

1 **FEAR AND INTIMIDATION**

2 118. DBG and TOWERSIDE gangs so dominate the Proposed Safety Zone and the public  
3 housing areas within it, that Defendants' members act without fear of reprisal. Whether it is shooting at  
4 their rivals, robbing members of the public, loitering in menacing numbers in public spaces, vandalizing  
5 public and private property, or flashing hand signs, DBG and TOWERSIDE gang members intimidate  
6 residents in the entire area and foster a pervasive climate of fear and intimidation in the community.

7 119. As illustrated in the photos below, DBG and TOWERSIDE gang members publicly  
8 protect their turf by loitering and "posting up" in different strategic locations within the Proposed Safety  
9 Zone, signaling to the public that it is their turf.

10 **DOWN BELOW GANGSTERS**



19 **Photo 110**



27 **Photo 111**



**Photo 112**

1 **TOWERSIDE**



12 **Photo 113**



22 **Photo 114**



23 **Photo 115**

24 120. As discussed above, assaults and robberies are frequently not reported to the police

25 because the victims are too scared to come forward. Community members report that they are scared to

26 call the police to report crimes; scared to have uniformed officers come to their doors for fear they will

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1 be retaliated against.<sup>6</sup> Often residents call 911 anonymously or call 911 and specifically request that  
2 officers not come to their houses. These residents have explained to me that they are concerned about  
3 what is going on in the neighborhood, but do not feel safe reporting that information and do not want to  
4 be labeled a "snitch." To criminal street gangs like DBG and TOWERSIDE, a snitch is anyone who  
5 talks to the police/law enforcement or who appears to be cooperating with the police/law enforcement.  
6 Even when gang members are shot by their rivals, the victimized gang members rarely cooperate with  
7 the police, fearing that their fellow gang members or their gang rivals will label them a snitch.<sup>7</sup> The  
8 result reinforces the gang's ability to control the neighborhood and empowers them to function without  
9 consequences.

10 121. As a result, suspects are not identified, arrests are not made, and the crimes are not  
11 punished, giving DBG and TOWERSIDE gang members an unjustified sense of invincibility, which  
12 tends to reinforce the notion in the community that the DBG and TOWERSIDE criminal street gang is  
13 in control of its turf.

14 122. An example of the fear residents and neighbors feel in cooperating with the police is  
15 illustrated by the following anecdote. A victim was threatened at gun point by several gang members  
16 within the Proposed Safety Zone. The victim told police what happened, yet after doing so became very  
17 concerned about being labeled a snitch. The victim requested that the police use handcuffs and remove  
18 the victim from the residence so that the awaiting gang members would see the victim handcuffed and  
19 assume that the victim had committed a crime rather than having talked to the police about the assault.

20 123. Nuisance has become so commonplace and the level of violence so pervasive that parents  
21 express perverse comfort in having their children incarcerated, preferring to have their children in jail  
22 than receiving a midnight call that their son has been murdered. Likewise, some parents have expressed

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23 <sup>6</sup> I have also talked to people who have told me they are scared to leave their houses; some say  
24 they are scared they might be confronted by gang members; some are scared to be out in public in gang  
25 turf for fear that they will become the inadvertent victim of crime; some are scared to leave their homes  
unattended for fear that they will be burglarized.

26 <sup>7</sup> An example of the gangs' attitudes for snitching is best illustrated by a letter written by a  
27 known DBG member to a known incarcerated DBG member which reads in part, "snitchin ain't never  
28 been cool."

1 that they prefer having their children be armed, as they would rather have their son get "caught with a  
2 gun than without one."

### 3 **CIVIL INJUNCTION**

4 124. The DBG and TOWERSIDE gangs and their active members have created a public  
5 nuisance in the Proposed Safety Zone by committing acts of violence and other crimes and creating an  
6 environment that menaces, frightens, annoys, and intimidates the surrounding community. DBG and  
7 TOWERSIDE gang members commit homicides, shootings, robberies, assaults, batteries, narcotics  
8 sales, property crimes, at all hours of the day, both in their turf as well as in the surrounding areas of the  
9 Proposed Safety Zone. DBG and TOWERSIDE gang members work hard to maintain their public  
10 presence – they loiter or "post up" in large numbers, deliberately intimidating neighbors and passersby,  
11 they display their gang signs and symbols through hand signs, body tattoos and their clothing and  
12 accessories, and they vandalize public and private property with the markings of their gangs, collectively  
13 creating a public nuisance. In addition, there is an "echo effect" in that the impact of the gang's crimes  
14 and nuisance conduct often reverberates throughout the neighborhood, affecting residents blocks away  
15 from where the crime is actually committed.

16 125. In my opinion, a civil gang injunction will address the public nuisance created by these  
17 two gangs.

18 126. In my opinion, in order for any civil gang injunction to be effective against the public  
19 nuisances caused by the DBG and TOWERSIDE gangs, the Safety Zone must include both gang turf  
20 areas, and the areas in between and immediately adjacent the turf areas, as indicated in Exhibit A (map  
21 of Proposed Safety Zone).

