



# CITY ATTORNEY DENNIS HERRERA

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
THURSDAY, AUGUST 5, 2010

CONTACT: MATT DORSEY  
PHONE: (415) 554-4662

## Herrera seeks civil injunction against warring criminal street gangs in Visitacion Valley

### ***Complaint begins process to enjoin 41 members of 'Down Below Gangsters,' 'Towerside' in safety zone encompassing both turfs***

SAN FRANCISCO (Aug. 5, 2010)—City Attorney Dennis Herrera today filed suit against two warring criminal street gangs that have terrorized San Francisco's Visitacion Valley for more than three years. The civil complaint filed in Superior Court this morning names the Down Below Gangsters and Towerside Gang as defendants in a civil action that seeks to prohibit an array of gang-related criminal and nuisance conduct by 41 adult gang members within a proposed "safety zone" covering less than two-tenths of a square mile.

If granted by the court, Herrera's civil gang injunction would bar named gang members from engaging in intimidation, graffiti vandalism, loitering, trespassing, displaying gang signs or symbols, and associating with other gang members under most circumstances within the safety zone. The injunction would additionally prohibit the possession of guns and other weapons, drugs, and graffiti implements within the area at all times. Violations of such injunctions can be pursued civilly by the City Attorney, for contempt of court, or prosecuted criminally by the District Attorney, as a misdemeanor for up to six months in county jail.

"The residents of Visitacion Valley have been caught in a crossfire by warring criminal street gangs, and the injunction I'm pursuing today intends to put an end to it," Herrera said. "This injunction names 41 adult gang members in two rival gangs, representing the most active and dangerous threats to public safety. As is typical in these cases, most live outside the community they've chosen to victimize. As the California Supreme Court majority held in its 1997 *Acuna* decision on gang injunctions, 'Preserving the peace is the first duty of government, and it is for the protection of the community from the predations of the idle, the contentious, and the brutal that government was invented.' The gang injunction we're pursuing today asserts the right of Visitacion Valley families to live in the peace and safety to which they're entitled."

"The people of Visitacion Valley have a right to live free from the fear of gang violence," said U.S. Sen. Dianne Feinstein. "This gang injunction is a necessary step that will give the City Attorney and San Francisco the tools they need to protect innocent families and clean up this vibrant community, so that once again, children can play outside, friends can gather together and people can be free to walk their neighborhoods without fear of being caught in a crossfire among rival gangs."

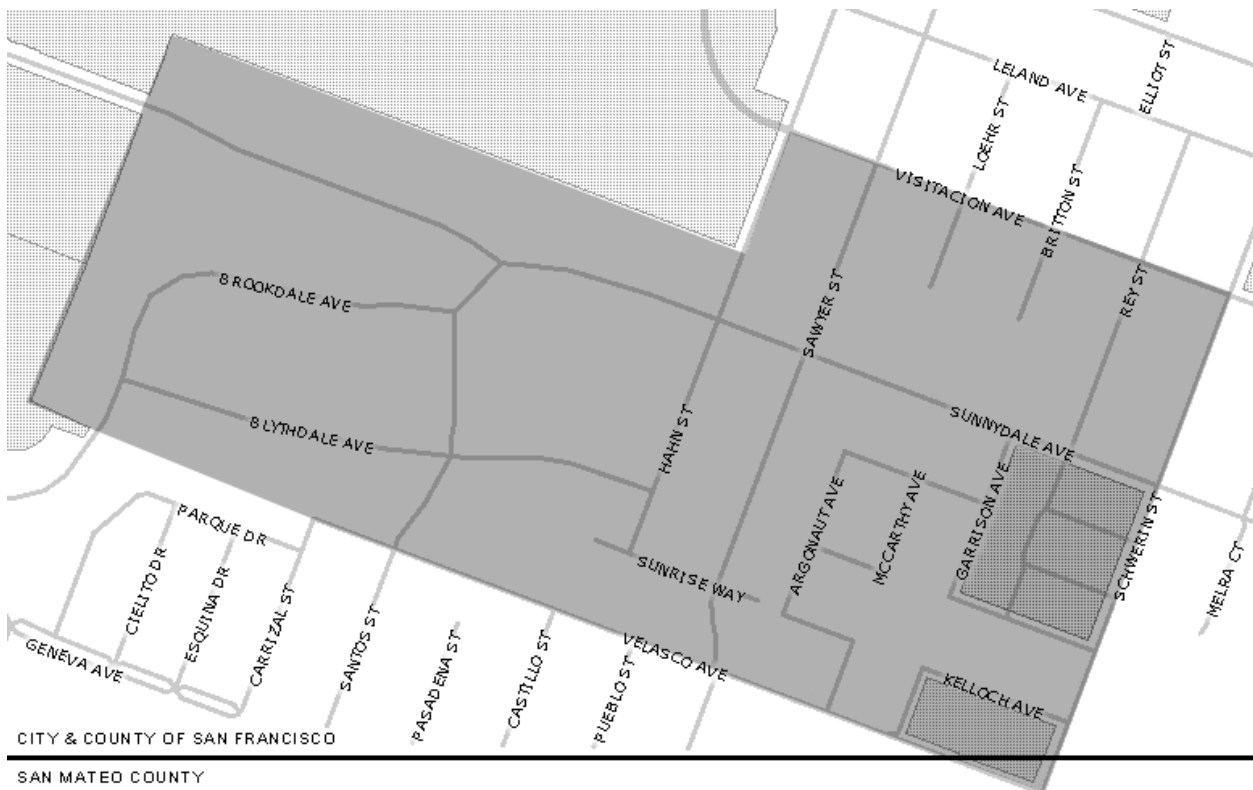
[MORE]

“Gang injunctions like the ones City Attorney Herrera has successfully fought to put in place give law enforcement another important weapon in the fight against criminal street gangs who terrorize our communities,” said District Attorney Kamala D. Harris. “As the chief elected law enforcement leader in San Francisco, I consider this another vital tool in the prosecution of violent criminals. I thank the City Attorney for working with me to help keep San Francisco safe.”

Herrera’s complaint outlines a bloody rivalry that has raged since 2007 between the Down Below Gangsters, based near the Sunnysdale Public Housing Development, and the Towerside Gang, based in the area of the Heritage Homes and Britton Courts Public Housing Developments. The ongoing war between heavily-armed gang members is blamed for at least ten homicides in the last three years, and has caused neighborhood residents to live in a virtual state of siege amidst murders and attempted murders, aggravated assaults, street robberies, and random shootings into inhabited dwellings and passing vehicles. Herrera’s complaint additionally alleges a pattern of gang nuisance conduct that is similarly intended to menace and intimidate law-abiding residents, including street level dealing of crack cocaine and other drugs, vandalism, loitering, public drug abuse, noise, car chases, impeding street and sidewalk traffic, and explicit and implicit threats against “snitching”—cooperating with law enforcement efforts to solve crimes or mitigate gang crime.

### **The Visitacion Valley proposed ‘safety zone’**

The proposed safety zone for the civil gang injunction is an approximately .18 square mile “L” shaped area bordered by Schwerin Avenue, Visitacion Avenue and Hahn Street, and the Sunnysdale Public Housing Development’s northern, western and southern borders, the latter of which then proceeds along Velasco Avenue. The safety zone encompasses both known gang turfs together with an adjoining buffer zone between and near the two turf areas.



