEÑO criminal street gang, ran, but was caught by Task Force officers. The
7 17 year old was positively identified as the one who took the bait car, and was seen
8 driving the car in the CHP videotape.

9 18. FIGHTING at 24th and Mission (Police Report #060385836) On April 10, 2006 at
10 6:11 pm, I was on duty working an immigration protest at 24th and Mission. I got a
11 dispatch of a "major fight" at the intersection of Mission and 24th Streets. I saw a
12 man, dressed in a blue jeans and a blue jersey running northbound down the middle
13 of Mission Street, with a terrified expression on his face. I recognized him to be
14 Eynar Ramirez, a member of the DF Gang, who are known to hang out around 20th
15 Street near Mission, in the no-man's land between Sureno turf and NORTEÑO turf.
16 Mr. Ramirez was being chased by 3 very angry-looking seventeen-year olds, who I
17 recognized as members of the NORTEÑO criminal street gang, all of who live in the
18 Excelsior District. We were unable to locate Mr. Ramirez and determine whether he
19 suffered injuries.

20 19. LIVE AMMUNITION AND GANG PHOTOS at South Van Ness near 24th Street
21 (Police Report #060397223) On April 13, 2006, at 7:24 pm, I was working with
22 Officer Espinoza, patrolling the area of 25th Street and Valencia Street. I observed
23 Jesus Jimenez Reynoso driving northbound on Valencia. I recognized Mr. Reynoso
24 from numerous prior contacts and know him as a member of the NORTEÑO
25 criminal street gang. I also knew he was on probation out of San Mateo County,
26 with a warrantless search condition. We conducted a probation search of Mr.
27 Reynoso's residence at 1345 South Van Ness Avenue (at 24th Street), which he
28

1 shares with his parents and brother. Mr. Reynoso's mother directed us to his sleeping
2 area and dresser. We found a box containing 17 rounds of .25 caliber ammunition
3 and a magazine from Mr. Reynoso's dresser, and 12 gang related photos from a
4 shoebox on the floor. The photos contained images of gang members throwing gang
5 signs and a person with a gun in his waistband.

6 20. CONCEALED KNIFE, DRINKING IN PUBLIC, and LOITERING at 24th and
7 Shotwell Streets (Police Report #060426747) On April 21, 2006 at 6:11pm, I was on
8 duty with Officer Espinoza, patrolling the area of 24th and Shotwell Streets. I
9 observed a group of eleven Latin males who I recognized to be members of the
10 NORTEÑO criminal street gang, loitering on the southeast corner of 24th and
11 Shotwell Streets. The group included Michael "Monster" Sanchez, an adult member
12 of the ABL 21 clique of the NORTEÑO gang; Broderick Deleon, an adult Richmond
13 resident and brother of two known members of the LNS clique of the NORTEÑO
14 gang; and at least three juvenile members of the NORTEÑO gang, including a 14
15 year old admitted member of the ABL 21 clique. The 14 year old, who does not
16 reside in the Mission District, was arrested for carrying a concealed large black
17 knife. At the time of his arrest he was wearing a black jacket, white t-shirt, blue
18 jeans, and a red belt . The males appeared to be drinking beer out of paper bags.

19 21. METAL MINI BAT and NOISE NUISANCE and at 24th and Shotwell Streets
20 (Police Report #060454500) On April 28, 2006 at 5:11 pm, I was on plain-clothes
21 duty with Officer Espinoza, parked near the intersection of 24th and Shotwell Streets.
22 From numerous prior contacts, I recognized Omar Varela and Jesse Nunez, both
23 known members of the NORTEÑO criminal street gang, loitering in front of a
24 business on the southwest corner of 24th Street. I heard Mr. Varela and Mr. Nunez
25 yelling at passing cars. I saw a metal mini bat (later seized as evidence) sticking out
26 of the backpack Mr. Varela was wearing. Mr. Varela, a resident of Daly City, did
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1 not have any baseball gloves or balls with him, and said that he didn't know where
2 the baseball park was.

3 22. GRAFFITI VANDALISM at 24th and Shotwell Streets (Police Report #060623993)

4 On June 12, 2006, at 8:33pm, I was working in plain clothes with Officer Espinoza.
5 We were dispatched to 24th Street and Shotwell Street regarding a large group of
6 Latin males engaged in vandalizing the property at 3149 24th Street. As we
7 approached on Shotwell toward 24th Street, I could hear someone yelling "Five O,
8 Five O," alerting others to the police presence. Dispatch provided descriptions of the
9 subjects and advised us that the person spray painting the wall was wearing a shirt
10 with red and white horizontal stripes. I could see there was a large group, of nearly
11 20 members of NORTEÑO gang gathered on the sidewalk by George's Market at
12 3149 24th Street. I observed that Rigoberto Jimenez (21 year old resident of Bernal
13 Heights) and Anthony Urbina (20 year old resident of Daly City), matched the
14 description provided by dispatch. Both were wearing shirts with red and white
15 stripes and both had red paint on their hands. Others there included, Ruben "Little
16 Man" Jimenez-Reynoso (18 year old resident at 1345 South Van Ness), David Ray
17 Soto (18 year old resident of South San Francisco), Jose Luis Alberti (19 year old
18 resident of 200 Van Ness Avenue), a 17 year old juvenile from Oakland, a 17 year
19 old juvenile from San Francisco, Juan Carlos Tirado (20 year old resident of Bernal
20 Heights), Fidel Amezcua (19 year old resident of 2700 Folsom, near 23rd Street),
21 Maurice Humphrey (22 year old resident of 333 Fell Street), a 15 year old juvenile, a
22 17 year old juvenile from Bayview), and Oscar Ernesto Cordero (a 22 year old
23 resident of Bernal Heights). I smelled the odor of fresh paint in the air, and I saw the
24 graffiti on the wall was fresh and wet to the touch. The graffiti was NORTEÑO-
25 related writing, including "NORTE," "RIP FINO," "LNS," and "LOCO NS" with the
26 "S" crossed out, with letters up to about two and one half feet tall. The graffiti
27 covered the entire length of the building.
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1 23. POSSESSION FOR SALE OF COCAINE BASE at 26th Street and Cypress. (Police
2 Report #060-632-342) On June 14, 2006 at 6:28pm, I was working in full police
3 uniform, patrolling the area of 26th Street and South Van Ness Avenue with Officers
4 Lozano and Robles. On 26th Street, I saw Joseph "Capone" Fuimoano, who I
5 recognized from numerous prior contacts, including a narcotics arrest with a firearm
6 at 26th Street and South Van Ness. I also knew that Mr. Fuimoano was a member of
7 the LNS clique of the NORTEÑO criminal street gang, on active parole with gang
8 conditions. Mr. Fuimoano was with a juvenile member of the NORTEÑO criminal
9 street gang. I observed Mr. Fuimoano make eye contact with me, then walk away
10 from us, and reach both of his hands to his waist area. We stopped him at 26th and
11 Cypress, where I could see Mr. Fuimoano shoving his right hand into the waistband
12 area of his pants. His right arm was concealed up to the mid-forearm. I told Mr.
13 Fuimoano that I was going to take him to Mission Station to retrieve whatever he had
14 put down his pants. He told me to hold on, and shook his pants, causing a plastic
15 baggie containing fifteen off-white rocks of suspected cocaine base, to fall to the
16 ground. I suspected he possessed the cocaine for sale because of the location of the
17 arrest, his actions, his associates, his history, and he had no pipe or other means to
18 ingest the cocaine. At the time of his arrest, Mr. Fuimoano was wearing a black T-
19 shirt saying "RIP FINO" with a picture of killed NORTEÑO gang member Rufino
20 Guterrez on the front.

21 24. LOITERING at 2801 22nd Street (Jefferson Market) (Police Report #060640367) On
22 June 16, 2006, at 5:42 pm, I was working plain-clothes duty with Officer Espinoza
23 and GTF Inspectors Molina and Lau. We were patrolling the area of 22nd Street and
24 Florida, an area frequented by members of the NORTEÑO criminal street gang. I
25 saw six known members of the NORTEÑO criminal street gang loitering outside the
26 Jefferson Market at 2801 22nd Street, a favorite hangout for gang members. The six
27
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1 gang members included: a sixteen-year-old juvenile resident of the Bayview
2 District, who is on probation, as well as two adult gang members.

3 25. POSSESSION FOR SALE OF COCAINE BASE at 26th Street and South Van Ness
4 Avenue at 10:06pm (Police Report #060836726) On August 7, 2006, I was working
5 plain clothes duty with Officer Espinoza. At 10:06pm, we were called to respond to
6 26th Street and South Van Ness on a call of shots fired. While traveling southbound
7 on South Van Ness to westbound 26th Street, I saw a male, later identified as Miguel
8 Jimenez, on the sidewalk about 75 feet from the intersection of 26th and South Van
9 Ness. I recognized Mr. Jimenez from numerous prior contacts and know him to be
10 affiliated with the NORTEÑO criminal street gang. Mr. Jimenez, a resident of Bernal
11 Heights, was half-running and walking eastbound on 26th Street, looking over his
12 shoulder the entire time. I saw Mr. Jimenez bend at the waist and move his head in a
13 manner to get a clear view on 26th Street where the marked police units were turning
14 onto Mission Street. I could see that Mr. Jimenez has his left hand clenched in a fist.
15 We stopped Mr. Jimenez, who dropped a large, off-white rock of suspected cocaine
16 base from his left hand, while trying to crush the other rocks in his fist. Mr. Jimenez
17 was also carrying a knife concealed in his belt. I suspected Mr. Jimenez was
18 intending to sell the crack because had no crack pipe or other paraphernalia to ingest
19 the rocks of cocaine base.

20 26. SUSPICIOUS PERSON/GANG RELATED at 24th and Shotwell Streets (Police
21 Report # 061202572) On November 10, 2006, at 8:46 pm, I was working plain-
22 clothes duty with Officers Espinoza, Jimenez, and Barretta. We responded to 24th
23 and Shotwell Streets on multiple anonymous complaint calls regarding gang
24 members brandishing a firearm at that location. When we arrived, I observed a large
25 group of Latin males loitering on the corner. I recognized the Latin males as active
26 members of the NORTEÑO criminal street gang. We issued a total of eleven
27 citations for violations of Section 25 of the SF Municipal Police Code. Among those
28

1 cited were: Daniel Gonzalez (a 20 year old resident of Bayview), Fernando
2 Mendoza (a 23 year old resident of Bernal Heights), Jessica Martinez (an 18 year old
3 resident of 927 York Street near 21st Street), Anthony "Boracho" Urbina (a 25 year
4 old Daly City resident and known member of NORTEÑO gang), Victor "Nino" Cano
5 (a 19 year old resident of 2919 22nd Street near Harrison, and known member of the
6 LNS clique of NORTEÑO gang), Gabriel Urbina (an 18 year old resident of Daly
7 City), Juan Barrera (a resident of 908 Shotwell at 23rd Street, and known member of
8 the LNS clique of NORTEÑO gang), Salomon Gutierrez (an 18 year old resident of
9 Diamond Heights), Juan Robleto (a 20 year old resident of San Bruno), Naomi
10 Genochio (an 18 year old resident of 2973 Folsom Street near 26th Street), and a
11 juvenile resident of Ocean Beach.

12 27. FIGHTING and PUBLIC INTOXICATION at Utah and 25th Street, Near La Raza

13 Park (Police Report #061270591) On November 29, 2006, at 5:00 pm, I was on
14 plain clothes duty with Officer Espinoza. We responded to 1340 Utah Street (at 25th
15 Street), near La Raza Park, also known as Potrero Del Sol Park, on a call for service
16 regarding males fighting. When we arrived, I observed four Latin males standing
17 together and grabbing at each other. From numerous prior contacts, I recognized
18 Luis Avila Rodriguez (a Bayview resident) and one of the juvenile males as
19 members of the NORTEÑO criminal street gang. About a block away, there was a
20 memorial established for a NORTEÑO member who had recently been killed. The
21 two other males were juvenile Latin males. One of the juveniles was wearing a
22 white polo shirt with blood on it, dark pants and a long red belt; the other was
23 wearing a black and red jersey, and had blood on his lip and the knuckles of his right
24 hand. I could smell the odor of alcohol coming from the three juveniles.

25 28. LOITERING with Knife at 24th and Mission Street (Police Report #061361281) On

26 December 24, 2006, at 5:48pm, I was on plain-clothes duty, patrolling the area of
27 Mission and 24th Streets in an unmarked police car. I recognized Edwin Cerrato
28

1 standing alone outside the Carlos Bar at 3278 24th Street, a well-known hangout for
2 members of the NORTEÑO criminal street gang, located in the heart of NORTEÑO
3 turf. I knew Mr. Cerrato from numerous prior contacts and knew him to be a
4 member of NORTEÑO criminal street gang. Mr. Cerrato, a resident of Daly City,
5 was also on probation out of San Mateo with a warrantless search condition. I
6 contacted Mr. Cerrato, and determined that he had been drinking alcohol, and was in
7 possession of a knife. Mr. Cerrato was in violation of three of the conditions of his
8 probation: staying away from gang areas, abstaining from use of alcohol or drugs,
9 and not possessing any weapons. His cell phone also displayed "X4," a symbol of
10 NORTEÑO criminal street gang.

11 29. LOITERING at 2764 24th Street (between York and Hampshire) (Police Report
12 #070002848) On January 1, 2007, at 6:33 pm, I was on plain-clothes duty with
13 Officer Espinoza and other officers, patrolling the area of 24th Street between York
14 and Hampshire Streets. I observed three males loitering in front of 2764 24th Street:
15 Sergio Paniagua, a 35 year old resident of 989 Shotwell Street, Jorge Rodriguez, a
16 20 year old resident of 850 Capp Street, and a juvenile suspect. I knew that Mr.
17 Rodriguez and the juvenile were both on probation, and that Mr. Rodriguez had a
18 court-issued stay away order, prohibiting him from being within 150 yards of 2800
19 24th Street. Mr. Paniagua and Mr. Rodriguez were both wearing indicia of the
20 NORTEÑO criminal street gang. Mr. Rodriguez was wearing a "RIP Blinky"
21 lanyard around his neck, and Mr. Paniagua was wearing a black t-shirt that said "RIP
22 Blinky." I know "Blinky" to be a member of the NORTEÑO criminal street gang
23 who was recently killed on Hampshire Street. Mr. Paniagua and Mr. Rodriguez were
24 admonished for their loitering, and the juvenile was arrested on a no bail warrant.

25 30. LOITERING at McDonald's at 24th and Mission Streets (Police Report #060903557)
26 On April 5, 2007, at 3:49 pm, I was working foot patrol with Officer Espinoza in the
27 area of 24th Street and Mission Street. I saw Marcus Fayette (who resides on
28

1 Woodward Street) and Ariel Morales (who lives on 17th Street) loitering on the south
2 side of the McDonald's at Mission and 24th Street. McDonald's is one of the
3 locations where NORTEÑO gang members often loiter to sell drugs, as the location
4 of 24th and Mission is the heart of NORTEÑO gang turf. The problem of gang
5 members loitering is so common, that McDonald's has posted signs pursuant to
6 Municipal Police Code Section 25 (no loitering), in an effort to curb people from
7 loitering on their property. I recognized Mr. Fayette from numerous prior contacts
8 and know him as a NORTEÑO gang member. We had seen Mr. Fayette twice at this
9 same location earlier in the day, but Mr. Fayette walked away as soon as he saw the
10 police presence. We determined that Mr. Morales had been convicted of a drug-
11 trafficking offense, was on felony probation through 2010, and had an active no-bail
12 warrant for his arrest. Mr. Morales had suspected gang related tattoos, and at the
13 time of his arrest, was wearing black pants with red trim on the pockets.

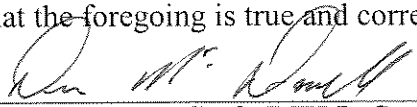
14 31. TRESPASSING/LOITERING at 22nd and Florida Streets (Police Report
15 #070354495) On April 6, 2007 at 6:20pm, I was working plain clothes with Officers
16 Espinoza and Molina. We were patrolling the area of 22nd and Florida Streets, due to
17 the amount of NORTEÑO criminal street gang activity, including drug sales and
18 loitering. At this location, I observed three Latin males: Jose Vera, an admitted
19 member of the ABL 21 clique of the NORTEÑO criminal street gang, a juvenile
20 member of NORTEÑO criminal street gang on felony probation, and another
21 juvenile who is known to associate with members of the NORTEÑO criminal street
22 gang. The three males were loitering at 2801 22nd Street, in front of the Jefferson
23 market/liquor store, a well-known hangout for members of NORTEÑO criminal
24 street gang.

25 32. ASSAULT/ATTEMPTED HOMICIDE WITH KNIFE at McDonald's at 24th and
26 Mission Streets at 10:01 pm on 4/14/07 (Police Report # 070382292) On April 23,
27 2007, at 6:53pm, I was working plain clothes with Officer Espinoza. On that night,
28

1 we detained Tyree Johnson as a suspect in an attempted homicide case at
2 McDonald's at 24th and Mission, being investigated by Sgt. Mike Browne, of the
3 Gang Task Force. I had told Sgt. Browne that I recognized Mr. Johnson from the
4 surveillance video from the night of the attack on 4/14/07 at 10:01pm. When we
5 encountered Mr. Johnson at 24th and Lilac, he was wearing blue jeans with red
6 stripes, black and red shoes, a red hooded sweatshirt, a red shirt with 415 written on
7 it, a black jacket, and had red tips in his hair. On April 25, 2007 at 4:48pm, I was
8 working plain-clothes narcotics with some other officers. We were conducting a
9 buy/bust operation at 23rd and Capp Street, during which Kevin Gonzalez, a parolee,
10 and a Latin male juvenile (17 year old) were arrested for narcotics violations. I
11 recognized Mr. Gonzalez and the juvenile as associates of the NORTEÑO criminal
12 street gang, and also from the 4/14/07 surveillance video, which captured their
13 images during the attempted murder/robbery incident at the McDonald's at Mission
14 and 24th Streets. During the interview with Mr. Gonzalez, he admitted being
15 involved in the fight at McDonald's on 4/14/07, and confirmed several others were
16 present, including Mr. Johnson. We conducted a parole search of Mr. Johnson's
17 residence at 3071 24th Street, and seized the jacket and sweatshirt he was wearing on
18 the night of 4/14/07. We also seized from Mr. Gonzales, a knife with a silver blade
19 and red handle, two cell phones (one with red plastic case) and \$200 in US currency.
20 We also seized \$275 in mixed US currency from the juvenile suspect.
21
22

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Dated: 7-5-2007

25  #1963
26 _____
27 OFFICER DION MCDONNELL, Star #1963
28

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
MANFREDI IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Carlos Manfredi, Star # 4193, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 5 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work as a San Francisco Police Officer, I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. ATTEMPTED ROBBERY, BATTERY, RESISTING ARREST, AND
15 MARIJUANA POSSESSION at 2758 24th Street (Police Report # 050739920) On
16 July 2, 2005, at 8:36 pm, I was on duty with Officer Neves, when we were
17 dispatched to 1229 Potrero Avenue regarding a battery/assault by Kevin "Young C"
18 Chavez, a 20-year old resident of Alabama Street and known member of the
19 NORTEÑO criminal street gang. When we arrived, I observed that officers already
20 on scene had detained Mr. Chavez, but was released after the alleged victim told
21 police that it had only been a verbal argument. We left the scene and were driving
22 our police car from Potrero to 24th Street westbound, when we observed Mr. Chavez
23 yelling at a young girl in front of 2758 24th Street. I then heard Mr. Chavez yell to
24 the little girl, who was sitting on front steps, "Fuck you nigger! I'll kick your fucking
25 ass bitch!" I then saw Mr. Chavez draw his right arm back, make a closed fist, and
26 strike the girl directly on her face. The victim's head then violently swung back as
27 she screamed out loud. Mr. Chavez walked away westbound on 24th Street. We got
28

1 out of four car, and I ran up to Mr. Chavez, and grabbed him by his shoulder in an
2 attempt to detain him. Mr. Chavez then attempted to run westbound on 24th Street. I
3 attempted a leg sweep take down, causing Mr. Chavez to fall to the ground at which
4 point Officer Neves and I tried to gain control of his arms, but he continued to resist
5 by pulling his arms inward and under his chest. Once we had him detained, I went to
6 talk to the victim. She told me that she was sitting on her steps talking on her cell
7 phone, when Mr. Chavez walked up to her and wanted to fight her. He tried to take
8 her cell phone away, but she wouldn't give it to him, so he punched her in the face.
9 She stated that she did not know Mr. Chavez, but she had seen him hanging around
10 the front of her house before. We arrested Mr. Chavez and during the search
11 incident of arrest, we recovered a clear plastic baggie of marijuana in his pants
12 pocket.

13 7. LOADED GUN at 24th and Lilac Streets (Police Report 051288247) On November
14 14, 2005, at 8:02 pm, I was on duty with Officer Neves, driving eastbound on 24th
15 Street approaching Capp Street, when we noticed various members of the
16 NORTEÑO criminal street gang, hanging out in front of a red Chevy Cavalier
17 vehicle parked in the 24th and Lilac Street parking lot, a favorite NORTEÑO gang
18 hangout, behind the McDonald's restaurant. When we pulled into the lot, the gang
19 members walked away from the vehicle. We searched around the vehicle and found
20 various beer bottles lying around. Then I saw a brown paper bag located on top of
21 the driver's side rear tire. Officer Neves took out the bag, at which time we
22 discovered that it contained a loaded revolver. We detained a 14-year old juvenile
23 resident of Sunnydale Street and known member of the NORTEÑO gang.

24 8. BATTERY WITH SERIOUS INJURIES at 24th and Mission Streets (Police Report
25 # 060749925) On July 17, 2006, at 7:30 pm, I was on duty with Officer Neves,
26 when we were dispatched to Mission and 24th Street regarding a possible stabbing.
27 The description of the suspect was: Latin male, 20s, 5'5", medium build, black
28

1 ponytail, and wearing a red baseball cap with pinstripes, black shirt, blue jeans. We
2 were advised that the suspect was walking eastbound 24th Street toward Capp Street,
3 with a heavy-set Latin male, wearing a black, brown and white t-shirt. We were
4 then notified that other officers had detained two suspects matching the descriptions,
5 later identified as a 13-year old resident of the Excelsior District and Carlos
6 "Smokey" Morales, a 28-year old Richmond resident and known member of the
7 NORTEÑO criminal street gang. A witness stopped me and told me that he saw
8 what happened and that the man wearing the black t-shirt and jeans (Morales) was
9 the person who assaulted the unknown victim. The witness said that he was in his
10 car, stopped at a red light facing southbound Mission from 24th Street, when he
11 observed the unknown victim walking with some women and a child across the
12 street. The witness said that he saw Mr. Morales run up behind the victim, remove
13 his blue baseball cap and strike him in the right side of his face. Another witness to
14 the incident said that she saw the victim walking with 3-4 women and a child in a
15 stroller. She then saw a man with a pony tail walk up to the victim, snatch a blue
16 baseball cap from the victim's head, and yell something in Spanish like, "Scrap,
17 don't wear that or come here!" Then she saw the man with the pony tail then strike
18 the victim, and saw a 3-4 inch cut on the victim's face.
19
20

21 I declare under penalty of perjury that the foregoing is true and correct.

22
23 Dated: 7/4/07

24   #4193
CARLOS MANFREDI, #4193

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No.

DECLARATION OF SFPD OFFICER
LYNCH IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed:
Trial Date:

23
24 I, Officer Laurence Lynch, Star #4099, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 6+
26 years. My current assignment is patrol officer at Mission Station.
27
28

- 1 2. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 4. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
22 NORTEÑO gang members also wear North Carolina University sports attire.
- 23 7. CRIMINAL THREATS at 26th Street and South Van Ness Avenue at 9:30 pm
24 (Police Report #050836281). On July 26, 2005, at 9:55 pm, I was on duty with
25 Officer Lopez, when we responded to 1484 South Van Ness Avenue on a report of a
26 group of females fighting. There, we met with the victim, a 17-year old Latin female
27 resident of the 2400 block of Bryant Street. She told us that at approximately 9:30
28

1 pm, she was walking home, when she was approached by a group of females and one
2 male. The victim said she recognized the group as member of the NORTEÑO
3 criminal street gang, and that she knew two of the suspects through mutual
4 acquaintances. The victim said that one suspect told her to "get off their block," and
5 that they would beat her up if she didn't. The victim said that a second suspect began
6 threatening to beat her up, and told her, "we're gonna scrape you." The victim was
7 scared, and knocked on a nearby residence, where the occupant let her in. The
8 occupant told me that when she opened the door, she saw the victim being threatened
9 by a group of unknown females standing in front of her house. The victim was
10 scared and did not want anything done, for fear of retaliation. The victim would only
11 say that the first suspect's name was Jennifer, and the second suspect goes by the
12 name "Weasel."

- 13 8. AGGRAVATED ASSAULT WITH GUN on 24th and Capp Streets on April 9, 2006
14 at 2:15 am (Police Report # 060378994) On April 9, 2006 at 2:15 am, I was on duty
15 with Officer Baca, when we responded to 24th and Capp Streets to investigate a
16 report of gunshots being fired in the area. One of the many people who called police
17 to report the shots described seeing four males getting into a silver Toyota and got a
18 partial plate: 296. As we were driving westbound on 24th Street, I observed a silver
19 Toyota with the license plate: 5EEX256 going eastbound on 24th Street and Folsom.
20 The vehicle was occupied by four males. As we passed the silver vehicle, I
21 recognized the driver as Hector Barrera, a 33-year old resident of the Bayview
22 District and known member of the NORTEÑO criminal street gang, who regularly
23 hangs out at 24th and Capp Streets. We effected a traffic stop on the silver vehicle.
24 As they were pulling over to the south side of 24th Street between Lucky and Folsom
25 Streets, I observed Mr. Barrera extend his right arm in a throwing motion toward the
26 front passenger window. I observed a white object come from Mr. Barrera's right
27 hand and go through the front passenger window. The object landed on the sidewalk
28

1 next to the vehicle. I maintained a constant visual of the white object that Mr.
2 Barrera had thrown through the window. I picked up the white object, which turned
3 out to be a baggie containing white powder, which from my training and experience I
4 suspected was cocaine. I then made contact with the front passenger Samuel
5 Duenas, a 19-year old Daly City resident, wearing a red jacket and red 49er jersey,
6 who told me that he had been shot. He showed me his right hand (thumb) which was
7 bleeding. Mr. Duenas also appeared to be under the influence of an alcoholic
8 beverage in that his speech was slurred, his gait was unsteady, and he smelled of
9 alcohol. I called for an ambulance, and Mr. Duenas was taken to SF General
10 Hospital. Mr. Barrera was arrested for possessing cocaine. One of the rear
11 passengers, Eddie Castrillo, a 26-year old resident of the Excelsior District, stated
12 that he had been shot at by a black male and that his orange and black SF Giants
13 baseball cap had been grazed. Later, at Mission Station, Mr. Castrillo told me that
14 he and his friends were hanging out at 24th and Capp Street, when a black male drove
15 up to the corner they were standing on, and began to argue with the group. Mr.
16 Castrillo said that the black male fired shots, grazing his hat, and injuring Mr.
17 Duenas, and then fled in a light blue Toyota or Honda northbound on Capp Street.

- 18 9. LOADED FIREARM IN VEHICLE at 22nd and Mission Streets on May 28, 2006 at
19 3:21 am (Police Report # 060564080) On May 28, 2006, at 3:21 am, I was on duty
20 with Officer Lopez, working uniformed patrol in the Mission District. We were
21 driving a marked police vehicle southbound on Mission Street when we observed a
22 silver Ford F-150 pickup truck going northbound on Mission Street at 23rd Street. I
23 had knowledge that a silver Ford F-150 pickup truck had been used earlier that night
24 in two separate crimes: 1) shooting at 20th and Valencia Streets - occupants of the
25 pickup truck had fired shots at known members of the Sureno criminal street gang;
26 and 2) a robbery in the Ingleside District. From prior contacts, I recognized the
27 driver and the front passenger as members of the NORTEÑO criminal street gang.
28

1 Dispatch informed me that the pickup's license plates matched the license plate of the
2 pickup truck used in the Ingleside robbery earlier. We conducted a pat search of all
3 four of the occupants: Victor "Nino" Cano (driver), an 18-year old resident of 22nd
4 Street and known member of the LNS clique of the NORTEÑO criminal street gang;
5 Michael "Monster" Sanchez (front passenger), an 18-year old resident of the
6 Bayview District and known member of the 21ABL clique of the NORTEÑO
7 criminal street gang; Christian Lule (rear passenger), an 18-year old resident of the
8 Silver Terrace neighborhood; and Victor Gutierrez (rear passenger), a 19-year old
9 resident of Cesar Chavez, near Treat Avenue. At the time of arrest, Mr. Lule was in
10 possession of a knife and marijuana. As we were getting Mr. Gutierrez out of the
11 vehicle, Officer Lopez saw the butt of a handgun poking out from under a jacket on
12 the front passenger floor. Mr. Gutierrez appeared to be under the influence of
13 alcohol in that he was non compliant, his speech was slurred, he had an unsteady
14 gait, and he smelled of alcohol. The robbery victim from earlier was brought to the
15 scene for a cold show, and positively identified Mr. Sanchez as the person who
16 robbed him, and positively identified the vehicle as being the one involved in the
17 robbery. The witness to the shooting at 20th and Valencia was brought to the scene
18 for a cold show, and positively identified the truck as the one involved in the
19 shooting. As I was conducting a further search of the truck, I located two credit
20 cards and miscellaneous cards belonging to the robbery victim.

21 10. HARASSMENT AND MALICIOUS MISCHIEF at 22nd and Mission Streets on
22 April 28, 2007, at 11:40 pm (Police Report # 070436485) On April 28, 2007, at
23 11:40 pm, I was on duty with Officer Daggs, when we responded to 3221 22nd Street
24 (at Mission Street) to investigate the report of a battery and vandalism. One victim
25 told me that he parked his vehicle at 22nd and Capp Street, but then noticed a dark-
26 colored Izusu Trooper following him. A suspect got out of the vehicle and asked the
27 victim where he was from. The victim was wearing a blue shirt and was concerned
28

1 that the suspect thought he was a rival gang member. The victim told the suspect
2 that he didn't claim anything. The suspect continued to ask the victim where he was
3 from. A second suspect got out of the vehicle and followed the victim. The victim
4 then walked into 3221 22nd Street where he was attending a private party. The first
5 suspect followed the victim into the stairway of 3221 22nd Street. The victim saw his
6 friend in the stairwell and told him about the suspects. The friend told the first
7 suspect to leave, but the suspect did not comply. The friend grabbed the suspect and
8 pushed him out the door. The suspect then kicked the glass front door, causing it to
9 crack. The suspect got back into the vehicle, which drove westbound on 22nd Street.
10

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Dated:

13  7/3/07
14 _____
15 OFFICER LAURENCE LYNCH, Star #4099
16
17
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25
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27
28

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
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8

9 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

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
SERGIO LOPEZ IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Sergio Lopez, #4111, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 7
26 years.
27 2. My current assignment is patrol officer at Mission Station
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 Norteño gang, and many of its San Francisco members, including members of local
3 Norteño subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San
4 Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including La Raza Park to the East.
- 8 5. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. .AGGRAVATED ASSAULT with OTHER WEAPON at 23rd and Treat Street
23 (Police Report # 061 269 782). On November 29, 2006 at approximately 4:10 p.m.,
24 Officer Baca, # 996 and I responded to San Francisco General Hospital on a report of
25 a stabbing that occurred on Treat and 23rd Street. As we arrived, I immediately
26 recognized Victor Cano sitting in the waiting room of the hospital. I know Cano
27 from prior contacts and know him to be an active Norteño gang member. Cano said
28

1 that the victim, who is his friend, showed up at his house and asked him to
2 accompany him to the ER. I then spoke to the victim in the trauma room and he told
3 me that as he was walking on 23rd towards Treat Street, a black 90's Buick pulled up
4 and approximately 5 Hispanic male suspects exited the vehicle and approached him.
5 He said none of the suspects said anything as they began to beat him up. All of the
6 suspects punched and kicked him but he did not see what kind of weapon they used
7 to hit him with. He began to run away and the suspects got back into the Buick and
8 drove off. The victim said he would be able to positively identify the suspects if he
9 saw them again. The victim sustained a laceration to the top right side of his head. I
10 took three photographs of his injuries. Officers searched the area of Treat Street and
11 23rd for a crime scene but none was located. The victim was listed in stable
12 condition.