### 22 PROPOSED SAFETY ZONE

23 127. In order to be effective against the public nuisances created by DBG and TOWERSIDE  
24 gangs, the Safety Zone should encompass the borders of the DBG and TOWERSIDE gangs' turf, be  
25 contiguous, and cover the entire area. Otherwise, the DBG and TOWERSIDE gangs will adjust their  
26 operations and simply move one or two corners over just outside the Safety Zone.  
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1 128. In order to be effective against the public nuisances created by DBG and TOWERSIDE  
2 gangs, the Safety Zone should also encompass the areas immediately connecting and surrounding their  
3 turf areas. These areas are important because they are used by DBG and TOWERSIDE gang members  
4 to commit crimes, sneak up to attack and assault their rivals, and abscond from law enforcement.

5 129. DBG and TOWERSIDE crimes are rarely confined to just one location. Often, gang  
6 members will observe the target of their violence, use the areas between their two turfs to get closer to  
7 their target, and then taunt, shoot, and/or assault the rival gang members.

8 130. After committing the crime, gang members will retreat, passing though the areas between  
9 their two turfs to the safety of their own, often along the way continuing to shoot, hide weapons, or run  
10 from law enforcement.

11 131. Below is a map of 13 select incidents occurring in the Proposed Safety Zone, which  
12 illustrate the paths of travel employed by gang members after commission of those crimes to flee from  
13 the police.



- 26  Path of travel - on foot
- 27  Path of travel - vehicle

1 132. Given the documented incidents of violence and other crime by DBG and TOWERSIDE  
2 gang members in and around their turf areas, the Proposed Safety Zone is reasonable in size and scope.  
3 The Proposed Safety Zone represents an area of San Francisco that has been most negatively affected by  
4 the public nuisance caused by DBG and TOWERSIDE gangs.

5 133. The Proposed Safety Zone is reasonable because few members of the DBG and  
6 TOWERSIDE gangs actually live within the borders of the Proposed Safety Zone. Of the 41 named  
7 members, only 11 consistently report to live in the Proposed Safety Zone.

### 8 INDIVIDUAL GANG MEMBERS

9 134. The DBG and TOWERSIDE criminal street gangs are comprised of individual members,  
10 both in and out of custody, acting in concert for the benefit of their respective gangs and at the behest of  
11 influential gang members.

12 135. DBG and TOWERSIDE gang members commit violent crimes and by doing so they  
13 instill a sense of fear in their surrounding communities and prevent those individual community  
14 members from being willing or feeling able to turn to law enforcement for assistance for fear of  
15 retaliation.

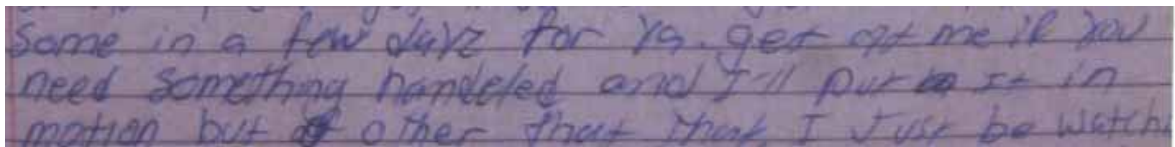
16 136. By committing these crimes, gang members are earning "respect" and gaining a  
17 reputation for themselves and for their gang. The crimes enhance the reputation of the gang,  
18 demonstrating to the neighborhood that members of this gang are violent which in turn breeds fear in the  
19 community. Fear reinforces the gang's ability to own their turf communicating to the community that  
20 the gang can do what it wants, when it wants, within its turf.

21 137. For individual members, the extreme violence translates into an enhanced level of  
22 respect, reputation and status within the gang. Gang members who have achieved greater status are  
23 revered by other gang members, have an ability to direct gang activities, and have their opinions and  
24 approval sought after and respected.<sup>8</sup>

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25 <sup>8</sup> However, achieving status within the gang is not an end. Gang members with status have to  
26 fight to maintain that status, always being mindful that their power and position is sought after by  
27 members of their own gangs. Similarly, as a gang member with a higher status, they become a greater  
28 and more sought after target for rivals.

1           138. For example, in a letter seized in a jail cell search of convicted DBG member Edgar  
2 "Hook" Diaz, a known DBG member currently serving a lengthy prison sentence, writes, "get at me if  
3 you need something handled and I'll put it in motion." This letter, a portion of which is included below,  
4 demonstrates that this known DBG member is functioning as someone taking orders or assignments  
5 from Diaz and in turn having someone carry out those assignments or orders. In my opinion Diaz is an  
6 influential DBG member in a position of high respect or stature whose status allows him to function as  
7 a leader.

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11           139. I have examined letters and listened to jail calls which further illustrate how these  
12 Defendant gangs make decisions as a collective.

