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A safer San Francisco debates whether to get rid of gang injunctions

By Evan Sernoffsky | April 28, 2018 | Updated: April 29, 2018 12:00pm

4



Photo: Photos By Jessica Christian / The Chronicle

IMAGE 1 OF 4

Carla Ellis walks down Sunnydale Avenue wearing a sweatshirt that honors her son killed by gang violence.

Carla Ellis walked along Sunnydale Avenue past the blighted tenements of San Francisco's largest public housing complex on a recent sunlit afternoon, reflecting on the birds, the grass and the calm around her.

Fifteen years ago, she said, such a peaceful stroll wouldn't have been possible. Fights, screeching tires and the unmistakable sound of gunfire kept many residents indoors, especially at night. No one dared let their children outside alone, the mother of four said.

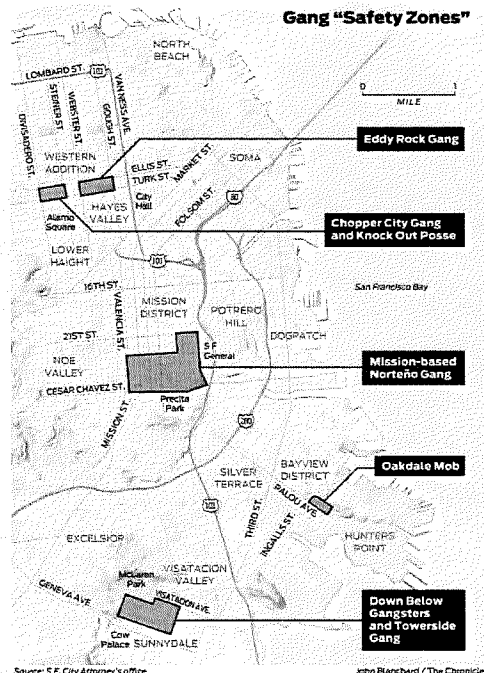
"Those days were terrible," Ellis, 58, said. "People would just keep to themselves."

But over the past decade, violence in this section of Visitacion Valley south of John McLaren Park — as in many other poverty-stricken areas of San Francisco — has fallen significantly.

Officials say that's thanks in part to controversial crime-fighting measures known as civil gang injunctions, which resemble restraining orders by arguing that groups of gang members create a neighborhood nuisance.

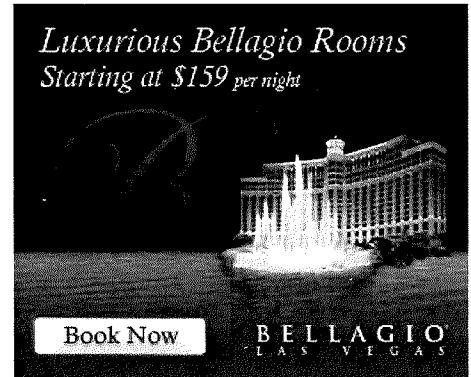
Now, more than 11 years after City Attorney Dennis Herrera filed the first gang injunction in San Francisco — he would ultimately go after seven groups — city leaders are taking a hard look at the strict program, its effectiveness, and whether such orders may be doing more harm than good in an era of policing that's focused on building trust with communities.

"These are people's lives we are talking about," said Supervisor



Source: S.F. City Attorney's office

John Blanchard / The Chronicle



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Sandra Lee Fewer, who has called a June 13 hearing to review gang injunctions at a time when cities such as Los Angeles and Portland, Ore., are scrapping similar programs. “For those who are not engaged in gang activity, it could have a great and profound effect on them and how police treat them.”

The injunctions, which have been used across California, rely on police evidence to identify alleged gang members and bar them from engaging in certain activities in neighborhood “safety zones” — including loitering, interacting with other alleged gang members, wearing certain colors, and in some cases being out after curfew.

Violating an injunction is a misdemeanor, punishable by up to six months in jail.