### **Injunction to incorporate ‘Opt-Out’ procedure**

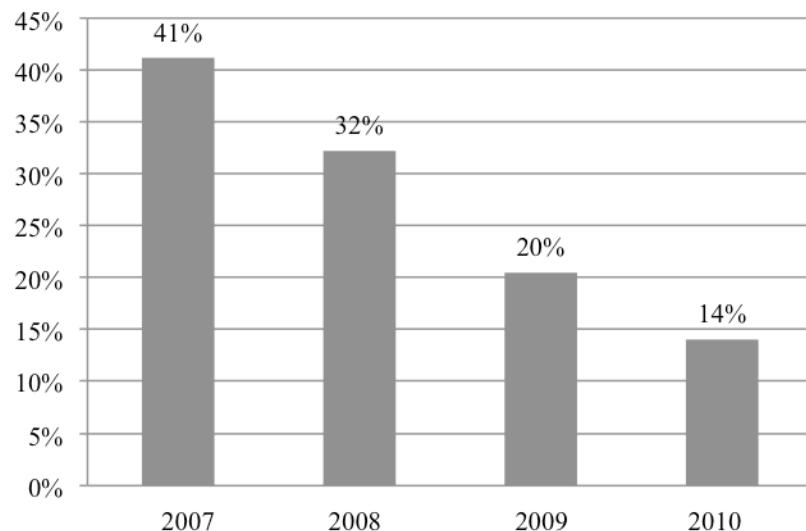
The civil gang injunction sought by the City against the Visitacion Valley-based street gangs will incorporate an administrative “opt-out” procedure, which was the result of a 2008 agreement Herrera’s office negotiated with the American Civil Liberties Union of Northern California and the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area to address concerns over gang members’ access to justice. The administrative “opt-out” process enables both individual gang members subject to existing injunctions and alleged gang members subject to proposed injunctions to voluntarily apply to the City Attorney’s Office for removal from the enforcement list. Individuals availing themselves of the administrative process retain full rights to petition the Superior Court directly for modification of the injunction, or to request exclusion or removal from the enforcement list by court order.

### **Other gang injunctions in San Francisco**

Should the court grant the proposed injunction against the Down Below Gangsters and Towerside Gang, it would represent San Francisco’s fourth civil gang injunction, naming seven different criminal street gangs. Herrera previously secured injunctions against the Bayview Hunters Point-based Oakdale Mob in October 2006; the Mission-based Norteño gang in 2007; and the Western Addition-based Chopper City, Eddy Rock and Knock Out Posse gangs in 2007. In 2009, Herrera moved successfully to modify the Oakdale Mob injunction to add six new adult gang members to that injunction’s provisions. In all, 93 adult gang members are currently subject to San Francisco’s three existing injunctions. The proposed injunction in Visitacion Valley could bring the number of gang members subject to injunctions to 134. No juveniles are named in any of San Francisco’s civil gang injunctions.

Tracking arrest data since the imposition of each gang injunction, Herrera’s office has observed a general “cooling off” effect among gang members named in the various injunctions, with markedly fewer arrests citywide following the imposition of injunctions. Since Herrera launched the civil gang injunction program at the end of 2006, 46 percent of identified gang members (43 of 93) have gone without even a single arrest in San Francisco for crimes other than minor violations of the injunction itself. The data also show

**Percentage of identified gang members arrested for non-injunction offenses in S.F.**



progressive improvements over time, with only 14 percent of identified gang members (13 of 93) arrested for non-injunction crimes so far in 2010—down from 41 percent in 2007. To date, no injunction has resulted in an observable migration of gang-related crime or nuisances to adjacent areas or to different neighborhoods, as evidenced by citywide arrest data and observations by experts from the San Francisco Police Department’s Gang Task Force.

“The success of civil gang injunctions in San Francisco stems from an unprecedented level of coordination among policymakers, police and prosecutors,” Herrera added. “I am enormously grateful to Sen. Dianne Feinstein for the national leadership she has brought to this issue as author of the Gang Abatement and Prevention Act. I am thankful to the Gang Task Force of the San Francisco Police Department, under the leadership of Police Chief George Gascón, for the extensive work they’ve done to put these complex cases together and enforce injunctions. Sheriff Michael Hennessey and his department have been instrumental in enabling us to meet the court’s high standards to notice and serve identified gang members. Finally, we owe a great debt of gratitude to District Attorney Kamala Harris and her team of prosecutors for making gang injunctions work in San Francisco. They have brought impressive expertise and energy to bear in enforcing these injunctions criminally.”

The City Attorney anticipates filing voluminous declarations in the case next week in the procedural next step toward obtaining a civil gang injunction. Forthcoming documents will include the identities of alleged gang members together with extensive evidence supporting the City’s case. The case is *People of the State of California v. Down Below Gangsters et al.*, San Francisco County Superior Court No. CGC-10 502262, filed Aug. 4, 2010.

###

COPY

ENDORSED  
FILED  
San Francisco County Superior Court  
AUG - 5 2010  
CLERK OF THE COURT  
By ELIAS BUTT Deputy Clerk

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

CASE MANAGEMENT CONFERENCE SET

JAN - 7 2011 - 9:00 AM

Attorneys for Plaintiff  
PEOPLE OF THE STATE OF CALIFORNIA

DEPARTMENT 212

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

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

Case No. **CGC-10-502262**

Plaintiff,

**COMPLAINT FOR INJUNCTIVE RELIEF**

vs.

Type of Case: (42) Other Complaint

DOWN BELOW GANGSTERS aka DBG, a criminal street gang sued as an unincorporated association, TOWERSIDE GANG, a criminal street gang sued as an unincorporated association, and DOE ONE through DOE FIVE HUNDRED, inclusive,

Attachments: A-C

Defendants.

The PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J. HERRERA, City Attorney for the City and County of San Francisco (hereinafter, "Plaintiff" or "People") for their Complaint against the DOWN BELOW GANGSTERS (hereinafter, "DBG" or "Defendant")

1 and the TOWERSIDE GANG (hereinafter, "TOWERSIDE" or Defendant) and Doe One through  
2 Doe Five Hundred (collectively, "Defendants" or "Gangs") hereby allege as set forth below.

### 3 4 INTRODUCTION

5 1. Defendants DBG and TOWERSIDE are rival criminal street gangs, whose members  
6 have, through their criminal acts and nuisance conduct, created a hazardous public nuisance in San  
7 Francisco's Visitacion Valley neighborhood, where each claims territory or "turf" (hereinafter, the  
8 Proposed Safety Zone).

9 2. Defendant gangs, through their members, conduct themselves in a nuisance-like  
10 manner, deliberately designed to: a) exercise and maintain control over who comes or goes through  
11 the Proposed Safety Zone; b) intimidate residents with violence and threats of violence, in order to  
12 discourage them from reporting crimes to the police, ensuring a safe haven for their nuisance and  
13 criminal conduct; and c) intimidate rival gangs through violence and threats of violence.

14 3. Defendants each monopolize part of the Proposed Safety Zone area and promote an  
15 atmosphere of fear through the community, fostering the perception that Defendants and their  
16 members are above the law.

17 4. Defendants' criminal and nuisance offenses committed within the Proposed Safety  
18 Zone, have created neighborhood conditions, which are injurious to health, indecent or offensive to  
19 the senses, obstruct the free use of property, interfere with the comfortable enjoyment of life or  
20 property, and unlawfully obstruct the free passage or use of public parks, streets, sidewalks and  
21 highways, in violation of Civil Code Sections 3479 and 3480.