- 13 9. AGGRAVATED ASSAULT with a GUN, ATTEMPTED HOMICIDE with a GUN
14 in front of 3241 25th Street (Police Report # 050 733 596). On July 1, 2005 at
15 approximately 4:43 a.m., Officer Lynch, #4099 and I responded to 25th and Horance
16 Street on a report of a person shot. Upon arrival I spoke to the victim who was
17 laying on the ground conscious and breathing. I saw that the victim's right leg was
18 bleeding from the thigh area. The victim told me that he was walking on the south
19 side of 25th Street from Shotwell with his friend, when a small black four-door
20 vehicle drove west on 25th Street. There were four unknown race males in the
21 vehicle. The victim was unable to provide any further description of the suspects
22 due to the dark lighting and quickness of the situation. The vehicle stopped and the
23 driver yelled out, " where you from?" The victim replied by saying that he is an
24 "O.G." and that he doesn't do that anymore. The victim then heard two pops and felt
25 a burning in his right thigh. The vehicle then fled then scene. The victim and his
26 friend both told me that they would not be able to identify the suspects. Medical
27 units arrived, rendered aid to the victim and transported him to SFGH ER. I located
28

1 a witness who heard the two shots. After hearing the shots, the witness looked out
2 the window and saw a small black vehicle flee the scene west on 25th Street. I
3 responded to SFGH ER in an attempt to interview the victim further, however, I was
4 unable to due to the victims medical condition, which was listed as serious at the
5 time. Several Officers canvassed the area looking for casings and evidence but none
6 was found. I was aware that there was a simiar case involving the same description
7 of the vehicle in the Ingleside District, CAD #051820474.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Dated:

07/09/07

S. Lopez #4111

OFFICER SERGIO LOPEZ, #4111

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
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Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

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

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
LIDDICOET IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Liddicoet, #1274, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 13
26 years.
27 2. My current assignment is Patrol K9 Handler with the Tactical Division.
28

1 3. Members of NORTEÑO gang publicly identify themselves by hanging around with
2 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
3 and red accessories, often sporting symbols and tattoos commonly associated with
4 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
5 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
6 NORTEÑO gang members also wear North Carolina University sports attire.


7 4. ROBBERY WITH KNIFE AND AGGRAVATED ASSAULT WITH KNIFE at
8 Harrison and 22nd Streets (Police Report # 061064764) On October 5, 2006, at 8:40
9 pm, I was on duty when I was sent to investigate a street robbery with a knife at 22nd
10 and Harrison Streets. On arrival, I met two victims. The first victim told me that at
11 8:30, he and the other victim when to 22nd and Harrison to buy tacos from a street

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1 vendor. He noticed a group of 5 Latin males standing on the northeast corner of
2 Harrison and 22nd Streets eating food and talking. As the victims approached the
3 vehicle to buy their food, one of the Latin males, a 17-year old, demanded to know,
4 "Where you from? You a fucking Sūreno? The victim replied, "No. I'm nothing."
5 When the group of five finished eating, they walked toward the victims, surrounded
6 them, and started pushing them. The 17-year old then said, "Give me your money,"
7 then punched the second victim on the left side of his head between his ear and his
8 temple. The 17-year old then grabbed the first victim's shirt collar and ripped off his
9 36" gold chain displaying a Virgin Mary, and with a close fist, punched the victim on
10 the left side of his nose, giving him a bloody nose and a laceration below his eye.
11 The first victim tried to run backwards to get away from the 17-year old suspect, but
12 the suspect was running toward him, pushing him into the vendor's vehicle. The
13 suspect then pulled a folding knife from the right side of his body. The suspect held
14 the knife with his right hand with the blade extended and placed it against the first
15 victim's neck, while he went through the victim's pockets with his left hand.
16 Afterwards, all five Latin males got into a brown 4-door Honda Accord and fled
17 northbound on Harrison Street. I received a call from Officer Toney, that he had the
18 robbery suspects on a traffic stop. I brought the first victim to the traffic stop at 24th
19 and Shotwell, where he positively identified three of the four people detained on the
20 traffic stop as the ones involved in the robbery. The driver, Ruben Reynoso-
21 Jimenez, an 18 year old known member of the NORTENO criminal street gang was
22 booked for Robbery with Gang enhancements. Two of the other offenders were
23 juveniles, and were booked at YGC for Robbery with Gang enhancements.

24
25 I declare under penalty of perjury that the foregoing is true and correct.

26 Dated: X.S.07


27 OFFICER MICHELLE LIDDICOET, # 1274
28

1 DENNIS J. HERRERA, State Bar #139669
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 2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
 9 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
 14 CALIFORNIA, by and through Dennis J.
 Herrera, City Attorney for the City and
 15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
 22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
 LEW IN SUPPORT OF EX PARTE
 APPLICATION FOR ORDER TO SHOW
 CAUSE RE: PRELIMINARY GANG
 INJUNCTION AND PRELIMINARY
 GANG INJUNCTION

Hearing Date:
 Hearing Judge:
 Time:
 Place:

Date Action Filed: June 21, 2007
 Trial Date:

23 I, Officer Derrick Lew, Star #1079, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
 25 4 years.
 26 2. I am currently assigned to Bayview Police Station.
 27
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1 3. BATTERY and PROBATION VIOLATION at 20th and York (Police Report #060
2 605 775). On June 7, 2006 at approximately 8:38 p.m., I was dispatched to the
3 intersection of 20th and York Street regarding a fistfight between unknown latin and
4 black males. As I approached the intersection of 20th and Bryant an unidentified
5 citizen pointed towards the convenience store located at 2201 Bryant. I observed
6 approximately twenty people engaged in some sort of disturbance in front of the
7 store. Upon entering the store I noticed Kevin Chavez, standing by the store's front
8 counter. Mr. Chavez is a known NORTEÑO gang member and has been arrested
9 numerous times by myself and other Mission Station police officers. Two black
10 juvenile males began to approach Chavez in an attempt to engage him in a physical
11 fight. Both males were extremely angry. As I attempted to calm the males down I
12 asked dispatch to send additional units. Several units arrived on scene. Officers
13 Padilla, #4177, and Franco, #1443, attempted to detain the two males, as they feared
14 that they would attempt to assault Chavez. After gaining control of the situation, I
15 spoke to one of the males who said that after leaving a school function, he was
16 walking east bound on 20th and York with his friend when Chavez walked towards
17 them. Chavez was extremely aggressive and demanded to know, "What do you
18 claim?" In my training and experience, this inquiry is street parlance for what gang
19 an individual belongs to. One of the males stated to Chavez that he was "not from
20 around here" and continued to walk away. Chavez continued to badger the male
21 until they got into a heated verbal exchange and began pushing each other. Chavez
22 then punched the male victim in the mouth with a closed fist knocking the victim's
23 eyeglasses off of him and causing a bruise to his lower lip. Seeing what happened
24 several of the victim's friends rushed to the victim's aid. Chavez then ran into the
25 convenience store seeking refuge. The victim and his friends followed Chavez and
26 attempted to confront him. The storeowner then called police. I spoke to the second
27 male, who corroborated the victim's statements. Another witness stated that he saw
28

1 when Chavez approached the two males in an aggressive manner. He then saw as
2 the two males attempted to ignore Chavez and continue walking when without
3 warning or provocation, Chavez dropped his jacket and punched the victim with a
4 closed fist. He then saw Chavez run into the store. A third witness, who had no
5 relation to any of the subjects stated that Chavez was the clear aggressor in the
6 incident. The two males signed citizen arrest forms against Chavez and I accepted
7 custody of him. The two juvenile males were admonished for resisting and delaying
8 peace officer duties during the incident and were released to their guardians. A
9 computer check of Chavez's record revealed that he was on active felony probation
10 through November 29, 2008. Prior to being transported to Mission Station Chavez
11 was given an opportunity to sign a citizen's arrest against the two males. He
12 originally agreed to but then changed his mind and said, "Can't we just work this out
13 here?" He was transported to Mission station and booked for the battery and
14 probation violation.

- 15 4. POSSESSION OF CRACK COCAINE, COCAINE SALT, ECSTASY, AND
16 MARIJUANA FOR SALE on the Sidewalk of 908 Shotwell Street (Police Report #
17 060738990). On July 12, 2006, at 9:08 pm, I was on patrol with Officer Berge,
18 #4172, in full uniform and in a marked police vehicle in the area of the 900 Block of
19 Shotwell Street, when I observed two white males, later identified as William "Dolla
20 Bill" Whitebone, a 21-year old resident of Shotwell Street and known member of the
21 NORTEÑO criminal street gang, and David Leopold, a 30-something-year old man
22 with no local address, facing one another, and engaging in what appeared to be a
23 hand-to-hand drug sale. 908 Shotwell Street is well known to the police department
24 because of the numerous calls for service in and around the area due to narcotics
25 trafficking and gang activity and firearms. During a subsequent pat search, Mr.
26 Whitebone admitted to possessing "a little more than a little weed." During a search
27 incident to arrest, we found two bindles of suspected cocaine salt, two bindles of
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suspected crack cocaine, two suspected Ecstasy pills, and \$621.00 US currency, in mixed denominations. Mr. Leopold said he was just talking to his friend, but was unable to tell us Mr. Whitebone's name.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

7/8/07

D. Lew
OFFICER DERRICK LEW, Star # 1079

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
JOHN LEONG IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer John Leong, #228, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 7 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 23rd Street to the North, Valencia to the West, Cesar Chavez to the
7 South, and Potrero Avenue, including LaRaza Park also known as Potrero Del Sol
8 Park to the East.
- 9 5. Through my work, I am familiar with many of the known, admitted members or
10 associates of NORTEÑO gang, and I see them on the public street, within the
11 NORTEÑO turf and the proposed Safety Zone, practically every day I am on duty.
- 12 6. AGGRAVATED ASSAULT W/ OTHER WEAPON at 25th and Mission (060 513
13 300) On May 14, 2006 at approximately 7:14 p.m., Officer Poggio, #391, and I
14 responded to the San Francisco General Hospital Emergency room regarding an
15 aggravated assault incident. I spoke to San Francisco Fire Department medic #75
16 who found the juvenile victim semiconscious on Mission Street with a laceration to
17 the left side of his head and a severe bump around the laceration. The victim told me
18 he does not live in San Francisco and was in the area of Mission and 24th on his way
19 to "The Foot Locker" to shop for shoes. He was approached by three Latin males
20 who surrounded him. The three suspects were described as wearing dark colored
21 clothing with red coloring. The shorter of the three suspects asked the victim,
22 "Where you from?" The victim said he was scared and intimidated and knew the
23 area of 24th Street to be an area where "NORTEÑO" gang members congregate and
24 identify themselves by wearing the color red. The victim tried to ignore the three
25 suspects and began walking away. One of the suspects said "Why you walking
26 away?" The victim was then struck on the head with a hard object and lost
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1 consciousness. When he awoke, he was riding in an ambulance. I took photos of the
2 victims head injuries and booked them at Mission Police Station.

- 3 7. AGGRAVATED ASSAULT W/ OTHER WEAPON at 3278 24th Street (Police
4 Report #060 356 871) On April 3, 2006 at approximately 5:27 p.m., Officer Poggio,
5 # 391, and I responded to the area of San Bruno Avenue and 24th Street regarding an
6 aggravated assault. 24th Street is known to be an area where NORTEÑO gang
7 members congregate. NORTEÑO gang members identify themselves by wearing
8 red color clothing. Their rivals are the Sureno gang who identify themselves with
9 blue color clothing. Both gangs wear baseball caps in colors of white or black with
10 the letters "SF". Upon arrival we met with the two victims who were standing beside
11 a green Nissan Sentra with the drivers side window smashed. I observed glass
12 fragments throughout the interior of the car. The victims told me that they were
13 travelling west on 24th Street and Mission, just across the streets from McDonald's
14 and were stopped at a red light. They do not live in San Francisco and they were not
15 aware of the the gang activities on 24th Street. Today, one of the victims was
16 wearing a white baseball cap with "SF" and the other victim was wearing a blue NY
17 baseball jersey and both were planning to attend the baseball game between the
18 Oakland A's and New York Yankees. While waiting for the light a Hispanic male
19 approached the two victims on the passenger side of their vehicle hostilely with both
20 arms up and said, "Where you from?" The suspect then kicked the car door, placing a
21 dent in it approximately 8' in diameter. The victim, not understanding the suspects
22 confrontational behavior replied, "What do you mean?" Suddenly a second suspect
23 came up to the driver side and said, " Where you from?" and punched one of the
24 victims in the face. The victim began rolling up the window and a third suspect then
25 threw a bottle at the window shattering both the bottle and window into the victims
26 face and body. The shattered glass cut the victims right forearm. The two victims
27 fled the area and called police. It should be noted that at 1608 hours, we were
28

1 dispatched to 24th and Mission Street regarding five Latin male adults throwing
2 bottles at passing vehicles but we were unable to locate the reporting party or victim
3 at that time.

- 4 8. FIREARM POSSESSION BY PROHIBITED PERSON, WEAPON CONCEALED,
5 POSSESSION OF LOADED FIREARM at Florida and Precita Streets (Police
6 Report #060 162 797) On February 12, 2006 at approximately 2:37 a.m., Officer
7 Kawaguchi, #4089, and I were dispatched to the area of Bryant and Cesar Chavez
8 regarding an "A" priority suspicious vehicle with two Latin males, one wearing red
9 clothing and the other wearing a camouflage jacket, selling drugs from the blue four
10 door vehicle parked in front of the sheepskin city business. On arrival I observed a
11 dark blue Nissan Altima parked in front of the sheepskin business on the southwest
12 corner of Cesar Chavez and Bryant with noone around. The reporting party who
13 preferred confidentiality advised Officer Bozin #814, who was on scene, that the
14 two suspected drug dealers had just walked around the corner of Cesar Chavez onto
15 Precita Street. At Precita and Florida I observed a white latin male, later identified
16 as Alfred Sanchez, wearing a bright red baggy sweat suit and leaning into a double
17 parked blue Geo Prizm with passengers inside. There was noone else on the street
18 and it is a single lane street. Based on my training and experience, I believe I was
19 observing an illegal drug transaction. I know that drug dealers work off cellphone
20 and pagers and transactions usually take place in an area that will not attract
21 attention. The buyers are usually instructed by the seller to drive by a specific
22 discreet area at a specific time. Clothing and car descriptions are usually stated to
23 one another for easy recognition. Transactions are fast and discreet, usually a double
24 parked car with the seller walking up to the car for the quick exchange. Based on the
25 reporting parties information, description of suspect, time proximity, location and the
26 actions of Sanchez, I believed that he was in the process of making a drug sale. We
27 turned our spotlights on Sanchez and the vehicle and he immediately backed away
28

1 from the car. I detained him without incident. I know Drug dealers often arm
2 themselves to prevent themselves from becoming victims of robberies. I conducted a
3 pat search for weapons of Sanchez for officer safety and came upon a loaded
4 handgun in Sanchez's front waistband. I handcuffed Sanchez and placed him under
5 arrest for carrying a concealed weapon and being a convicted felon in possession of a
6 gun. Officer Bozin found suspected crystalline methamphetamine in the possession
7 of the vehicle's driver, identified as Jennifer Jolivette, and she was placed under
8 arrest. I saw that a passenger of the vehicle was wearing a camoflage jacket as
9 described on the CAD. I spoke to the reporting party who told me that he lives in the
10 area and had parked his vehicle when he saw two Latin males repeatedly enter the
11 blue Altima to retrieve property from the car. The suspect in red appeared to be
12 removing things from the front passenger side underneath the dashboard while the
13 suspect wearing the camouflage jacket would acted as a lookout. The suspect in red
14 would then go back to the street corner, call someone from his cell, and the two
15 suspects would then wait at an adjacent closed gas station. A car would then pull up
16 in front of the southeast corner of Bryant Street and the suspect wearing red would
17 then conduct a "hands transaction" with the driver. This course of action repeated with
18 several different cars. The reportee remained and observed the suspects actions for
19 about an hour and then called police. Sanchez was transported to Mission Police
20 Station. While sitting on the booking bench he frantically rubbed his rear on the edge
21 of the bench and dislodged a plastic baggy containing dried leafy green substance,
22 suspected marijuana, and kicked the bag away from him. His actions were observed
23 on camera by Officer Chorley, #230. The suspected marijuana was retrieved from
24 the cell by Officer Kawaguchi and I hand carried the suspected methamphetamine
25 and marijuana and booked them at the Narcotics Drop Box located at 850 Bryant
26 Street. It should be noted that Sanchez had over \$1700.00 in his pants pocket at the
27 time of arrest.

1 9. ROBBERY WITH FORCE at 21st and Florida Streets at 12:57 am on January 19,
2 2005 (Police Report #050069244) On January 19, 2005, at 12:57 am, I was
3 dispatched to the area of Florida and 21st Streets regarding a possible strong arm
4 robbery. At the scene, I interviewed the victim, a 34 year old resident of Florida
5 Street. The victim told me that he was approached at 21st and Florida by two
6 suspects: one, a Latin male, approximately 20 years old, dark long hair, and a cut on
7 his arm; and the other, a Latin male, approximately 20 years old, wearing a hat or
8 beanie, tall, with a thin build. The victim stated that the suspects punched him in the
9 face, and took his wallet and cell phone from him. The victim said the suspects fled
10 on foot, eastbound on 20th Street. Later, dispatch reported the the suspects were at
11 San Francisco General Hospital. I brought the victim to the SF General Hospital
12 area to conduct a cold show. The victim positively identified Daniel Santiago, a 19-
13 year old resident of Mariposa Street and known member of the NORTEÑO criminal
14 street gang, as one of the robbers. The victim was almost certain that the other
15 suspect, Freddy King, a 19-year old resident of the Bayview District and known
16 member of the NORTEÑO criminal street gang, was the other assailant, but said he
17 couldn't be sure, because during the robbery, he was wearing a black "doo-rag." I
18 searched the crime scene area and found the victim's wallet in front of 880 Alabama
19 Street. At Mission Station, I seized a cell phone, three dollars in US currency, and a
20 bank statement from Mr. King's person. The victim identified this property as his,
21 taken during the robbery. I also found a black doo-rag in Mr. King's pocket.
22

23 I declare under penalty of perjury that the foregoing is true and correct.

24
25 Dated:

7-4-07

26  228
OFFICER JOHN LEONG, #228

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
LEE IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Michael Lee, Star # 1643, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 1 years.
26 2. My current assignment is officer at Mission Station.
27
28

- 1 3. In my work in the Mission District, I have become familiar with Defendant Norteno
2 gang, and many of its San Francisco members, including members of local Norteno
3 subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran
4 Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The Norteno gang claims their turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 5. For years, the Norteno gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteno gang, and I see them on the public street, within the Norteno
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of Norteno gang publicly identify themselves by hanging around with
18 other members of Norteno gang, within Norteno turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteno gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ROBBERY WITH FORCE at 2700 Mission Street on January 25, 2007 (Police
23 Report #070090633) On January 29, 2007, at 3:50 pm, I was on duty with FTO
24 Felix, when dispatch sent us to 24th and Mission Streets regarding a strong-arm
25 robbery victim having located the suspect who had robbed him four days earlier, on
26 January 25, 2007. When the police arrived, the victim indicated that the person who
27 robbed him was one of three Latin males loitering in front of the McDonald's
28

1 restaurant at 24th and Mission Streets. The victim positively identified a 17 year old
2 Latin male, who resides on Alemany Boulevard, as the person who robbed him of his
3 chain and medallion. The seventeen year old was had four dots tattooed on his left
4 wrist, a symbol of the NORTENO criminal street gang. The victim told me that he
5 thinks that the suspect and his friends are members of the NORTENO criminal street
6 gang. The victim stated that before robbing him, the suspect said to him something
7 to the effect of "what gang do you claim?" The victim also said that the suspect kept
8 lifting up the victim's sweater to check out the color of his clothes. He said that the
9 suspects may have chosen him to rob, because on the day of the robbery, he was
10 wearing dark color clothing and black Raiders' tennis shoes, which may have led the
11 suspects to believe that he was a member of the rival SURENO gang.
12
13

14 I declare under penalty of perjury that the foregoing is true and correct.

15
16 Dated:

07/09/07

 #1643

OFFICER MICHAEL LEE, Star # 1643

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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD GANG
INSPECTOR LAU IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Inspector Scott Lau, Star # 1476, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 17 years.
27
28

- 1 2. My current assignment is Gang Inspector with the Gang Task Force, focusing on
2 Latin Gangs.
- 3 3. In my work as a San Francisco Police Officer, and especially in my assignment with
4 the Gang Task Force, I have become very familiar with Latin gangs such as
5 Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such as a
6 Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
7 Alabama and 21st (21ABL). I come into contact with the Latin gang members
8 practically every day that I am on duty.
- 9 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
10 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
11 South, and San Bruno, including LaRaza Park to the East.
- 12 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
13 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
14 and red accessories, often sporting symbols and tattoos commonly associated with
15 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
16 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
17 NORTEÑO gang members also wear North Carolina University sports attire.
- 18 6. ATTEMPTED HOMICIDE on Muni Bus at Mission and 24th Streets (Police Report
19 # 051398959) This attempted homicide case and stabbing on the Muni bus at 24th
20 and Mission that occurred on December 13, 2005 at 12:05 pm, was assigned to me
21 after the initial investigation was conducted by, and the initial police report was
22 written by Officer Gaffud, Star # 322, based on his on-scene investigation with
23 Officer Zachos, Star #1049 (See Declaration of Officer Gaffud, filed herewith). On
24 December 14, 2005, at 2:15 pm, I went to SF General Hospital and met with the
25 stabbing victim, a 20-year old Latin male resident of Daly City. He told me he was
26 traveling on the back of the bus from Daly City to San Francisco. At Geneva and
27 Mission, he noticed a couple of people board the bus, dressed in red. At the next
28

1 stop, the victim saw two males dressed in red board the bus. One was tall, thin and
2 had shoulder-length hair, and appeared to be white. The second was shorter and thin.
3 At 24th and Mission, the victim noticed people entering and exiting the bus. Some
4 guys started punching him from behind. He fled to the front of the bus. He did not
5 realize he had been stabbed. The victim had 3 or 4 dots tattooed on the web of his
6 right hand, the name of his daughter tattooed on his neck, some initials tattooed on
7 his left forearm, and initials and words on the web of his left hand. At the time of the
8 attack, the victim was wearing a T-shirt that said, "Southpole" on it. On December
9 22, 2005, I viewed the Muni surveillance video. One subject in the video appears to
10 be a 16-year old member of the 22B clique of the NORTEÑO criminal street gang.
11 This 16-year old gang member appears to be involved in the incident, but the
12 stabbing is not visible on the video.

13 7. ASSAULT WITH DEADLY WEAPON (GUN) AND PROBATION VIOLATION

14 at Harrison and 26th Streets (Police Report # 060346515) On March 28, 2006, I was
15 on duty with Sgt. Browne and Inspector Yu in an unmarked unit at the intersection of
16 26th and Harrison Streets. At 8:30 pm, we saw 2 black male juveniles sprinting
17 northbound on Harrison Street towards us. As one of the black males ran past us, he
18 said that a Latin male in a vehicle had just pointed a gun at him and his friends.
19 While we were talking with this black male, a 17-year old Latin male approached us.
20 He told us that a member of the 21ABL clique of the NORTEÑO criminal street
21 gang he knows as "Young C" came to the corner store located at the northeast corner
22 of 26th and Harrison Streets at 7:30 pm that evening. From my experience and prior
23 contacts, I know "Young C" to be Kevin Chavez, a 21-year old resident of Alabama
24 Street who is on felony probation. The 17-year old told us that Mr. Chavez was by
25 himself, and that he was "talking shit" to a girl. Mr. Chavez was overheard yelling,
26 "What the fuck! You know anybody from 14th Street?" The 17-year old told Mr.
27 Chavez to leave the store, which he did. The 17-year old said that at approximately
28

1 8 pm, Mr. Chavez returned in a vehicle driven by a female. The 17-year old was
2 standing with his friends mid-block on Harrison between Cesar Chavez and 26th
3 Streets. Mr. Chavez got out of the car, approached the 17-year old and his friends,
4 and pointed a 9mm handgun at him, and cocked the gun. Then Mr. Chavez pointed
5 the gun at the friends. Everyone fled. Thirty minutes later, at around 8:30 pm, the
6 17-year old and his friends were mid-block on Cesar Chavez between Folsom and
7 Harrison when they saw the same vehicle, driven by the same female. The vehicle
8 stopped near the 17-year old and his friends, and Mr. Chavez again exited the vehicle
9 and approached, pointed the 9mm handgun at him and his friends, before fleeing in
10 an unknown direction. The 17-year old stated that Mr. Chavez was wearing a t-shirt
11 that said, "Stop Snitching," On April 5, 2006, at 2:00 pm, I was on duty with
12 Inspector Yu and Officer Molina, in the area of 21st and Alabama Street looking for
13 suspect Kevin "Little C" Chavez, as he had been positively identified as having
14 repeatedly pointed a gun at two victims on March 28, 2006. We located and arrested
15 Mr. Chavez, who was on felony probation with a warrantless search condition.
16 Pursuant to the search condition, we searched his residence at 853 Alabama Street.
17 Mr. Chavez showed us his room, where we found and seized the following items: a
18 T-shirt which said, "Stop Snitchin'" on the front and "Snitches get stitches" on the
19 back; a T-shirt which said, "Money over bitches" on the front and "XXI" on the
20 right sleeve; a T-shirt that said, "The SCO 415" on the front and "Alabama" on the
21 back; a T-shirt that said, "SF" on the front, "Fuck the Police" on the back, "Mob" on
22 the left sleeve, and "XXI" on the right sleeve; and a baseball bat with "Young C
23 ABL XXI Alabama" stenciled on the bat. At Mission Station, I interviewed Mr.
24 Chavez. He told me that on March 28, 2006, he had gone to the store at 26th and
25 Harrison to purchase a bottle of Hennessey liquor between 6 pm and 7 pm. He then
26 returned to the shrine for the recently murdered LNS gang member, Rolando
27 "Chino" Valladares. He stated that he was a little drunk and does not remember
28

1 arguing with a girl. He said he never returned to Bernal Dwellings that night. He
2 stated that he is neither the leader of 21ABL nor a member, but said he knows who
3 they are.

4 8. ATTEMPTED HOMICIDE WITH KNIFE at 24th and Mission Streets (Police
5 Report # 060374077) This attempted homicide case and stabbing at 24th and
6 Mission that occurred on April 7, 2006 at 5:30 pm was assigned to me after the
7 initial investigation was conducted by, and the initial police report was written by
8 Officer Rodgers, Star # 1914, based on his on-scene investigation with Officer
9 Heidohrn #2015 (See Declaration of Officer Rodgers, paragraph 10, filed herewith).
10 I met with the victim, a 30-year old Latin male resident of the Ingleside District, on
11 April 11, 2006. He told me that he was attacked by two suspects: the first was a
12 Latin male, 20 years old, 5'6", skinny, short, wavy blonde hair, wearing a red t-shirt;
13 the second was a Latin male, 20 years old, 6', skinny, short, curly black hair, dark
14 complexion, wearing a black jacket and blue jean shorts. The victim had eaten at the
15 McDonald's at 24th and Mission Street with a friend. The victim left McDonald's
16 alone, exiting onto Mission Street. While waiting for the light to change at 24th
17 Street, the first suspect came up to the victim and said, in Spanish, "Hi, you look
18 cute." The victim crossed 24th Street and was there attacked by the two suspects who
19 followed him. The second suspect kicked the victim in the back of the head, causing
20 the victim to fall to the ground. The first suspect then, from behind, stabbed the
21 victim in the left side under his arm, the neck, and the chest. The victim grabbed a
22 knife which was clipped to the second suspect's pants pocket. The suspects fled
23 toward 24th Street. The victim said the suspects looked like members of the
24 NORTEÑO criminal street gang.

25 9. STREET ROBBERY WITH NUNCHAKS (MARTIAL ARTS WEAPON) at 26th
26 and South Van Ness Avenue on July 18, 2006 at 1:45 am (Police Report #
27 060757774) This robbery case was assigned to me after the initial investigation was
28

1 conducted by, and the initial police report was written by Officer Greer, Star #2027,
2 based on his on-scene observations (see Declaration of Officer Greer, filed
3 herewith). On July 18, 2006 at 4:55 pm, I interviewed suspect Samuel Reyes-Cribas
4 in the county jail. Reyes told me that his friends who are gang members are
5 members of the NORTEÑO criminal street gang, and affiliate with local cliques such
6 as LNS, Bryant and Shotwell. Reyes said that he is also called "Silent" by gang
7 members and non-gang members. He told me that the "N" on his belt buckle stands
8 for "Northside." He confirmed that 26th and South Van Ness is NORTEÑO territory.
9 He confirmed that NORTEÑOS wear red and Surenos were blue. Reyes was
10 wearing a red shirt at the time of his arrest. Reyes told me that he witnessed the two
11 juvenile males suspects from Oakland take the victim's cell phone. Reyes said that
12 one of the juveniles took out the nunchaks sticks to scare the victim into giving his
13 phone to them. One of the 17-year olds from Oakland had one dot on his right
14 elbow, and four dots on his left elbow so that read together they make "14" (N is the
15 14th letter of the alphabet), one of the classic symbols identified with the NORTEÑO
16 criminal street gang. The other 17-year old from Oakland told me that he is a
17 member of "All Turf NORTEÑOs." He told me that normally, a prospective gang
18 member must "put in work" and then get "jumped in" and suffer a beating for 14
19 seconds. He said that "putting in work" entails stealing, committing shootings and
20 stabbings, and selling narcotics. He said he had committed 4 robberies in that same
21 general area, on that night, which constituted "putting in work" for his gang. He told
22 me that he showed the nunchaks to the victim to scare him, and that he could tell the
23 victim was scared. He told me that he picks people walking along as his victims. He
24 remembered telling the victim, "If you scream or move, I'm going to hit you on the
25 head." He said he wore a "Scream" mask, which he wore during the robbery. He
26 told us that the other 17-year old from Oakland was a member of the NORTEÑO
27 criminal street gang. He said that Mr. Reyes was also a member of the NORTEÑO
28

1 criminal street gang. He confirmed that he was wearing a red belt because it is the
2 NORTEÑO color. On July 19, 2006, I spoke with the victim, who stated that he was
3 100% certain that the 3 people he identified to the police at the scene were the 3
4 suspects who robbed him.