Police say the court orders can be valuable tools to improve neighborhoods, and that the people on the lists went on to commit less crime, perhaps because they had to change their lifestyle and their surroundings.

But critics say the program violates people’s civil and due process rights, tarnishes their names, and fosters racial profiling and police harassment. Most of San Francisco’s injunctions surround public housing in the city’s poorest neighborhoods, and nearly all the listed members are African American or Latino.



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A safer San Francisco debates whether to get rid of gang injunctions



Carla Ellis, 58, walks down Sunnydale Avenue while wearing a sweatshirt memorializing her son who was killed by gang violence in Richmond in 2004.

Jason Jones grew up in the Sunnydale public housing development. In 2010, police and the city attorney's office listed him as a member of the Down Below Gangsters, though he asserts he was never involved in gang activity.

Jones, now 31, has a wife and three children and lives in the East Bay, where he works nights for a company doing maintenance restoration while his wife works days. Being listed on a gang injunction, he said, "is like a life sentence," a record easily discovered by an employer conducting a background check.

"We all thought it would go away one day, but here it is years later," Jones said. "We were just a group of people that grew up there. It's just crazy."

City officials said only people with adult criminal convictions are listed on injunctions, and noted that judges must sign off on the order based on evidence presented in a court hearing. Listed defendants can still live and work in a safety zone, but their movements are restricted.

Jones acknowledged that he had been convicted of a crime, and records show he was arrested in a drug-related case in 2006, but he said he was unfairly targeted based on those around him.

"If I had a choice, I would have said, 'Mom, let's live somewhere else.' But

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"I was a kid, a baby," he said of growing up in Sunnydale. "I couldn't make those decisions. That was the group of people that were there to be friends with."

Those named in a San Francisco injunction can fight to be left off the list and can petition the city at any point to opt out by showing documentation they are on a clean path, Herrera said. He has argued for years that San Francisco's program avoided the flaws seen in some other counties, such as giving street cops the power to add names to the list.

"Our gang injunctions here in San Francisco were handled differently," Herrera said. "It was a direct result of good interactions between (the) community and the Police Department to build credible cases based on real evidence against individuals."

But opponents say getting off the list isn't easy, and that many people don't bother to try.



Two teens walk home from school through the Sunnydale housing complex in the Visitacion Valley neighborhood of San Francisco.

"Contesting it is expensive and you have to have a lawyer," said San Francisco Public Defender Jeff Adachi. "We have tried several times with people, but you have to show beyond a reasonable doubt that you shouldn't have been on this list in the first place."

Herrera was met with fierce resistance from Adachi and others when he

brought the first of the injunctions against the Oakdale Mob in Bayview-Hunters Point in 2006, before going after six other alleged street gangs in the next four years.

The injunctions are a snapshot in time in a rapidly changing city, and even Herrera agrees many of those on the lists have “aged out” of criminal activity.

Last week, partly in response to the concerns of Fewer and others, Herrera announced he will seek to remove 34 of 42 people named in an injunction against three gangs in the Western Addition and will review the other court orders in Visitacion Valley, Bayview-Hunters Point and the Mission District.

Some community members were pleased with the move. Others didn’t think it went far enough.

“That list was never meant to be indefinite,” said Roberto Alfaro, executive director of the Mission District nonprofit Homies Organizing the Mission to Empower Youth. “The idea was to reduce crime. Well, crime has gone down, so why do we need the list?”



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Rows of public housing units are seen surrounded by a manicured lawn in Visitacion Valley.

San Francisco recorded about 100 homicides a year when Herrera began filing the injunctions, with many killings coming amid tit-for-tat gang turf wars. Homicides fell sharply from 2008 to 2009, from 98 to 45, though the reasons are difficult to pinpoint. Last year the city saw 56 killings.