22 5. Specifically, Defendant gangs, through their members, publicly engage in illegal  
23 drug sales, publicly commit violent crimes such as homicides, shootings, and other aggravated  
24 assaults against rival gang members and perceived gang members, publicly loiter in highly visible  
25 places in a menacing manner to instill fear and discourage crime reporting, publicly dominate the  
26 neighborhood with verbal and physical intimidation, and publicly and persistently mark their  
27 territory with graffiti vandalism.

1           6.       The dangerous and offensive conditions in the Proposed Safety Zone created by  
2 Defendant gangs are a public nuisance in that these conditions affect, at the same time, an entire  
3 community or neighborhood, and a considerable number of persons, within the meaning of Civil  
4 Code Section 3480.

5           7.       Plaintiff, by this action, seeks to designate the Proposed Safety Zone a nuisance-free  
6 area, and seeks to obtain an injunction to prohibit Defendants and their members from committing  
7 their gang-related crime and nuisance activity within the Proposed Safety Zone.

8  
9   **THE PARTIES**

10           8.       Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J.  
11 HERRERA, City Attorney for the City and County of San Francisco, brings this action pursuant to  
12 Civil Code Sections 3479, 3480, 3491, and 3494, and Code of Civil Procedure Sections 369.5 and  
13 731.

14           9.       Defendant DBG is a criminal street gang within the meaning of California Penal  
15 Code Section 186.22(f), being an ongoing organization of three or more persons, having as one of  
16 its primary activities the commission of criminal acts including, illegal weapons offenses and the  
17 sale of controlled substances, having a common name and common signs and symbols, and whose  
18 members individually or collectively have engaged in a pattern of criminal gang activity.

19           10.      Defendant DBG is sued as an unincorporated association under California Code of  
20 Civil Procedure Section 369.5. Defendant DBG's members share a common name and purpose and  
21 function under circumstances where fairness requires that the group be recognized as a distinct legal  
22 entity, because collectively they commit shootings, assaults, robberies, drug sales, graffiti  
23 vandalism, and other crimes and nuisance behavior, acting in furtherance of the gang's criminal  
24 enterprise. Defendant DBG acts by and through its members, both individually and collectively.

25           11.      Defendant DBG also is, and at all times mentioned in the Complaint was, an  
26 unincorporated association consisting of two or more individuals joined by mutual consent for  
27 allegedly common lawful purposes, including social, recreational, and other purposes.

1           12.     Notwithstanding any common lawful purpose, Defendant DBG is now, and at all  
2 relevant times has been, operating a criminal street gang enterprise and creating a public nuisance  
3 within the City and County of San Francisco.

4           13.     Defendant DBG is sued in its capacity as the entity committing the acts alleged in  
5 this Complaint, or assisting or directing the commission of the acts alleged in this Complaint.

6           14.     As used in this Complaint, Defendant DBG refers to any active member of the DBG  
7 criminal street gang, which operates or functions in the City and County of San Francisco, State of  
8 California. Any person identified as an active member of Defendant DBG in this action may file an  
9 “opt-out” petition as described in the "Notice of Opt Out" setting forth the Opt Out process, and the  
10 Petition to Opt Out which are collectively attached hereto as Exhibit A.

11          15.     Defendant TOWERSIDE is a criminal street gang within the meaning of California  
12 Penal Code Section 186.22(f), being an ongoing organization of three or more persons, having as  
13 one of its primary activities the commission of criminal acts including, illegal weapons offenses and  
14 the sale of controlled substances, having a common name and common signs and symbols, and  
15 whose members individually or collectively have engaged in a pattern of criminal gang activity.

16          16.     Defendant TOWERSIDE is sued as an unincorporated association under California  
17 Code of Civil Procedure Section 369.5. Defendant TOWERSIDE's members share a common name  
18 and purpose and function under circumstances where fairness requires that the group be recognized  
19 as a distinct legal entity, because collectively they commit shootings, assaults, robberies, drug sales,  
20 graffiti vandalism, and other crimes and nuisance behavior, acting in furtherance of the gang's  
21 criminal enterprise. Defendant TOWERSIDE acts by and through its members, both individually  
22 and collectively.

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



1 18. Notwithstanding any common lawful purpose, Defendant TOWERSIDE is now, and  
2 at all relevant times has been, operating a criminal street gang enterprise and creating a public  
3 nuisance within the City and County of San Francisco.

4 19. Defendant TOWERSIDE is sued in its capacity as the entity committing the acts  
5 alleged in this Complaint, or assisting or directing the commission of the acts alleged in this  
6 Complaint.

7 20. As used in this Complaint, Defendant TOWERSIDE refers to any active member of  
8 the TOWERSIDE criminal street gang, which operates or functions in the City and County of San  
9 Francisco, State of California. Any person identified as an active member of Defendant  
10 TOWERSIDE in this action may file an "opt-out" petition as described in the "Notice of Opt Out"  
11 setting forth the Opt Out process, and the Petition to Opt Out which are collectively attached hereto  
12 as Exhibit A.

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

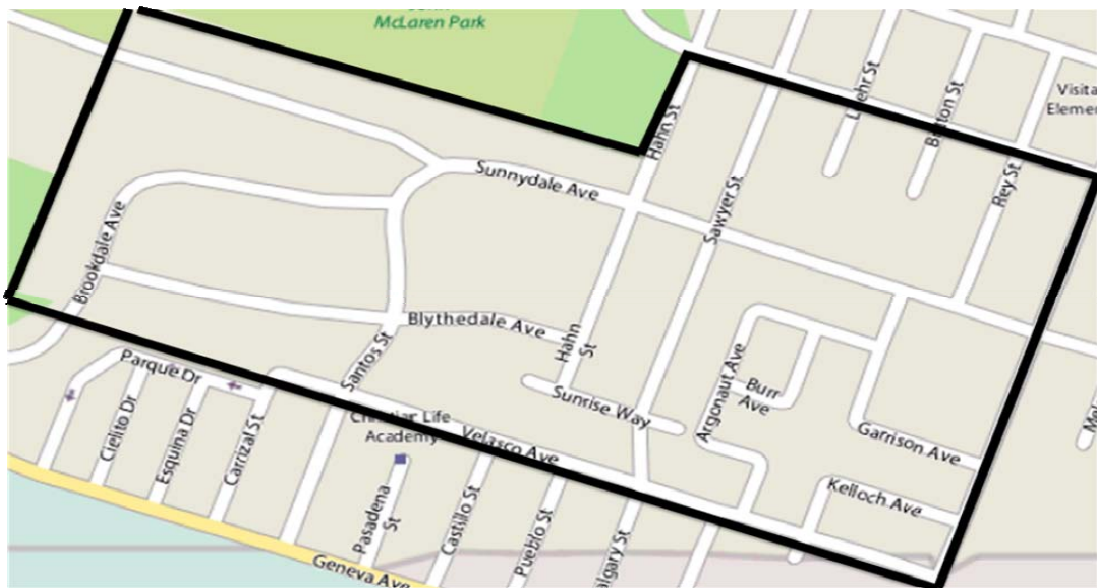
16 22. Actions taken or omissions made by Defendants' members, associates, affiliates, or  
17 recruits, in the course of their membership, association, affiliation, or recruitment shall be  
18 considered the acts and omissions of Defendants for purposes of this Complaint.