5 10. STREET ROBBERY WITH KNIFE at Harrison and 22nd Streets on October 6, 2006

6 (Police Report # 061064764) This robbery case was assigned to me after the initial
7 investigation was conducted by, and the initial police report was written by Officer
8 Liddicoet, Star #1274, based on her on-scene observations (see Declaration of
9 Officer Liddicoet, filed herewith). On October 6, 2006 at 5:00 pm, I met with the
10 robbery victims. The first victim told me that the suspects approached he and his
11 friend while they were getting some tacos and asked what gang they belonged to, and
12 asked, "are you a Sureno?" The suspects asked for money. The suspects beat up his
13 friend. Then one of the suspects punched him twice to the head. The second victim
14 said that the suspects asked what gang they belonged to and asked if they were
15 Surenos. One of the suspects forcefully yanked his jacket off his body and stole it.
16 Then they yanked his necklace from around his neck, breaking it in the process of
17 stealing it. One suspect put a knife to his stomach and said, "Give me your wallet!"
18 The suspects fled in an old Honda. The second victim recalled the police taking him
19 to see some people who had been stopped in a car. He recognized 3 of the 4 subjects
20 in the car. He stated that all the subjects who attacked him were wearing red belts,
21 so he suspected they were members of the NORTEÑO criminal street gang. I also
22 interviewed Ruben Reynoso-Jimenez, an 18-year-old known member of the
23 NORTEÑO criminal street gang. He told me that his friends are members of the
24 NORTEÑO criminal street gang, but he is not. He told me he did not know there
25 was a knife in his car. I also interviewed one of the 17-year old suspects, who told
26 me that he had been playing with the knife seized from the car by the police. He said
27 he and his friends were in Ruben Reynoso-Jimenez's brown Honda when they were
28

1 stopped by the police near 24th and Shotwell. I asked the juvenile if he was a
2 Sureno. He responded, "Fuck no! Fuck Scraps!"

3 11. POSSIBLE SHOTS FIRED INVOLVING KNOWN MEMBERS OF THE

4 NORTEÑO CRIMINAL STREET GANG (Police Report # 070108571) This shots
5 fired case was assigned to me on January 30, 2007, after the initial investigation was
6 conducted by, and the initial police report was written by Officer Fraize, Star #1986,
7 based on his on-scene observations (see Declaration of Officer Fraize, filed
8 herewith). On January 30, 2007, I interviewed Joshua Deleon, an 18-year old
9 resident of the Excelsior District and known member of the NORTEÑO criminal
10 street gang. He was wearing a red 49'ers jersey, and sporting a tattoo that said: "RIP
11 Fino, 1/14/79, 2/4/06" (referring to Rufino "Fino" Gutierrez, a slain member of the
12 NORTEÑO criminal street gang). Mr. Deleon did not want this case investigated. I
13 next interviewed a 17-year old resident of the Excelsior District, who had a tattoo on
14 the back of his neck that said, "SF," as well as a single dot tattooed on his middle
15 finger on his right hand, and four dots tattooed on the fingers of his left hand (read
16 together is "14" – the classic symbol for NORTEÑO criminal street gang). This
17 subject also admitted to being a member of the 22B clique of the NORTEÑO
18 criminal street gang. He did not want this case investigated. I next interviewed
19 Michael "Monster" Sanchez, an 18-year old resident of the Bayview District, who
20 was wearing a black jacket with red trim and the word "Scarface" in red lettering,
21 and white and red sneakers. He did not want this case investigated. I next
22 interviewed James Eagleton, a 25-year old resident of the Ingleside District, who was
23 wearing a red paisley "SF" baseball hat, white t-shirt with "Mission District" in red
24 lettering, a red belt, and blue jeans with red trim. Mr. Eagleton was sporting a tattoo
25 of a single dot on his right wrist, a tattoo of four dots on his left wrist (together
26 making "14"), a tattoo of the number "14" on his left middle finger; a tattoo of
27 "LNS" on his left ring finger, and a tattoo of "SF" on his left pinky. Mr. Eagleton
28

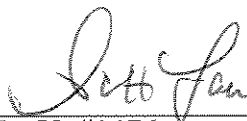
1 said he is a member of the LNS clique of the NORTEÑO criminal street gang and
2 has been so for the past 6 years. He stated that he did not want this case investigated.
3 I next interviewed Daniel "Vamps" Santiago, a 21-year old resident of the Bayview
4 District, a parolee, and a known member of the NORTEÑO criminal street gang. He
5 stated he did not want this case investigated.

6 12. PCP POSSESSION on 24th and Valencia Streets (Police Report # 070193663) On
7 February 22, 2007, at 3:45 pm, Officer Gala and I were in an unmarked police unit
8 near 24th and Dolores Streets, when I saw Frank Arce, a 39-year old resident of
9 Alvarado Street, felony probationer, and known affiliate of the SFM clique of the
10 NORTEÑO criminal street gang, wearing a red 49ers jacket, and Jay Lee Justice, a
11 38-year old resident of Daly City, engage in what appeared to be drug sales activity.
12 We detained the two suspects at 24th and Valencia Streets, and exercised Mr. Arce's
13 warrantless search condition, and located three hand-rolled cigarettes containing
14 suspected PCP: one in Mr. Arce's left front jacket pocket, and two in Mr. Justice's
15 pocket.

16 I declare under penalty of perjury that the foregoing is true and correct.

17
18 Dated:

7/9/07



SCOTT LAU, #1476

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

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
VIEN T. LAM IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Vien T. Lam, # 2003, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 2 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harrassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ATTEMPTED ASSAULT, HOMICIDE W/ GUN at 24th and York Street (061 096
23 143) On October 14, 2006 at approximately 12:35 a.m., Officer Poggio, #391, and I
24 responded to 24th and York Street regarding a shooting. A crime scene was located
25 at 2109 York Street. The crime scene had minute blood spatter on the ground and
26 four bullet holes on the wall. A baseball cap, knife and glasses were laying on the
27 ground in close proximity to the crime scene. Unsure of wether the items may
28

1 belong to a possible suspect we booked the items into evidence. A witness told
2 Officer Tozzini, #4084, that he was at 25th and York Street when he heard gun shots
3 and saw a white neon vehicle travelling south bound on York Street. The vehicle was
4 travelling at a high rate of speed and failed to stop for the stop signs. The suspect
5 was described as a Hispanic male, around 20-25 years of age and wearing a black
6 beanie and black and red jacket. Officer Poggio and I responded to SFGH where
7 Officers Castillo, #1415, Fischer, #4130, and Grande, # 302, spoke to the three
8 victims. Two victims received gun shot wounds. I seized one of the victims shoe
9 which had a copper colored bullet embedded in it. A second victims shoe had a
10 bullet hole on top of it along with some blood stain as evidence which I seized as
11 well. I booked all items into evidence at Mission Station.

12
13 I declare under penalty of perjury that the foregoing is true and correct.

14
15 Dated: 7/2/07

16 
17 _____
18 OFFICER VIEN LAM, Star # 2003
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26
27
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
KENNEY IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:

Hearing Judge:

Time:

Place:

Date Action Filed: June 21, 2007

Trial Date:

23
24 I, Officer MATTHEW KENNEY, #572, declare as follows:

25 1. I am employed as a San Francisco Police Officer, and have been so employed for

26 6 years.

2. In my work as a patrol officer assigned to the Mission District, I have become very familiar with Defendant Norteño gang, and many of its San Francisco members, including members of local Norteño subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
3. The Norteño gang claims its turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
4. For years, the Norteño gang has been committing a near-constant public nuisance by committing in public, at all times of day or night, drug trafficking, assaults, robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession, interference with public right of way, verbal and physical harassment and intimidation, and other conditions offensive to the senses of the community residents, merchants, and visitors.
5. Through my work, I am familiar with many of the known, admitted members or associates of Norteño gang, and I see them on the public street, within the Norteño turf and proposed Safety Zone, practically every day I am on duty.
6. Members of Norteño gang publicly identify themselves by hanging around with other members of Norteño gang, within Norteño turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
7. ASSAULT AND ATTEMPTED HOMICIDE WITH A WEAPON at 25th Street and Folsom Street at 2:00 am. (Police Report #060214724). On February 25, 2006, I was on duty and responding to the area of Cesar Chavez and Alabama Street to investigate a fight involving 20 individuals, two of who had sticks. While en route, I observed 3 individuals fighting in the street near the intersection of 25th Street and Folsom Street, which is in the proposed Safety Zone. As I approached this area, I

1 saw Jorge Escobar engaged in a fight with two other individuals. One individual was
2 Francisco Ramirez and the third unknown suspect ran away. I told Mr. Escobar and
3 Mr. Ramirez to stop, and they subsequently fled. I was able to detain both and
4 immediately detected a strong odor of alcoholic beverage on Mr. Escobar's breath
5 and noticed that his eyes were watery and bloodshot. I asked Mr. Escobar a series of
6 questions and he was very aggressive and belligerent towards me in response. For
7 example, when I asked him if he needed medication attention, Mr. Escobar said,
8 "Man you look at my grill bitch . . . it ain't nothin' fuck you . . . I'm a true player."
9 As part of this investigation, interviewed a victim who said that Mr. Escobar "beat
10 me up and was one of the guys who took my stuff." Subsequently, Mr. Escobar was
11 placed under arrest and in handcuffs. The victim also identified Edwin Henriquez as
12 a suspect. Mr. Henriquez was wearing a red shirt and had red and white shoes.
13 According to the victim, Mr. Henriquez jumped and robbed the victim at Garfield
14 Park. The officers who transported Mr. Escobar to the station also seized one small
15 clear plastic bag of suspect base cocaine. Another witness told us that she witnessed
16 Mr. Escobar yelling "Norte, Norte" during the incident at Garfield Park. Based on
17 my training and experience, Garfield Park and the surrounding area are notorious for
18 heavy gang activity, especially the Norteño criminal street gang. The victim told me
19 that an unknown suspect asked him "what do you bang?" The victim then told me he
20 meant what gang to claim. The victim said he pulled up his shirt to show his belt,
21 that he was not wearing any colors and demonstrated that he was not affiliated with
22 any gang. The unknown suspects, one later identified to be Mr. Escobar, then
23 attacked the victim. The victim was dodging punches. Mr. Escobar took off his red
24 belt and began to strangle the victim with the red belt. The victim was unable to
25 breathe, swallow, or speak, and then lost consciousness and fell to the ground. Mr.
26 Escobar was booked at Mission Station. Because he had a history for participating in
27
28

1 a criminal street gang, his conduct related to this incident, use of the word "Norte,"
2 and the location of the incident, Mr. Escobar was booked for 186.22A PC.

- 3 8. SALE AND POSSESSION OF COCAINE at 2770 Mission Street and 24th Street at
4 11:47 am. (Police Report #061089609). On October 12, 2006, Officer Zachos and I
5 were on duty and saw Luis Fernando Romero and Jose Eduardo standing in front of
6 2770 Mission Street, which is in the proposed Safety Zone. I watched what I
7 believed was activity involving suspected narcotics. I saw Mr. Eduardo quickly
8 placing small white rocks into his mouth. When asked to open up their mouths, Mr.
9 Eduardo then quickly spit out 12 individually wrapped off white rocks of suspected
10 base cocaine as well as 4 individually wrapped brown tar-like bindles of suspected
11 heroin. From our training and experience with narcotics, I recognized these items
12 that were spit out of Mr. Eduardo's mouth to be consistent with that of illegal
13 narcotics. Both Mr. Eduardo and Mr. Romero were placed in handcuffs and under
14 arrest.

15
16 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
17 and correct.

18 Dated: 7/6/07

19  572
OFFICER MATTHEW KENNEY, #572

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
KEITH IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Office Steven Keith, Star # 2222, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 6
26 ½ years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), and San Fran Mission (SFM).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. FIGHTING at 24th and Mission near BART (Police Report #051309144). On
23 November 19, 2005, at 9:08 pm, I was on duty, in full uniform, and assigned to
24 lower 24th Street foot beat. I observed a large group of approximately 20 members
25 of the NORTEÑO criminal street gang on the northeast corner. I noticed two Latin
26 males standing face to face near the Muni bus stop on the 24th Street side of the
27 BART plaza. From numerous prior contacts, I immediately recognized one as
28

1 Daniel Santiago, who frequently associates with members of NORTEÑO gang, and
2 who was on parole. The other was a juvenile. I saw Mr. Santiago strike the juvenile
3 with a closed right fist. The crowd dispersed on becoming aware of my presence.
4 Mr. Santiago was sweating heavily and breathing hard, had a lump on his forehead
5 and a drop of blood. I arrested him. I then met with the juvenile, whose left ear was
6 swollen, red, and had some dried blood on it. He also had an abrasion next to his
7 eye. The victim appeared nervous, frequently looked at Mr. Santiago across the
8 street, and appeared to want to downplay the incident. The victim refused to sign a
9 citizen's arrest form or give a written statement.

10 9. DRUG DEALING, DRUG POSSESSION, AND DRUG PARAPHERNALIA at 24th
11 Street BART Plaza (Police Report #060698689) On July 1, 2006, at 8:42pm, I was
12 on duty, assigned to the lower 24th Street foot beat. I was patrolling the BART Plaza
13 at 24th and Mission Streets, when I observed two males engage in a hand-to-hand
14 transaction between them. One of the men, later identified as Orlando Narvaez, was
15 wearing a white and red baseball cap and had several visible tattoos that I
16 recognized as related to the NORTEÑO criminal street gang. The other, later
17 identified as Julian Reyes (a parolee and resident of the Excelsior District), turned
18 his head and looked in my direction, and then alerted Mr. Narvaez, who had
19 something in his hand, and discarded two amber colored plastic baggies which I
20 recognized as consistent with narcotics packaging. During the arrest, we seized a
21 crack pipe, crack crumbs, metal mesh, and a hypodermic needle.

22 10. SWITCHBLADE KNIFE at Shotwell Street between 24th and 25th Streets (Police
23 Report # 060727545) On or about July 9, 2006, at 9:25 pm, I was on duty in full
24 uniform with Officer Hampton, working the foot beat on lower 24th Street. We were
25 patrolling the 1000 block of Shotwell Street due to community complaints regarding
26 gang-related activities. I observed a Latin male, who I recognized from prior
27 contacts as an affiliate of the NORTEÑO criminal street gang, in a car, engage in a
28

1 conversation with three individuals on Shotwell Street. After the conversation, the
2 three individual sat down on the front steps of 1080 Shotwell Street. One of the
3 three males was later identified as Joshua "Little Sneeks" Deleon (18 year old
4 resident of 3222 26th Street), a known member of the LNS clique of the NORTEÑO
5 criminal street gang. Mr. Deleon was wearing low hanging pants that showed off
6 his red underwear, and has several red-colored dice in his braided hair. I saw a metal
7 clip protruding from his right front pants pocket, which turned out to be a
8 switchblade.

9 **11. PUBLIC CONSUMPTION OF ALCOHOL BY MINOR at South Van Ness Avenue**

10 between 24th and 25th Streets (Police Report #060745901) On July 14, 2006, at
11 5:19pm, I was on duty, in full uniform, assigned to the lower 24th Street foot beat,
12 patrolling the 1300 Block of South Van Ness Avenue due to recent community
13 complaints regarding the public consumption of alcohol. I saw two Latin males
14 seated on the steps of 1338 South Van Ness. From prior police contacts, I
15 immediately recognized one of the males as 19-year old Juan Robleto, a resident of
16 San Bruno, CA, and a known associate of the NORTEÑO criminal street gang. I
17 saw Mr. Robleto holding an open 40-ounce bottle inside a brown paper bag. I
18 detained Mr. Robleto and seized the 40-ounce bottle of "Mickey's," an alcoholic
19 beverage.

20 **12. PUBLIC CONSUMPTION OF ALCOHOL BY MINOR at 26th and Bartlett Streets**

21 (Police Report 060746335) On July 14, 2006, at 7:38 pm, I was on duty in full
22 uniform, assigned to the lower 24th Street foot beat. I was patrolling 26th and Bartlett
23 due to recent community complaints regarding the public consumption of alcohol. I
24 observed a Latin male, who I recognized from prior police contacts as 20 year old
25 Daniel Marcos Valdez (a resident of Sunnyvale, CA, wearing a 49ers jersey),
26 holding an open 16 ounce can of "Sparks plus," an alcoholic beverage, inside a
27 brown paper bag.
28

1 13. FORGERY/COUNTERFEITING AND OPEN CONTAINER OF ALCOHOL at 24th
2 and Capp Streets (Police Report # 061229231) On November 18, 2006, at 12:13
3 am, I was on duty, in full uniform, with Officer Ferreira, assigned to the lower 24th
4 Street foot beat, and patrolling the area of 24th and Capp Streets due to the high
5 incidence of gang-related activity. I observed a Latin male with a shaved head,
6 baggy jacket, dark jeans, and bright white and red shoes walk across Capp outside
7 the crosswalk. He showed us what I believed to be a forged California ID card,
8 identifying him as Juan Francisco Tejada. During a search incident to arrest, I found
9 an open 200 ml bottle of "Hennessy" Cognac inside his jacket pocket. At the
10 station, I confirmed that the California ID number Mr. Tejada showed us, was
11 actually issued to a "Michael Evanross Morales," a blonde, blue-eyed male with a
12 last known address in Daly City. The number expired on 12/4/1995.

13
14
15 14. ROBBERY WITH FORCE AND PUBLIC INTOXICATION at 24th and Mission
16 Streets (Police Report # 061253218) On November 24, 2006, at 9:04 pm, I was on
17 duty, in full uniform, with Officer Ferreira, assigned to the lower 24th Street foot
18 beat. We were walking on the 2800 block of Mission Street (near 24th) when I
19 observed a Latin male, approximately 20 years old, wearing a red shirt and red
20 shorts. An hour earlier, there had been a robbery in this area, and I had heard the
21 description of the robbery suspect, and believed he fit the description. The suspect
22 looked in our direction, and then bent at the waist and tried to hide behind parked
23 cars. He started whistling loudly, a tactic that gang members and drug dealers use to
24 alert their counterparts of police presence. We detained the male, later identified as
25 Wilmer Antonio Pineda, 20-year-old resident of Capp Street, with a history of
26 robbery, assault and gang-related arrests. Mr. Pineda appeared intoxicated, yelled
27 incoherently, had watery and bloodshot eyes, and had an odor of alcohol about him.
28

1 The robbery victims were brought to Mission Station for a cold show, and both
2 positively identified Mr. Pineda as one of the robbers.
3

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Dated: 7/2/7

6  #2222
7 _____
8 OFFICER STEVEN KEITH, Star # 2222
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1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
YVONNE R. MERE, State Bar #173594
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
KAWAGUCHI IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Michael Kawaguchi, Star #4089, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for 7
25 years.
26 2. My current assignment is officer at Mission Station.
27
28

- 1 3. In my work in the Mission District, I have become familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ROBBERY WITH KNIFE at 23rd and Bryant Streets on July 18, 2006 at 12:23 am
23 (Police Report #060757570) On July 18, 2006, at 12:23 am, I was on duty with
24 Officer DeJesus, when we were dispatched to 23rd Street and Bryant regarding a
25 robbery. The victim, a 26 year old resident of 23rd Street, explained that he was at
26 the bus stop on the southwest corner of 23rd and Bryant Streets, using his Nokia cell
27 phone, when an unknown Latin male, approximately 25- 30 years old, 5'7" and
28

1 140lbs, approached him with a fixed blade knife approximately 50 cm in length, and
2 demanded money. The victim told the suspect he had no money, and a second
3 suspect appeared, and forcibly grabbed the cell phone from his hand. A witness
4 later told me that he observed three suspects approach the victim. He said he
5 witnessed one of the suspects grab the victim by the neck. The witness thought they
6 were all just playing around. The witness said he saw one suspect with a knife. The
7 witness said he then saw all suspects run westbound on 23rd from Bryant.

8 9. AGGRAVATED ASSAULT WITH GUN at 24th and Shotwell Streets on August 18,
9 2006, at 11:50 pm (Police Report # 060880212) On August 18, 2006, at 11:50 pm, I
10 was on duty with Officer Vernengo, when we were dispatched to 1073 Shotwell
11 regarding two to three gunshots fired in the area. We were then advised by the
12 Sheriff's Department that a shooting victim had just entered SF General Hospital,
13 having suffered a gunshot wound to the shoulder. We spoke with the victim, a 21-
14 year-old resident of San Carlos Street, who told us that he was walking eastbound on
15 Cesar Chavez, and was at South Van Ness when he heard two gunshots. He denied
16 being on 24th Street. He said he then saw blood coming out of his shoulder. The
17 victim stated that he got into a car and was dropped off at SF General Hospital, but
18 wouldn't say by whom. The victim was unable to provide any description of a
19 suspect or a vehicle, or any other helpful details.

20 10. AGGRAVATED ASSAULT WITH KNIFE at 22nd and Mission Streets on
21 December 30, 2006 at 1:00 am. (Police Report #061377755) On December 30, 2006,
22 at 4:03 am, I was on duty with Officer Vernengo, and responded to SF General
23 Hospital regarding a stabbing victim. We met with the victim, a 20 year old resident
24 of Concord, who told us the following: Earlier that night, around 1:00 am, he was
25 walking on the east side of Mission between 21st and 23rd Street, when he was
26 approached by a group of four males in their 20's. One suspect said, "Come out your
27 pockets. Why you wearing that? Are you a scrap?" The victim told them he didn't
28

1 associate with any gangs. The four suspects began punching and kicking him
2 multiple times, and then fled on foot. The victim said he didn't realize he'd been
3 stabbed until he saw the blood on his hands and pants. The victim took the bus to his
4 cousin's house in the Tenderloin district. His cousin and girlfriend took him to the
5 hospital. The medical staff reported that the victim suffered from one stab wound to
6 the left hip, one stab wound to the left lower abdominal quadrant, and a laceration to
7 his temple. The victim said he'd be unable to identify the suspects.

8
9 I declare under penalty of perjury that the foregoing is true and correct.

10
11 Dated:

Michael Kawaguchi #4089
OFFICER MICHAEL KAWAGUCHI, Star #4089

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
YVONNE R. MERE, State Bar #173594
4 Deputy City Attorney
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
JOHNSON IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Kunthea Johnson, Star #73, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 9 years.
26 2. My current assignment is patrol officer at Mission Station.
27
28

3. In my work in the Mission District, I have become very familiar with Defendant NORTEÑO gang, and many of its San Francisco members, including members of local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
4. The NORTEÑO gang claims their turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
5. For years, the NORTEÑO gang has been committing a near-constant public nuisance by committing in public, at all times of day or night, drug trafficking, assaults, robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession, interference with public right of way, verbal and physical harassment and intimidation, and other conditions offensive to the senses of the community residents, merchants, and visitors.
6. Through my work, I am familiar with many of the known, admitted members or associates of NORTEÑO gang, and I see them on the public street, within the NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
7. Members of NORTEÑO gang publicly identify themselves by hanging around with other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
8. ROBBERY ON STREET with OTHER WEAPON at 3300 26th Street and South Van Ness (Police Report #060 860 377). In the early morning hours of August 14, 2006, I was dispatched to San Francisco General Hospital on a battery call. I met with the victim who was laying in an emergency room bed. He was being treated for three lacerations to the top of his head, and abrasions to the knees and elbows. A MEA at the hospital provided translation for the victim who was Spanish speaking.

1 The victim told me that he was out drinking with a friend of his. They walked to a
2 corner liquor store located at 26th and South Van Ness. While at the store, the victim
3 was attacked by 8-10 gang members. His attackers were all young latin males
4 ranging in ages from 17 to 23 years old. The victim said that these gang members
5 are always hanging out inside of the liquor store and may have some sort of
6 affiliation with the liquor store owners. The victim said that he was punched by the
7 latin males and fell to the ground. While he was on the ground, the suspects kicked
8 him repeatedly. The victim said that while being attacked, he saw one of the
9 suspects hitting him over the head with a bat. He described the suspect as a Hispanic
10 male, approximately 20 to 21 years old, with short black hair, wearing a brown t-
11 shirt with a red jacket and blue jeans. The victim stated that \$207 dollars were taken
12 from him. I asked the victim if he ever lost consciousness and he said "no." The
13 victim said that he would be able to identify the suspect if he saw them again. The
14 victim stated that an ambulance was called but not the police. I looked at the
15 ambulance log and saw that medic #7, arrived at 26th and South Van Ness at 4:15
16 a.m. and transported the victim to San Francisco General Hospital. I drove to 26th
17 and South Van Ness and saw that the liquor store that the victim mentioned was
18 "Vics Grocery Liquors", located at 3300 26th Street.

19
20 I declare under penalty of perjury that the foregoing is true and correct.


21
22 Dated:

23  #73
24 _____
25 OFFICER KUNTHEA JOHNSON, Star #73
26
27
28

1 and South Van Ness. While at the store, the victim was attacked by 8-10 gang
2 members. His attackers were all young latin males ranging in ages from 17 to 23
3 years old. The victim said that these gang members are always hanging out inside of
4 the liquor store and may have some sort of affiliation with the liquor store owners.
5 The victim said that he was punched by the latin males and fell to the ground. While
6 he was on the ground, the suspects kicked him repeatedly. The victim said that while
7 being attacked, he saw one of the suspects hitting him over the head with a bat. He
8 described the suspect as a Hispanic male, approximately 20 to 21 years old, with
9 short black hair, wearing a brown t-shirt with a red jacket and blue jeans. The victim
10 stated that \$207 dollars were taken from him. I asked the victim if he ever lost
11 consciousness and he said "no." The victim said that he would be able to identify the
12 suspect if he saw them again. The victim stated that an ambulance was called but not
13 the police. I looked at the ambulance log and saw that medic #7, arrived at 26th and
14 South Van Ness at 4:15 a.m. and transported the victim to San Francisco General
15 Hospital. I drove to 26th and South Van Ness and saw that the liquor store that the
16 victim mentioned was "Vics Grocery Liquors", located at 3300 26th Street.

17
18 I declare under penalty of perjury that the foregoing is true and correct.

19
20 Dated: 7/4/07

21  #73

OFFICER KUNTHEA JOHNSON, Star #73

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
JIMENEZ IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Jose Jimenez, Star # 2075, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 12 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harrassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. COCAINE BASE FOR SALE AND BATTERY at 26th and South Van Ness Avenue
23 (Police Report #050923327). On August 17, 2005, at 4:00 pm, I was on duty, and
24 was sent to 23rd and South Van Ness regarding a battery by members of the
25 NORTEÑO criminal street gang. I met with the victim, a 19 year old female, who
26 told us that she had been on board the Muni #14 Mission bus, sitting near the rear
27 door, when four Latin males boarded the bus through the rear door. Among the
28

1 males were John Edgar Eaton (an 18 year old resident of the Ingleside District,
2 wearing an SF baseball cap, a red baseball cap, and a "Scarface" jacket), and a
3 juvenile resident of Folsom Street, wearing a red and white cap and a red "Fubu"
4 jersey. The victim stated that Mr. Eaton saw three dots on the web of her left hand,
5 and said to her: "scrap, scrap, puro norte." The victim was scared and exited the
6 bus at Mission and Cesar Chavez, and entered the Blockbuster video store to wait for
7 the bus to leave. When she thought it was safe, she left the store and walked down to
8 South Van Ness. When she approached 26th and South Van Ness, she saw the same
9 Latin males she encountered on the bus. The victim said the males continued
10 walking/running towards her. Mr. Eaton said, "stop, do you bang?" The victim said
11 that she replied "no." Mr. Eaton then said, "this is 22nd and Bryant bitch, get the fuck
12 off our block." Mr. Eaton then slapped the victim in the face, and kicked her in the
13 back as she walked away. The victim called 911 from a nearby store. The victim
14 got into our car, and we drove around looking for the suspects. At 26th and South
15 Van Ness, the victim positively identified the suspects, including Mr. Eaton. When
16 Mr. Eaton was searched incident to his arrest, a zip lock baggie containing 10 rocks
17 of suspected base cocaine was found in his pants pocket.

- 18 9. AGGRAVATED ASSAULT on Florida Street between 23rd and 24th Streets (Police
19 Report # 051124782) On October 5, 2005, at 5:50 pm, I was on duty, and was sent
20 to 24th and Hampshire Streets regarding a juvenile female who had been assaulted.
21 Upon arrival, I met with the victim, who was holding an ice pack over her right eye.
22 Her eye looked swollen, and was starting to bruise, and she had a cut behind her
23 right ear, and a contusion behind her left ear. The victim told me she was walking on
24 Florida Street between 23rd and 24th Streets when she was attacked from behind by
25 an unidentified female wearing red sweatpants, who started punching her. Two
26 additional unidentified females also came up and started to punch and kick the
27 victim. The suspects all ran back to a van and fled. The victim stated that her
28

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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
JESKE IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

22
23 I, Officer Karen Jeske, Star #1689, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 1 years.
26 2. My current assignment is patrol officer at Mission Station.
27
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. AGGRAVATED ASSAULT WITH KNIFE AND ATTEMPTED ROBBERY WITH
23 KNIFE at 24th and Shotwell Streets on December 3, 2006 at 12:42 am (Police
24 Report #061282706) On December 3, 2006, at 12:42 am, I was on duty with Officer
25 Neves, when we were dispatched to 24th and Shotwell Streets regarding a large fight.
26 When we arrived nine officers were already on the scene, and two were rendering aid
27 to the victim who was lying on the sidewalk, screaming like he was in terrible pain.
28

1 I saw blood all over the victim's hands and stomach. The victim had been stabbed in
2 the lower chest area and in the back. The victim's brothers explained that they had
3 been walking eastbound on 24th Street approaching Shotwell Street when they were
4 approached by a group of Latin and Black males ranging from 18 to 20 years old. A
5 black male asked for a dollar, which the victim refused. The group of males started
6 to attack the victim by hitting and kicking him. The victim tried to get away but
7 could not. Between the punching and kicking, the victim was stabbed. The victim
8 said he recognized the group of males from the neighborhood, as members of the
9 24th Street criminal street gang (NORTEÑOS). The victim said one of the Latin
10 males asked him for 10 dollars, which he refused. He said that a Latin male,
11 approximately 18 years old, 5'7", 200 lbs, and wearing all white, approached him
12 with a knife and stabbed him.

13 9. FIGHTING at Hampshire and 24th Streets on November 17, 2006 at 10:26 pm

14 (Police Report # 061229140) On November 17, 2006 at 10:26 pm, I was on duty
15 with Officer Neves when we were dispatched to 24th Street and Hampshire Street
16 regarding five Latin males where white T-shirts and dark pants who were fighting in
17 the street. Upon our arrival, I saw two suspects matching the description walk into
18 1227 Hampshire (near 24th Street), an apartment complex. Earlier in the night, we
19 had responded to this same address regarding a fight inside the stairwell of 1227
20 Hampshire. We entered the building and found several individuals matching the
21 description of the fighting males. We stopped and detained several people, and
22 found that there were multiple arrest warrants for one of them, Henry "Solo"
23 Hernandez, a 19-year old resident of 2409 Bryant Street (at 22nd Street) and a known
24 member of the 21ABL clique of the NORTEÑO criminal street gang.

10. ATTEMPTED HOMICIDE AND ASSAULT WITH KNIFE at 24th and York Streets

(Police Report # 070222262) On March 2, 2007, at 5:25 pm, I was on duty with Officer Felix, and we were dispatched to 24th and York Streets regarding a stabbing. The suspect was "Chuey," a white/Latin male, 6'0", 170 lbs, last seen running down York Street towards 23rd Street, wearing a black SF Giants jersey, black shorts, and a black baseball cap. Nine other officers were at the scene when we arrived. I contacted the victim, a 41-year old man, who had been stabbed in the neck, and the witness, his 41-year old girlfriend. The victim's girlfriend said she saw the whole thing and told the officers that she knew who the suspect was, and that he hangs out in the area of 22nd and Folsom Streets. The victim's girlfriend agreed to ride in the car with us to look for the suspect. As we drove north on Florida from 23rd Street, dispatch advised us that a witness followed the suspect into a liquor store at the corner of Florida and 22nd Street. I saw the suspect inside the store, still swearing the black Giants jersey and all the other clothing that matched the description given to us by dispatch. The suspect, later identified as Jesus "Chuey" Guerrero, a resident of Noe Valley and known member of the SFM clique of the NORTEÑO criminal street gang, had blood on his right pant leg. The victim's girlfriend identified Mr. Guerrero at a cold show, saying "that's him." As Mr. Guerrero was being taken to the patrol car for transportation, a knife fell out of the bottom of his shorts. Three other witnesses positively identified Mr. Guerrero as the man who stabbed the victim. One witness said she saw the victim and his girlfriend walking on 24th Street, carrying grocery bags. She then saw Mr. Guerrero approach the victim and his girlfriend and say something that made them stop walking. The witness then saw Mr. Guerrero move his hand to the small of his back and remove something, then quickly swing his arm up and hit the victim in the neck. She said the victim's girlfriend started to yell and began to hit Mr. Guerrero with her grocery bags. After Mr. Guerrero had run off, the victim's girlfriend removed the victim's t-shirt and placed it to his neck.