“The gang injunctions helped a great deal in San Francisco,” said Tony Ribera, a retired city police chief and director of the International Institute of Criminal Justice at the University of San Francisco. “We were seeing criminal enterprises coming into our communities and taking hold.”

The city attorney’s office said an office review found that, in 2010, almost half of the people named in gang injunctions had not been arrested again — with the exception of arrests for violating the court orders.

Inspector Len Broberg of the Police Department’s Gang Task Force said many members of the Oakdale Mob had not lived in the neighborhood at all. He called them “commuter gangsters.”

“The problem is when you have individuals that don’t live in the neighborhood coming in, standing on the corner and presenting a target,” Broberg said. “Then you have innocent bystanders that end up getting shot.”

Reductions in violence haven’t convinced law enforcement critics that the injunctions are effective. And many say the program is hurting the city’s efforts to heal police-community relations after officers’ fatal shooting of Mario Woods in Bayview-Hunters Point in 2015, which spurred a slate of reforms.

“I don’t think gang injunctions are an appropriate tool for San Francisco,” said Alan Schlosser, an attorney for the American Civil Liberties Union in San Francisco. “We have to rebuild the trust between communities and police. There’s been a huge breakdown, and one aspect of that is the use of gang injunctions.”

While the legal debate continues, residents like Carla Ellis are more focused on their communities. Three of her children have grown up and moved out of Visitacion Valley, she said, avoiding the trouble that plagued the neighborhood.

Her fourth child, though, was slain in 2004 in Richmond. Terrance Kelly was 18, a standout football player at De La Salle High in Concord who was two days away from moving to the University of Oregon when he was shot by a 15-year-old boy over a perceived slight.

Ellis often wears a sweatshirt with Kelly’s picture on the back and the words “RIP, Love Ya.” Her son is never far from her thoughts on her daily walks in the San Francisco neighborhood where she now feels safe.

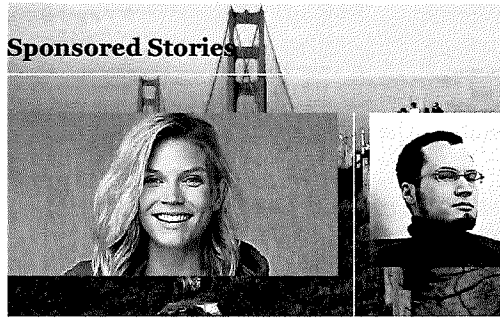
“I wouldn’t walk out here if there were still gangs,” she said. “It’s different now. There ain’t nothing out here but the wind.”

Evan Sernoffsky is a San Francisco Chronicle staff writer. Email: esernoffsky@sfnchronicle.com Twitter: [@EvanSernoffsky](https://twitter.com/EvanSernoffsky)



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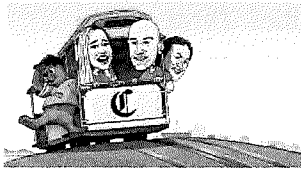
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IN MY VIEW: By Nikki Jones

Time is up for gang injunctions

Moved to the Western Addition in the summer of 2007, just a couple of weeks after seven people in the neighborhood were wounded in a series of shootings in two days. In the weeks following, City Attorney Dennis Herrera, relying heavily on evidence provided by local law enforcement, issued a preliminary gang injunction in the neighborhood. The preliminary injunction included the names of more than 100 men. Of the 42 black men (and they were all black men) named on what would eventually become a permanent injunction, over 80 percent were under the age of 30; half were between 18 and 24. A decade later, it's no surprise that, as Herrera claims, 75 percent of the black men named on the injunction are, "no longer engaged in criminal gang activity." What is surprising to me, as a researcher who interviewed some of the people named on the injunction during that time, is Mr. Herrera's claim that the injunctions were a "key part" of this change.

The evidence of success that Herrera provides simply doesn't support his claim that gang injunctions contributed to a drop in "gang activity." There is also little evidence in general that injunctions have a long-term effect on crime rates. There is a large body of research, however, that provides an alternate explanation for why such a large number of men seemed to have changed their ways: They got older.