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

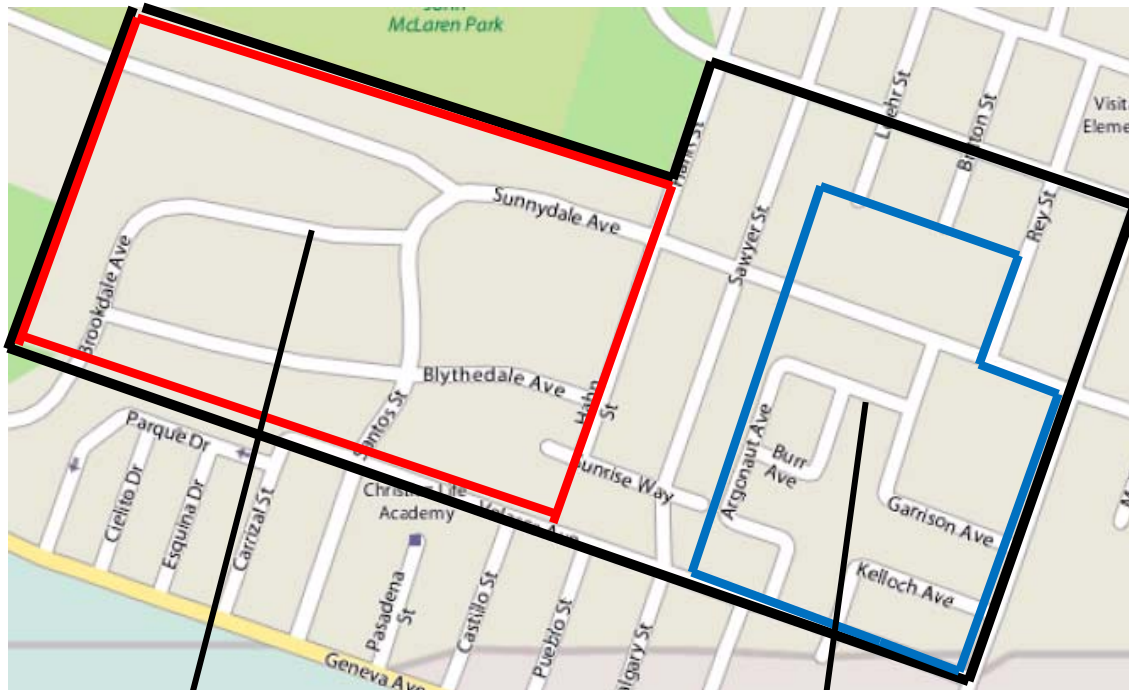
23 **AREA TO BE SUBJECT TO GANG INJUNCTION:**  
24 **THE PROPOSED SAFETY ZONE**

25 24. The Proposed Safety Zone is best described as follows: an "L" shaped area bordered  
26 by Schwerin Avenue to the East, Visitacion Avenue to the North, Hahn Street to the Northern  
27 fenced border of the Sunnydale Housing Development (separating the Sunnydale Housing  
28

1 Development from Herz Playground and Gleneagles International Golf Course), the Western border  
2 of the Sunnydale Housing Development to the West, South along the perimeter of the Sunnydale  
3 Housing Development which becomes Velasco Avenue at Carrizal Street to the South. Below are  
4 two maps: a satellite map and a street map, depicting the Proposed Safety Zone.  
5



1           25.     The Proposed Safety Zone includes both gangs' turf areas, which are practically  
2 adjacent to each other, separated by one or two city blocks. In addition to the claimed turf areas, the  
3 Proposed Safety Zone also includes the area connecting and surrounding the two gang turfs, as  
4 depicted in the following map. The Proposed Safety Zone includes the sidewalk on each of the  
5 boundary streets and 100 yards extending outward therefrom.



18  
19           DBG GANG TURF

18  
19           TOWERSIDE GANG TURF

20  
21           26.     Defendant DBG gang claims the Sunnydale Public Housing Development, located in  
22 the northeastern portion of the Proposed Safety Zone. The 767 units of public housing were  
23 originally constructed in 1941 as temporary wartime housing, and later converted into public  
24 housing in 1968. Currently, there are more than 1500 residents living there.

25           27.     Defendant TOWERSIDE gang claims the area where the Britton Courts, the  
26 Heritage Homes, and the Brick Homes are located, in the southeastern portion of the Proposed  
27 Safety Zone. The Britton Courts and Heritage Homes consist of several low rise public housing

1 buildings that were constructed in 1999 to replace the Geneva Towers high rise public housing  
2 units. The Brick Homes and other housing in the area are privately owned.

3 28. The Proposed Safety Zone is primarily residential with numerous subsidized  
4 housing units (Sunnydale, Britton Courts and Heritage Homes) and several blocks of privately  
5 owned residential units (the Brick Homes and other residences). Other than several community  
6 based organizations and a convenience store, there is little business or commerce in the area.

7 29. It is in this Proposed Safety Zone that Defendant gangs, through their members, have  
8 created a public nuisance by engaging in gang warfare consisting of criminal and nuisance activity  
9 designed to support and protect its turf and maintain it for their nefarious enterprises.

10  
11 **GENERAL ALLEGATIONS**  
12 **FACTS AND HISTORY OF DBG AND TOWERSIDE GANGS**

13 30. Defendant DBG is a locally recognized violent criminal street gang with a  
14 substantial presence in the Proposed Safety Zone. Defendant DBG currently has approximately 100  
15 active members in San Francisco. Defendant DBG was originally formed by residents of the  
16 Sunnydale Public Housing Development. The "Down Below Gang" name was originally designed  
17 to distinguish it from a rival criminal street gang called "Up The Hill." Today, Defendant DBG and  
18 its members identify themselves with a variety of names, signs and symbols which they display on  
19 their clothing, accessories, jewelry, tattoos, gang signs, and graffiti.<sup>1</sup> Defendant DBG's members  
20 currently engage, and have historically engaged, in lethal gang warfare with the members of

21  
22 <sup>1</sup> DBG symbols include: "Down Below Gangsters," "Down Below Gang," "DBG," "324"  
23 (referring to the letters "D", "B", and "G" on a telephone key pad), "Down the Hill," "Down  
24 Below," "The/Tha/Da Low," "Lo/w," "Low Boys," "LB," "Sunnydale," "SD," "Nolia"(referring to  
25 Magnolia, a New Orleans public housing development), "N.O."(referring to the Nolia), "Sunnydale  
26 42nd/42," "42" (referring to a parking lot at the Sunnydale Housing Development), "1800 Block"  
27 (referring to the 1800 block of Sunnydale Avenue), "1700 Block" (referring to the 1700 block of  
28 Sunnydale Avenue), "1600 Block" (referring to the 1500 block of Sunnydale Avenue), "1500  
Block" (referring to the 1500 block of Sunnydale Avenue), "Spunk Squad," "YGs," "Young  
Guns/z," "Young, Young Guns/z," "YYGs," "Borderline," "BL," "Borderline Posse," "Borderline  
Players," "BLP," "257" (referring to the letters "B", "L", and "P" on a telephone key pad), "Border  
Low," "Swampy D," and "The Swamp."

1 Defendant TOWERSIDE gang, their archrival. The bloody warfare between DBG and  
2 TOWERSIDE consists of homicides, attempted homicides, shootings, drive by shootings, assaults,  
3 burglaries, and robberies. Many of these crimes are committed on the public street or other public  
4 spaces, and negatively impact the entire neighborhood.