1 The witness told her husband what she saw, and he called 911, and then followed
2 Mr. Guerrero, never losing sight of him, until he went inside the liquor store at
3 Florida and 22nd Streets.
4

5
6 I declare under penalty of perjury that the foregoing is true and correct.
7

8 Dated:

7-5-07


1637
OFFICER KAREN JESKE, #1689

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

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12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
HYUN IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Jamie Hyun, #4147, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 5 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. AGGRAVATED ASSAULT WITH GUN at 24th and Mission Streets (Police Report
15 # 050213037) On February 23, 2005, at 8:44 pm, I was on duty with Officer Keith,
16 assigned to the Lower 24th Street foot beat. We were walking northbound on Bartlett
17 Street, we heard gun shots. Dispatch informed us that gun shots were fired at 24th
18 and Mission Streets. When we arrived, we observed the victim lying on the street in
19 front of the Muni bus stop located on the north side of 24th and Mission Streets. A
20 witness stated that the victim had been "shot." I spoke with BART police officers,
21 who told me that they were standing on the southwest corner of 24th and Mission
22 Streets, when a tan Ford Expedition pulled up. One civilian witness said the tan
23 SUV turned northbound onto Mission Street, and then he saw bullet casings flying
24 out of the vehicle. The victim, also known on the street as "Cabezon," was shot in
25 the right thigh, fracturing his femur bone, requiring surgery. (See also related
26 Declaration of Officer Esparza filed herewith)
- 27
28

1 7. MALICIOUS MISCHIEF AND GRAFFITI at 2979 23rd Street (Police Report #
2 050723644) On June 28, 2005, at 7:29 pm, I was on duty and was dispatched to
3 2979 23rd Street regarding malicious mischief to property. When I arrived, I spoke
4 to the complainant, who told me that earlier that day, at 4:45 pm, he observed an
5 unknown 25-30-year old, Latin male suspect exit a silver coupe and walk up to his
6 wall. The suspect used a can of red spray paint and vandalized his wall. I observed
7 that the victim's beige colored wall had "Joker Daly City NORTEÑO XIV" written
8 on it in red spray paint. The victim said the suspect got back in his silver coupe and
9 drove north bound on Harrison Street.

10 8. SHOOTING INTO AN INHABITED DWELLING at Hampshire and 21st Streets
11 (Police Report # 051241091) On November 2, 2005, at 6:40 pm, I was on duty with
12 Officer Arquero, when we were dispatched to a residence on Hampshire Street near
13 21st Street, regarding malicious mischief to property. Upon arrival, we spoke with
14 the reportee. The reportee stated that on October 31, 2005 (two days earlier) at 5:00
15 pm, she was watching television in her living room, with the lights out and the
16 curtains drawn, when she heard a loud noise on the street. She stated that she
17 thought the noise was fireworks and did not look outside. The reportee stated that on
18 November 2, 2005, she realized that her front window and the wall facing the
19 window were damaged with a bullet hole. Officer Arquero located a casing outside
20 the residence.

21 9. ROBBERY ON STREET WITH FORCE at 24th and Mission Streets (Police Report
22 # 051277739) On November 11, 2005, at 7:47 pm, I was on duty with Officer
23 Arquero, assigned to patrol in the Mission District. As we were traveling eastbound
24 on 24th Street at Mission Street, we observed a person shouting and waving his arms
25 to get our attention. This same person began to point at four Latin males walking
26 eastbound and then pointed to his arms showing abrasions, and then continued to
27 point at the four Latin males. We detained the four Latin males, later identified as
28

1 Marvin Roiz, a 24-year old resident of Alemany Avenue, who was wearing a red
2 jacket; Fernando Cardona, a 27-year old resident of the Mission and 16th Street area,
3 who was wearing red shorts; a juvenile resident of the Bayview District, and a
4 juvenile resident of San Mateo County, who was on probation and has prior
5 involvement with the NORTEÑO criminal street gang and was wearing a "Giants"
6 jacket, red belt, and red handkerchief tucked into his rear pocket. The victim, who
7 was scared and shaking, told Officer Duarte that the suspects had approached him at
8 24th and Mission, and asked him for \$20. When the victim refused, Mr. Cardona
9 began to punch the victim. The victim said he was pushed causing him to fall
10 against a glass door, smashing it, at 2798 Mission Street. The victim said that all
11 four suspects began to punch him, and he was repeatedly kicked and punched when
12 he fell to the ground. The victim pointed to the suspects again and confirmed that
13 they were the four who had beaten him, and robbed him of \$80 and a watch.

14 Another witness told me that she observed a fight occur outside the shop at 2798
15 Mission Street, and saw four Latin males attacking one Latin male, who fell into the
16 glass door, damaging it. This witness confirmed that the four detainees were
17 responsible for the assault.

18 10. THREATS, BATTERY AGAINST A POLICE OFFICER, AND DRUNK IN

19 PUBLIC at 24th and Shotwell Street at 9:50 pm (Police Report # 060586084) On
20 June 6, 2006, at 9:50 pm, I was on duty with Officer Arquero, when we responded to
21 the area of 24th and Shotwell Streets regarding a person with a gun. When we
22 arrived, the gun suspect was already in custody, and there was a crowd surrounding
23 the arresting officers. I observed the suspect, Elvis "Little Man" Martinez," a 21-
24 year old resident of San Mateo County, and known member of the NORTEÑO
25 criminal street gang, who was acting belligerent and had an unsteady gait as he was
26 swaying side to side while shouting. I also smelled an odor of an alcoholic beverage
27 on his breath I informed Mr. Martinez that he was being arrested for being drunk in
28

1 public. As I attempted to place him in the patrol vehicle, Mr. Martinez stated, "Fuck
2 that" and refused to enter. Mr. Martinez was half seated into the vehicle, when he
3 used his right leg and kicked me with his right foot landing on my right knee. We
4 eventually got Mr. Martinez into the patrol car. During the transport to Mission
5 Station, Martinez began to shout profanities at us and kick the rear passenger door
6 with his leg. As I opened the door, Mr. Martinez laid on his back and used his right
7 foot to kick me on the right forearm. Mr. Martinez then made a noise that sounds
8 like phlegm being collected and spat on my right hand. Mr. Martinez continued to
9 shout threats against us. In the holding cell, Mr. Martinez became hostile and swung
10 his right closed fist at Officer Arquera, and it took four officers to finally get Mr.
11 Martinez handcuffed again.

12 11. ROBBERY ON THE STREET WITH KNIFE at Mission and 24th Streets at 4:00 am

13 (Police Report #07012234) On February 3, 2007, at 4:00 am, I was on duty with
14 Officer Arquero, when we were dispatched to 1189 Potrero Avenue regarding a
15 robbery. I spoke with the victim who told me that he was waiting for the bus at 24th
16 and Mission, when he was approached by an unknown Latin male between 15-19
17 years old, 5'10", 300 lbs. The Latin male asked the victim, "You bang?" The victim
18 told him that he did not belong to a gang. The suspect then attempted to punch the
19 victim, but the victim fled. As the victim ran, his cell phone fell out of his pocket
20 onto the ground. The victim ran back to retrieve the phone and the suspect, who had
21 picked it up, said, "It's Felon from Shotwell's phone now." The victim approached
22 the suspect, and the suspect reached into his pocket and held a silver-bladed knife in
23 his right hand. The victim ran.

24
25 I declare under penalty of perjury that the foregoing is true and correct.

26 Dated: 7/10/07

27 
28 OFFICER HYUN, #4147

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION
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14 PEOPLE OF THE STATE OF
CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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19 NORTEÑO, a criminal street gang sued as
an unincorporated association, and DOE
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inclusive,

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
HEIDOHREN IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Scott Heidohrn, #2015, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 8 years.
27 2. My current assignment is patrol officer at Northern Station.
28

1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).

5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.

8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.

14 6. AGGRAVATED ASSAULT WITH METAL PIPE AND PUBLIC

15 INTOXICATION at 25th and Potrero (Police Report # 031182647) On October 7,
16 2003, at 8:14 pm, I was on duty with Officer Rodgers, when we were dispatched to
17 respond to the area of 25th and Potrero regarding an aggravated assault. We were
18 advised by dispatch that the suspect was a Latin male in his 20s, wearing a white
19 shirt with red and blue stripes, and armed with a 3' pipe. While driving on 25th Street
20 at the Potrero intersection, two people, later identified as the assault victims, ran out
21 in front of our car, frantically waving their arms and pointing across the street,
22 saying, "That's him, that guy on the phone over there. He's the one who attacked us."
23 We approached the Latin male, later identified as Hector "Pulga" Garcia, a 27-year
24 old known member of the NORTEÑO criminal street gang, who was on the
25 payphone on the west side of Potrero at 25th Street. We seized a 3' foot pipe which
26 was next to Mr. Garcia, and detained him. I interviewed the victims. The first
27 victim told me that Garcia walked up to him and, while swinging the pipe, yelled at
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1 him, "Where's my shit? You took my shit... Where's my bike?" The victim told him
2 to get lost or he'd call the police. Mr. Garcia then hit the victim in the arm with the
3 pipe. The victim said it feels like it is broken. The second victim saw Mr. Garcia hit
4 the first victim with the pipe. The second victim said that he followed Mr. Garcia so
5 that he wouldn't get away. Mr. Garcia then struck the second victim with the pipe. I
6 observed Mr. Garcia to have multiple signs of intoxication, including, slurred words,
7 unsteady on his feet, and a very strong odor of alcohol.

8 7. ROBBERY WITH FORCE at 24th and Mission Streets (Police Report # 051341992)

9 On November 28, 2005, at 5:37 pm, I was on duty with Officers Rodgers, Manfredi
10 and Neves, when we were dispatched to Mission and 24th Streets regarding a
11 robbery. 24th and Mission is the heart of the NORTEÑO's turf. At the scene, the
12 victim told us that he had just cashed a check at 21st and Mission, and was at 24th and
13 Mission waiting for a bus, when two Latin males approached him and said, "What
14 gang you in?" The victim told them that he was not in a gang. The Latin males
15 started hitting him in the back of the head, and then reached in his rear pants pocket
16 and grabbed his wallet, which contained \$600. The victim said he thought the
17 robbers were members of the NORTEÑO criminal street gang because he has seen
18 them in the 24th and Mission area before.

19 8. AGGRAVATED ASSAULT WITH KNIFE at 24th and Lilac Streets at the Carlos

20 Club (Police Report # 060338023) On March 29, 2006, I was on duty at 4:33 pm,
21 when Officer Rodgers and I were dispatched to 24th and Lilac Streets regarding a
22 stabbing victim. When we arrived, I saw the victim standing in front of the Carlos
23 Club, bleeding from a puncture wound to his right side. I located a crime scene just
24 inside the bar, with a small amount of blood on the ground. The bartender reported
25 that the victim was sitting at the bar, when a Latin male suspect sat down next to
26 him. The suspect grabbed the victim around the neck, pulled him to the ground,
27 kicked him and stabbed him in the side. The suspect fled westbound on 24th Street.
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At the hospital, the victim was reluctant to give us any information and finally said, "I don't want to talk about it, he (the suspect) is my friend, and he's having a tough time." The victim requested the investigation be terminated.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

07/06/07

 *2015

OFFICER SCOTT HEIDOHRN, #2015

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD SERGEANT
HARRELL IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

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25 ///
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28 ///

1 I, Sergeant FRANK L. HARRELL, #918, declare as follows:

- 2 1. I am employed as a San Francisco Police Sergeant, and have been so employed for
3 14 years.
- 4 2. In my work as a Sergeant assigned to the Mission District, I have become very
5 familiar with Defendant Norteño gang, and many of its San Francisco members,
6 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
7 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 8 3. The Norteño gang claims its turf as the Southern section of the Mission District,
9 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
10 San Bruno, including LaRaza Park to the East.
- 11 4. For years, the Norteño gang has been committing a near-constant public nuisance by
12 committing in public, at all times of day or night, drug trafficking, assaults,
13 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
14 interference with public right of way, verbal and physical harassment and
15 intimidation, and other conditions offensive to the senses of the community
16 residents, merchants, and visitors.
- 17 5. Through my work, I am familiar with many of the known, admitted members or
18 associates of Norteño gang, and I see them on the public street, within the Norteño
19 turf and proposed Safety Zone, practically every day I am on duty.
- 20 6. Members of Norteño gang publicly identify themselves by hanging around with
21 other members of Norteño gang, within Norteño turf, wearing red clothing and red
22 accessories, often sporting symbols and tattoos commonly associated with the
23 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
24 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 25 7. WARRANT ARREST AND POSSESSION OF NARCOTICS FOR SALE at 25th
26 Street and Folsom Street at 9:40pm. (Police Report #061175543). On November 3,
27 2006, while on car patrol in the area of 25th Street and Folsom Street, I observed
28

1 known Norteño gang members Juan Barrera, Carlos Aguilar, and Ivan Toledo
2 standing on the northwest corner of 25th Street and Folsom Streets. Based on my
3 experience and training, this particular area is known to us as a heavy narcotics
4 trafficking area and a known Norteño hang out. Officer McDonnell, who was on
5 patrol with us, observed Mr. Aguilar holding an aluminum bat in his right hand.
6 When we approached these suspects and announced our arrival, Mr. Barrera (aka
7 Lolo) was advised of his outstanding misdemeanor warrant and placed under arrest.
8 Prior to conducting a search incident to an arrest, I asked Mr. Barrera if he had any
9 weapons or drugs. Mr. Barrera told me that he had a baggie of marijuana, which I
10 seized. While conducting the search, I seized suspected methamphetamine in Mr.
11 Barrera's right jacket pocket, suspected cocaine in his right sock, and suspected
12 cocaine in his left ankle between his sock and shoe.

- 13 8. BATTERY at Mission Street between Excelsior and 22nd Street at 6:10pm. (Police
14 Report #070031994). On January 9, 2007, I responded to a call to 22nd and Mission
15 Streets on a report of shots being fired on board a MUNI coach (#7109). When I
16 arrived at the scene, a juvenile victim approached me and stated that unknown
17 suspects had jumped him. According to the witness, who was also the victim's
18 girlfriend, she observed an unknown former student of her school enter the coach.
19 This unknown suspect was known to the witness to claim affiliation with the Norteño
20 gang. The suspect walked up to the witness and began to take a photo with his
21 camera phone. Additional multiple unknown suspects subsequently approached the
22 victim and stated, "Bitch your (sic) a scrap, let me see your belt." The unknown
23 suspects began to challenge the victim to a fight. An unknown suspect in the group
24 attempted to punch the witness, and the victim stepped in to defend his girlfriend.

25 ///

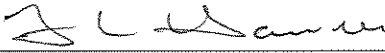
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27 ///

1 The unknown suspects then began to punch the victim and his girlfriend with closed
2 fists, and they fought back. The MUNI bus driver yelled out that he was going to
3 call the police, and these unknown Norteño suspects fled the bus.

4
5 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
6 and correct.

7 Dated: 07/02/07

 SFPD # 918
8 OFFICER FRANK HARRELL, #918
9 SERGEANT.

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
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Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
HAMPTON IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Stephen Hampton, #1793, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 2 years.
27 2. My current assignment is patrol officer at ~~Mission~~ ^{NORTHERN} ~~Station~~ ¹⁷⁹³ Station.
28

3. In my work in the Mission District, I have become very familiar with Defendant NORTEÑO gang, and many of its San Francisco members, including members of local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
4. The NORTEÑO gang claims their turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
5. For years, the NORTEÑO gang has been committing a near-constant public nuisance by committing in public, at all times of day or night, drug trafficking, assaults, robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession, interference with public right of way, verbal and physical harassment and intimidation, and other conditions offensive to the senses of the community residents, merchants, and visitors.
6. Through my work, I am familiar with many of the known, admitted members or associates of NORTEÑO gang, and I see them on the public street, within the NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
7. Members of NORTEÑO gang publicly identify themselves by hanging around with other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers. NORTEÑO gang members also wear North Carolina University sports attire.
8. ROBBERY WITH A BASEBALL BAT at 22nd and Harrison Streets at 9:45 pm (Police Report # 060333374) On February 11, 2006, at 9:56 pm, I was on duty with Officer Springer when we were dispatched to 22nd and Harrison Streets regarding a male who was beaten with a baseball bat. Upon arrival, the victim was being treated for a head injury. I interviewed the victim, a 21-year old Latin male resident of the

1 neighborhood, who told me he had been walking westbound on 22nd Street towards
2 Mission Street with his friend, a 16-year old juvenile resident of the neighborhood.
3 A Cadillac pulled up in front of them traveling northbound on Harrison Street. Four
4 Latin male suspects, wearing black bandanas as masks, got out of the Cadillac at 22nd
5 and Harrison Streets, and shouted, "Where you from? What you claim?" The first
6 victim was then struck with a wooden bat above the right eye by a bald-headed
7 suspect wearing a white sweatshirt. As the first victim stumbled to the ground, one
8 of the suspects reached into his rear pants pocket and removed his wallet and key
9 chains. The suspect removed a \$20 bill and threw the wallet on the ground. The
10 victim's friend provided a similar account, adding that one of the suspects also
11 reached into his pocket and took \$20. Later, the victim's friend said he thought he
12 could identify the suspect who struck the victim if he looked at his middle school
13 yearbook. He admitted to recognizing the suspect, but was afraid to be known as a
14 snitch.

15 9. ATTEMPTED HOMICIDE WITH GUN at 25th and Capp Streets on March 29, 2006

16 at 11:26 pm (Police Report # 060339350) On March 29, 2006 at 11:28 pm, FTO
17 Officer Lopez and I responded to a call at 25th and Capp Streets regarding six rapid
18 gun shots fired. While en route, we were advised that a van was at SF General
19 Hospital, dropping off three gun shot victims. We went to SF General Hospital,
20 where I interviewed the three shooting victims. The first victim, Antonio "Tone"
21 Buitrago, a 21-year old resident of South San Francisco, and known member of the
22 LNS clique of the NORTEÑO criminal street gang, told me he didn't see who shot
23 him in the knee. The second victim, Antonio "Triste" Garcia, a 21-year old resident
24 of San Carlos Street and known member of the LNS clique of the NORTEÑO
25 criminal street gang, told me he didn't see who shot him in the left and right knees.
26 The third victim, Antonio "Tank" Napoleon, a 23-year old resident of the Excelsior
27 District and known member of the LNS clique of the NORTEÑO criminal street
28

1 gang, was uncooperative with the nurses and did not want to give me any
2 information regarding the shooting. All three victims said they were at 25th and
3 Capp Street for a memorial at the street side shrine for Rolando "Chino" Valladares,
4 a known member of the NORTEÑO gang who had been murdered a few days earlier.

5 10. AGGRAVATED ASSAULT WITH KNIFE ON MUNI BUS AT 24TH and Mission
6 Street (Police Report # 060513479) On May 13, 2006, at 8:14pm, I was on duty,
7 and with FTO Pengel, responded to a call in the area of 24th and Mission Streets
8 regarding a stabbing. When we arrived, I saw the victim, a 30-year old resident of
9 the Tenderloin District, sitting on a Muni bus, holding his left ribs. He had been
10 stabbed in the ribs and the hand. I could see blood on his hands and shirt. The
11 victim's brother, 21-year old resident of the Tenderloin District, was also on the bus,
12 and told us that his hat and necklace had been stolen. The victim was transported to
13 SF General Hospital. I interviewed a witness, who told me that the victim and his
14 brother were sitting in the back of the bus. When the bus stopped at 24th and Mission
15 Streets, three Latin males yanked open the door and walked quickly towards the
16 victim and his brother. The Latin males demanded to know, "Where you from?
17 What you claim?" The three Latin males ran off the bus and walked eastbound on
18 24th Street. At SF General Hospital, I spoke with the victim inside the Emergency
19 Room. He told me that he was sitting in the back of the Muni bus. Three Latin
20 males got on the bus and started asking, "Where you from? Who do you belong to?"
21 The victim said the guy who stabbed him in the ribs and hand with a knife had a
22 pony tail and that he pulled up the victim's shirt before stabbing him. The other two
23 hit his brother with a stick and stone.

24 11. GANG MEMBERS DRINKING AND LOITERING IN LA RAZA PARK (Police
25 Report # 060720599) On July 7, 2006, at 7:03 pm, I was on duty with Officer Keith,
26 walking a foot beat in full uniform. As we entered La Raza Park, we saw a group of
27 known members of the NORTEÑO criminal street gang sitting on a bench. When
28

1 they looked in our direction, they ran in several directions. We found half-empty
2 bottles of beer in the area where the gang members had been sitting. We detained
3 Edwin Henriquez, a 26-year old resident of Ocean Avenue, outside the liquor store at
4 25th and Potrero Avenue. He was arrested on two outstanding arrest warrants out of
5 Alameda County.

6 12. TRESPASSING AND METHAMPHETAMINE OFFENSE at 24th and Shotwell

7 Streets on July 7, 2006 at 11:43 pm (Police Report # 060721365) On July 7, 2006, I
8 was on duty at 11:45 pm when Officer Keith and I were dispatched to respond to the
9 corner of 24th and Shotwell Streets to assist other officers with a group of subjects
10 detained for trespassing. I was asked to conduct a search of Juan Robleto, a 19-year
11 old San Bruno resident. The search was incident to Mr. Robleto's arrest for
12 trespassing. I noticed a black knit cap on the floor and asked Mr. Robleto if it was
13 his. He said, "yes." I picked up his hat and found a plastic baggie with a yellow pill,
14 which I believed to be ecstasy inside. Mr. Robleto stated, "That is all I have on me, I
15 don't have any other pills."
16
17

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Dated:

07/05/07

 #1793

OFFICER STEPHEN HAMPTON, #1793

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
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19 NORTEÑO, a criminal street gang sued as
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Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GUSTAFSON IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer James Gustafson, Star # 2221, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 1 years.
26 2. My current assignment is officer at Mission Station.
27
28

- 1 3. In my work in the Mission District, I have become familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. OPEN CONTAINER OF ALCOHOL AND MARIJUANA OFFENSE at 24th and
23 Hampshire Streets on March 1, 2007 (Police Report #070218114) On March 1,
24 2007, at 4:00 pm, I was on duty, on uniformed patrol in a marked vehicle, when I
25 observed a group of six Latin males standing on the sidewalk in the area of 24th and
26 Hampshire Streets, one of them, later identified as a Kevin Chavez, who resides at
27 853 Alabama and is a known member of the NORTEÑO criminal street gang,
28

1 holding an open container of Hennessey, an alcoholic beverage. Another member of
2 the group, Jimmy Ortiz, a 43-year old ex- convict who resides at 110 12th Street, was
3 trying to hand a bag of marijuana to another member of the group. Mr. Ortiz sated
4 that he was on parole.

- 5 9. ATTEMPTED ROBBERY, HARASSMENT AND INTIMIDATION at 26th and
6 Capp Streets (Police Report #070324777) On March 29, 2007, at 6:11pm, I was on
7 duty, on uniformed patrol with FTO Keesor and Officer Lucchetti, when we were
8 dispatched to 1045 Capp Street regarding a girl being approached by gang members
9 who searched through her bags. Upon our arrival, I met with the victim and her
10 sister. The victim, a fifteen-year old resident of Capp Street, stated that she was on
11 her way home from school when she was approached by a group of approximately 8
12 people she believed to be members of the NORTEÑO criminal street gang. The
13 victim stated there was five Latin males and three Latin females and estimated that
14 they were 17 years old. One of the males was about 5'9" and 150 lbs, with long hair,
15 a big nose, acne on his face, and was wearing a black t-shirt, pants with one red
16 stripe, and a black beanie. She stated the unknown suspects asked her where she was
17 from, and she replied that she was from El Salvador. The victim then stated that one
18 of the unknown Latin females, who she described as 5'4" with a "chunky" build and
19 wearing a red t-shirt, pushed her and asked her if she had an I-Pod. The victim said
20 that the suspects began going through her backpack, but did not take anything from
21 her.

22
23 I declare under penalty of perjury that the foregoing is true and correct.

24
25 Dated: 07/03/07

26 
27 OFFICER JAMES GUSTAFSON, Star # 2221
28

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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19 NORTEÑO, a criminal street gang sued as
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22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ROBERT GREINER IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Robert Greiner, #154, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 7 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 23rd Street to the North, Valencia to the West, Cesar Chavez to the
7 South, and Potrero Avenue, including LaRaza Park also known as Potrero Del Sol
8 Park to the East.
- 9 5. Through my work, I am familiar with many of the known, admitted members or
10 associates of NORTEÑO gang, and I see them on the public street, within the
11 NORTEÑO turf and the proposed Safety Zone, practically every day I am on duty.
- 12 6. ROBBERY W/ FORCE at 24th and Capp Street (Police Report #070 496 570) On
13 May 15, 2007 at approximately 8:40 p.m., Officer Moody #1545 and I were on
14 patrol in full uniform and driving a marked police vehicle when we were flagged
15 down by a victim in front of 867 Capp Street. I could see the victim's nose was
16 bleeding and he stated " I was just robbed by two gangsters, they took my money and
17 my cell phone". I told the victim to get into our patrol vehicle and we began
18 searching the area for suspects. We continued east on 24th Street and as we made a
19 right onto South Van Ness Avenue, the victim stated "That's them, right there, the
20 guy in the black shirt and the guy in the white shirt". We detained the two subjects
21 later identified as Carlos Aguillar and Elmer Cruz, who were walking together
22 in front of 1319 South Van Ness Avenue. The victim positively identified them while
23 sitting in the rear seat of our patrol car and they were taken into custody. While in
24 the patrol vehicle the victim told me that around 2040 hours he was walking home
25 from the store and was approached by two latin males in front of 867 Capp Street. He
26 said they asked him to "come here" and he replied "what's up?" The victim stated
27 that one of the suspects grabbed his cell phone out of his hand and they both began to
28

1 punch and kick him several times about his entire body. The victim said he then fell
2 to the ground and tried to cover himself because he was scared to get seriously
3 injured. The victim told me that one of the suspects held him down, grabbed his
4 wallet from inside his pocket, took \$40.00 out of it and threw the wallet to the
5 ground. The victim said the suspects then ran away and he recovered his wallet from
6 the curb. An arrest search of Aguilar at the scene produced a black cingular cell
7 phone that the victim positively identified as his. Officer Moody called the cell
8 phone number provided by the victim and the recovered cell phone rang. Both Cruz
9 and Aguilar were transported to Mission Station.

- 10 7. PROHIBITED WEAPON, POSSESSION, SALE, MFG, RESISTING DELAYING
11 PEACE OFFICER DUTIES, ADULT PAROLE VIOLATION at 26th and So. Van
12 Ness (Police Report #061 262 827) On November 27, 2006 at approximately 7:13
13 p.m., Officers Sanchez #7, Moody #1545, and I were working in plainclothes
14 capacity and driving an unmarked police vehicle in the area of South Van Ness and
15 26th Streets on an anonymous complaint of latin males selling and using drugs in the
16 area. We noticed a latin male standing on the north west corner infront of a liquor
17 store. As we got closer the latin male made eye contact with us and we recognized
18 him to be Salvador Chavez whom we knew from prior contacts and know to be on
19 active parole. Chavez was wearing red and white colored sneakers. We exited our
20 vehicle to attempt to detain Chavez but he began to walk north bound South Van
21 Ness Avenue. I told Chavez to stop and that we wanted to talk to him. Chavez turned
22 his head towards me and once again I said "police, stop". Chavez turned away from
23 me and began to run north bound South Van Ness. I chased Chavez and contacted
24 dispatch. Officers Richardson, Moody and Sanchez assisted in the foot pursuit.
25 While chasing Chavez, I could see he was holding his front waist band area and was
26 having difficulty running. I then saw him throw a black handgun with his right hand
27 to the ground and continue to keep running. I saw the handgun hit the ground and
28

1 slide under a beige van. Chavez soon stopped running, placed his hands up in the air
2 and layed down on the sidewalk infront of 1464 South Van Ness Avenue. He was
3 then taken into custody without further incident. We located the handgun lying under
4 the van and Officer Moody took seven photos of the loaded revolver and booked the
5 photo disk at Mission Station. Chavez was booked accordingly at Mission Station.

6 8. COCAINE BASE ROCK POSSESSION FOR SALE, WARRANT ARREST at 22nd
7 and Florida (Police Report #060 126 345) On February 2, 2006 at approximately
8 6:20 p.m., hours, I was working plainclothes and driving an unmarked police vehicle
9 with Officers Richardson #1231, Moody #1545 and Sanchez #7. We were in the area
10 of Florida and 22nd Street which is known to Mission Station officers as an area
11 which is considered a NORTEÑO street gang area. The area is known for robberies,
12 public drinking, loud noise, stabbings, shootings, drug sales and drug use at all
13 hours. We driving westbound 22nd to Florida Street when we noticed two unknown
14 males walking southbound Florida Street. hey were approximately 40 feet south of
15 22nd Street. The males, later identified as Henry "Solo" Hernandez and Luis
16 Rodriguez-Avila, looked back at our vehicle momentarily and Hernandez quickly
17 dropped a mediu size brown piece of "balled up" paper towards the curb line with
18 his left hand. Both subjects then continued walking southbound. Officer Moody and
19 I detained Hernandez and Rodriguez-Avila while officers Richardson and Sanchez
20 picked up the brown balled up piece of paper and opened it. Inside the "balled up"
21 brown bag were numerous individually wrapped rocks of suspected base rock
22 cocaine. Officer Richardson informed us of what he found and Hernandez was taken
23 into custody and transported to Mission Station. A records check of Hernandez
24 returned positive for a warrant in the amount of \$370.90 and Hernandez was booked
25 accordingly.