13           140. One example of this collective decision-making can be seen in an excerpt of a letter  
14 seized in a jail cell search of a known DBG member, a portion of which reads as follows:

15  
16 got it back started and it could have  
17 been ended but niggaz was on some shit  
18 let them do something and me and my nigger  
19 [REDACTED] was on some shit like let's get at them  
20 first so with [REDACTED] and the rest of the  
21 mob saying no and we like yes we did n  
22 do nothing because they said no and  
23 now look what the fuck happened so I  
24 been on one every day up there at then  
25 niggaz and I'm not going to stop until  
26 all of them niggaz gone or they all just  
27 leave like they did last time & me and  
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1 This excerpt refers to a known DBG member wanting to do something to another gang member  
2 but being dissuaded by the gang, which shows that DBG functions as an organization and makes  
3 decisions involving its business and its members in a group/collaborative forum.

4 141. Committing crimes on behalf of and for the benefit of the gang is not the only way for  
5 members to show their loyalty. DBG and TOWERSIDE gang members are also encouraged to take care  
6 of their incarcerated members, by putting money on their books, visiting, taking their phone calls, and  
7 writing to them to keep them abreast about the happenings in the turf.

8 142. DBG and TOWERSIDE gang members further show their loyalty to the gang by  
9 memorializing deceased gang members, publically representing the gang in the turf by wearing the  
10 symbols of the gang on clothing, accessories, tattoos, creating graffiti, flashing hand signs, and being  
11 present in the gang turf, i.e. "posting up on the block", to show the gang's presence and control.

12 143. This civil injunction seeks to enjoin the most active adult members of the DBG and  
13 TOWERSIDE gangs. I have been asked to render an opinion as to whether certain named individuals  
14 are members, associates or affiliates of Defendants DBG or TOWERSIDE and have been asked to use  
15 my expertise to arrive at that determination.

16 144. When determining whether an individual is a member, affiliate, or associate of the DBG  
17 or TOWERSIDE criminal street gangs, I look at the totality of several factors, including my personal  
18 observations, interactions, and experiences with individual gang members and their rivals, associates,  
19 family members, witnesses, community members, gang members' self-admission, criminal history,  
20 association with known members of DBG or TOWERSIDE gangs, gang clothing or symbols, gang  
21 tattoos, photographs, monikers, location where individual has been contacted by law enforcement (i.e.  
22 home turf or rival turf), gang writings or letters sent or received, jail calls, electronic networking sites  
23 such as MySpace, YouTube, graffiti, information from other law enforcement agencies, school  
24 personnel and records, community members, parents and other relatives, etc. I look at these factors as  
25 individual pieces of a larger whole. This criterion is also used by law enforcement agencies throughout  
26 California.



1           145. One of the factors I consider when determining whether someone is a member, affiliate  
2 or associate of the DBG or TOWERSIDE gangs is self-admission during a police investigation where  
3 individual is a suspect, victim or witness. Further, often, gang members are classified by the San  
4 Francisco Sheriff's Department to determine where to safely house particular individuals. There, when  
5 arrested, a suspected gang member may volunteer which gang they belong to, so that they avoid being  
6 housed with rival gang members. Other times individual gang members will identify their gang  
7 allegiances in the context of a criminal investigation or in consensual encounters.

8           146. When determining if someone is a member, affiliate or associate of the DBG or  
9 TOWERSIDE gangs, I consider the person's prior criminal history record. I review the record to see  
10 what type of crimes he or she was arrested for, where the crime was committed, and who else, if anyone,  
11 was arrested with him or her.

12           147. I also consider the person's association with other known gang members. Association is a  
13 considerable factor because gang members will associate with other gang members because they trust  
14 other gang members. When police officers see a suspected gang member or known gang member, he or  
15 she will often fill out a "field information card" or "F.I. card" (or note that in a police report,  
16 interdepartmental memoranda, etc.) to document that the person was seen, who they were seen with,  
17 where they were seen, and what they were doing when they were seen.

18           148. I also consider whether the person has any DBG or TOWERSIDE gang tattoos. A gang  
19 tattoo is a life-long commitment, representing a significant devotion to the particular gang, and is very  
20 strong evidence of membership, affiliation, or association. Even if the tattoo is removed, the scar  
21 remains. Further, locating tattoos in areas that are easily visible, such as forearms, hands, knuckles,  
22 render those symbols available for all to see most of the time, evidencing a greater commitment to  
23 publically supporting the gang.

24           149. I also consider whether the person is depicted in any gang or "party" photos, with other  
25 known members of the gang, flashing gang signs, showing gang tattoos, gang clothing, and/or  
26 brandishing firearms. It is very common for members of DBG or TOWERSIDE gang members to pose  
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1 for, keep, and display "party" photos, evidencing pride in their gang membership, affiliation, or  
2 association.

3 150. I also consider any writings, such as letters between the person and known gang members  
4 in or out of custody. Similarly, I consider any monies transferred or gifted by the person to known gang  
5 members in custody.

6 151. I have identified the following named individuals and have outlined some examples of  
7 the evidence, facts, and documents I have relied on to form my opinions. In my opinion the following  
8 individuals are active members of the DBG or TOWERSIDE gangs.

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