5 31. Defendant TOWERSIDE is a locally recognized violent criminal street gang with a  
6 substantial presence in the Proposed Safety Zone. Defendant TOWERSIDE currently has  
7 approximately 50 active members in San Francisco. Defendant TOWERSIDE was originally  
8 formed by residents of the former high rise public housing projects, then known as the Geneva  
9 Towers. The name TOWERSIDE is derived from the location of the original turf (Geneva Towers)  
10 and the later installation of a street named "Towerside" following the destruction of the Geneva  
11 Towers, and rebuilding of the Heritage Homes and Britton Courts developments. Today,  
12 Defendant TOWERSIDE and its members commonly identify themselves with a variety of names,  
13 signs and symbols which they display on their clothing, accessories, jewelry, tattoos, gang signs,  
14 and graffiti.<sup>2</sup> Defendant TOWERSIDE's members currently engage, and have historically engaged,  
15 in lethal gang warfare with the members of Defendant DBG gang, their archrival. The bloody  
16 warfare between TOWERSIDE and DBG consists of homicides, attempted homicides, shootings,  
17 drive by shootings, assaults, burglaries, and robberies. Many of these crimes are committed on the  
18 public street or other public spaces, and negatively impact the entire neighborhood.

19 32. Historically, the Proposed Safety Zone, encompassing both DBG's turf and  
20 TOWERSIDE's turf, was collectively referred to as the "Swampy Desert" or "Swampy D." Prior to  
21 the mid-1990s, several small gangs or groups of individuals were committing crimes in the area,  
22 with no one gang claiming the area exclusively. Those groups were the beginnings of the gangs  
23 that would eventually become known as DBG, Up The Hill ("Tre Foe"), and TOWERSIDE. In the  
24

---

25 <sup>2</sup> TOWERSIDE symbols include: "Geneva Towers," "Towerside," "Towers," "Tower  
26 Block," "TB," "T," "T-Side," "33," "33<sup>rd</sup>," "The/a 3s," "312," "1100 Block" (referring to 1100 Block  
27 of Sunnydale Avenue), "Brick Home Posse," "BHP," "Brick Homes," "The Bricks," and "Bricks."  
28

1 early and mid-1990's, these gangs had some conflicts and rivalries, but did not generate the lethal  
2 violence that we see today.

3 33. As described below, during the mid-1990s into the early 2000s, DBG and  
4 TOWERSIDE would formalize alliances and cement rivalries that define the gangs as they exist  
5 today.

6 34. DBG absorbed a series of smaller groups operating in the Sunnydale Housing  
7 Development, Down the Hill, 1800 Block, 1700 Block, 1600 Block, 1500 Block, and Borderline,  
8 uniting them under one DBG umbrella.

9 35. Prior to early 2006, DBG and Up The Hill gang, a turf-based gang occupying the  
10 upper or elevated sections in the southwestern portion of the Sunnydale Public Housing  
11 Development would engage in a bitter and bloody rivalry that fractured what was once a stable  
12 coexistence among the residents of the neighborhood. The feud resulted in the division of the  
13 neighborhood into discrete, rival turf areas, each claimed by a different criminal street gang. The  
14 bloodshed resulted in the 2006 federal indictments of more than 12 DBG members, and the  
15 subsequent convictions of 11 DBG members. The RICO indictments implicated some of DBG's  
16 most prominent members and enforcers who were deeply involved in the conflict with UP THE  
17 HILL. After the indictments, the violence between DBG and Up The Hill began to subside.

18 36. Like DBG, TOWERSIDE went through a series of events that would affect the gang  
19 and its turf. In 1998, the Geneva Towers Development, two twenty-story high rise buildings that  
20 loomed over Visitacion Valley were demolished. Prior to the demolition, the Geneva Towers were  
21 home to gang violence and drug dealing. The TOWERSIDE gang claimed the Geneva Towers as  
22 its turf. Although there was sporadic conflict between TOWERSIDE and other gangs and groups in  
23 the neighborhood, those incidents were mostly contained and personal.

24 37. After the demolition of the Geneva Towers in 1998, two new low rise replacement  
25 developments were constructed in the early 2000s: Heritage Homes (situated between Garrison  
26 Avenue, Schwerin Street and Sunnydale Avenue) and Britton Courts (located in and around Loehr  
27

1 and Britton Streets between Sunnydale and Visitacion Avenues). These low rise replacement units  
2 were built near and around the existing, privately owned Brick Homes development.

3 38. TOWERSIDE criminal street gang reconstituted in and around the newly built  
4 housing developments, and continued to identify themselves as "GENEVA TOWERS" and/or  
5 "TOWERSIDE."

6 39. As the conflict between UP THE HILL and DBG relented, the violence between  
7 DBG and TOWERSIDE began to rise.

### 8 9 **SIGNIFICANCE OF PROPOSED SAFETY ZONE**

10 40. Defendants DBG and TOWERSIDE have "claimed" their respective parts of the  
11 Proposed Safety Zone in the Visitacion Valley neighborhood as a safe haven for their gang activity  
12 including drug dealing, nuisance, and violent crime.

13 41. When Defendants declare that they have "claimed" the their turf, it means that  
14 Defendant asserts its exclusive right to sell narcotics, shoot and kill rivals, and commit other crimes  
15 within the claimed area.

16 42. A well-guarded, fiercely defended, gang turf is critical to the success of Defendant's  
17 gang enterprise, because it provides Defendant a safe haven to sell drugs, use drugs, threaten rivals  
18 and perceived rivals, and shoot rivals and perceived rivals.

19 43. Once Defendant has "claimed" its turf, its members will vigorously defend it,  
20 including the use of deadly force to prevent encroachment or trespass by anyone they suspect or  
21 perceive is a member of a rival criminal street gang.

22 44. Defendant advertises its "claim" to the Proposed Safety Zone by committing crimes  
23 and creating public nuisances within the Proposed Safety Zone in order to make their menacing  
24 presence felt by residents, including: loitering in public places, trespassing on private property,  
25 using drugs in public, obstructing free passage on public streets and sidewalks, and committing  
26 graffiti vandalism. Defendant uses violence, fear, threats, and intimidation to deter residents and  
27 merchants from reporting crime or public nuisances to San Francisco Police Department.

1           45. Defendants commit crimes and acts of nuisance as part of "claiming" turf, because  
2 by marking their respective territories, chasing off potential competition, and deterring crime  
3 reporting, they can commit their offenses with relative impunity, and significantly diminish the  
4 likelihood of police interference.

5  
6                                   **GANG VIOLENCE IN THE PROPOSED SAFETY ZONE**

7           46. The majority of the violence that occurs within the Proposed Safety Zone is  
8 perpetrated by Defendants DBG and TOWERSIDE against each other. All law abiding residents of  
9 this neighborhood suffer as a result of the gang warfare between Defendants.

10           47. Defendants DBG and TOWERSIDE are collectively responsible for orchestrating,  
11 directing, causing, inviting, participating in, committing and/or being the target of at least 10  
12 homicides within the Proposed Safety Zone within the last three years.

13           48. Defendants DBG and TOWERSIDE are responsible for creating a bloody and public  
14 war, comprised of numerous shootings, aggravated assaults, weapons offenses, burglaries and  
15 robberies committed within the Proposed Safety Zone. Those crimes perpetrated by Defendants  
16 DBG and TOWERSIDE against each other and the community, have caused the entire  
17 neighborhood to suffer the crimes, intimidation, threats, noise, fear, and injury to person and  
18 property.

19           49. By shooting, assaulting, and robbing rival gang members, perceived rival gang  
20 members or community members within the Proposed Safety Zone, Defendants have created a  
21 dangerous, fearful, and agitated atmosphere in the neighborhood, which is injurious to health,  
22 indecent or offensive to the senses, is an obstruction to the free use of property, and interferes with  
23 the comfortable enjoyment of life or property.