Life-course studies show definitively that, if given the chance, young people will age out of criminalized activities. Herrera's office admits that 30 of those named on the injunction "aged out" of the activities targeted by the injunctions. That's 70 percent of the people named on the Western Addition injunction — a much more likely source of a drop in crime than an injunction.

These facts suggest that Herrera's stubborn insistence on keeping the injunction in place has more to do with symbolism than safety. Additionally, the continued use of an outdated "tool" to combat violence in a neighborhood that has changed substantially over the last 10 years is symbolic in another way: it symbolizes his commitment to a history of racism that continues to shape the life experiences of black people in San Francisco. Black youth make up 12 percent of youth in The City yet are 43 percent of youth arrested in San Francisco. These disparities can be traced back to a history of racial exclusion that created the black ghetto in San Francisco and has led to a declining black population; in 1970, 13% of San Franciscans were black. Today, less than 6 percent are. Make no mistake — Herrera's clinging to the injunction has more to do with sending a message to black

youth in the neighborhood today than the small number of black men who remain named on the injunction.

Herrera's resistance is retrograde in a city that wears its badge of progressivism with honor. Other jurisdictions have struck injunctions down. Many people in The City are concerned with addressing racial disparities, not exacerbating them. In this way, Herrera is out of step with his peers and appears simply uninterested in supporting other non-punitive ways of encouraging change in young people who are most likely to be involved in violence, as victim, perpetrator, or both. I write about these other models in my new book. These models — Cure Violence, Homeboy Industries, and the Richmond Model — also start with a list of people, but do not attempt to coerce change by holding the threat of punishment and life-long surveillance over their heads. Instead, they focus on mending beefs and building relationships. The evidence for these programs actually shows that they are effective. No smoke and mirrors there.

The continued use of an outdated "tool" to combat violence in a neighborhood that has changed substantially over the last 10 years is symbolic in another way: it symbolizes his commitment to a history of racism that continues to shape the life experiences of black people in San Francisco.

The Board of Supervisors will hold a hearing on the injunctions at the Public Safety & Neighborhood Services Committee on Wednesday from 4-6 p.m. at City Hall. The San Francisco No Injunction Coalition has already succeeded in getting Herrera to review the status of people named on the list. Herrera is now moving to purge 34 people from the injunction (four of the 34 are dead). This is not enough. The city started a war against black youth in the 1980s — the war must end. Herrera's repeal of all injunctions is a start.

Nikki Jones is an Associate Professor in the Department of African American Studies at UC Berkeley. She is the author of "The Chosen Ones: Black Men and the Politics of Redemption" (2018).

I U.S. policy

cent of the European admissions it had fully resettled, while admitting only 22 percent of the usual numbers from the rest of the world.

missions are down from the five-year average by 67 percent from African countries, about 80 percent from Middle Eastern/Asian countries, East Asian countries, Latin America/Caribbean countries.

The process works like the assembly line in a factory ... This fiscal year, the administration essentially 'broke' the assembly line in multiple places at the same time."

Barbara Strack, former chief of the Refugee Affairs Division at the U.S. Citizenship and Immigration Services

missions from countries covered by the president's travel ban have virtually ceased. Refugees from Iran are at 2.2 percent of the year averages; from Syria, at 1.8 percent; Somalia, 4.5 percent.

missions from Ukraine are up 109 percent and Russia, 134 percent. This pattern is reflected in regional targets. Halfway through the fiscal year, the European quota ceiling is already 87 percent filled, overwhelmingly by Ukrainian Christians, but Middle East/South Asia ceiling is only 16 percent filled. And 72 percent of the refugees resettled from that region so far this year are Muslims, down from 54 percent in the previous five years.

