

# Murder victim had feared for his life

By LYNNE CARRIER

Star-News Staff Writer

The last days of his life, Bernardo Diaz Gallardo, a Chicano ex-convict on parole, had the chilling suspicion he was living on borrowed time.

He was terrified, haunted by the specter of his own imminent doom. And he talked about it incessantly and tried to find help, protection, anything.

Without warning, his worst fears came true late last Monday afternoon. Police say they found him dying on the front steps of his home on L St. in San Diego. His chest had been ripped open by a shotgun blast.

Gallardo's roommate, Arthur Lopez, and another man, Harold Villa, were booked on suspicion of murder.

EDLY, Gallardo hadn't expected to meet death at the hands of his friends. He thought his real problem involved the police.

The parolee told his attorney, the Legal Aid Society, and the city's community relations office that he had been forced by certain law enforcers to become an informer. And he contended that police threatened to deprive him of his freedom or worse if he didn't go along with their game.

Gallardo said he also knew that if he did act as a police informer, disclosure might bring retaliation from betrayed neighbors.

To take the heat off Gallardo, the Legal Aid Society planned to seek injunctive relief against the officers.

Gallardo claimed were pressuring him.

The ex-convict also said he intended to air his complaints to the public — through this reporter and others — before his murder made the issue academic.

THUS, Berny Gallardo's slaying is shrouded in mystery. Was his story of official harassment and intimidation true? Did his roommate have a motive to kill him? Did he die because he either was or wasn't acting as a police informer? Were his civil rights violated because, as a parolee, his freedom was highly precarious and subject to constant scrutiny?

Gallardo left the legacy of his story for others to investigate.

He was an out-and-out loser by society's standards. And he paid a high price for it — 10 years in prison on charges of theft and "sales" (street lingo for dope peddling).

GALLARDO AND two other men moved into 3025 L St. in a part of town most local residents would rather ignore. Its streets are lined with rambling, once beautiful houses now in a state of shabby disrepair.

Here live many ex-convicts on parole, and it is said that heroin use runs rampant in this quarter. But Gallardo thought he could live there peacefully.

Then, a few weeks ago, his troubles began.

According to Richard Walden of the Legal Aid Society, when Gallardo turned up at his office,

"Gallardo was scared to death."

The parolee told Walden that he and two of his friends were stopped by policemen in the parking lot of a neighborhood liquor store. Their car was searched, but officers found only an empty beer can.

Gallardo claimed the police first threatened to charge them with having an unlidded container in the vehicle.

But later, one policeman allegedly pulled a packet of marijuana from his pocket, saying he would plant it on Gallardo if he didn't cooperate. That action would have gone on his record as a serious parole violation, Gallardo said, and so he got in the patrol car with them.

He was driven to the 28th St. bridge, Gallardo recounted. There the patrolmen reputedly pulled out a stack of photos and told Gallardo they were pictures of other ex-convicts who were active police informers.

According to Gallardo, the officers said if he didn't join the ranks, they would "set him up" or somehow arrange to put him in hot water. Gallardo then agreed to their deal, although privately he said he never intended to rat on his friends.

ANOTHER INCIDENT occurred on Aug. 6 when Gallardo returned home to find the place in shambles. He reported a burglary only to learn later that police allegedly admitted they had been the ones to enter and search the house.

Gallardo and his two roommates went to the police station to reclaim a number of items police had confiscated. One of the men was charged with possession of a hot motorcycle. The other articles — including three weapons belonging to Lopez — were returned.

Gallardo's next brush with authorities began with a phone call, apparently from police. Gallardo said that minutes later, police began pounding on his door.

The ex-convict dived under the couch and refused to answer. He said one officer leaned his head through the window, shouting, "We know you're in there and we're going to get you." Then the policemen left the premises.

GALLARDO'S case was under active investigation at the time of his murder, and it continues in an effort to fill in some of the question-marks left in Gallardo's account of his woes of a parolee.

Ironically, he was worried about another life shortly before his death. He had visited his estranged wife, who was under treatment at an Orange County Hospital.

Nevertheless, Gallardo's apprehensions about his own plight remained until the end.

Walden said he talked to him an hour and a half before the ex-convict's drama ended violently.

"He said that many others were in his situation," Walden recalled. "He was determined to live in the neighborhood peacefully."

WALDEN SAID Gallardo told him of one last encounter with the police the day before he died.

Gallardo told Walden a patrol car passed on the street and that one of the officers pointed an accusing finger at him. Then the car drove on.

Only hours before his 36th birthday, a bullet ended Gallardo's troubled life.

Through the ongoing investigation, his story may reach far beyond his grave, disproving the old cliché that "dead men tell no tales."

N.C.  
STARNEWS  
8-22-74



# Slaying Of 'Informer' Probed

(Continued from B-1)

and he went to his lawyer and others for help, Walden said.

Walden said he sent Gallardo to the city Community Relations Office where the parolee was interviewed by two investigators who tape-recorded his story of the alleged police attempt to recruit him as an informer.

Walden said Gallardo also urged him to make the matter public through the news media "so that no one would be able to touch him."

Police report the shooting took place about 5:25 p.m. last Monday. When officers arrived, they found Gallardo lying on the front steps of the L Street house. Gallardo was dead on arrival at Community Hospital.

Police said that a 12-

gauge shotgun was found at the scene. They refused to identify the owner of the weapon. The coroner's autopsy report indicates the cause of death was a shotgun wound to the chest.

A request to listen to the Community Relations Office tape recording of the dead man's story was denied by the director, Wilbur Hagler, and later by City Mgr. Kimball Moore who said the city attorney's office had advised "putting a lid" on the recording.