26 9. ASSAULT WEAPON, POSSESSION, MANUFACTURE OR SALE OF
27 METHAMPHETAMINE OFFENSE at 24th and Capp Street (Police Report #060
28

1 037 877) On January 10, 2006 at approximately 5:28 p.m., Officer Moody #1545,
2 Officer Sanchez #7, Officer Richardson #1231 and I were working plainclothes and
3 driving an unmarked police vehicle. We responded to the area of 24th and Capp
4 Streets on a call of a possible gang related fight. As we approached the intersection
5 of 24th and Capp Streets we noticed several juveniles sitting on the steps to 921 Capp
6 Street. I took particular attention to an unknown male who was walking southbound
7 on the east sidewalk of Capp Street. The male, later identified as Alfred Sanchez,
8 was wearing a red wool cap that had "X14" and North Side" on the back of it. He
9 was also wearing a red jacket. I know that the lettering on Sanchez's cap was that
10 of NORTEÑO street gang lettering and that red is the color that is worn by Noretro
11 street gang members. With this in mind I stopped Sanchez. Due to the nature of the
12 call I asked Sanchez if he had any weapons on him and he stated "no, I'm not on
13 parole or probation". I conducted a pat search on Sanchez and found a switchblade
14 knife which I seized from his right rear pants pocket. I then took custody of Sanchez.
15 An arrest search of Sanchez at the scene produced a pair of metal knuckles from his
16 front right pants pocket and a small baggy of suspected methamphetamine from
17 inside his red wool hat. Officer Duarte, # 1433 arrived on scene and transported
18 Sanchez to Mission Station. A records check of Sanchez revealed four warrants for
19 his arrest. A booking search of Sanchez produced a medium sized brown ball of
20 suspected hasish from Sanchez's inside jacket pocket. Sanchez is a self admitted
21 NORTEÑO street gang member who stated his street name is "Mousie". Officer
22 Richardson read Sanchez his miranda rights and Sanchez decided not to speak to us.
23 All evidence was booked at Mission Station

24 10. AGGRAVATED ASSAULT W/ GUN at 21st and Florida Street (Police Report

25 #050 159 447) On February 9, 2005 at approximately 10:25 p.m., Officer Poggio,
26 #391 and I, responded to the area of 21st and Alabama Streets on a call of shots fired.
27 Upon arrival several unknown reporting parties stated that the shots fired came from
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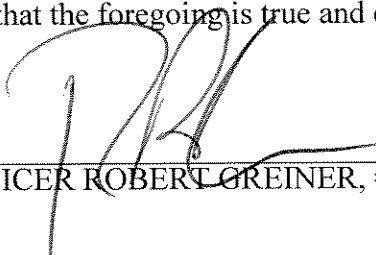
1 the area of 21st and Florida Streets. As we arrived to the intersection of 21st and
2 Florida we noticed an unoccupied black Honda with the engine off and facing east
3 bound on 21st Street. Upon further investigation of the vehicle I noticed that the
4 ignition was "punched out" and the stereo missing. The vehicle appeared to be
5 stolen. We searched the immediate area for possible evidence of a shooting and
6 Officer Poggio, # 391 noticed four shell casings on the north east sidewalk of 21st
7 and Florida Street. He secured the shell casings and established a crime scene log.
8 While onscene an unknown male walked up to me and stated "I saw what happened".
9 He told me that at approximately 10:20 p.m., he was walking eastbound 21st at
10 Bryant when a black Honda drove slowly next to him and both occupants looked at
11 him. He belived they were "scraps, surenos" because the driver had a shaved head
12 and looked like they wanted to fight him. The male said that he is not a NORTEÑO
13 but is often mistaken for one because he lives in the area which is kown to be
14 "claimed" by NORTEÑOs, particularly "ABL" posse. He said the black Honda
15 continued past him because another vehicle was behind them. The male said that he
16 then noticed the black Honda stop just east of Florida on 21st Street and double parl.
17 The male said the passenger jumped out, walked towards an unknown latin teen
18 wearing a white t-shirt who was standing on the north east corner and shot at him
19 approximately four times. The male said that he did not know what the gun looked
20 like but that it was loud. He said the latin teen wearing the t-shirt jumped and ran in
21 an unknown direction and the two latin males in the Honda ran south bound Florida
22 Street. The male described the suspects as wearing all black clothing. I spoke to a
23 second victim who stated that he came out to his vehicle shortly after we arrived on
24 scene and noticed a bullet hole in the left rear tailgate of his Chevrolet Tahoe. The
25 Chevy Tahoe was parked on the south west corner of 21st and Florida Street. I
26 collected the four shell casings. We were unable to find or collect the spent slug from
27 inside the Chevy Tahoe. The registered owner of the black Honda was contacted and
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she confirmed that her vehicle was stolen. The shell casings, crime scene log and photos of the scene were booked at Mission Station.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7-3-07

 #154

OFFICER ROBERT GREINER, #154

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City Attorney
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GREER IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Brian Greer, #2077, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 15 years.
27 2. My current assignment is patrol officer at ^{NORTHERN} Mission Station. *31*

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
22 NORTEÑO gang members also wear North Carolina University sports attire.
- 23 8. ROBBERY WITH NUNCHAKS AT 26th Street and South Van Ness Avenue on
24 July 18, 2006 at 1:45 am (Police Report # 060757774) On July 18, 2006, at 2:00
25 am, I was on duty with Officer Baca, on patrol in a marked vehicle and in full
26 uniform. At 2:04 am, we were dispatched to 26th Street near South Van Ness
27 Avenue, regarding a strong arm robbery. Dispatch reported that three Latin males
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1 wearing black masks had robbed someone of their cell phone. The suspects were last
2 seen at South Van Ness Avenue and 26th Street, one wearing a red shirt. We met
3 with the victim, 38-year old resident of the area, and he told us that he had been
4 robbed by three Latin males. He told us that one of the suspects was armed with
5 martial arts Nunchaks (which was used in the robbery) and one suspect was wearing
6 a mask like the one used in the movie, "Scream." He told us that he had just exited
7 the #14 Muni bus at 26th and Mission. He was walking eastbound on 26th from
8 Mission Street on the sidewalk. One suspect was walking to the left of him, one to
9 the back of him, and one directly in front of him. All three cornered him on the
10 southwest corner of 26th and South Van Ness Avenue. One suspect grabbed him
11 from behind. One suspect held the Nunchaks as if he were going to strike him, and
12 told him, "if you scream or move, I'm going to hit you on the head." The victim told
13 them he didn't have any money. One suspect reached into his pocket and took his
14 cell phone. The suspects fled westbound on 26th Street. As they left, they told the
15 victim not to "call the cops, or we'll come back and shoot you." The victim then got
16 his roommate and followed the suspects to 24th and Mission Streets, the heart of the
17 NORTENO gang turf. We took the victim in our patrol car to 24th and Mission.
18 When we were approaching 24th Street, the victim shouted, "that's them, that's the
19 guys," pointing to three males standing near the bus stop on the southwest corner of
20 the intersection at the BART plaza. We drove slowly past the suspects, and the
21 victim said he was sure these were the suspects who had robbed him. We detained
22 the three Latin males: two were 17-year old juvenile residents of Oakland. One of
23 the juveniles was wearing a red belt with the letter "N" in gothic lettering on the belt
24 buckle, a red shirt, and carrying a red bandana in his pocket. The other juvenile was
25 displaying dotted tattoos on both forearms (one dot on his right forearm, four dots on
26 his left forearm, combined to reflect "14") The third suspect was identified as
27 Samuel Reyes-Cribas, a 19 year old resident of the Excelsior District, who was
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1 carrying black backpack and wearing a red/black/white basketball jersey and a red t-
2 shirt. Mr. Reyes-Cribas possessed a tattoo of a ring on his left finger, had a tattoo of
3 the number "4" on his right calf, was wearing a belt with a silver belt buckle
4 featuring the letter "N" in gothic style lettering, and had a red bandana in his pocket.
5 During a cursory pat search of one of the 17-year olds from Oakland, we found and
6 seized the martial arts Nunchaks from his pants pocket. During a subsequent search
7 of Mr. Reyes-Cribas' backpack, I found the phone that was robbed from the victim.
8 We tested the phone by calling the victim's number from Officer Baca's personal cell
9 phone. The victim's phone rang, and I spoke to Officer Baca. We recovered over
10 \$300 US currency from the suspects and a total of seven cell phones, including the
11 victim's. I thought it was noteworthy because a few hours earlier there had been a
12 similar robbery of a cell phone, involving three suspects, one with a red shirt and one
13 with a red bandana. There had also been a robbery the day before involving 5 Latin
14 males at 18th and South Van Ness, where the suspects used a knife to rob the victim
15 of a cell phone and \$500 US currency. Later, at Mission Station, Mr. Reyes-Cribas
16 agreed to give a statement. He told us that he and the two juveniles got together
17 around 9:00 pm on July 17, 2006 at Van Ness and Broadway, but later took BART to
18 24th and Mission. He said they spent the rest of the night and early morning just
19 walking around. He said they walked to Potrero Avenue and 24th and back to
20 Mission and 24th, talking to friends along the way.

21
22 I declare under penalty of perjury that the foregoing is true and correct.

23
24 Dated: 7/5/07

25
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28

OFFICER BRIAN GREER, #2077

1 DENNIS J. HERRERA, State Bar #139669
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2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GREEN IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Tracy Green, Star #1824, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 6 years.
26 2. My current assignment is patrol officer at Mission Station.
27
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3. In my work in the Mission District, I have become very familiar with Defendant NORTEÑO gang, and many of its San Francisco members, including members of local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
4. The NORTEÑO gang claims their turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
5. For years, the NORTEÑO gang has been committing a near-constant public nuisance by committing in public, at all times of day or night, drug trafficking, assaults, robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession, interference with public right of way, verbal and physical harassment and intimidation, and other conditions offensive to the senses of the community residents, merchants, and visitors.
6. Through my work, I am familiar with many of the known, admitted members or associates of NORTEÑO gang, and I see them on the public street, within the NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
7. Members of NORTEÑO gang publicly identify themselves by hanging around with other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
8. NON AGGRAVATED ASSAULT and THREATS at 23rd and South Van Ness (Police Report #070 377 732). On April 13, 2007, at approximately 1:20 p.m., I responded to 23rd and South Van Ness on a call of a hit and run. The victim was driving west on 23rd at South Van Ness with his wife and their one year old child.

1 He was stopped in the intersection waiting behind a cargo van that was turning left.
2 A red Honda carrying the two suspects was directly behind the victim. The suspects
3 were described as males, one with long hair and wearing a black sweater,
4 approximately 18 to 20 years old. The second suspect was described as having long
5 curly hair in a ponytail and wearing a red tshirt. The suspects began honking their
6 horn repeatedly, and began yelling obscenities to the victim and demanding that he
7 get out of the their way. As soon as the van cleared the intersection, the victim
8 resumed driving but the suspects followed him. The victim was alarmed due to the
9 intensity of their language and actions. Frightened, he pulled over to let the suspects
10 pass but they too stopped. The suspects got out of their vehicle and ran up to the
11 victims door. The victim's wife called police.. Fearing for the safety of his family,
12 the victim crept out the vehicle while attempting to explain himself to the suspects.
13 The suspect with the red t-shirt screamed. "What the fuck, Nigga! Why didn't you
14 move!", while cocking his right arm with a closed fist and shaking it as if he were
15 about to punch the victim. The victim attempted to explain that the van was
16 blocking him, but the suspects screamed over him and began bumping their chests
17 into the victim while raising their fists. The victim, feeling that he was going to be
18 struck, pointed back to his vehicle and yelled, "Look! My wife is calling the Police,
19 why don't you leave?" The suspects turned and saw the victims wife on her cell
20 phone. One of the suspects lowered his voice and in a menacing matter turned to the
21 victim and said, "You call the police, you better watch out. We'll find out where you
22 live." The suspects then ran back to the red Honda. As they drove away, they
23 steered their car directly at the victim and ran over his toe, leaving a scuff mark on
24 the toe of his right shoe. The victim said he was unhurt, just very scared. The victim
25 said that he would recognize the suspects if he saw them again. I spoke to the
26 victims wife who handed me a piece of paper she had used to write down the license
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plate number of the suspects vehicle. I took photos of the victims shoe and booked them along with the scrap piece of paper at Mission Station.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7-4-7

 1824

OFFICER TRACY GREEN, #1824

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GRANDE IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Michael Grande, #302, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 2 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. ATTEMPTED ROBBERY WITH GUN at 23rd and Capp Street at 11:30 pm
15 (Police Report # 061156656) On October 30, 2006, at 2:22 am, I was on duty with
16 Officer Harvey, on patrol in a marked unit and in full uniform, when we were
17 dispatched to the intersection of 25th and Mission Streets regarding a Latin male who
18 was being treated by a paramedic for an assault. The victim had a swollen right eye,
19 blood around his mouth and teeth, and was missing a front tooth. The victim said
20 that he was walking home eastbound 23rd approaching Capp Street, when a light blue
21 car pulled up with three Latin males. Two of the suspects exited the vehicle and
22 walked up to the victim. One of the suspects lifted his shirt, displaying a black semi-
23 automatic handgun in his waistband. Then another suspect punched the victim with
24 closed fists, numerous times in the face. The victim lost his balance and fell to the
25 ground. The second suspect demanded the victim's money. The victim told the
26 robbers that he had no money. The second suspect searched the victim's pockets,
27 and found no money. The two suspects got back in the car and fled southbound on
28

1 Capp Street. The victim was unable to give a more accurate description of the
2 robbers, but thought they might be Sureno gang members.

3 7. MALICIOUS MISCHIEF AND VANDALISM TO PROPERTY at 1348 South Van
4 Ness Avenue at 2:15 am (Police Report # 061153828) On October 29, 2006, at
5 2:32 am, I was on duty with Officer Harvey, on patrol in a marked unit and in full
6 uniform, when we were dispatched to 1348 South Van Ness Avenue on a call that
7 some Latin males were trying to break in through the front door. Upon arrival I met
8 with the occupant of the property, who pointed south toward the intersection of
9 South Van Ness and 25th Streets, and said "those are the guys that were throwing
10 bottles at my house." The occupant said that in self defense, he sprayed one of the
11 Latin males, who was wearing a red hooded sweatshirt, in the face with pepper
12 spray. At the intersection, we stopped 3 Latin males, later identified as Jorge
13 Deanda, an 18-year old resident of Shotwell Street, wearing a black SF Giants cap
14 and jacket, Rigoberto Romero, an 18-year old resident of Shotwell Street, wearing a
15 red sweatshirt, and Miguel Jimenez, an 18-year old resident of Bernal Heights, who
16 was wearing a black hooded sweatshirt. Officer Harvey stayed and interviewed the
17 three Latin males, I went back to interview the occupant. The occupant said that he
18 was having a party and did not want the 3 Latin males to enter because they were not
19 invited. The Latin males started throwing glass bottles at the occupant's front door. I
20 observed broken glass on the stairs in front of 1348 South Van Ness Avenue. The
21 occupant said that the Latin male in the red sweatshirt, later identified as Mr.
22 Romero, tried to push open the front door. In self defense, the occupant sprayed Mr.
23 Romero with pepper spray. All three Latin males then fled southbound on South
24 Van Ness towards 25th Street.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Dated:

7/4/07

27 
28 OFFICER GRANDE, #302

1 DENNIS J. HERRERA, State Bar #139669
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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

18
19 NORTEÑO, a criminal street gang sued as
an unincorporated association, and DOE
20 ONE through DOE FIVE HUNDRED,
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21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GOODWIN IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Goodwin, #1577, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 6 years.
27 2. My current assignment is patrol officer at Park Station.
28

- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. ROBBERY WITH FORCE at 24th and Mission Street at 9:38 pm (Police Report #
15 060616766) On June 10, 2006, at 9:38 pm, I was on duty with Officer Garcia, when
16 we were dispatched to 24th and Mission Street regarding a possible robbery in
17 progress. We were flagged down by a witness, who pointed out the victim to us,
18 who was bleeding from the nose and mouth and had a large bump on the back of his
19 head. The victim was very intoxicated and was unable to give us any helpful
20 information regarding the robbery, other than that he was robbed of \$500 and a cell
21 phone. I interviewed the witness, who was also very intoxicated. He told me he was
22 standing on the steps o fthe 24th Street side of the McDonalds. He saw the victim
23 walking eastbound 24th Street from Mission in front of the BART station. The
24 witness saw 3 or 4 guys stop the victim and accost him. The suspects began to
25 punch and kick the victim multiple times and then took his money and his cell
26 phone. The suspects walked away southbound on Mission Street. The witness said
27 all four of the suspect were Latin males around 20 years old, but was only able to
28

1 provide a fuller description of one subject: 6'0, thin, and long pony tail, wearing a
2 long white t-shirt, black pants, and a black hat. We took the witness in the car to see
3 if we could find any of the suspects. At 26th and Mission Streets, the witness pointed
4 to a subject and told us that was the suspect. I stopped and detained a 17-year old
5 juvenile resident of the Excelsior District and known member of the NORTEÑO
6 criminal street gang.

7
8 I declare under penalty of perjury that the foregoing is true and correct.

9 Dated: 7-5-07

 #1577

OFFICER GOODWIN, #1577

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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GARCIA IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Marco Garcia, #1788, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 6
26 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ROBBERY WITH FORCE at Capp and 26th Street (Police Report # 050564329)
23 On May 20, 2005, at 10:00 pm, I was on duty, when Officer Goodwin and I were
24 dispatched to St. Luke's Hospital regarding a report of a battery. We met with the
25 14-year old victim, a Latin male, who told us that he was walking home from school
26 at 3:00 pm, when he was approached by five unknown suspects at the corner of 26th
27 and Capp Streets. One of the unknown suspects asked him which gang he belonged
28

1 to. The victim told them he did not belong to a gang. The unknown suspects then
2 assaulted him. One of the unknown suspects ripped the victim's gold necklace off of
3 his neck. Another suspect took his shoes off of his feet. The victim suffered a
4 swollen right eye and bumps and bruises to his head. The victim said he did not
5 recognize the suspects, could not provide a description, and would not be able to
6 recognize them again.

7
8 9. AGGRAVATED ASSAULT WITH GUN at 26th Street and South Van Ness Avenue
9 at 9:57 pm (Police Report # 050610160) On May 31, 2005, at 10:00 pm, I was on
10 duty and was dispatched to the area of 26th Street and South Van Ness Avenue
11 regarding a report of a fight in progress. I met with the victim, a 22-year old
12 African-American resident of Richmond, who told me, "some Mexican shot me in
13 the head." After the victim was taken to SF General Hospital, I met with a 14-year
14 old African-American resident of Richmond (possible brother of victim) who told
15 me the following: An unknown Latin male, approximately 18-25 years old, 5'8" and
16 140 lbs, wearing all black clothing, approached him and his friends (all Richmond
17 residents) and confronted them in regards to drug dealing on the corner of 26th and
18 South Van Ness. The Latin male said, "You out here hustling?" The witness told the
19 subject that they were just going to the store. Then he saw a light colored vehicle
20 stop in front of 3308 26th Street and noticed the front passenger exit the vehicle and
21 fire 2 to 3 shots from a handgun. The witness and his friends ran into Vic's Liquors
22 at 3300 26th Street. The victim then informed his brother that he'd been shot.

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26 10. AGGRAVATED ASSAULT WITH A GUN at 24th Street and Potrero Avenue on
27 November 26, 2005 at 1:00 am. (Police Report # 051332026) On November 26,
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1 2005 at 1:10 am, I was on duty with Officer Goodwin, when were were dispatched to
2 SF General Hospital regarding shooting victims. I met with the first victim, a 20
3 year old Latin male resident of the Excelsior District. He told me he was waiting at
4 the bus stop at the southwest corner of Potrero Avenue and 24th Street with his
5 friend, a 23-year old resident of the Bayview District, when all of a sudden he heard
6 gun fire. The victim then noticed that he had been shot along with his friend, so they
7 walked to SF General Hospital for treatment. The first victim was vague on
8 infomration and unable to describe any possible suspects. I next spoke to the second
9 victim. He told me that he was waiting at the bus stop with his friend, when he heard
10 shots fired. He felt pain in shoulder and realized he'd been shot. He did not see
11 anyone and was unable to provide any descriptions. I seized and booked into
12 evidence the victims' bloody clothes, including the first victim's red t-shirt he was
13 wearing when he was shot. Neither victim wanted the investigation to proceed.
14

15 11. ROBBERY WITH GUN at 25th and Harrison Street on August 5, 2006 at 2:00 am

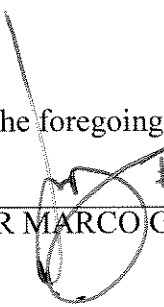
16 (Police Report # 060826937) On August 5, 2006 at 2:45 am, I was on duty with
17 Officer Goodwin, when we were dispatched to investigate a robbery with a gun that
18 had taken place in the area of 25th and Harrison Streets. We met with the first
19 victim, a 29-year old female, who told us that she had been walking eastbound on
20 25th Street with her friend, a 24-year old female (second victim), when they were
21 stopped by an African- American male, approximately 21-25 years old, 6'2", 140 lbs,
22 wearing a red t-shirt, a dark cap and a necklace. The suspect grabbed the second
23 victim from behind and stated, "Give me your money." The first and second victim
24 laughed because they thought the suspect was playing with them. The first victim
25 then realized that the suspect was holding a black metal object, which she believed to
26 be a gun. He told her: "give me your purse" while holding the gun to the second
27 victim's ribs. The first victim took her wallet out and handed it to the suspect, who
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then ripped the purse off the second victim's shoulder and told them to turn around and walk the other way. I spoke to the second victim who confirmed the account provided by the victim.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 07/09/07

 #1788

OFFICER MARCO GARCIA, #1788

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
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Chief Attorney, Neighborhood and Resident Safety Team
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8 Attorneys for Plaintiff
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF
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Herrera, City Attorney for the City and
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17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GALLO IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Tracy Gallo, Star #1494, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for 4
25 years.
26 2. My current assignment is an officer at Bayview Station.
27
28

1 3. AGGRAVATED ASSAULT WITH KNIFE AND FORCE at 23rd and Mission
2 Streets on March 17, 2004 (Police Report #040312075) On March 17, 2004 at 12:12
3 pm, I was on duty with my FTO Officer Collins, when we responded to Mission and
4 23rd Streets regarding a stabbing involving 10-15 Latin male members of the
5 NORTEÑO criminal street gang and three victims. Upon arrival, I observed seven
6 officers already on the scene and a medical team rendering medical aid to one victim,
7 wearing a blue belt, who sustained a stab wound to his upper left shoulder, and a
8 second victim, wearing a blue shirt, who sustained a stab wound to the lower left
9 side of his back. The third victim was not at the scene. The first victim, told me
10 that he, the second victim, and the second victim's brother were "jumped" by 15-20
11 Latin males. Before the attack, one of the males first asked them where they were
12 from. When he told them they were from Vacaville, they started beating them up.
13 Both victims were then taken to SF General Hospital. Officers Ciudad and
14 Machado then announced over the radio that they had five suspects detained at the
15 corner of 26th and South Van Ness. I went with several other officers to SF General
16 Hospital to further interview the victims. The second victim told me that he could
17 identify the Latin males if he saw them again. The first victim told me that one of
18 the Latin males, later identified as Miguel Sanchez, asked them: "Where are you
19 from? Are you a Sureno?" The first victim said, "No, I am from Vacaville." Mr.
20 Sanchez then asked, "What are you doing here?" The first victim told him they were
21 shopping for clothes. Then the Latin males started to beat them up. The first victim
22 said he could identify the Latin males if he saw them again. Officers Machado,
23 Castro, and Ciudad brought the five detained Latin males to the hospital to conduct a
24 cold show. The first victim identified four of the five detained Latin males as being
25 present during the beating. The first victim identified Antonio Garcia, a known
26 member of the NORTEÑO criminal street gang, as one the assailants. Mr. Garcia, a
27 19-year-old resident of San Carlos Street, was wearing a red belt. The first victim
28

1 also identified Miguel Sanchez, a known member of the NORTEÑO criminal street
2 gang, as the assailant who did the talking. Mr. Sanchez, a 19-year-old resident of
3 25th Street, was wearing a red and black basketball jersey. The first victim also
4 identified Rolando Valladares, 19-year old resident of Bernal Heights, as being
5 present during the beating. The first victim also identified a seventeen-year-old
6 juvenile resident of the Bayview/Hunters Point District, wearing a red t-shirt, as
7 being present during the beating. The second victim separately identified all of five
8 of the detained Latin males. The second victim identified Mr. Garcia and said, "Yes,
9 he was one of the guys. He punched me 3-4 times. He did not say anything. He
10 kicked me 3-4 times in my back when I was on the ground." The second victim
11 identified Mr. Sanchez, and said, "Yeah, that fucking guy. He's the one that started
12 everything. He saw us get out of the car and he called to all of his friends, 'Norte!
13 Norte!' and they all came running." The second victim identified Mr. Valladares,
14 saying: "I think he is the one that stabbed me. He was punching me and kicking me.
15 He punched me in the side and I felt a sharp pain. I did not see the knife." The
16 second victim identified a juvenile resident of 14th Street as having been there and
17 punched him. The second victim identified the juvenile resident of the
18 Bayview/Hunter's Point District, as having been there also. The second victim was
19 in "serious condition" with a collapsed lung and blood in his chest. Dispatch then
20 advised that the third stabbing victim was at St. Luke's hospital. I interviewed the
21 third victim at St. Lukes. The third victim, who was wearing a blue shirt, recounted

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the same facts as the first two victims. The five detained Latin males were brought to St. Lukes, where the third victim positively identified four of the five suspects, but was not sure about the juvenile from 14th Street.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/6/07

 #1494

OFFICER TRACY GALLO, Star #1494

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City Attorney
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF
14 CALIFORNIA, by and through Dennis J.
15 Herrera, City Attorney for the City and
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16 Plaintiff,

17 vs.

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19 NORTEÑO, a criminal street gang sued as
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21 ONE through DOE FIVE HUNDRED,
inclusive,

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
EDWIN GAFFUD IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Edwin Gaffud, #322, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 6 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harrassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and the proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Franciso-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. ASSAULT, ATTEMPTED HOMICIDE W/ OTHERWEAPON on 24th and Mission,
23 Muni Electric bus (Police Report #051 395 959) On December 13, 2005 at
24 approximately 12:13 p.m., Officer Zachos, #1049, and I were dispatched to Mission
25 and 24th Street regarding a stab wound victim on the bus. When we arrived on the
26 bus I saw the victim seated a few seats behind the bus driver and holding his hands
27 over his stomach area. There was blood on his shirt under his hands and he was
28

1 DENNIS J. HERRERA, State Bar #139669

City Attorney

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Chief Attorney, Neighborhood and Resident Safety Division

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8 Attorneys for Plaintiff

9 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
14 CALIFORNIA, by and through Dennis J.
15 Herrera, City Attorney for the City and
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17 vs.

18
19 NORTEÑO, a criminal street gang sued as
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inclusive,

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD SERGEANT
IAN M. FURMINGER IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:

Hearing Judge:

Time:

Place:

Date Action Filed: June 21, 2007

Trial Date:

23
24 I, Sergeant Ian M. Furminger, #1297, declare as follows:

25 1. I am employed as a San Francisco Police Officer, and have been so employed for

26 12 years.

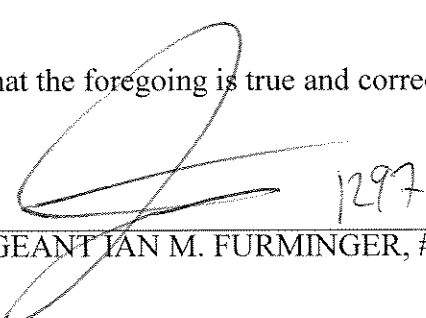
27 2. My current assignment is patrol officer at Mission Station.

- 1 3. In my work as a patrol officer, I have become ~~very~~ familiar with Defendant Norteño
2 gang, and many of its San Francisco members, including members of local Norteño
3 subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran
4 Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 5. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. COCAINE BASE, ROCK OFFENSE, METH OFFENSE, MARIJUANA OFFENSE
23 at 23rd and Florida (Police Report 060 870 906) On August 16, 2006 at
24 approximately 6: 14 p.m., I was in full uniform and in a marked SFPD patrol unit
25 driving southbound on Florida Street approaching 23rd. I observed a 4 door silver
26 Buick run through the posted stop sign at Florida Street without stopping. I noticed
27 the driver look at me as he crossed over Florida Street. I followed him and activated
28

1 my overhead lights and siren. I noticed that the driver was leaning forward as if he
2 was reaching under his seat. I made contact with the driver, Jonathan Johnston, who
3 appeared nervous. I obtained his drivers license and ran his information. I
4 discovered that he was a local gang affiliate with multiple prior narcotics violations.
5 I called for an additional unit to assist me. I re-approached the vehicle with Officers
6 Neves, # and Manfredi, #4193. Johnston would not sit still and was reaching for the
7 glove compartment so I asked him to step out of the vehicle for officer safety. He
8 then dropped his right hand under the seat, then removed it and opened the driver
9 door and swung his left leg out. As he did this I noticed a plastic bag protruding
10 from underneath the seat filled with small white rocks. I immediately identified
11 these as what I know per my training and experience to resemble rock cocaine. I
12 placed Johnston under arrest and Officer Neves took custody of him. I retrieved the
13 the bag of white rocks. Inside of the plastic bag was a small piece of green plastic
14 with 9 pink pills with the four point star insignia on one side. Per my training and
15 experience I recognized these to be MDMA "Ecstasy", a form of Methamphetamine.
16 Officer Manfredi pointed out to me a small plastic bag containing green vegetable
17 leaf matter resembling marijuana on the drivers running board which I also seized. It
18 was apparent to me through my training and experience, that Johnston was in
19 possession of these items with the intent to sell them. Johnston was transported to
20 Mission Station where he was booked for 11378 HS, 11351.5 HS, 11357(b) HS, and
21 22450a CVC. Officer Neves confiscated \$222.00 from Johnston's pockets. The
22 currency was in various denominations consistent with street sales of narcotics.

23
24 I declare under penalty of perjury that the foregoing is true and correct.

25
26 Dated:


SERGEANT IAN M. FURMINGER, # 1297

1 DENNIS J. HERRERA, State Bar #139669
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2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
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17 vs.

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

21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
MARK FRAIZE IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Mark Fraize, #1986, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 one year.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including La Raza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and the proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. CRIMINAL THREATS at 2770 Mission (Police Report #070 216 390). On March
23 1, 2007 at approximately 11:25 a.m., Officer Gassen, #59, and I responded to 2770
24 Mission Street regarding a fight. Dispatch advised us that there were between 5-6
25 males in front of 2770 Mission Street who wanted to fight with the victim who was
26 inside of the store. Upon arrival we met with the victim who told us that he was
27 walking on Mission Street when he saw 5 to 6 males walking towards him. The
28

1 males surrounded him and one of them said "I'm going to kill you mother fucker!",
2 while brandishing what appeared to be a knife. The victim told us he was terrified
3 for his life. He was able to run into a store at 2770 Mission Street and asked them to
4 call the police but no one called. The victim then saw a cell phone sitting on the
5 counter by the register and used it to call 911. The victim said the same male who
6 threatened him with a knife followed him into the store and said, "Look into my
7 eyes, police aren't going to do shit for you!" He repeated, "Mother fucker I'm going
8 to kill you!" The victim was calling 911 as this was happening. He said the suspect
9 then left the store and may have gone over to McDonalds on the corner of 24th and
10 Mission Street. A worker who was inside the store at the time of the incident stated
11 that she and another co-worker ran to the rear of the store when the suspect and
12 victim entered. She said she heard the suspect say "come outside and fight!" Both
13 the workers stated they were terrified of the suspect. The victim described the
14 suspects as young Latin males in their 20's, wearing red or black shirts and
15 sweatshirts. One suspect was wearing a baseball hat and had two pieces of hair
16 hanging down both sides of his face. The suspect with the knife was described as
17 having a ponytail and a baseball cap worn backwards. Officers Solis, #1693 and
18 Claudio #1623, responded to McDonalds to search for the suspects and saw two
19 males matching the descriptions given run into McDonalds as they drove up. As the
20 officers entered McDonalds the two suspects ran out of McDonalds through the
21 Mission Street doors. Officer Solis saw the two suspects run northbound across
22 Mission Street and into a doughnut shop at the corner of 24th Street. Both suspects
23 were detained as they exited the doughnut shop. I met with the owner of the store
24 and obtained a video of the occurrence, which I watched with the victim. In the
25 video I saw the suspect follow the victim into the store, the suspect wore a black
26 baseball cap backwards and a black t-shirt that had what looked like silver and red
27 writing across it. The red lettering on the bottom read " THE BAY". I saw the male
28

1 approach the victim, pointing a finger at him and saying something. The victim said
2 "that's the guy with the knife." The victim stated that it was at this point that the
3 male threatened to kill him again. I conducted a Cold Show with the victim at the
4 corner of 24th and Mission Street where Officers had the two suspects detained. The
5 victim stated "no those aren't the guys, but they were with the male with the knife."
6 After providing the victim with follow up information, Officer Gassen and I were
7 dispatched to another call. We crossed Mission Street from 24th and saw a young
8 Latin male with a black baseball cap standing at the bus stop. He had two braids
9 hanging from under his hat, which matched the description provided by the victim.
10 As we attempted to contact the male, he quickly turned away and walked southbound
11 on Mission Street and we lost sight of him. As we exited the Bart Plaza onto
12 Mission Street, we saw another Latin male standing in front of 2830 Mission Street,
13 the Taqueria San Jose. Officer Gassen noticed the male was wearing a black t-shirt
14 with red block lettering across the bottom that read "THE BAY." We detained the
15 male, later identified as Norteño gang member Rocky Deleon. The victim happened
16 to be driving past us on Mission Street with his wife and son and when he saw
17 Deleon he said "Yeah that's him, that's him!" I asked the victim if Deleon was the
18 one with the knife and he replied "Yes." Officers Romani, #1962 and Cristi # 645
19 transported Deleon to Mission Station. I then saw Rocky Deleon's younger brother,
20 Norteño gang member Joshua Deleon, inside of the Taqueria San Jose and I detained
21 him. He was wearing black baggy jeans, a red 49ers jersey and black baseball hat.
22 Deleon gave me consent to search him and I conducted a search for the knife with
23 negative results. Joshua Deleon was released at the scene. Officer Gassen contacted
24 Inspector Lau, # 1476 of Gang Task Force and he advised us that he would be taking
25 over the investigation. We returned to Mission Station where I booked Rocky
26 Deleon for 422 PC and 186.22 (a) PC. Prior to booking, Inspector Lau took photos
27 of Deleon and his clothing. We seized his baseball hat and t-shirt and I booked all
28

1 items into evidence at Mission Station. In the victims written statement, he says that
2 as the suspects were leaving they told him that they knew where his son was and that
3 they would hurt him too. The victim said that he took his son out of school for his
4 safety. Officer Gassen notified Insp Lau and attempted to contact the victim
5 regarding this statement.