24 ///

25 ///

26 ///

27 ///



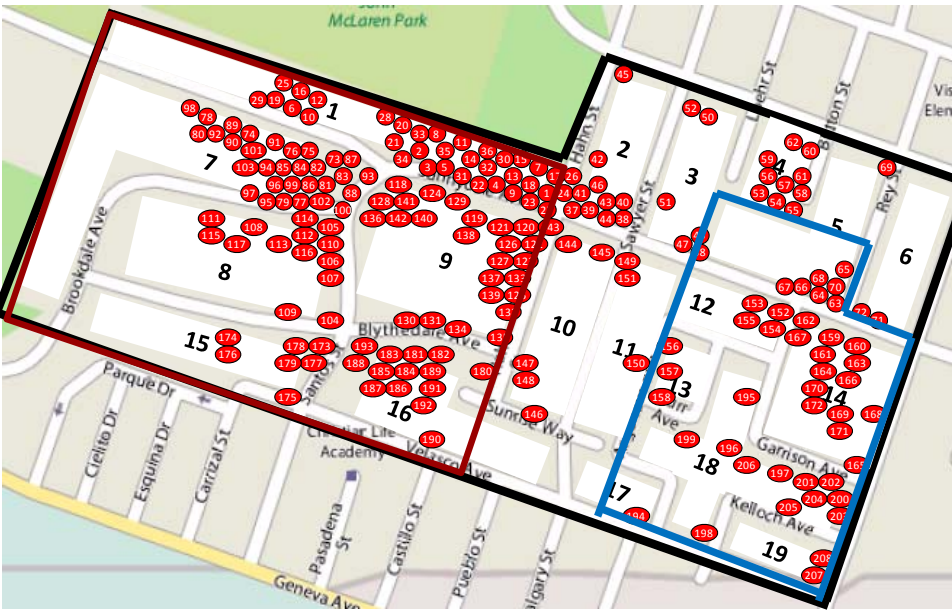
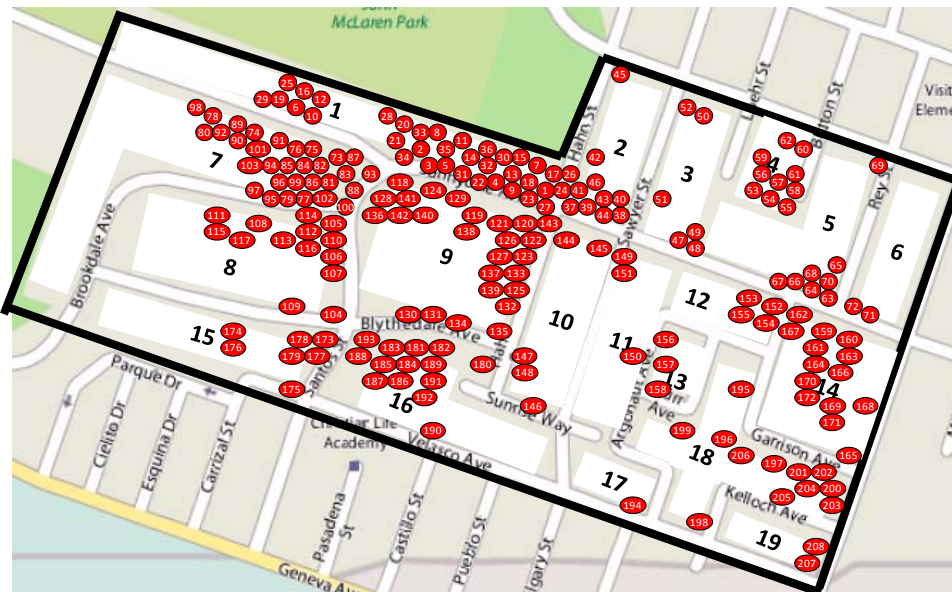
1 ///  
2 ///  
3 ///  
4 ///  
5 ///  
6 ///  
7 ///  
8 ///  
9 ///  
10 ///

11           50.     The maps below show the location of 208 documented criminal and nuisance  
12 incidents committed or suspected to have been committed by DBG and TOWERSIDE gang  
13 members within the Proposed Safety Zone. The second map includes the 208 documented criminal  
14 incidents with the gang turf boundaries delineated.<sup>3</sup> More than 50% of the 208 documented  
15 criminal incidents involved the use or presence of weapons or ammunition.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

<sup>3</sup> The above maps divide the Proposed Safety Zone into city blocks (1-19) and plot the locations of each crime. Each dot represents one incident regardless of the number of crimes committed or the number of individuals involved. The map and the index giving further detail of each identified crime are attached hereto as Exhibits B and C respectively.



51. DBG and TOWERSIDE members not only commit crimes in the gang turf, but they use the areas surrounding their respective turf within the Proposed Safety Zone to stalk, aim, and shoot at rivals, abscond from law enforcement, and/or flee from the scene of a crime. For example, the map below plots the "paths of travel" related to a sampling of 13 of the 208 documented criminal incidents.<sup>4</sup> This sample of incidents is offered to illustrate how crimes can extend beyond a single arrest or incident location, charting paths which impact adjacent and neighboring areas.

<sup>4</sup> The circles represent the locations where the crimes occurred and the arrows illustrate the paths taken by the suspects and/or victims after commission of the crimes. The incidents are (continued on next page)



- Path of travel - on foot
- - - Path of travel - vehicle

**OTHER GANG-RELATED CRIME AND NUISANCE  
IN PROPOSED SAFETY ZONE**

52. In addition to the gang violence perpetrated by members of Defendant gangs, DBG and TOWERSIDE, through their members, also commit other gang-related crime and general nuisance on the public streets and sidewalks within the Proposed Safety Zone.

---

(footnote continued from previous page)

numbered 1-13 and are more particularly described as follows: (1) Shooting, Police Incident Report No. 070 689 208; (2) Shooting, Police Incident No. 070 911 120; (3) Attempted Shooting, Police Incident Report No. 080 111 965; (4) Shots Fired, Police Incident Report No. 080 101 559; (5) Shooting, Police Incident Report No. 080 601 214; (6) Shooting, Police Incident Report No. 080 756 154; (7) Shooting, Police Incident Report No. 081 138 979; (8) Shooting, Police Incident Report No. 090 723 359; (9) Shooting, Police Incident Report No. 090 832 487; (10) Shooting, Police Incident Report No. 091 248 615; (11) Shooting, Police Incident Report No. 100 103 596; (12) Shooting, Police Incident Report No. 100 115 422; and (13) Shots Fired, Police Incident Report No. 100 407 467.

1           53.     Defendant gangs, DBG and TOWERSIDE, through their members, commit narcotics  
2 offenses within the Proposed Safety Zone, including the sale, storage, use and transportation of  
3 cocaine salt, crack cocaine, marijuana, and other narcotics.

4           54.     Defendant gangs, DBG and TOWERSIDE, through their members, commit other  
5 nuisance-related offenses within the Proposed Safety Zone, including loitering, soliciting,  
6 trespassing, blocking public streets and sidewalks, verbal and physical harassment and intimidation  
7 of passersby, graffiti, and fights.

8           55.     At all times herein mentioned, Defendants DBG and TOWERSIDE, through their  
9 conduct and the conduct of their members, have created a dangerous, fearful, and agitated  
10 atmosphere within the Proposed Safety Zone, which is injurious to health, indecent or offensive to  
11 the senses, is an obstruction to the free use of property, and interferes with the comfortable  
12 enjoyment of life or property, in violation of the California Civil Code.