The process works like the assembly line in a factory," Barbara Strack, who retired in January as chief of the Refugee Affairs Division at the U.S. Citizenship and Immigration Services, told the New York Times. "This year, the administration essentially 'broke' the assembly line in multiple places at the same time."

President Trump has scapegoated refugees, and for a total ban on the entry of Muslims, expressed an immigration preference for people from places like Norway. It's now up to the Senate to discover whether Mortensen will end a truncated U.S. refugee resettlement program further toward the president's wishes or consider restoring a system that provided hope and rescue for some of the world's most persecuted and vulnerable people.

Click and Brian Root are columnists for the Los Angeles Times.



We, the undersigned San Francisco community and business leaders, call on San Francisco City Attorney Dennis J. Herrera to terminate the seven gang injunctions that his office obtained and to not seek new injunctions in their place. Gang injunctions are a failed experiment. There is no evidence that they have made San Francisco safer. Instead, they criminalize black and brown communities and fuel gentrification and displacement. By including at least seven sets of brothers and numerous sets of cousins, these injunctions tear families and communities apart. San Francisco has fought back against the Trump Administration's calls for a Muslim ban and a Muslim registry, yet we have our own version right here; the injunctions ARE a registry of black and brown men that effectively bars them from living in their own communities. The federal court has now blocked Los Angeles from enforcing most of its injunctions. San Francisco's injunctions, without a doubt, suffer the same egregious due process flaws. This is not racial justice. We demand that San Francisco live up to its reputation as a progressive leader and END THE INJUNCTIONS NOW.

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| 11. Burns Institute for Justice Fairness & Equity | 25. TGI Justice Project |
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SF NIC (San Francisco No Injunctions Coalition)

Facebook: bit.ly/endSFganginjunctions

EndTheInjunctions@gmail.com



Reentry Council
City and County of San Francisco

May 29, 2018

City Attorney Dennis Herrera
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Request to End San Francisco's Gang Injunction Order

Dear City Attorney Herrera,

The Reentry Council of the City and County of San Francisco ("Council") met Thursday, April 26, 2018 for its regular quarterly meeting. The Council held another robust discussion about San Francisco's Gang Injunctions which resulted in a majority vote by the Council to submit a letter to the City Attorney's Office requesting an end to them.

Council member Jose Bernal made a presentation focusing on the viewpoints that the Injunctions have a disproportionate impact on communities of color, further racial profiling, obstruct human and civil liberties, and criminalize family and peer relationships, and expressed concern that the City Attorney's Office didn't fulfill required obligations to routinely review and possibly modify the Injunction Orders. More than twenty members of the public spoke to the Council in support of ending the Injunctions. In addition, several criminal justice allies spoke about alternative safety initiatives as well as recent legal rulings that impact the legal landscape for Injunctions, or as happened in Oakland and Portland, ended them. There was agreement that Injunction data, information that was previously requested in letters from the San Francisco Public Defender and the Reentry Council would have been helpful in understanding the history and current utility of the Injunctions, and that it would still be useful to review.

Ultimately, the Council voted on a motion by Jose Bernal asking that the City Attorney's Office end the Injunctions, a motion that passed by majority of members present. Eleven members in attendance voted in favor of the motion, there was no opposition, and seven members abstained.

The Reentry Council of the City and County of San Francisco requests that City Attorney Herrera end the Gang Injunction Orders in San Francisco. To discuss this letter or any items related to this topic, please contact Reentry Division Director, Lauren Bell at lauren.bell@sfgov.org.

Sincerely,

A handwritten signature in cursive script that reads "Lauren A. Bell".

Lauren Bell, Director, Reentry Division
San Francisco Adult Probation Department

Cc: Chairs and Members of the Reentry Council

The purpose of the Reentry Council is to coordinate local efforts to support adults exiting San Francisco County Jail, San Francisco juvenile justice out-of-home placements, the California Department of Corrections and Rehabilitation facilities, and the United States Federal Bureau of Prison facilities.

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