6 9. ASSAULT, AGGRAVATED W/ KNIFE, ROBBERY ON STREET W/ KNIFE at
7 24th and Mission Street (Police Report #070 428 818). On February 26, 2007 at
8 approximately 11:01 p.m., Officers Santiago, #1498 and Mendiola, #1975, were in
9 their patrol vehicle stopped at a red light on 24th and Mission Street when two
10 Spanish-speaking males flagged them down. One of the males had stab wounds to
11 his right groin and left buttocks. Officer Mendiola immediately requested an
12 ambulance and the stabbing victim was transported to SFGH. Officer Fischer, #230,
13 responded to the scene to provide translation for the second victim. Field Training
14 Officer Fischer, #4130, and I responded to the scene and took over the investigation.
15 As Officer Fischer, #230 finished her translation I took photos of the victims swollen
16 left eye. A gray "NFL" beanie cap that the victim said belonged to one of the
17 suspects was seized at the scene. We then responded to SFGH to obtain a statement
18 from the stabbing victim. I retrieved the victims bloody clothing and they were
19 booked at Mission Station. Officer Fischer, #230, interviewed the two victims who
20 said that they were both assaulted and robbed near the Bart Plaza at 24th and Mission.

21 10. SUSPICIOUS OCCURRENCE, POSSIBLE SHOTS FIRED, PAROLE

22 VIOLATION at 17th and Bryant (Police Report #070 108 571) On January 30, 2007
23 at approximately 3:23 p.m., Field Training Officer Keesor, # 1506, and I backed up
24 Officer Cole, #850, who was flagged down by off duty UCSF Officer Heron, #252.
25 Officer Heron said he was driving east on Division past Office Max when he heard
26 gunshots. Based on his training as a firearms instructor he could tell the shots were
27 fired from a short distance in front of his location. He described the sound of the
28

1 shots being fired as being that of different caliber bullets. He saw a burgundy older
2 model Chevrolet Caprice in the middle of the intersection at 13th Street and Harrison
3 with five Latino males. He saw another vehicle a black Cadillac with large chrome
4 wheels in the middle of the intersection, make an illegal U-turn and slowly drive off.
5 The burgundy car turned towards him recklessly and at a high rate of speed. He
6 attempted to follow the vehicle but lost it due to the high rate of speed of the
7 vehicle. Several Officers assisted in locating the burgundy vehicle and it was
8 stopped at 17th and Bryant upon our arrival. The burgundy Chevy had 5 Latino male
9 occupants, Daniel Santiago, Michael Sanchez, Joshua Deleon, James Eagleton and a
10 juvenile. The occupants were removed from the vehicle and searched for weapons.
11 Joshua Deleon was wearing a red 49ers jersey and John Eagleton was wearing a red
12 and white "SF" hat, clothing and indicia commonly worn by NORTEÑO gang
13 members. All suspects were transported to Mission Station. Inspector Lau, # 1476,
14 of Gang Task Force informed me that Santiago, Deleon, Sanchez, Eagleton and the
15 juvenile were all known and confirmed Norteño gang members. Santiago was on
16 Parole at the time of this incident and Inspector Molina, #1586, notified Parole Agent
17 Wilensky of the incident and Sergeant Wilensky placed a Parole Hold on Santiago.
18 Sanchez, Deleon and Eagleton were released per 849(b). Santiago was booked at
19 Mission Station with a parole hold.

20
21 I declare under penalty of perjury that the foregoing is true and correct.

22 Dated: 7/9/07

23 
24 _____
25 OFFICER MARK FRAIZE, # 1986

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Chief Attorney, Neighborhood and Resident Safety Team
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
GABRIELA FISCHER IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Gabriela Fischer, #230, declare as follows:

25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 6.5 years.

- 1 2. My current assignment is patrol officer at Mission Station.
- 2 3. In my work in the Mission District, I have become very familiar with Defendant
- 3 NORTEÑO gang, and many of its San Francisco members, including members of
- 4 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
- 5 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 6 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
- 7 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
- 8 South, and San Bruno, including La Raza Park to the East.
- 9 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
- 10 by committing in public, at all times of day or night, drug trafficking, assaults,
- 11 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
- 12 interference with public right of way, verbal and physical harassment and
- 13 intimidation, and other conditions offensive to the senses of the community
- 14 residents, merchants, and visitors.
- 15 6. Through my work, I am familiar with many of the known, admitted members or
- 16 associates of NORTEÑO gang, and I see them on the public street, within the
- 17 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 18 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
- 19 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
- 20 and red accessories, often sporting symbols and tattoos commonly associated with
- 21 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
- 22 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 23 8. ASSAULT, AGGRAVATED W/ KNIFE, ROBBERY ON STREET W/ KNIFE at
- 24 24th and Mission Street (Police Report #070 428 818) On April 26, 2007 at
- 25 approximately 11:11 p.m., Officer L. Toney, # 1990, and I responded to 24th and
- 26 Mission to conduct a translation for a stabbing victim. The Spanish-speaking victim
- 27
- 28

1 approached Officers Mendiola, #1975 and Santiago, #1498, at 24th and Mission
2 Street, and told them he had been stabbed. I met with the stabbing victim who told
3 me that he was walking out of the Bart station on the corner of 24th and Mission
4 when two unknown males approached him on both sides. The suspects said in
5 Spanish, "Give me you money." The victim replied that he did not have any money
6 and one of the suspects told the victim "we're from 24th Street, we own this, so you
7 need to pay us!". The victim said "I don't have any money I just got out of work."
8 The suspects then hit him several times on his back and neck. The victim felt one of
9 the suspects stab him once on his left side. The victim said when he turned in pain
10 the second suspect stabbed him once on his right hip. The victim said he tried to run
11 away but was in too much pain and could only walk a few steps. One of the suspects
12 then reached into his pocket and stole a \$20 dollar bill. The victim said he would be
13 unable to identify the suspects because they were behind him during the entire
14 incident. I then spoke to the second victim who witnessed what happened and said
15 the same suspects had also attacked him. The second suspect told me that he saw
16 both suspects standing over victim one as he lay on the floor, they then approached
17 him. The suspects stood face to face with the victim and in Spanish stated "Give me
18 two dollars!" The victim replied that he did not have any money. One of the
19 suspects repeated, "Give me two dollars!" and punched him one time with a closed
20 fist to his the left side of his face. The victim fell to the ground. As he lay on the
21 ground, one of the suspects reached into his right rear pocket and took out the
22 victims' wallet. The victim said to the suspect, "I told you I don't have any money,
23 just give me my wallet back." The suspect then threw the wallet at the victim. At
24 the same time the second suspect removed the victims shoulder bag and took out a
25 small black suede container with four knives inside, that the victim used for work.
26 The suspects then fled the scene. The victim stated that he would be able to identify
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28

BCP
#230

1 the suspects again and described them as Hispanic males, 20 to 25 years old, the first
2 suspect had a dark brown afro and was wearing a red hooded sweatshirt and black
3 pants. The second suspect was wearing a black hat worn backwards with a black
4 sweatshirt and blue jeans. The victim also said that he believes he has seen both
5 suspects in the area before.
6
7

8 9. ASSAULT AGGRAVATED W/ FORCE at 3146 24th Street (060 423 107) On
9 April 20, 2006 at approximately 5:45 p.m., the victim walked into Mission Police
10 Station to file a police report because he was having problems with some local gang
11 members. I could see that the victim had a very swollen and bruised right eye. The
12 victim said that on April 16, 2006 around 2:30 a.m., he saw friends of his fighting
13 with several unknown males so he called police and attempted to break it up. While
14 in the process of breaking up the fight, an unknown person bit the victim's left
15 middle finger. On April 17, 2006 the victim was working at the Mr. Pizza Man
16 when a Hispanic male known by his gang name "Dopes" who had long black hair
17 and was wearing red clothing walked into the premise and verbally assaulted the
18 victim, accusing him of getting involved with his "boys". A few minutes later as the
19 victim was leaving the premise the suspect approached him and again verbally
20 assaulted him. The victim told the suspect that he did not have a problem with him
21 or his boys and the suspect replied that he would "kick his ass". As the victim
22 attempted to grab his cell phone to call police, the suspect hit him with a left closed
23 fist in his right eye area two times. The victim fell back onto the floor and the
24 suspect left the area. That same afternoon, the victim returned to the restaurant and a
25 second person walked in and yelled at him for hitting their son. The victim told the
26 suspect that he had not hit anyone. The suspect told him that if he wanted to fight he
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1 could his fight his older son. The suspect punched the victim with a right closed fist
2 in his left eye and then walked out. The victim did not return to work. Several
3 employees called to tell the victim that the suspects and other unknown suspects
4 were threatening the employees to attack and hurt them physically. The victim said
5 the suspects have been making harassing phone calls on the victims cell phone.
6

7 I declare under penalty of perjury that the foregoing is true and correct.
8

9 Dated:

7/9/07

GCFischer #230
OFFICER GABRIELA FISCHER, # 230

GCF
#230

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
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9 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
14 CALIFORNIA, by and through Dennis J.
15 Herrera, City Attorney for the City and
County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
FISCHER IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer AARON FISCHER, #4130, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 6.5 years.
27
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. ASSAULT AND ATTEMPTED HOMICIDE WITH A GUN at 26th Street and
23 Harrison Street at 12:17am. (Police Report #051284609). On November 14, 2005,
24 Officer Baca and I, and other units, responded to the area of 2963 Harrison Street on
25 a call to investigate fired shots. While en route to the above location, officers
26 advised headquarters that they had a gunshot victim on the southwest corner of 26th
27 Street at Harrison Street. When we arrived on the scene, we rendered medical aid to
28

1 the victim. Witnesses to the incident told us that they observed a parked vehicle on
2 the southwest corner of 26th Street at Harrison Street. Then they saw a second
3 vehicle traveling eastbound on 26th Street. A passenger, the unknown suspect, in this
4 second vehicle pulled a gun out of the vehicle and started shooting. As we were
5 conducting this investigation, headquarters informed us that another gunshot victim
6 was dropped off at San Francisco General Hospital. According to this second victim,
7 he and friends were hanging out at 26th Street and Harrison Street when he saw the
8 second vehicle, described above, drive up. This second victim confirmed that a
9 passenger in this second vehicle opened fire at them, and ultimately shot the second
10 victim.

11
12 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
13 and correct.

14 Dated: 7-2-07

15 
16 _____
17 OFFICER AARON M. FISCHER, #4130
18
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28

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
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED JURISDICTION

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
FERREIRA IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:

Hearing Judge:

Time:

Place:

Date Action Filed: June 21, 2007

Trial Date:

23
24 I, Officer MARTIN FERREIRA, #570, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 6
26 years.
27

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. OPEN CONTAINER OF ALCOHOL at Bryant and 22nd St. (Police Report #
23 061098575). On October 14, 2006, while on duty with another patrol officer, I
24 observed Kevin Chavez holding a forty-ounce size bottle with the cap off in the
25 proposed Safety Zone. When I asked Mr. Chavez what he was drinking, Mr. Chavez
26 showed me that he was in possession of a half full bottle of Mickey's malt liquor.
27 Based upon my experience and inspection, I believed Mr. Chavez was in violation of
28

1 the law prohibiting an open container of alcohol. I advised Mr. Chavez not to drink
2 alcoholic beverages in public and he was allowed to leave. During this incident, my
3 patrol partner ran a warrant check on Mr. Chavez and discovered that Mr. Chavez
4 was on probation, had a search condition, and a very extensive stay away order.

5 8. POSSESSION OF SWITCHBLADE KNIFE WHILE INTOXICATED at 24th Street
6 and Osage Alley at 6:18pm. (Police Report #061228186). On November 17, 2006, I
7 was on foot patrol with another patrol officer from Mission Station. I saw Orlando
8 Hernandez at the above address, which is in the proposed Safety Zone. I noticed that
9 he was holding a small brown paper bag containing a red and gold can. From my
10 experience and training, I recognized this as being an open can of Old English Malt
11 Liquor. When I spoke to Mr. Hernandez, I saw that he had very water blood shot
12 eyes and he mumbled when I spoke to him. He also had a strong odor of beer on his
13 breath. Based on this interaction with Mr. Hernandez and his physical condition, I
14 formulated the opinion that Hernandez was intoxicated beyond the point of being
15 able to care for him and strongly suspected that he might be under the influence of
16 PCP. I thereafter placed Hernandez in handcuffs, after which he became very angry.
17 During the search incident to arrest, my patrol partner found a switchblade knife.

18 9. WARRANT ARREST at 24th Street and Hampshire Street at 10:33pm. (Police
19 Report # 061249994). On November 24, 2006, a patrol officer and I were on foot
20 patrol of 24th Street and Hampshire Street, which is in the proposed Safety Zone.
21 We came into contact with Henry Hernandez. After engaging Mr. Hernandez in a
22 casual conversation, Mr. Hernandez explained that he was on probation and thought
23 he had a search condition. I verified his probation status and ran a warrant check that
24 revealed Hernandez had an outstanding \$100,000 warrant. Accordingly, Mr.
25 Hernandez was detained and transported to Mission Police Station.

26 10. OUTSTANDING WARRANT ARREST AND RESISTING ARREST at 24th Street
27 between Shotwell and Folsom Streets at 8:07 pm. (Police Report #070063358). On
28

1 January 10, 2007, my patrol partner told me that Mr. Antonio Napoleon had a no bail
2 warrant for his arrest. Thereafter, Mr. Napoleon was observed in the lower 24th
3 Street area. My patrol partner and I observed Mr. Napoleon walking on the south
4 side of 24th St. we approached Mr. Napoleon and told him and said, "you have a
5 warrant for your arrest." Upon hearing why he was being arrested, Mr. Napoleon
6 broke free from us and ran eastbound on 24th Street. A pursuit of Napoleon ensued
7 east on 24th Street. Mr. Napoleon was finally stopped in front of 3070 24th Street.
8 He was transported to Mission Police Station in handcuffs.

9 11. VIOLATION OF STAY AWAY ORDER at 24th Street, approaching Capp Street at
10 6:12pm. (Police Record #070254964). On March 11, 2007, my patrol partner and I
11 were walking and had a clear unobstructed view of 24th Street and Capp Street. At
12 this time we saw Fernando Cardona walking through the intersection. Based on
13 previous contacts, we knew that Mr. Cardona had a valid stay away order and was in
14 violation of that stay away order. After confronting Mr. Cardona and running his
15 name through dispatch, we confirmed that Mr. Cardona was in fact in violation of
16 two stay away orders. Because of the strong likelihood that he would continue to
17 violate these stay away orders, I arrested Mr. Cardona. Mr. Cardona was booked at
18 Mission Station and we found tattoos confirming gang affiliation. Mr. Cardona had
19 the following tattoos: "LNS" on his stomach; "San Fran" on his chest;" and
20 "Crystal" on his left wrist.

21 12. RECKLESS DRIVING on 24th and Shotwell Streets (Police Report # 070659370)
22 On June 30, 2007, at 6:01 pm, I was on duty, dressed in full uniform and standing in
23 front of 3164 24th Street, when I saw a 1980s grey Mazda RX-7, being driven
24 recklessly in the 24th and Shotwell Street intersection. I had a clear and unobstructed
25 view of the intersection, as I watched the vehicle being driven in a circle at a high
26 rate of speed, while its tires were screeching and the rear of the car was skidding or
27 fishtailing. The Mazda completed 4 to 6 circles in the intersection. At the time, the
28

1 traffic was moderate, and there were a number of children and adults walking in the
2 area. The one lone occupant/driver of the vehicle, was a dark haired Latin or white
3 male wearing a black T-shirt. Immediately after the Mazda finished being driven
4 recklessly, it drove away eastbound on 24th Street from Shotwell Street. I was
5 advised that the Mazda had been pulled over on 25th Street near Virgil Alley. I
6 walked over to 25th and Virgil Alley, one and a half blocks away. I noted there were
7 fresh circular tire marks on the pavement, with a diameter of 20 to 30 feet. I
8 recognized the Mazda as the same one I had seen being driven recklessly. I felt the
9 rear tires of the Mazda, and noted that they were very warm, porous around the
10 edges, and smelled like heated rubber. The driver was detained and identified by his
11 valid California Driver's License as Victor "Nino" Cano, a known member of the
12 NORTEÑO criminal street gang. We also discovered that Mr. Cano is on active
13 felony probation with a warrantless search condition. I read Mr. Cano his Miranda
14 rights. He told me he knew why he'd been pulled over, that it was pointless to resist
15 or argue, ^{infering} that he had been driving recklessly on 24th Street @ Shotwell. He said, "If
16 I knew that you were watching me I would have never done that...I was just being
17 stupid."
18

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Dated:

Martin Ferreira 7/13/07
OFFICER MARTIN FERREIRA, #570

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
FELIX IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

22
23
24 I, Officer JOELLE R. FELIX, #2027, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 7.5 years.
27

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. AGGRAVATED ASSAULT WITH A WEAPON at Cesar Chavez Street and South
23 Van Ness Avenue at 1:41am. (Police Report #060481785). On May 6, 2006,
24 Officer O'Connor and I were dispatched to the above location to investigate a
25 stabbing. The witness and victim and two other females were at the 26 Mix Club.
26 As they entered the club, Hugo Galo, from Daly City, California, asked the victim,
27 "Que Rifas?" which in English means "What do you claim?" The victim did not
28

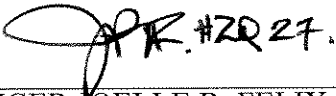
1 respond; the witness, however, answered for the victim and told Mr. Galo that the
2 victim did not claim anything and was not from San Francisco. Hours later, the
3 victim, witness, and their friends left the club. The victim and witness left together
4 to get the victim's vehicle. While outside the club and waiting in a car for a ride to
5 the victim's vehicle, about 10 unknown male suspects surrounded the vehicle. They
6 were yelling out, "Norte Puto!" and continued to ask the victim, "Que Rifas puto?"
7 The suspects opened the vehicle doors and dragged the victim out of the vehicle by
8 force. The victim ran away. The witness found the victim on the corner of Cesar
9 Chavez and South Van Ness talking on his cell phone. The victim sustained injuries
10 to his face and was stabbed. When I interviewed another witness, who was a friend
11 of the victim, she told me that one of the suspects was Marvin Lopez. Mr. Lopez is a
12 Norteño gang member and goes by the nickname El Arania (Spider). This witness
13 also revealed that Mr. Galo was her ex-boyfriend. This witness told me that Mr.
14 Galo is a Norteño gang member from 22nd and Bryant Street, and his nickname is "El
15 Loquito" (Crazy). Mr. Galo is from El Salvador and lives with his family in Daly
16 City. After interviewing these witnesses at the scene, I interviewed the victim at San
17 Francisco General Hospital (SFGH). The victim confirmed that he and some
18 girlfriends went to the 26 Mix Club. He confirmed that Mr. Galo said, "Que Rifas?"
19 The victim then said Mr. Galo was throwing up gang signs with his hands and
20 making a big deal to get the victim's attention. The victim told Mr. Galo that he
21 didn't claim anything, and then Mr. Galo accused the victim of belonging to the MS
22 gang. The victim denied any gang affiliation and went into the club without further
23 incident. The victim confirmed that as he left the club, and awaiting a ride to his
24 vehicle, the suspects surrounded the victim and ordered him to get out of the vehicle.
25 They were yelling, "Norte!" and were telling each other that the victim belonged to
26 "MS." The victim then saw one suspect open up a knife, which was about 4-5 inches
27 long. There was a brief and intense altercation thereafter as the victim attempted to
28

1 escape from the suspects. One of the suspects said to the victim, "Si no paras te voy
2 a desparar! (If you don't stop I'll shoot you). The victim said he feared for his life
3 and attempted to escape but was confronted by other suspects. The victim then said
4 he was punched and kicked repeatedly by the suspects and then was stabbed one
5 time. The victim said after he was stabbed, some of the suspects fled the scene on
6 foot and others got into a vehicle. Upon medical examination at SFGH, the victim
7 received a laceration on this right eyebrow and one stab wound to his left flank.

8 8. ROBBERY WITH FORCE at 24th Street and Mission Street at 7:52pm. (Police
9 Report #061253218). On November 24, 2006, Officer Dempsey and I were
10 dispatched to the above location to investigate a potential robbery. Paramedics were
11 treating the victim when we arrived at the scene. The victim told me that he was
12 drinking at Carlos' Bar, located on 24th Street. He left the bar to make a call and
13 walked toward the escalators of the Bart Plaza. Suddenly, 2 men, suspects unknown
14 approached him. One suspect wore a red shirt, and this suspect kicked the victim on
15 the left side of his back three times. The other suspect grabbed the victim by his
16 throat. The first suspect then said in English, "Give me everything!, Everything!"
17 This suspect then took the victim's wallet and said in Spanish to the other suspect,
18 "Nos matamos?" which means, "Should we kill him?" in English. The suspects then
19 ran away.

20
21 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
22 and correct.

23 Dated:

24  #2027.
25 _____
26 OFFICER JOELLE R. FELIX, #2027
27
28

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

18
19 NORTEÑO, a criminal street gang sued as
an unincorporated association, and DOE
20 ONE through DOE FIVE HUNDRED,
inclusive,,
21

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
FEGAN IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer JACOB FEGAN, #1380, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 12 years.
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- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. ROBBERY WITH FORCE at 24th Street and Florida Street at 1:32pm. (Police
23 Report #020746842). On June 23, 2002, Officer Barberini and I were on patrol. We
24 were driving westbound on 24th Street at Harrison Street when a victim ran up to our
25 vehicle on the passenger side. The victim said something very quickly in Spanish
26 and looked worried. The victim kept repeating the word "cholo," which I knew from
27 past experience was a term that meant a Norteño gang member. Based on my
28

1 experience, Norteño gang members would take money from the day laborers, on a
2 daily basis, and the crimes would go unreported because the robbery victims feared
3 retaliation from these gang members. Specifically, the Norteño gang members knew
4 that a group of men who frequent Garfield Park and 24th Street and Harrison Street
5 would not report robberies to the police, and therefore these gang members could
6 take whatever they wanted from these victims. On this date, above, the victim told
7 me that he was in a store at 24th Street and Harrison Street buying compact discs
8 when he saw 3 Norteño gang members walking into the store. The victim
9 recognized the 3 suspects as Norteño gang members because they always wore red
10 and regularly saw them on 24th Street. The victim told me that he knew one of them,
11 Yader Montes, because Mr. Montes robbed and beat up a friend of his the day before
12 the incident. The suspects followed the victim out of the store. When the victim
13 noticed he was being followed, he went into a restaurant, the Izalco, at 24th Street
14 and Florida Street, which is in the proposed Safety Zone. The victim told us that one
15 of the suspects, Noel Arguello, pointed at the victim and told him to go outside. The
16 victim obeyed Mr. Arguello and walked out of the Izalco. Mr. Arguello then said to
17 the victim, "Give me \$20." The other suspects – 3 of them – surrounded the victim.
18 The victim said he did not have any money on him, and then Mr. Arguello reached
19 into the victim's pockets and pulled out the victim's wallet from his rear pocket. The
20 victim said he was afraid for his life and he knew what these suspects were capable
21 of doing. Mr. Arguello took \$110 from the victim's wallet. I subsequently asked
22 another patrol officer to take the victim by vehicle to look for the suspects. The
23 victim was able to identify 3 suspects – Mr. Arguello, Mr. Montes, and Kenny Funez
24 – as the ones who robbed him. From prior contacts, I recognized both Mr. Funez and
25 Mr. Montes as active Norteño gang members. On this occasion, Mr. Montes and Mr.
26 Arguello both were wearing red belts, which indicated that they were Norteño gang
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28

1 members. Mr. Funez had a red shirt, which also indicated that he was a Norteño
2 gang member. These 3 suspects were subsequently transported to Mission Station.
3

4 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
5 and correct.

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7 Dated:

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27
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OFFICER JACOB FEGAN, #1380

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
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
FARINAS IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:


24 I, Officer WARREN FARINAS, #4180, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 5 years. I am a patrol officer assigned to Southern Police station.
27
28

1 2. ROBBERY WITH FORCE at 24th Street and Shotwell Street at 9:00pm. (Police
2 Report #060882244). On August 18, 2006, a victim came to Southern Police Station
3 to report that she had been robbed. This victim was waiting for her sister-in-law at
4 24th Street and Shotwell Street. One of the suspects, Alicia last name unknown,
5 began to engage victim in a conversation. Alicia then started to accuse the victim of
6 being a "scrap" and then the 5 unknown female suspects began to punch the victim in
7 the face, upper body and pulled the victim's hair. The victim said she tried to fight
8 back. One of the unknown suspects tried to take the victim's purse, which the victim
9 struggled to keep away from the suspect. One of the suspects reached inside and
10 took the victim's wallet, money, and necklace. The victim's boyfriend then arrived
11 and pulled the victim from the incident.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing
13 is true and correct.

14 Dated: 7-4-07

15  4180
16 _____
17 OFFICER WARREN FARINAS, #4180
18
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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
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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD SERGEANT
EWINS IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Sergeant TERESA EWINS, #733, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 12
26 years.
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- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. POSSESSION OF A FIREARM AND PAROLE VIOLATION at 2792 Bryant Street
23 and 26th Street at 11:38pm. (Police Report #050534899). On May 13, 2005, I was
24 dispatched to 26th Street and Florida Street, which is in the proposed Safety Zone, to
25 locate a possible person with a gun. When I arrived to the area, I saw only two
26 individuals walking eastbound on 26th Street. I saw Gian Prieto and a juvenile.
27 Based on my training and experience with gangs in the Mission District, I know that
28

1 this juvenile suspect is an active Norteño gang member who frequents the 24th Street
2 corridor. I saw Mr. Prieto reach into his right front pocket with his right hand and
3 remove an unknown object. He then reached over to a fixed trashcan and made a
4 throwing motion into the can. I heard a loud bang. Based on my training and
5 experience, I believed that Mr. Prieto had discarded a possible firearm. Thereafter, I
6 asked both suspects to stop and they complied. I went to the trashcan and saw a
7 handgun on the top of the trash between two plastic bags. Mr. Prieto was then
8 transported to Mission station. Another Mission Station office began removing
9 personal property from Mr. Prieto for booking. That officer recovered ammunition
10 from Mr. Prieto's right front coin pant pocket. Mr. Prieto then spontaneously stated,
11 "Oh man, those ain't mine! Am I going to get violated? Will I get extra charges? I'll
12 tell you anything you want to know." At Mission Station with us was a victim
13 involved in an incident related to these two suspects. This victim told me that he was
14 at Cesar Chavez at Florida Street. The victim positively identified the two suspects.
15 The victim told me that Mr. Prieto removed a handgun from his right pocket with his
16 right hand, and directly pointed the gun at the victim. The victim left the scene and
17 called 911. Mr. Prieto was at the time of this report on active parole. He had a
18 felony conviction for 212.5 PC, Superior Court number 00186989. Mr. Prieto
19 subsequently admitted that he was not permitted to be in gang territory or hang out
20 with gang members as a condition of his parole. Officers associated with this arrest
21 recovered a red bandana and red gloves from Mr. Prieto. Mr. Prieto was ultimately
22 booked at Mission Station.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct.

25 Dated: 7-5-07


SERGEANT TERESA EWINS, #733

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
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3 MICHAEL S. WEISS, State Bar #168378
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E-Mail: yvonne.mere@sfgov.org

8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23
24

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
PRISCILLA D. ESPINOZA IN SUPPORT
OF EX PARTE APPLICATION FOR
ORDER TO SHOW CAUSE RE:
PRELIMINARY GANG INJUNCTION
AND PRELIMINARY GANG
INJUNCTION


Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

25 I, Officer PRISCILLA D. ESPINOZA, #4133, declare as follows:

26 1. I am employed as a San Francisco Police Officer, and have been so employed for

27 6.5 years.
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. CARJACKING WITH A KNIFE at 24th Street and Potrero Street at 6:00pm. (Police
23 Report #050909559). On August 13, 2005, Officer  Diskin and I responded to
24 Bayview Police Station. When we arrived at the scene, the victim stated unknown
25 suspects carjacked his vehicle on August 13, 2005. The victim parked his vehicle on
26 the corner of 24th Street at Potrero Street, which is in the proposed Safety Zone. As
27 he was exiting the vehicle, 4 male suspects approached him. One suspect wore a red
28

1 shirt. One suspect pulled out a 6-inch pocketknife and said, "fuckin give me your
2 keys!" The victim stated out of fear he gave the keys to the suspect. According to
3 the victim, the 4 suspects then drove off with his vehicle and was last seen headed
4 westbound on 24th Street. The victim's vehicle was subsequently located at 26th
5 Street and Harrison Street. We drove to the scene and took the victim with us. Upon
6 arrival to the scene, I observed a red Ford Expedition partially parked in the driveway
7 of 2969 Harrison Street. That Ford Expedition had suspected gang graffiti in the
8 interior in purple marker, and the 22nd Roman numeral suspected gang sign in white
9 chalk, located on the dashboard and inner door panels.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct.