13  
14                                   **FIRST CAUSE OF ACTION**  
15                                   **FOR PUBLIC NUISANCE**  
16                                   **COUNT ONE**  
17                                   **NUISANCE CAUSED BY CRIMINAL STREET GANG**  
                                     **(Penal Code Section 186.22a (a))**

18           56.     Plaintiff hereby incorporates by reference Paragraph 1 through 55 as though fully set  
19 forth herein.

20           57.     As described above, at all times herein mentioned, Defendants have used the  
21 Proposed Safety Zone to commit offenses listed in subdivision (e) of Section 186.22 of the  
22 California Penal Code, including, but not limited to: assault with a deadly weapon, assault with  
23 force likely to produce great bodily injury, robbery, homicide, and the sale, possession for sale, and  
24 transportation of controlled substances, creating "a nuisance, which shall be enjoined, abated, and  
25 prevented," within the meaning of Section 186.22a (a) of the California Penal Code.

1           58.     At all times herein mentioned, Defendants knew or should have known that their  
2 conduct was creating a nuisance in the Proposed Safety Zone, as alleged in the Complaint, but  
3 failed to take reasonable steps to abate the public nuisance.

4           59.     Unless enjoined, Defendants and their members will continue to operate in the  
5 Proposed Safety Zone, creating and maintaining the public nuisance.

6           60.     Plaintiff has no adequate remedy at law in that damages are insufficient to protect the  
7 public from the present danger and harm caused by the conditions described above. Unless  
8 injunctive relief is granted to enjoin Defendants and abate the public nuisance, the community, the  
9 neighborhood, and the residents of San Francisco and the citizens of the State of California will  
10 suffer irreparable injury and damage, in that said conditions will continue to be injurious to the  
11 enjoyment of life and the free use of property by said residents and citizens.

12  
13   **COUNT TWO**  
14   **GENERAL PUBLIC NUISANCE STATUTE**  
15   **(Civil Code Sections 3479, 3480)**

16           61.     Plaintiff hereby incorporates by reference Paragraph 1 through 60 as though fully set  
17 forth herein.

18           62.     As described above, Defendants are now, and for a considerable period of time, and  
19 all times pertinent to the allegations in this Complaint, have been operating within the Proposed  
20 Safety Zone, in a manner constituting a continuing public nuisance within the meaning of Civil  
21 Code Sections 3479 and 3480. The practices described above are injurious to the health and safety  
22 of the residents and merchants of the Proposed Safety Zone, are offensive to the senses, and  
23 interfere with the comfortable enjoyment of life and property. The practices described above affect  
24 a considerable number of persons and an entire community or neighborhood.

25           63.     At all times herein mentioned, Defendants knew or should have known that their  
26 conduct was creating a public nuisance in the Proposed Safety Zone, as alleged in the Complaint,  
27 but failed to take reasonable steps to abate the public nuisance.

1 64. Unless enjoined, Defendants will continue to operate in the Proposed Safety Zone as  
2 a public nuisance.

3 65. Plaintiff has no adequate remedy at law in that damages are insufficient to protect the  
4 public from the present danger and harm caused by the conditions described above. Unless  
5 injunctive relief is granted to enjoin Defendants, the public will suffer irreparable injury and  
6 damage.

7 66. Unless this public nuisance is abated, the community, the neighborhood, and the  
8 residents of San Francisco and the citizens of the State of California will suffer irreparable injury  
9 and damage, in that said conditions will continue to be injurious to the enjoyment of life and the  
10 free use of property by said residents and citizens.

11  
12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays that judgment be entered in favor of Plaintiff and against  
14 Defendants DBG gang and TOWERSIDE gang, as follows:

- 15 1. For a judicial determination that Defendant DBG is a criminal street gang within the  
16 meaning of Penal Code Section 186.22;
- 17 2. For a judicial determination that Defendant TOWERSIDE is a criminal street gang  
18 within the meaning of Penal Code Section 186.22;
- 19 3. For a judicial determination that Defendants DBG and TOWERSIDE, their  
20 members, associates, affiliates and recruits, have created a public nuisance within the  
21 Proposed Safety Zone, in violation of California Penal Code Section 186.22a(a), and  
22 California Civil Code Sections 3479 and 3480;
- 23 4. For an Order designating the Proposed Safety Zone as the actual Safety Zone, and a  
24 judicial finding that Defendants have created a public nuisance therein;
- 25 5. For an Order enjoining and restraining Defendants DBG and TOWERSIDE, and  
26 their respective members, associates, affiliates, recruits, and anyone acting on their  
27 behalf, from committing crimes, such as illegal drug use, possession and/or sales,  
28

1 and any other conduct amounting to a nuisance, within the Safety Zone, in  
2 accordance with Penal Code Section 186.22(a), Civil Code Sections 3479, 3480, and  
3 3491, and Code of Civil Procedure Section 369.5 and 731.

4 6. For an Order, enjoining and restraining Defendants DBG and TOWERSIDE, and  
5 their members, associates, affiliates, and recruits, from engaging in or performing,  
6 directly or indirectly, any of the following activities *within the Proposed Safety*  
7 *Zone*:

- 8 a. **INTIMIDATION.** Confronting, intimidating, annoying, harassing,  
9 threatening, challenging, provoking, assaulting, or battering any person;
- 10 b. **GUNS OR DANGEROUS WEAPONS.** (1) Possessing any gun, firearm,  
11 ammunition, or illegal weapon as defined in Penal Code Section 12020, (2)  
12 knowingly remaining in the presence of anyone who is in possession of such  
13 gun, firearm, ammunition or illegal weapon, or (3) knowingly remaining in  
14 the presence of such gun, firearm, ammunition, or illegal weapon;
- 15 c. **GRAFFITI or GRAFFITI TOOLS.** Damaging, defacing, or marking any  
16 public or private property of another, or possessing spray paint cans, felt tip  
17 marker, or other graffiti tools as defined in Penal Code Section 594.2;
- 18 d. **DRUGS AND CONTROLLED SUBSTANCES.** (1) Selling, possessing,  
19 manufacturing or using any controlled substance or related paraphernalia, as  
20 defined in Health and Safety Code Section 11364, including, but not limited  
21 to, rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)  
22 knowingly remaining in the presence of anyone selling, possessing, or using  
23 any controlled substance or related paraphernalia, (3) knowingly remaining in  
24 the presence of any controlled substance or such related paraphernalia, (4)  
25 driving under the influence of any controlled substance, or (5) being under  
26 the influence of drugs in public;