12 Dated:

13  
14 OFFICER PRISCILLA D. ESPINOZA, #4133
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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
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22
23

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ESPINOZA IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer HENRY ESPINOZA, #1449, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 8 years.
27
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. DRIVING WITHOUT A VALID LICENSE at 24th Street and Shotwell at 7:25pm.
23 (Police Report #060738774). On July 12, 2006, Officer Schmidt and I were working
24 in plainclothes capacity. We have received numerous complaints from residents and
25 business merchants regarding the constant gang activity and violence occurring on
26 the corner of 24th Street and Shotwell, which is in the proposed Safety Zone. From
27 my experience and training, I know that Norteño gang members claim this corner, as
28


1 their own, by the graffiti on walls and utility poles. I also know that the Norteño
2 gang members claim the color red as their own. We also receive complaints and
3 calls from residents when large groups of males (mostly wearing some type of red
4 clothing) congregate on the corner of 24th Street and Shotwell. On the above date,
5 Officer Schmidt and I parked our unmarked vehicle to monitor the area of 24th Street
6 and Shotwell for any gang activity. There, I observed Jose Adrian Gonzalez, who
7 resides in Daly City, California. After observing Mr. Gonzalez' conduct, we
8 conducted a traffic stop for a cracked windshield. Mr. Gonzalez admitted that he did
9 not have a valid California driver's license. Mr. Gonzalez was arrested for driving
10 without a driver's license, and he was subsequently transported to Mission Station.
11 Prior to towing the vehicle, Officer Schmidt and I conducted an inventory search of
12 the vehicle. I then noticed that on the passenger side of the dashboard the words
13 "Payaso," "LPF," and "SF," were spelled out in letter stickers. I also noticed that the
14 front passenger's headrest was removed and on the rear seat. On the head rest the
15 number "14" was hand written in black ink and the words NORTE, FOG TOWN,
16 FT, and FUCK DA REST were written in red ink. Mr. Gonzalez told me that "LPF"
17 stood for Latin Pride Familia.

- 18 8. SUSPICIOUS OCCURRENCE at 24th Street and Mission at 9:50am. (Police Report
19 070396215). On April 18, 2007, an individual (victim) walked into Mission Station
20 to make a suspicious occurrence report. The victim told me that he noticed an
21 unknown suspect walking toward him in the area of 24th Street and Mission, which is
22 in the proposed Safety Zone. Another unknown suspect kept glaring at him as he
23 walked past the victim. Previously, on March 1, 2007, the victim filed a police
24 report regarding gang members chasing him and making threats to kill him. The
25 victim believed the two aforementioned suspects appeared to be related to the gang
26 incident in March 2007. The victim believed that these two suspects were going to
27 harm him. One of the suspects threw a glass bottle at the victim's vehicle, and said to
28

1 the victim, "What's up. Come back." An unknown vehicle subsequently followed
2 the victim. The victim told me that the suspect driving the vehicle wore a red
3 colored baseball jersey with "Nicaragua" letters on the front, and "Sanchez 08"
4 letters on the back.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct.

7 Dated: 07/03/07

8  #1449

OFFICER HENRY ESPINOZA, #1449

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
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13 PEOPLE OF THE STATE OF
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Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ESPARZA IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer ALBERTO ESPARZA, #4150, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 5 years.
27
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. AGGRAVATED ASSAULT WITH GUN at 24th and Mission Streets (Police Report
23 # 050213037) On February 23, 2005, at 8:44 pm, I responded to 24th and Mission
24 after a call of shots fired. The victim was lying in the street in front of the Muni bus
25 stop at the north side of 24th and Mission. I interviewed two witnesses. One witness,
26 who claimed to be a member of the NORTENO criminal street gang, said that he
27 knew the victim but only by his gang moniker, "Cabezon." This witness said he and
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1 the second witness and the victim were standing at the Muni bus stop when a tan
2 Expedition with two occupants inside, pulled up to them. As the signal turned
3 green, the suspect vehicle proceeded to turn northbound on Mission Street. The
4 passenger window was open and the passenger pulled out a semi automatic pistol
5 and began to fire at the bus stop. The witnesses hid behind a trash can and were not
6 hurt. The second witness described the passenger of the suspect vehicle as Latin
7 male, mustache, with medium complexion, wearing a white shirt with the number 20
8 in blue on the chest and the right sleeve. (See also related Declaration of Officer
9 Hyun, filed herewith)

10 8. PUBLIC ALTERCATION AND INTOXICATION at Hampshire Street and 26th
11 Street at 6:42pm. (Police Report #060605258). On June 7, 2006, Officer Toney and
12 I responded to a call of a fight in progress at Rolph playground at Hampshire Street
13 at 26th Street, which is in the proposed Safety Zone. When we arrived at the scene of
14 the incident, two other patrol officers had detained two individuals. We were told
15 that there was an outstanding suspect near the bathrooms. Officer Toney and I went
16 to locate the outstanding suspect. I opened the door to the men's bathroom and
17 noticed a male Hispanic wearing a white shirt with a San Francisco 49er's red jersey
18 draped over his shoulder with blood on his hands and face, and matching the
19 description of the outstanding suspect. The suspect was identified as Benjamin R.
20 Escobar-Martinez. I immediately ordered Mr. Martinez to let me inspect his hands.
21 Mr. Martinez replied, "fuck you, and your momma too, you fuckin faggot." Mr.
22 Martinez walked towards me in an aggressive manner. Officer Toney and I
23 thereafter placed Mr. Martinez in handcuffs for our safety. As I was walking Mr.
24 Martinez out of the place of arrest, he stated to me "if you didn't have that badge on
25 I'd kick your ass." Based on my training and experience, Mr. Martinez exhibited
26 objective symptoms of begin under the influence of an alcoholic beverage. I then
27 transported Mr. Martinez to San Francisco County Jail.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 4th, 2007

 # 4150

OFFICER ALBERTO ESPARZA, #4150

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
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8

9 Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
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13 PEOPLE OF THE STATE OF
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21 Defendants.
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Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
DEMPSKY IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer JULIUS DEMPSKY, #471, declare as follows:


- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 8 years.
27
28

2. In my work as a patrol officer assigned to the Mission District, I have become very familiar with Defendant Norteño gang, and many of its San Francisco members, including members of local Norteño subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
3. The Norteño gang claims its turf as the Southern section of the Mission District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and San Bruno, including LaRaza Park to the East.
4. For years, the Norteño gang has been committing a near-constant public nuisance by committing in public, at all times of day or night, drug trafficking, assaults, robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession, interference with public right of way, verbal and physical harassment and intimidation, and other conditions offensive to the senses of the community residents, merchants, and visitors.
5. Through my work, I am familiar with many of the known, admitted members or associates of Norteño gang, and I see them on the public street, within the Norteño turf and proposed Safety Zone, practically every day I am on duty.
6. Members of Norteño gang publicly identify themselves by hanging around with other members of Norteño gang, within Norteño turf, wearing red clothing and red accessories, often sporting symbols and tattoos commonly associated with the Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B, 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
7. VANDALISM TO VEHICLE at 1227 Hampshire Street at 9:55pm. (Police Report #070023731). On November 16, 2006, the victim parked her vehicle near 1227 Hampshire Street. That evening, the victim was inside her residence when she heard a fight in progress outside. She ran outside and saw that the left rear passenger door of her vehicle was damaged. She also saw a group of Latin males standing around her vehicle. The victim questioned the suspects about the damage to her vehicle, and

1 the suspects fled the scene when the victim told them she was going to contact the
2 police. The victim told me she recognized the suspects and she had seen them in the
3 neighborhood on many occasions. She further stated that she believed the suspects
4 were gang members because they were usually wearing red.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct.

7 Dated:

 7 05 07

OFFICER JULIUS DEMPSKY, #471

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
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7 E-Mail: michael.weiss@sfgov.org
E-Mail: yvonne.mere@sfgov.org

8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
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Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
DEJESUS IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

24 I, Officer LUIS P. DEJESUS, #247, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 9 years.
27 2. I am a patrol officer assigned to ~~the Bayview Station.~~
28 *The Narcotics Division CP 247*

1 3. POSSESSION OF COCAINE FOR SALE at Shafter and Ingalls at 2:27pm. (Police
2 Report #051102249). On September 30, 2005, Officers Mustafich, Solares,
3 Arnswald, Benzinger, and I were in the area of Shafter and Keith Streets. We
4 observed Edwin Mejia in the front passenger seat of a vehicle. Mr. Mejia is a 27-
5 year old resident of 1249 Shafter Avenue and known member of the NORTEÑO
6 criminal street gang. Also in the car was Miguel "Shorty" Salazar, a 25-year old
7 resident of 1249 Shafter Avenue and known member of the NORTEÑO criminal
8 street gang. We saw that the left rear brake light was not functioning, and the front
9 windshield was cracked. We, therefore, initiated a traffic stop at the corner of
10 Shafter and Ingalls Streets. We requested to see Mejia's driver's license, vehicle
11 registration and proof of registration. At this time Mejia identified himself as
12 Rolando Villadares (his brother and fellow NORTEÑO gang member known as
13 "Chino") and presented us with a suspended license for Mr. Villadares. At this point
14 we had the suspects exit the vehicle and conducted an inventory search of the
15 vehicle. Officer Mustafich then located a plastic bag with a large amount of
16 suspected cocaine salt under the front passenger seat. Mr. Mejia and Mr. Salazar
17 were arrested and transported to Bayview Station. During searches at Bayview
18 Station, I discovered that both Mr. Mejia and Mr. Salazar had numerous gang related
19 tattoos on their bodies, and I photographed these tattoos. According to my
20 experience and training, these gang tattoos indicated affiliation with the Norteño
21 gang. Later on the same day, around 5:00 pm, I was part of a team of officers that
22 executed a search warrant at 1249 Shafter Avenue. There, I found in the upstairs
23 bedroom the following items: suspected marijuana inside a thermos bottle, \$3,901 in
24 cash on the dresser, a pill of suspected MDMA in the thermos bottle, a suspected
25 pay/owe sheet, and indicia for Ismael "Vampiro" Salazar, a 26-year old resident of
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1249 Shafter Avenue and known member of the NORTENO criminal street gang. I
also found in the kitchen a box of sandwich bags and a scale.

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

Dated: 
OFFICER LUIS P. DEJESUS, #247

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
YVONNE R. MERE, State Bar #173594
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8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

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21
22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
RAIN DAUGHERTY IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Rain Daugherty, #1203, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 7 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 ABL21, SFM, XIV, 14, XX4, XXIV, North or Norte, the SF Giants, and SF 49ers.
22 NORTEÑO gang members also wear North Carolina University sports attire.
- 23 8. ASSAULT, AGGRAVATED with KNIFE at 1192 Treat (Police Report # 070 329
24 266) On March 30, 2007 at approximately 6:20 p.m., Officer O'Connor, # 435, and I
25 were dispatched to 1192 Treat Street regarding a report of a shooting. Upon arrival I
26 observed a juvenile female dressed in red clothing, lying on the ground. She
27 appeared to have a gunshot to the chest area and Officer Barrette, #1137, was
28

1 holding a shirt on her wound in an attempt to stop the bleeding. The victim appeared
2 conscious but was unable to talk to us regarding the incident. Officer Esparza,
3 #4150, set up a crime scene in front of 1192 Treat Street. Medic #7 arrived and
4 began treatment on the victim, as they were cutting off her shirt, a small bullet fell
5 out of her shirt. Officer Berretta collected it fearing that it would get lost during
6 treatment of the victim. Officer Jimenez, #2075, found a spent bullet casing lying on
7 the ground just to the right of the victim. The victim was transported to SFGH. A
8 female witness and male witness at the scene said that they were standing on the
9 northeast corner of 25th and Treat Street when the suspect approached them on a
10 bicycle. The suspect began to argue with the female witness and victim. The
11 suspect pushed the female witness to the ground. The victim said something to the
12 suspect and tried to help the female witness up. The suspect then pulled out a small
13 silver colored handgun. The female witness ran and got about a half block away
14 when she heard two gunshots. The female witness returned and found the victim
15 lying on the ground. She saw blood on the victim and called 911. She said she
16 could recognize the suspect if she saw him again. The male witness told Officers
17 that he was standing on the corner of Treat and 25th Street talking on his cell phone
18 when he noticed the female witness run aspt him on 25th Street. He then heard two
19 gunshots from around the corner. He went around the corner and saw the victim
20 lying on the floor and he also called 911. I spoke to a third witness who said she
21 heard two shots and looked down onto Treat Street and observed two black male
22 suspects running south bound on Treat Street. One of the suspects was riding a
23 bicycle, and one was on foot. She was unsure if she would be able to identify the
24 suspects in the future. An unidentified male approached Officer Bucy, # 410, and
25 and directed him to a small black .380 caliber pistol under the stairs of 1168 Treat
26 Street. Officer Bucy then set up a second crime scene there. Inspector Yu, #2248
27 and Officer Gala, #899, of Gang Task Force responded and took control of the
28

1 investigation. The victims clothing was booked at Mission Station as evidence. The
2 victim in this case was left paralyzed from the waist down as a result of this incident.
3 It should be noted that she is a known NORTEÑO associate.

4 9. MALICIOUS MISCHIEF, VANDALISM to PROPERTY, NON AGGRAVATED
5 ASSAULT at 3100 24th Street liquor store (Police Report 070 061 838) On January
6 17, 2007 at approximately 5:38 p.m., Officer McKinney, # 4, and I were dispatched
7 to the above locatio nregarding a report of vandalism. We met with the reportee who
8 is an employee at P&S Liquor. He wasworking behind the counter and heard a fight
9 outside. He observed two unknown Hispanic females fighting out front of his store.
10 The girls smashed in to his store front window several times. during the fight. The
11 reportee went ot front and seperated the two females. One of the females swug her
12 fists several times at him but missed each time. She stood out in front of the store for
13 several minutes and challenged him to fight. Both suspects fled in unknown
14 directions. The reportee told me that he has seen these girls hanging around with the
15 other NORTEÑO gang members and would be able to recognize them again. I took
16 photos of the damage to his window and booked the photo disk as evidence at
17 Mission Station.

18 10. SUSPICIOUS OCCURRENCE at 25th and Potrero Avenue (Police Report #070 065
19 880) On January 19, 2007, Officer McKinney, #4, and I, were on patrol in full
20 uniform and in a marked police vehicle. At appoximately 9:09 p.m., Patrol Special
21 Officer Adams, # 2692, broadcasted over radio that he was observing a fight between
22 approximately 10 people at the corner of 25th and Potrero Avenue. He then said that
23 they were running towards 25th and Hampshire. We proceeded to the area and
24 observed several males with their shirts off on the south east corner. I recognized
25 two of the males as Daniel Santiago and Fredis Ramos, known, active NORTEÑO
26 gang members, who are both on parole. They were screaming at two, other and
27 much younger looking males and we immediately walked over and seperated them.
28

1 Santiago refused to tell me what was going on. He would only say "there is no
2 problem here." I did not observe any injuries to Santiago or Ramos. I then
3 attempted to speak to the other two males who were juveniles, and both refused to
4 talk to me. One of the juveniles was holding his right collar bone and complaining
5 of pain. The other juvenile had visible swelling on his right elbow. I offered to call
6 an ambulance but both refused. One of the juveniles kept saying that someone took
7 his chain from his neck. The juveniles mother walked up and asked me not to talk to
8 her children. I informed her that I believed that her children were the victims of a
9 battery and possibly a robbery. I informed her that we had two other men stopped
10 and we would like to investigate the matter. She told me that neither she nor her kids
11 would identify anyone or speak with us further regarding this incident. I told her that
12 her kids had injuries and she replied that she would take them to the hospital herself.
13 She then took her kids and went inside their house. Based on the age difference, size
14 difference, and known gang affiliation of Santiago and Ramos, I suspected that they
15 assaulted the two juvenile brothers, however, due to the lack of cooperation from
16 anyone, I was forced to release Santiago and Ramos.

17
18 I declare under penalty of perjury that the foregoing is true and correct.

19 Dated: 07/02/07

20  #1203
OFFICER RAIN DAUGHERTY, #1203

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Division
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
DAGGS IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer MURRAY P. DAGGS, #1650, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 9
26 months.
27

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. GANG GRAFFITI at 1298 Treat Avenue at 3:41pm. (Police Report # 061219759).
23 On November 15, 2006, Officer Dutra and I were dispatched to 1298 Treat Avenue
24 regarding an incident involving graffiti. This property is within the proposed Safety
25 Zone. When we arrived on the scene, the owner of the property told us that his
26 apartment building was spray painted with graffiti. I observed the outside of the
27 building where the wall was painted with graffiti on the side of the building, and in
28

1 the front of the building near the front entrance. Some of the words spray painted
2 stated "XIV." Through my training and experience, I believe that this graffiti was
3 gang related because the words "XIV" are associated with the Norteño gang.

4 8. ROBBERY WITH FORCE at South Van Ness Avenue and 21st Street at 9:18pm.

5 (Police Report #070084250). On January 23, 2007, Officer Manfredi and I
6 responded to a call regarding 3 suspects who robbed an individual for \$300 and a cell
7 phone. Officer Manfredi and I interviewed the robbery victim. He stated that he was
8 talking on his cell phone and walking in the area of South Van Ness Avenue and 21st
9 Street, which is in the proposed Safety Zone. The victim then stated that 3 suspects,
10 all unknown, got out of the vehicle, surrounded the victim, and asked, "Are you a
11 busta?" The victim explained that the word "busta" refers to a member of the
12 Norteño gang. The victim stated that the suspects then lifted up his shirt to examine
13 the color of his belt. One of the suspects then asked the victim did he "bang."
14 According to the victim, when a Norteño gang member used the word "bang" they
15 were asking him if he was a gang member. The victim responded that he did not
16 "bang" and was not a "busta." According to the victim, one of the suspects took his
17 cell phone out of his hand and removed \$300 from his left pant pocket. Thereafter,
18 the suspects got back into their vehicle and fled. The victim stated that all suspects
19 were possibly members of the Sureno gang.


20 9. POSSESSION OF FIREARM at 1055 Alabama Street and 23rd Street at 11:17pm.

21 (Police Report #070132398). On February 5, 2007, Officer Manfredi were on patrol
22 and observed Barry Bronson Tortolero-Weiner riding a bicycle on the sidewalk. We
23 detained Tortolero-Weiner in front of 1055 Alabama Street, which is in the proposed
24 Safety Zone. In my experience and training, the area of this incident is known for
25 high gang activity. I asked Tortolero-Weiner for his identification and whether or
26 not he would consent to a pat down search for weapons. He consented to the search.
27 In addition, he was wearing multiple layers of baggy clothing -- a black baggy
28

1 hooded sweater over a baggy white t-shirt, and a baggy red t-shirt. Immediately
2 before I commenced the pat down search, Tortolero-Wiener threw his bike towards
3 me and ran away. I pursued Tortolero-Wiener on foot. Officer Manfredi and I
4 apprehended Tortolero-Weiner. During this maneuver, Officer Manfredi felt
5 Tortolero-Weiner holding a handgun in his left hand with his hand wrapped around
6 the handle of the pistol. We struggled with Tortolero-Weiner because he continued
7 to resist arrest, but he finally stated, "I dropped the gun, I dropped the gun." Officer
8 Manfredi removed Tortolero-Weiner's grip on the handgun and seized the handgun.
9 Tortolero was then placed under arrest. We subsequently confirmed that the
10 handgun magazine was loaded with 9 rounds. Tortolero-Weiner was thereafter
11 transported to another facility and asked the officer if he could be kept with the
12 "guys from my neighborhood," which according to Tortolero-Weiner was
13 "Northerners."

14 I declare under penalty of perjury under the laws of the State of California that the foregoing
15 is true and correct.

16 Dated: 7-5-07

16  1650
17 _____
18 OFFICER MURRAY P. DAGGS, #1650

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
CALVIN CHOW IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG IN JUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Calvin Chow, #299, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 25 years.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harrassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XX4, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. MALICIOUS MISCHIEF, VANDALISM TO VEHICLE 2435 Bryant, 12:37 p.m.
23 (Police Report # 060 658 150) On June 21, 2006 at approximately 12:37 p.m., I
24 responded to a call for service at 2435 Bryant Street. I recognized this area from a
25 previous gang incident where I had dealings with NORTEÑO gang member Henry
26 "Solo" Hernandez. I met with the two witnesses who stated that they were sitting in
27 the living room looking out the window when they observed the victim park his
28


1 vehicle in front of the driveway and enter the house. The two witnesses then observed
2 a red 1992 Nissan sport "Z" coupe drive by slowly. They recognized the driver as
3 "Henry" and observed him make a call on his cellphone. In a matter of minutes
4 approximately seven other latin male suspects arrived in front of the house. The
5 witnesses observed one of the suspects get out of the car armed with a revolver. The
6 suspects began banging on the door and pulling on the gate in an attempt to make
7 entry into the house and one of the suspects then smashed the windshield to the
8 victims car. The witnesses then called police. The witnesses said the suspects are
9 "NORTEÑO" gang members and that the driver of the suspect vehicle "Henry" lives
10 at the corner on the top floor in flat number 11. I spoke to the victim who said he
11 was in the bathroom and didn't see anything. He told me that he does not know why
12 these suspects were targeting him. He claims he is not in conflict with anyone nor is
13 he affiliated with any gangs. The area was searched for suspects with negative
14 results. I took photos of the damage to the victims vehicle and booked the disk as
15 evidence at Mission Station.

- 16 9. (ROBBERY W/ FORCE 24th/ Mission, 8:35 a.m. 051 289 687) On November 15,
17 2002 at approximately 8:35 a.m., while on routine patrol in the area of Mission and
18 23rd Street, I was flagged down by a bus driver who advised me that a passenger on
19 his bus had just been robbed. I boarded the #14 Mission Muni bus and spoke to the
20 victim. She stated that she was seated behind the driver when the bus stopped at
21 Mission and 24th Street. A group of about six Latin males, possibly juveniles,
22 boarded the bus looking for someone. One of the suspects spotted the victim who
23 was listening to music on her IPOD. The suspect reached over and grabbed the
24 IPOD. The victim held onto her IPOD and a tugging match ensued with the victim
25 sustaining minor scratches to her hand as she fought to hold on to the IPOD. The
26 suspect then called to his friends for help. At this point the victim was in fear for her
27 safety and let go of her IPOD. The suspects ran off the bus ~~north~~^{WEST}bound on 24th
28

1 Street from Mission. I put the victim in my patrol car and we searched the area for
2 the suspects. The victim pointed out two individuals who exited the bus at the same
3 time as the suspects. I approached and interviewed the two individuals. They told
4 me that the suspects were NORTEÑOs looking for "Scraps" to beat up. One of the
5 subjects said he thought the suspects were going to mistake him and his buddy for
6 "Scraps" and thought they would be beaten up. When the suspects didn't find who
7 they were looking for they got off the bus, this is when the suspect robbed the victim.
8 The two subjects did not want to be identified and did not want their names on a
9 police report. They advised me that they are fearful for their own safety. They told
10 me that these NORTEÑOs are "no joke" and are looking to do some serious injury to
11 someone. We canvassed the area to look for suspects with negative results.

12
13
14 I declare under penalty of perjury that the foregoing is true and correct.

15
16 Dated:

17  07/04/07
18 _____
19 OFFICER CALVIN CHOW, #299
20
21
22
23
24
25
26
27
28

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. MERÉ, State Bar #173594
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E-Mail: yvonne.mere@sfgov.org

8 Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
CHORLEY IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer NICHOLAS CHORLEY, #270, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 7
26 years.
27
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. WEAPONS DISCHARGED IN THE PROPOSED SAFETY ZONE at 3318 26th
23 Street at 5:16am. (Police Report #050594906). On May 28, 2005, I was dispatched
24 to a report of shots fired at 3331 26th Street, which is in the proposed Safety Zone. A
25 witness reported hearing 12 shots. Another witness reported hearing 4 shots. When
26 I arrived at the scene, I located 4 .45 caliber shell casings in the street in front of
27 3118 26th Street. There were no reported injuries to person or property at the
28

1 location. Several area residents, who wished to remain anonymous, told me the
2 intended victims of the shootings were numerous gang members who fled the area on
3 foot. When I was at the location of the shootings, ^{ON THAT DATE SEVERAL HOURS PRIOR TO THE} numerous unknown Norteño gang ^{SHOOTING}
4 members were walking away from the area in different directions.

5 8. HEROIN SALE at 25th Street and Mission Street at 2:56pm. (Police Report
6 #061029031). On September 26, 2006, I was working in the Mission District
7 assigned to a buy/bust narcotics operation in the proposed Safety Zone as part of a
8 gang violence reduction program. I was the designated buy officer. We were
9 targeting the areas surrounding 24th Street and Mission Street as narcotics trafficking
10 in this area is primarily controlled both directly and indirectly by Norteño street gang
11 members. I was walking northbound from 25th Street when I made eye contact with
12 Eulalio Estrada. I nodded at Mr. Estrada, who nodded back and approached me. I
13 asked, "Black?" which is street slang for heroin. Mr. Estrada asked, "How much you
14 need?" I replied, "twenty" to indicate twenty dollars worth of heroin. Mr. Estrada
15 nodded and held out his right hand. I gave him twenty dollars of Marked City
16 Funds, which Mr. Estrada examined, and then Mr. Estrada gave me black tar
17 substance wrapped in plastic, which was suspected heroin. I subsequently gave the
18 pre-arranged arrest signal and walked away from Mr. Estrada. Mr. Estrada was then
19 arrested and transported to Mission Station.

20 9. ROBBERY at 24th Street and Mission Street at 5:32pm. (Police Report #
21 061091278). On October 12, 2006, I was assigned to work on the Robbery
22 Abatement Team in the Mission District. The designated undercover decoy officer
23 was situated in the BART Plaza at the southwest corner of 24th Street and Mission
24 Street. I was one of the close cover officers. I observed three Latin male suspects.
25 All three suspects walked up to the undercover decoy officer and engaged in a short
26 conversation. The juvenile suspect took marked city funds out from the undercover
27 officer's pocket and all three began running eastbound on 24th Street. The
28

1 undercover officer gave the pre-arranged arrest signal. All subjects were arrested on
2 foot after pursuit by officers and transported to Mission Station. The juvenile
3 suspect was interviewed by Officer McDonnell and admitted to being a "26th Street
4 Barrio Caliente" Norteño Gang Member. He stated that he had been "jumped in
5 Norteño" over 3 years ago and has claimed 26th BC for the last year and a half. He
6 had "B" and "C" tattooed on his legs, 1 dot and 4 dots tattooed on his arms, and
7 "415" tattooed on his back." According to Officer McDonnell, all these tattoos were
8 indicative of San Francisco Norteño street gang membership.

9 10. MALICIOUS MISCHIEF, GRAFFITI ON REAL OR PERSONAL PROPERTY at
10 1108 Shotwell (Police Report #070 535 016). On May 26, 2007, at approximately
11 2:40 p.m., Officer Kenney, # 572, and I responded to 1108 Shotwell Street regarding
12 gang related graffiti. We met with the victim who directed us to his garage door
13 where "X4" was written in white paint. The designation X4 is used by the Norteño
14 Street Gang. The victim stated that an unknown subject wrote the graffiti on this
15 date between 8:30 a.m. and 12:30 p.m. Officer Kenney took three photographs and
16 recorded them on a digital image disk. He then booked the disk into evidence at
17 Mission Police Station.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct.

20 Dated: 7-5-07

21 
22 _____
23 OFFICER NICHOLAS CHORLEY, #270

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
YVONNE R. MERE, State Bar #173594
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8

Attorneys for Plaintiff
9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
SAMSON CHAN IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Samson Chan, #1323, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 1
26 year and 8 months.
27 2. My current assignment is patrol officer at Mission Station.
28

- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 Norteño gang, and many of its San Francisco members, including members of local
3 Norteño subset/cliques such as a Loco North Side (LNS), 22nd and Bryant (22B), San
4 Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The Norteño gang claims their turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 5. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harrassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. AGGRAVATED ASSAULT with KNIFE at 3024 Mission Street (Police Report
23 #061 141 679). On October 26, 2006 at approximately 1:00 a.m., Officer Arquero,
24 #1958, and I responded to SFGH regarding a stabbing victim. Upon arrival we met
25 with the victim who told me he wanted to talk to a Spanish speaking officer. Officer
26 Castillo, #1415, responded to the scene and translated for the victim. At
27 approximately 12:30 a.m., the victim was drinking with his friend inside "Club 26"
28

1 at 3024 Mission Street, when four Hispanic males approached him and asked him,
2 "You are Sureno, right?" The victim said "no" and the suspects walked away. The
3 victim continued to drink with his friend. They left the club at approximately 1:00
4 a.m. and began walking northbound Mission Street. The victim was suddenly hit on
5 the head by a hard object by someone walking behind him. The victim turned
6 around and saw the four suspects standing behind him. One of the suspects had a
7 knife in his right hand and started stabbing the victim all over his body. The
8 additional suspects punched him all over his body as the suspect with the knife
9 stabbed him. The victim tried to block the stabs but was unsuccessful. The suspects
10 then jumped into a green colored van and fled southbound on Mission Street. The
11 victim's friend was not attacked and did not receive any injuries. They walked to St.
12 Lukes Hospital where the victim was then transported to SFGH by an ambulance.
13 The victim said that he would not be able to identify the suspects and that he only
14 remembered few things about their descriptions. He said the suspect with the knife
15 had long black hair in a ponytail. He said all of the suspects were Hispanic and
16 around 5'08" tall. The victim said his friend went home after they walked in to St.
17 Lukes. He could not provide any contact information for the friend. The victim
18 appeared to be very intoxicated. I could smell a strong odor of alcohol coming from
19 the victim. His eyes were droopy and his speech was slurred. I saw that the victim
20 had 1-2 cm lacerations to his forehead, right rib area, right ear, left side of nose,
21 stomach and the right side of his neck. I also saw a circular laceration to his right
22 forearm with an approximate 2 inch diameter. The attending nurse located 7
23 lacerations to the victim's body. The victim said he has never been a part of any
24 gang. While the medical staff treated the victim, I did not see any gang related
25 tattoos on his body. Furthermore, his clothing was black and white in color. The
26 victim was transported to a closed operating room and was listed in stable condition.
27 I collected the victim's bloody clothing and booked it into evidence at Mission
28

1 Station. I responded to 3024 Mission Street and searched the area for a possible
2 crime scene with negative results. "Club 26" was closed and there was no one in the
3 area.

4 9. ASSAULT, ATTEMPTED HOMICIDE with a GUN AT 3300 26TH Street (060 792
5 435). On July 26, 2006 at approximately 8:37 p.m., multiple units including Officer
6 Spears, #4152, and I responded to 3300 26th Street concerning a person who was
7 shot. Dispatch advised that this could be a possible drive by shooting, and that a
8 suspect vehicle was last seen driving east bound on 26th Street from South Van Ness
9 Avenue. The victim, a juvenile, was located on the ground inside of Vics Grocery
10 Liquors at 3300 26th Street. The victim had several gunshot wounds to his body. He
11 was conscious and breathing. Officer asked the victim for a suspect description but
12 he would not answer. The victim was transported to SFGH with Officer Keith,
13 #2222, riding in the ambulance with him. Officer Keith recognized the victim from
14 prior police contacts. While enroute Officer Keith asked the victim "Who did this?",
15 and the victim responded , "They from Army Street." Officer Keith asked the victim
16 if he knew who, and how he knew they were from "Army Street". The victim
17 responded that he had seen them around. When asked if he would be able to
18 recognize them if he saw them again, he gave no answer. A crime scene was
19 established and officers located multiple bullet casings on the southside sidewalk of
20 26th Street directly across from Vics Grocery Liquors. Officer Dempsey, #471,
21 located a witness who saw four black males running southbound, away from the
22 crime scene. I asked the clerk at Vics Grocery if he witnessed the incident. He said
23 he heard three or four gunshots and then saw the victim stagger into the store and fall
24 to the ground near the front counter. We then watched the digital footage from the
25 four perimeter cameras in front of Vics Grocery Store. In the footage the victim is
26 seen standing in front of Vics Grocery for approximately 1 minute when he is hit by
27 gunfire and is seen running into Vics Grocery. Four suspects are then seen running
28

1 eastbound on 26th Street. The victim was in stable condition with gunshot wounds to
2 his left side lower back, left elbow and left lower leg.

3 10. ROBBERY ON STREET at 26th and York Street (Police Report #060 652 419). On
4 June 20, 2006 at approximately 3:10 a.m., Officer Lopez, #4111, and I were on
5 patrol when we were dispatched on a call of a person who had been robbed at
6 gunpoint on 26th Street near York Street but who was now at another location
7 waiting for our arrival. We responded to York and 26th and searched the
8 surrounding area yielding no suspects or witnesses. We then met with the male
9 victim who said that at approximately 2:45 a.m., he and a female were walking
10 westbound on 26th Street when he heard two people walk up quickly from behind
11 him. He turned around and saw two Hispanic males wearing red bandanas over their
12 mouth. One of the suspects pointed a handgun to his face and said, "Get on the
13 fucking ground." Both the victims complied and laid on their backs. The second
14 suspect then removed the backpack from the male victims shoulder and the wallet
15 from his right front pant pocket. The second suspect said "Let's smoke these guys."
16 The two suspects then fled southbound on York Street. The victim was unable to get
17 a good look at the suspects since they were both wearing red bandanas over their
18 mouths and black baseball hats.

19 11. ASSAULT, AGGRAVATED with KNIFE at 24th and Shotwell (Police Report 060
20 593 324) On June 4, 2006 at approximately 10:44 p.m., Officer Lopez, # 4111, and I
21 were on patrol when dispatch advised that there was a man with a knife on Shotwell
22 and 24th Street. We responded to the area and saw a Hispanic male standing on the
23 sidewalk shirtless and clutching his back with his right hand. He said he was stabbed
24 and I could see blood flowing out of his upper left back. A second victim, Hispanic
25 male, was nearby and also bleeding from his left arm and right calf. An ambulance
26 arrived and both victims were taken to SFGH where I interviewed them. Victim one
27 said three Hispanic males had jumped him and that one of the Hispanic males
28

1 stabbed him. He was standing around when the three suspects pulled up in a powder
2 blue colored Chevy Nova. One of the men said, "we got you now" and the three
3 suspects exited the vehicle and assaulted him. Suspect one had a "buck knife" about
4 5 inches long. The victim said suspect one ran back to the car and drove away while
5 the other two suspects ran away in unknown direction. The victim said the suspect
6 threw the knife in the immediate area. I searched the area but yielded no results.
7 The victim said he would be able to identify the suspect with the knife. The second
8 victim said he was walking away from the three Hispanic male suspects when he was
9 jumped from behind. He fell to the ground and was stabbed. He said he would be
10 able to identify all three suspects. A female at the scene, the girlfriend of victim one
11 was at the scene but said that she did not see what happened. Both victims claim to
12 be dropouts from the Norteño gang "Nuestra Familia." The second victim first said
13 that the three suspects were Norteño gang members, but later stated that they were
14 rival Sureño gang members. Victim one said the three suspects were rival Sureño
15 gang members. Both victims were treated for stab wounds and listed in stable
16 conditions. Sergeant Browne of Gang Task Force responded and took over the
17 investigation. Photos of the victims stab wounds were taken and Crime Scene
18 Investigations scheduled to pick up the bloody clothing taken from the victims.

19
20 I declare under penalty of perjury that the foregoing is true and correct.

21 Dated: 7/6/07


OFFICER SAMSON CHAN, #1323

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

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

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
CANEDO IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer BRIAN CANEDO, #2138, declare as follows:


- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 27 years.
27
28

- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. INNOCENT PROPERTY OWNER AND EMPLOYEE ATTACKED AND
23 THREATENED DURING GRAFFITI REMOVAL at 2817 24th Street and York
24 Street at 1:00pm. (Police Report # 060120961). On January 27, 2006, the new
25 owner of Roosevelt's Tamale Parlor, which is in the proposed Safety Zone, was
26 threatened in the process of removing Gang graffiti from the front of the building.
27 The owner's employee who was actually removing the graffiti was attacked. The
28

1 owner witnessed several Hispanic males with weapons trying to stop the employee
2 from painting over the graffiti. These gang members did not want their gang tags
3 covered by paint. The gang members subsequently chased the employee on foot
4 down the street, and one of the unknown suspects struck the employee in the back.
5 The owner yelled at the suspects, and they fled the scene. The owner was then
6 himself confronted by two Hispanic females, who threatened him with violence if he
7 tried to continue to paint over the graffiti. The owner believed the female suspects
8 also had weapons as they put their hands in their clothing and simulated having a
9 gun. The owner, fearful for his life, fled to a nearby store. The owner said several of
10 the suspects had weapons that he saw: a bat, wooden pole, metal sticks, etc.
11

12 I declare under penalty of perjury under the laws of the State of California that the foregoing
13 is true and correct.

14 Dated: 7-6-07

15  #2138
16 _____
17 OFFICER BRIAN CANEDO, # 2138
18
19
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22
23
24
25
26
27
28

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21 inclusive,

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD GANG
SERGEANT BROWNE IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Sergeant Mike Browne, Star # 1893, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 18
26 years.
27
28

- 1 2. My current assignment is Sergeant with the Gang Task Force, focusing on Latin
2 Gangs.
- 3 3. In my work as a San Francisco Police Sergeant, and especially in my assignment
4 with the Gang Task Force, I have become very familiar with Latin gangs such as
5 Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such as a
6 Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
7 Alabama and 21st (21ABL). I come into contact with the Latin gang members
8 practically every day that I am on duty.
- 9 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
10 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
11 South, and San Bruno, including LaRaza Park to the East.
- 12 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
13 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
14 and red accessories, often sporting symbols and tattoos commonly associated with
15 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
16 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
17 NORTEÑO gang members also wear North Carolina University sports attire.
- 18 6. AGGRAVATED ASSAULT WITH GUN, AGGRAVATED ASSAULT WITH
19 FORCE at 2764 23rd Street, near York Street on January 21, 2006 (Police Report
20 #060080252) This aggravated assault case that took place at 23rd Street near York,
21 on January 21, 2006 at 6:25 pm, was assigned to me after the initial investigation
22 was conducted by, and the initial police report was written by Officer Rodgers, Star
23 # 1914, based on his on-scene investigation with Officer Heidohrn Star #2015 (See
24 Declaration of Officer Rodgers, filed herewith). On January 21, 2006, at 7:30 pm, I
25 was briefed by Officers Rodgers and Heidohrn. At 8:00 pm, I met with one of the
26 victims who reviewed a photographic lineup and identified the suspect brandishing
27 the firearm as Miguel Rodriguez. This victim said that Miguel Rodriguez was with
28

1 about 15 "cholos," insulted the victims, then ran into the house at 2770 23rd Street,
2 then came back outside and pointed a gun at the victims. The victim said the suspect
3 pointed the gun at both of them, and moved the gun from side to side. The victim
4 said that he suspected the suspects were gang members because they were all
5 together, getting high. He also reported seeing broken bottles in front of the house.
6 At 8:23pm, the other victim was presented with a photographic lineup and also
7 identified Miguel Rodriguez as the suspect who pointed the firearm at them. This
8 victim said he was leaving his house to go meet his wife, and saw 10-15 young males
9 group blocking his way, causing him to have to cross in between the group. He said
10 he was pushed by one of the suspects. He turned and looked back and recognized
11 Miguel Rodriguez, his neighbor, as being involved. The suspects appeared under the
12 influence because of the way they were speaking. The assault took place 12 feet
13 from his house. The suspects called out to him in English, calling him a "fucking
14 nigger" and "son of a bitch." He said 10-15 people attacked him, including 3
15 females. He was struck in the face and fell down. When he was down the members
16 of the group began punching and kicking him. The victim said Mr. Rodriguez was
17 one of the main instigators and participated in the beating. As he ran to his house,
18 the suspects began throwing bottles at him. When the victim reemerged, Mr.
19 Rodriguez entered the house at 2770 23rd Street, and came back and pulled a chrome
20 revolver from his waistband. The other suspects were behind Mr. Rodriguez, telling
21 him to shoot the victims. On February 1, 2006, at 5:00 pm, we served a search
22 warrant for Mr. Rodriguez's residence at 2770 23rd Street and car. In his car, we
23 found and seized a red bandana and belt with the letter "M" – both classic symbols of
24 the NORTEÑO criminal street gang. The victim of the assault contacted us while we
25 were serving the warrant. He told us he was scared for his personal safety. He said
26 that the Rodriguez family had contacted him, requesting him to drop charges.
27 Rodriguez's mother stated that if he dropped the charges, her son would leave him
28

1 alone. The victim also said that Rodriguez's sister told him that if he did not drop the
2 charges, things were going to get complicated.

- 3 7. ATTEMPTED HOMICIDE AND ASSAULT WITH KNIFE at 2773 24th Street near
4 York Street (Police Report # 070222262) This attempted homicide case and
5 stabbing at 24th Street near York, that occurred on March 2, 2007 at 5:19 pm, was
6 assigned to me after the initial investigation was conducted by, and the initial police
7 report was written by Officer Jeske, Star # 1689, based on her on-scene investigation
8 with Officer Felix, Star #2027 (See Declaration of Officer Jeske, filed herewith).
9 On March 2, 2007 at 5:05 pm (fifteen minutes before the stabbing took place), Sgt.
10 Yu and I had contacted Jesus "Chuey" Guerrero at 24th and York Streets. We know
11 Mr. Guerrero as a member of the NORTEÑO criminal street gang who has been
12 assaulted several times over the past year by other members of the NORTEÑO
13 criminal street gang over control of 24th Street. We contacted Mr. Guerrero at 24th
14 and York. Mr. Guerrero showed us his black pocketknife, which is a legal knife, so
15 he was allowed to retain it. During our conversation, Mr. Guerrero confirmed his
16 NORTEÑO gang affiliation, stating that he was "N.F." (Nuestra Familia). We left.
17 Fifteen minutes later, a broadcast announced that a stabbing had occurred at 24th and
18 York Street. The suspect was said to be "Chuey." I knew it was Mr. Guerrero based
19 on the physical and clothing description given. At 6:25 pm, Sgt Yu, Officer Gala
20 and I responded to SF General Hospital and met with the stabbing victim and his
21 girlfriend. The victim told us that he and his girlfriend were on 24th Street near
22 York, when somebody called out the victim's nickname, "Flaco." The victim
23 recognized Mr. Guerrero, who he has known since 1981 from the Mission District.
24 Mr. Guerrero said he just wanted to talk. The victim did not want to talk. Mr.
25 Guerrero pulled out a knife and stuck him in the neck. He described the knife as
26 having a black handle with rigid edges on the back, approximately 6-8" long open.
27 The victim said that one and a half months before, Mr. Guerrero had wrongfully
28

1 accused him of striking a friend's adult daughter, saying to the victim, "You put
2 hands on my homeboy's sister (daughter), your gonna have to answer for that." The
3 victim said that ten days before, Mr. Guerrero approached the victim at 22nd and
4 York Street, accusing him of speaking bad about him. At that time, Mr. Guerrero
5 brandished a knife. The victim's girlfriend stated that she recognized Mr. Guerrero,
6 as she has known him since she was 14, and once dated him. She confirmed the
7 victim's account of the event leading up to the stabbing, including the false
8 allegations that the victim had hit her daughter. She said that "everyone" knows that
9 the victim did not strike her daughter, and that Mr. Guerrero is just being a bully,
10 showing everyone on 24th Street. On March 3, 2007, the victim recanted his
11 statement implicating Mr. Guerrero in the stabbing, saying that it had been someone
12 else who stabbed him and that Mr. Guerrero was trying to help him find the real
13 suspect. He blamed the mistaken identification on medication he takes for back pain.

- 14 8. INVESTIGATIVE DETENTION AND OBSTRUCTION OF VEHICULAR
15 TRAFFIC AND EVADING POLICE at La Raza Park at Potrero Avenue near 26th
16 Street (Police Report # 060306735) On March 19, 2006, at 5:19 pm, I was on plain
17 clothes duty with Sgt. Ali, when I saw Hector Garcia, a 29-year old felony
18 probationer with a warrantless search condition and known member of the 22B
19 clique of the NORTEÑO criminal street gang, exit La Raza Park. Based on my
20 experience in the field of Latin Gangs in San Francisco, I know that La Raza Park is
21 claimed by the members of the 22B clique of the NORTEÑO criminal street gang.
22 Mr. Garcia, wearing the red cloth belt worn by members of the NORTEÑO criminal
23 street gang, sprinted across Potrero Avenue, almost getting struck by several
24 vehicles. We decided to contact Mr. Garcia and exercise his warrantless search
25 condition. We contacted him at 25th and Hampshire Streets. I exited our vehicle,
26 with my police star visible on my chest, and he looked right at me. Mr. Garcia
27 knows me as a police officer, as I have spoken on at least 10 occasions. Mr. Garcia
28

1 turned and immediately ran in the opposite direction. We ordered him to halt, but he
2 ignored our commands. We drove adjacent to Mr. Garcia, who disappeared for
3 several seconds behind a van. He then ran into the park where he was detained by
4 Sgt. Ali. A fifty-year old Latin male contacted us and told us that he saw Mr. Garcia
5 hand a black cloth bag to a short Latin male with long hair. This male continued out
6 of sight westbound 25th as we pursued Mr. Garcia.

7 9. POSSESSION OF CRACK COCAINE FOR SALE at 165 Cypress Street (Police
8 Report # 060776514) On July 22, 2006, at 5:28 pm, I was on duty with Officer
9 Nelson, working Violence Reduction Response for the Gang Task Force in the
10 Mission. We were working in plain clothes and driving in an unmarked vehicle,
11 eastbound on 26th near Cypress Street, when we observed three men standing in a
12 semi-circle in the middle of Cypress Street. Jose Alberti, a 19-year old resident of
13 Turk Street, was wearing a red shirt, and showing two much older men something in
14 his hand. Based on my training and experience, I know that this area is rife with
15 sales of narcotics night and day, and the accompanying quality of life issues. I also
16 know this area to be controlled by members of the NORTEÑO criminal street gang.
17 I know that the gang members identify themselves by wearing red and the number
18 14. We drove up to the three men. Mr. Alberti looked surprised by our presence. I
19 saw him use his right hand to push a plastic baggie inside his waistband as he started
20 to turn and walk away from us. Officer Nelson detained him, while I detained the
21 older men. When Officer Nelso asked Mr. Alberti what was in his waistband, he
22 said "Just a li'l rock I smoke." The baggie had a small amount of crack cocaine and
23 was not tied in a knot at the top. Mr. Alberti told Officer Nelson that he had no more
24 narcotics on him, but Officer Nelson found another plastic baggie on Mr. Alberti's
25 left side waistband, which had a larger amount of crack cocaine. Mr. Alberti had no
26 means of ingesting the crack cocaine on his person. Later, during his interview, Mr.
27 Alberti claimed not to be a member of the NORTEÑO criminal street gang, but his
28

1 cell phone contained several NORTEÑO gang-related photos including, the Welga
2 bird with a hand written number "14."

3 10. POSSESSION OF A LOADED FIREARM IN VEHICLE at 1147 Treat Avenue

4 (Police Report # 070064901) On January 18, 2007, I was on duty with Inspector Lau
5 and Inspector Yu, in an unmarked police vehicle traveling northbound on the 1100
6 Block of Treat Avenue, when I saw Robert McClure, who I later learned was a
7 known member of the NORTENO criminal street gang. I knew that he had an
8 outstanding warrant for his arrest. He was wearing a SF Giants jersey, sitting in the
9 front passenger seat of a vehicle. I knew that Mr. McClure had an outstanding
10 warrant for his arrest. We stopped the vehicle and I could see that Mr. McClure was
11 in the process of rolling a marijuana cigarette, and that there were two open bottles
12 of tequila being held by the rear passenger, When Mr. McClure was taken out of the
13 vehicle, we could see suspected crack cocaine, suspected marijuana, and \$65 in US
14 currency, which had been beneath him. Incident to arrest, we seized and searched
15 Mr. McClure's shoulder bag, which contained suspected methamphetamine, a loaded
16 firearm, and bullets. At Mission Station, Mr. McClure confessed that he was in
17 possession of the narcotics and the firearm, including the sawed off barrel. I took
18 photos of Mr. McClure's many gang-related tattoos including the following: "114 %
19 Bay Area" on his back with a tattoo of the Golden Gate Bridge and "San Fran N –
20 Town 14" on his right arm.

21 11. PUBLIC DRINKING AND PUBLIC INTOXICATION BY GANG MEMBERS ON
22 PAROLE at 24th and York Streets and GANG MEMBER IN VIOLATION OF
23 PAROLE at BART Station at 24th and Mission Streets (Police Report # 070298241)

24 On March 22, 2007, at 4:51 pm, I was on duty with Sgt. Yu, and Officer Gala,
25 traveling westbound on 24th Street near York Street, when we saw Fredis Ramos and
26 Daniel Santiago, known parolees, loitering against a building near the southeast
27 corner of 24th and York Streets. We drove around the block. When we came back,
28

1 Mr. Santiago was gone and Mr. Ramos was crouched down next to the rear wheel of
2 a white El Camino truck, drinking from a 12 oz. bottle of Corona beer. It was
3 obvious to all of us that Mr. Ramos was intoxicated. During our investigation, we
4 were contacted by a civilian witness, who told us that she had called 911 regarding
5 Mr. Ramos and his associates. She stated that the suspects continually intimidate her
6 and other law-abiding people in the area. She stated that she is fearful of these gang
7 members. She wanted to remain anonymous. On the next day, March 23, 2007, at
8 1:44 pm, I was on duty with Officer Gala and Inspector Labanowski, when I saw
9 Daniel Santiago talking to Michael Sanchez, an 18-year old resident of the Bayview
10 District and known member of the NORTEÑO criminal street gang, in the BART
11 Plaza at 24th and Mission Streets. Mr. Santiago was arrested for associating with
12 gang members in violation of his parole.

13 12. SALE OF CRACK COCAINE TO UNDERCOVER POLICE OFFICER at 3308 26th
14 Street near South Van Ness Avenue (Police Report #070424656) On April 25,
15 2007, at 8:50 pm, I was on duty with several other police officers, conducting a
16 "buy/bust" narcotics operation. Officer Manning was acting as the "buy" officer and
17 was assigned to buy narcotics with marked city funds. Officer Manning contacted
18 Daniel Santiago, a 21-year old resident of the Oceanside District and known member
19 of the NORTEÑO criminal street gang, at 3308 26th Street, near South Van Ness
20 Avenue. Officer Manning asked for a "solid." Santiago placed his hand both hands
21 inside his sweatshirt sleeves, and when he pulled his left hand out of his sleeve, he
22 handed Officer Manning crack cocaine. We arrested Mr. Santiago, and seized the
23 marked city funds from Mr. Santiago's pants pocket. At Mission Station, additional
24 crack cocaine was seized from Mr. Santiago.

25
26 I declare under penalty of perjury that the foregoing is true and correct.

27 Dated:

See attached signature page by fax

28 SERGEANT MIKE BROWNE, #1893

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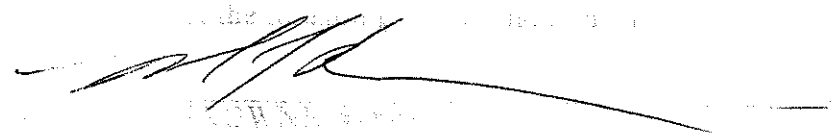
Mr. Santiago was gone and Mr. Ramos was crouched down next to the rear wheel of a white El Camino truck, drinking from a 12 oz. bottle of Corona beer. It was obvious to all of us that Mr. Ramos was intoxicated. During our investigation, we were on the scene of the crime, and we were talking to the witness, including Mr. Ramos and his associates. She stated that the suspects continually intimidate her and other law-abiding people in the area. She stated that she is fearful of these gang members. She wanted to remain anonymous. On the next day, March 23, 2007, at 1:44 pm, I was on duty with Officer Gala and Inspector Labanowski, when I saw Daniel Santiago, a member of the El Sanchero, an 18-year-old male, in theerview District and on the street in the NORTHERN district, near the BART Plaza at 24th and Mission Streets. Mr. Santiago was arrested for associating with gang members in violation of his parole.

12. SALL OF CRACK COCAINE TO UNDERCOVER POLICE OFFICER at 3308 26th

Street near South Van Ness Avenue (Police Report #17-4240-1) on April 25, 2007, at 1:50 pm. On April 25, 2007, at 1:50 pm, I was on duty with Officer Manning, and we were on a "buy/bust" narcotics operation. Officer Manning was acting as the "buy" officer and was assigned to buy narcotics with marked city funds. Officer Manning contacted Daniel Santiago, a member of the Oceanside District and known member of the NORTHERN district gang, at 3308 26th Street, near South Van Ness Avenue. Officer Manning saw Santiago pull out a small amount of crack cocaine from inside his sweat-shirt pocket, and when he pulled his left hand out of his sleeve, he handed Officer Manning the crack cocaine. We arrested Mr. Santiago, and seized the marked city funds from Mr. Santiago's pants pocket. At Mission Station, additional crack cocaine was seized from Mr. Santiago.

I declared under penalty of perjury that the foregoing is true and correct.

Dated



Detective Inspector Brown

1 DENNIS J. HERRERA, State Bar #139669
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Chief Attorney, Neighborhood and Resident Safety Division
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Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
CHRISTIAN BERGE IN SUPPORT OF
EX PARTE APPLICATION FOR ORDER
TO SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer CHRISTIAN BERGE, #4172, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for
26 4 years.
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- 1 2. In my work as a patrol officer assigned to the Mission District, I have become very
2 familiar with Defendant Norteño gang, and many of its San Francisco members,
3 including members of local Norteño subset/cliques such as a Loco North Side (LNS),
4 22nd and Bryant (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 3. The Norteño gang claims its turf as the Southern section of the Mission District,
6 from 21st Street to the North, Guerrero to the West, Cesar Chavez to the South, and
7 San Bruno, including LaRaza Park to the East.
- 8 4. For years, the Norteño gang has been committing a near-constant public nuisance by
9 committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 5. Through my work, I am familiar with many of the known, admitted members or
15 associates of Norteño gang, and I see them on the public street, within the Norteño
16 turf and proposed Safety Zone, practically every day I am on duty.
- 17 6. Members of Norteño gang publicly identify themselves by hanging around with
18 other members of Norteño gang, within Norteño turf, wearing red clothing and red
19 accessories, often sporting symbols and tattoos commonly associated with the
20 Norteño gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 7. AGGRAVATED ASSAULT WITH A KNIFE at 24th Street and Mission Street at
23 7:45pm. (Police Report #060323660). On March 25, 2006, Officer Lew and I were
24 dispatched to the intersection of 24th Street and South Van Ness regarding a Latin
25 male who was wearing a dark blue shirt and pants and walking in the area of 24th
26 Street and South Van Ness. We saw a male matching the above description in front
27 of 1313 South Van Ness, which is in the proposed Safety Zone. When we
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1 approached the male, he lifted up his left sleeve to his t-shirt and revealed a four to
2 six inch deep laceration to his left bicep. Four Hispanic males wearing all red
3 stabbed the victim, Edson Escobar. Officer Jimenez assisted us with the interview
4 because Mr. Escobar required Spanish translation. Mr. Escobar told Officer Jimenez
5 that he was walking on 24th Street and Mission Street when an unknown suspect
6 approached him. This suspect placed a knife to Mr. Escobar's body and asked Mr.
7 Escobar for money. Mr. Escobar stated he did not have any money and then turned
8 around and tried to escape. Three other unknown suspects attacked Mr. Escobar and
9 threw him to the ground. Mr. Escobar was stabbed with knife in the left bicep and
10 one of the suspects then reached into Mr. Escobar's pocket and stole \$60.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing
12 is true and correct.

13 Dated: 07/09/07

14  #4172
OFFICER CHRISTIAN BERGE, #4172

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City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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

21 Defendants.
22

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
BENZINGER IN SUPPORT OF EX
PARTE APPLICATION FOR ORDER TO
SHOW CAUSE RE: PRELIMINARY
GANG INJUNCTION AND
PRELIMINARY GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23
24 I, Officer Stephen Benzinger, #356, declare as follows:

- 25 1. I am employed as a San Francisco Police Officer, and have been so employed for 8
26 years.
27 2. My current assignment is patrol officer at Bayview Station.
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- 1 3. In my work as a San Francisco Police Officer , I have become familiar with gangs
2 such as Defendant NORTEÑO gang, and its San Francisco-based subset/cliques such
3 as a Loco North Side (LNS), 22nd and Bryant (22B), San Fran Mission (SFM), and
4 Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. Members of NORTEÑO gang publicly identify themselves by hanging around with
9 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
10 and red accessories, often sporting symbols and tattoos commonly associated with
11 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
12 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
13 NORTEÑO gang members also wear North Carolina University sports attire.
- 14 6. POSSESSION OF CRACK COCAINE FOR SALE AND WEAPONS BY KNOWN
15 MEMBERS OF THE NORTEÑO CRIMINAL STREET GANG (Police Report #
16 051102249) On September 30, 2005, I authored a search warrant for 1249 Shafter
17 Avenue in the Bayview District. Several officers accompanied me when I executed
18 the warrant. We knocked on the door to 1249 Shafter. The door was opened by
19 Ismael "Vampiro" Salazar, a 26-year old resident of 1249 Shafter and known
20 member of the NORTEÑO criminal street gang. In the downstairs bedroom closest to
21 the rear of the house, we found the following items: two bags of suspected cocaine,
22 suspected MDMA (ecstasy), suspected crack cocaine, suspected methamphetamine,
23 \$480 US currency, a bag of small black zip-lock bags, two boxes of sandwich bags,
24 red bandana, two electronic scales, metal knuckles, and a cardboard box with a
25 strong odor of cocaine. We also found a receipt from "Mr. Bling Bling" in the name
26 of Edwin Mejia, a 27-year old resident of 1249 Shafter Avenue and known member
27 of the NORTEÑO criminal street gang. We also found a magazine with the name of
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1 Miguel "Shorty" Salazar, a 25-year old resident of 1249 Shafter Avenue and known
2 member of the NORTEÑO criminal street gang. In the upstairs bedroom, Officer
3 DeJesus found the following items: suspected marijuana inside a thermos bottle,
4 \$3,901 on the dresser, a pill of suspected MDMA in side the thermos bottle,
5 suspected pay/owe sheet, and indicia for Ismael Salazar (See related Declaration of
6 Officer DeJesus filed herewith).

7
8 I declare under penalty of perjury that the foregoing is true and correct.

9 Dated:

 7/9/07

OFFICER STEPHEN BENZINGER, #356

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 ALEX G. TSE, State Bar #152348
Chief Attorney, Neighborhood and Resident Safety Team
3 MICHAEL S. WEISS, State Bar #168378
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9 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
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

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19 NORTEÑO, a criminal street gang sued as
an unincorporated association, and DOE
20 ONE through DOE FIVE HUNDRED,
inclusive,
21

22 Defendants.

Case No. CGC 07-464492

DECLARATION OF SFPD OFFICER
ZACHOS IN SUPPORT OF EX PARTE
APPLICATION FOR ORDER TO SHOW
CAUSE RE: PRELIMINARY GANG
INJUNCTION AND PRELIMINARY
GANG INJUNCTION

Hearing Date:
Hearing Judge:
Time:
Place:

Date Action Filed: June 21, 2007
Trial Date:

23 I, Officer Constantine John Zachos, Star #1049, declare as follows:

- 24 1. I am employed as a San Francisco Police Officer, and have been so employed for
25 13 years.
26 2. My current assignment is patrol officer at Mission Station.
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- 1 3. In my work in the Mission District, I have become very familiar with Defendant
2 NORTEÑO gang, and many of its San Francisco members, including members of
3 local NORTEÑO subset/cliques such as a Loco North Side (LNS), 22nd and Bryant
4 (22B), San Fran Mission (SFM), and Alabama and 21st (21ABL).
- 5 4. The NORTEÑO gang claims their turf as the Southern section of the Mission
6 District, from 21st Street to the North, Guerrero to the West, Cesar Chavez to the
7 South, and San Bruno, including LaRaza Park to the East.
- 8 5. For years, the NORTEÑO gang has been committing a near-constant public nuisance
9 by committing in public, at all times of day or night, drug trafficking, assaults,
10 robberies, graffiti, loitering, public intoxication, noise, threats, weapons possession,
11 interference with public right of way, verbal and physical harassment and
12 intimidation, and other conditions offensive to the senses of the community
13 residents, merchants, and visitors.
- 14 6. Through my work, I am familiar with many of the known, admitted members or
15 associates of NORTEÑO gang, and I see them on the public street, within the
16 NORTEÑO turf and proposed Safety Zone, practically every day I am on duty.
- 17 7. Members of NORTEÑO gang publicly identify themselves by hanging around with
18 other members of NORTEÑO gang, within NORTEÑO turf, wearing red clothing
19 and red accessories, often sporting symbols and tattoos commonly associated with
20 the NORTEÑO gang and its San Francisco-based subset cliques, such as: LNS, 22B,
21 21ABL, SFM, XIV, 14, XXIV, North or Norte, the SF Giants, and SF 49ers.
- 22 8. AGGRAVATED ASSAULT WITH KNIFE at 24th and Capp Streets) (Police Report
23 #060580616) On June 1, 2006, at 2:00 pm, I was on duty and was sent to SF
24 General Hospital regarding a stabbing. I located the victim, who had a laceration to
25 the left side of his back. The victim told me that he had just come from BART at
26 24th Street, and was walking eastbound on 24th Street between Capp Street and South
27 Van Ness Avenue when he observed 4 unknown Latin males standing on the corner
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1 of 24th and Capp Street. The victim said that one of the Latin males asked him, "who
2 do you claim?" The victim stated that he didn't "claim." He stated that the four
3 males suddenly ran across the street towards him, and began punching him in the
4 head and body, and one of the assailants took a small knife with a black handle and
5 stabbed the victim in the back. The victim stated that he ran to San Francisco
6 General Hospital for medical treatment. The victim stated that he didn't know the
7 four Latin males, but would be able to recognize them if he saw them again. The
8 victim stated that all four of the Latin males were wearing some red-colored
9 clothing.

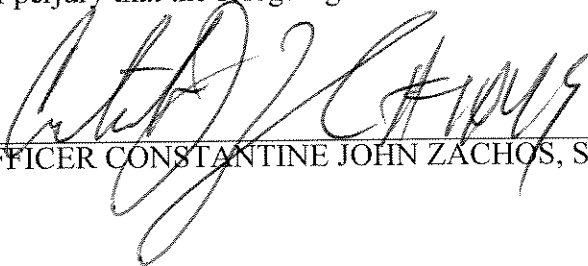
10 9. DRIVING ON SUSPENDED LICENSE, POSSESSION OF CRACK COCAINE
11 FOR SALE, AND POSSESSION OF AMMUNITION BY PROHIBITED PERSON
12 ON PROBATION AT 26th and Capp Streets (Police Report #061275808) On
13 December 1, 2006, at 7:32 am, I was on plain clothes duty with Officer Balinton,
14 working the area of 26th and Capp Street. I observed a car traveling on 26th from
15 Capp Street, driven by Rommel Antonio Borjas, an admitted member of the
16 NORTEÑO criminal street gang, who I recognized from prior narcotics-related
17 police contacts, and who I also knew to be on probation with a warrantless search
18 condition. It turned out that Mr. Borjas was driving on a suspended driver's license.
19 I executed a probation search of Mr. Borjas's vehicle, and recovered crack cocaine
20 from the driver's side floorboard. A large amount of US currency, in mixed
21 denominations was recovered from Mr. Borjas' wallet: 3 twenties, 6 tens, 2 fives,
22 and 20 ones. During a subsequent strip search, we recovered a clear plastic baggie
23 containing crack cocaine from his front waistband area, which Mr. Borjas proceeded
24 to put in his mouth and swallow. Mr. Borjas had to be treated at San Francisco
25 General Hospital, where they removed the baggie with the cocaine in it. We also
26 searched Mr. Borjas' house at 3330 26th Street. More crack cocaine was recovered
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from Mr. Borjas' couch, along with a scale with cocaine residue, ammunition,
another scale, plastic baggies, and indicia with Mr. Borjas' name on it.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7.4.07



OFFICER CONSTANTINE JOHN ZACHOS, Star # 1049