- 1 e. **TRESPASSING.** Being present on any private property as well as any San  
2 Francisco Housing Authority property or Mercy Housing property, unless a  
3 lawful tenant, or are at all times in the physical presence of the owner,  
4 owner's agent, tenant or person who is in lawful possession of the property;
- 5 f. **GANG SIGNS & SYMBOLS.** Displaying gang signs and symbols,  
6 including all of the following: Down Below Gangsters, Down Below Gang,  
7 DBG, 324 (referring to the letters D, B, and G on a telephone key pad),  
8 Down the Hill, Down Below, The/Tha/Da Low, Lo/w, Low Boys, LB,  
9 Sunnydale, SD, Nolia (referring to Magnolia, a New Orleans public housing  
10 development), N.O. (referring to Nolia), Sunnydale 42nd/42, 42 (referring to  
11 a parking lot at the Sunnydale Housing Development), 1800 Block (referring  
12 to the 1800 block of Sunnydale Avenue), 1700 Block (referring to the 1700  
13 block of Sunnydale Avenue), 1600 Block (referring to the 1500 block of  
14 Sunnydale Avenue), 1500 Block (referring to the 1500 block of Sunnydale  
15 Avenue), Spunk Squad, YGs, Young Guns/z, Young, Young Guns/z, YYGs,  
16 Borderline, BL, Borderline Posse, Borderline Players, BLP, 257 (referring to  
17 the letters B, L, and P on a telephone key pad), Border Low, Swampy D, The  
18 Swamp, Geneva Towers, Towerside, Towers, Tower Block, TB, T, T-Side,  
19 33, 33rd, The/a 3s, 312, 1100 Block (referring to 1100 Block of Sunnydale  
20 Avenue), Brick Home Posse, BHP, Brick Homes, The Bricks, and Bricks..
- 21 g. **ASSOCIATION.** Standing, sitting, walking, driving, gathering, or  
22 appearing anywhere in the public view with any known member of either  
23 DBG or TOWERSIDE Criminal Street Gangs, except: 1) when all  
24 individuals are inside a school in class or on school business; and 2) when all  
25 individuals are inside a church. This prohibition against associating with  
26 other gang members applies to all travel to or from school or church, and to  
27 any congregating before school or church or after school or church.
- 28



1 h. **LOITERING.** Loitering in a public place in a manner and under  
2 circumstances manifesting the purpose and with the intent to commit an  
3 offense specified in Chapter 6 of the Health and Safety Code, commencing  
4 with Section 11400, as defined by and in accordance with Health and Safety  
5 Code Sections 11530 and 11532(b); and

6 i. **VIOLATION OF OTHER LAWS.** Violating any federal, state or local law  
7 that (1) prohibits violence and threatened violence including murder, rape,  
8 robbery by force or fear, assault and battery, (2) prohibits interference with  
9 the property rights of others including trespass, theft, driving or taking a  
10 vehicle without the owner's consent, and vandalism, or (3) prohibits the  
11 commission of acts which create a nuisance including the illegal sale of  
12 controlled substances, loitering with the intent to commit a narcotics-related  
13 offense, using, consuming, or possessing alcoholic beverages in an unlawful  
14 manner, and blocking the sidewalk; and

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

16  
17 Dated: August 5, 2010

DENNIS J. HERRERA  
City Attorney  
ALEX G. TSE  
Chief, Code Enforcement and Resident Safety Division  
MICHAEL S. WEISS  
YVONNE R. MERÉ  
Deputy City Attorneys

18  
19  
20  
21 By: \_\_\_\_\_  
22 MICHAEL S. WEISS  
23 Attorneys for Plaintiff  
24 PEOPLE OF THE STATE OF CALIFORNIA

25 By: \_\_\_\_\_  
26 YVONNE R. MERÉ  
27 Attorneys for Plaintiff  
28 PEOPLE OF THE STATE OF CALIFORNIA

**INDEX TO EXHIBITS**

<b><u>Exhibit</u></b>	<b><u>Description</u></b>
A	Opt Out Notice Letter and Petition
B	Map of Documented Criminal Incidents within the Proposed Safety Zone
C	Index of Documented Criminal Incidents

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

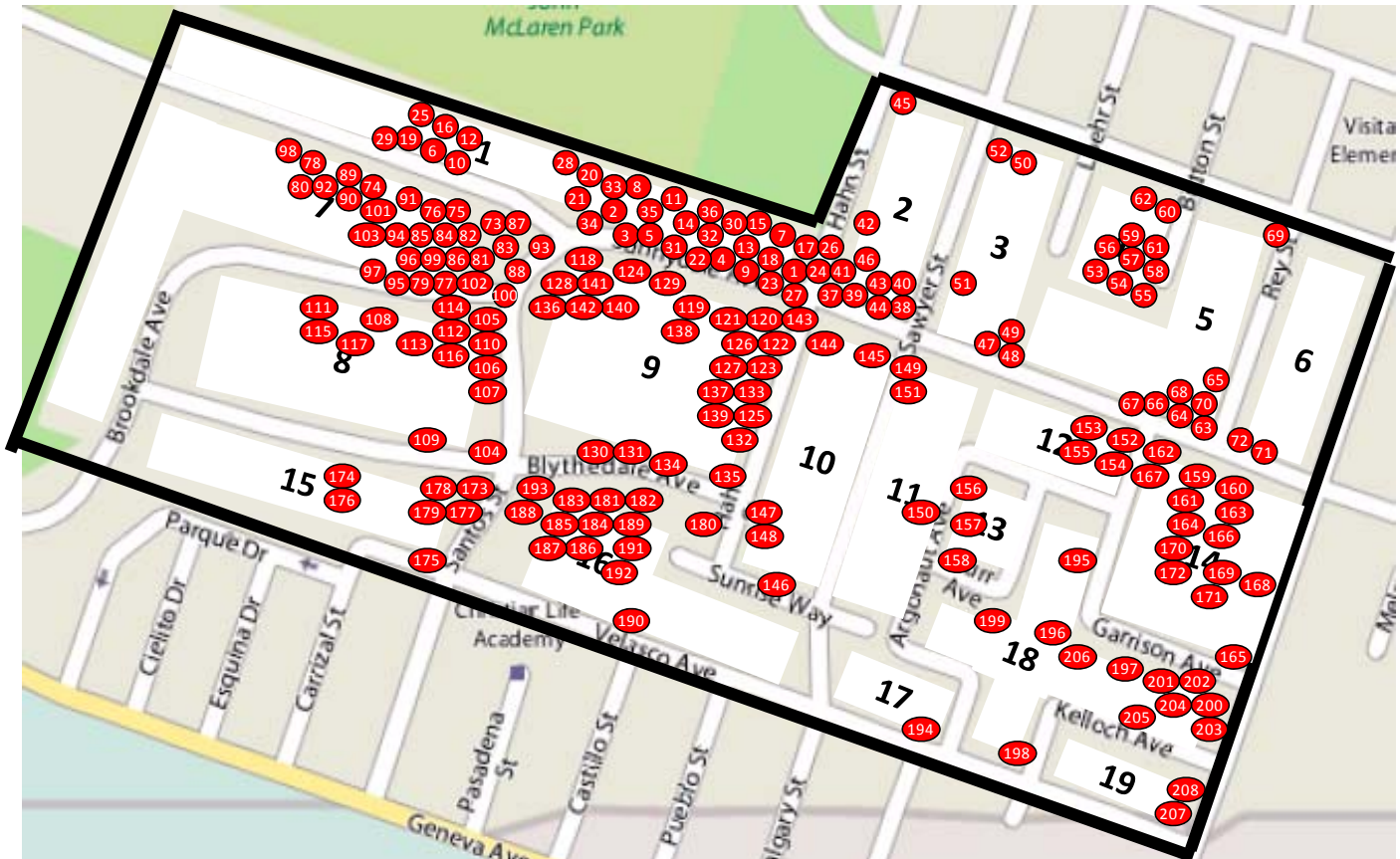
**EXHIBIT A**

**OPT OUT NOTICE AND PETITION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT B

MAP OF DOCUMENTED CRIMINAL INCIDENTS WITHIN  
THE PROPOSED SAFETY ZONE



**EXHIBIT C**  
**INDEX OF DOCUMENTED CRIMINAL INCIDENTS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28