Later, a telephone caller who declined to identify himself said that the recording had been delivered to the police department.

City Atty. John Witt confirmed that police had picked up the tape recording. He said that they needed

it "as part of the homicide investigation."

Hagler and Walden confirmed that the two officers involved in the alleged recruitment of Gallardo as an informer had been reprimanded earlier for a similar incident.

Hagler said that "administrative action" was taken against the pair in the earlier incident but he declined to give details of the matter.

## Height Limit Asked

A Southeast San Diego man, thur James Brown, yesterday asked the City Council to consider a strict height limit in the mostly single-family-home area bounded by Wabash Boulevard, Interstate 5, National Avenue, 43rd Street and Division Street.



S.D. Union  
8-23-74

VICTIM SAID OFFICERS MADE HIM HELP

## Slaying Of 'Police Informer' Probed

By NANCY RAY

An investigation is under way into the shooting death of a 35-year-old Mexican-American who earlier had told city investigators, the Legal Aid Society and his attorney that he had been forced to become a police informer.

The man was identified as Bernardo Gallardo who died last Monday after being shot while, on the front porch of his residence at 3025 L St. Harold Richard Villa, 28, of 3694 National Ave., has been arraigned on a murder charge in connection with the shooting. Villa is in county jail in lieu of a \$100,000 bond.

Gallardo, who was an ex-convict on parole, went to his attorney, Alex Landon, several days before the shooting and told Landon that he had been forced to

become an informer by two police officers. Gallardo said he feared for his life and for his freedom.

Landon sent Gallardo to Richard Walden of the Legal Aid Society because Walden was investigating cases of alleged police abuses.

Walden said Gallardo told him that police threatened to kill him if he didn't "you killed, set you up on a parole violation or we can take you in right now" unless Gallardo agreed to become an informer.

"Bernie (Gallardo) was scared that if others found out he was an informer he'd be set up (killed) and he was also afraid for all the other parolees on the street because they are the easiest marks for police recruitment," Walden said.

Police Chief Raymond Hoobler refused to comment on Gallardo's report until an

investigation by his department was completed, probably by this afternoon.

Logan McKechnie, spokesman for the district attorney's office, verified that Walden had reported the incident to office investigators after the shooting but declined to say whether an investigation was being made. "We are not in the habit of telling the public what we are doing," McKechnie said.

Walden and Gallardo's attorney, Landon, both said they were interested in further investigation of Gallardo's shooting and into the allegation that police recruit informers through threats of violence or imprisonment. Both said they had no information that would indicate police were linked with Gallardo's shooting.

Walden said Gallardo told

him the following story about his recruitment as a police informer:

On Aug. 5, while Gallardo was in a car with two friends, two city police officers stopped the trio, searched the car, and took Gallardo with them after claiming to have found a small amount of marijuana in his clothing.

Gallardo said the officers later stopped their patrol car in an isolated spot under a freeway overpass, and told him that if he didn't agree to inform on his friends and neighbors they would have him killed or put back in prison.

Gallardo told Walden that he finally agreed to become an informer. The two officers then gave him a slip of paper with their names, a telephone number and a code number so that Gallar-

do could contact them while they were on patrol. Walden said he has turned the slip of paper over to the district attorney's office.

Gallardo, after the incident with the two officers, returned to his home to find it had been ransacked and apparently burglarized, Walden related. Gallardo called police. They came and took Gallardo and three companions in for questioning on charges of receiving stolen goods.

One of the men taken in for questioning was Villa, the man charged with Gallardo's slaying.

Gallardo and two others were released and most of the goods taken from the home were returned by police, Walden said. The incident caused Gallardo to worry about his own safety.

(Continued on B-4, Col. 2)





# C.A.S.A. JUSTICIA

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COMITÉ NACIONAL HERMANDAD GENERAL DE TRABAJADORES

Aug. 22, 1974

William B. Saxbe  
State Department of Justice  
Washington, D.C. 20530

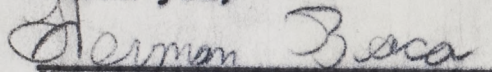
Honorable Sir,

Our organization has gone on record demanding that the illegal and unconstitutional practices uncovered by the Star News, (see enclosed article), in the death of Bernardo Diaz Gallardo by the San Diego Police Dept. be immediately investigated by your office.

The incidents of what led to Mr. Gallardo's death are common and part of an official policy which is carried out and condoned by top level police officials and political officials of the City of San Diego.

An immediate investigation of Mr. Gallardo's death and the policy that led to his death is hereby requested.

Thank you,

  
Herman Baca, Chairman

cc: Federal Grand Jury of San Diego  
San Diego District Attorney Ed Miller

HB/sg



# Mayor Urges Grand Jurors Probe Slaying Of 'Informer'

## Chicano Group Asks Police Suspension

Mayor Wilson last night called for a grand jury investigation into what he termed "serious allegations of police misconduct" in the death of a 35-year-old man who had said he was being forced to become an informer.

Wilson scheduled a special City Council meeting Thursday morning in advance of the regular City Council meeting to discuss the proposed investigation.

The internal investigations unit of the Police Department is investigating the death of Bernardo Gallardo Aug. 19 in what was reported to be the climax of a drinking brawl. Attorneys at the Legal Aid Society later said Gallardo had been threatened by two police patrolmen who wanted him to become an informer in narcotics cases.

Gallardo, an ex-convict on parole, was quoted by attorneys as saying the police threatened to "have you killed, set you up for a parole violation or we can take you in right now."

### Patrolmen Admit Violation

Police Chief Ray Hoobler, in an interim report on the investigation, on Friday said the two patrolmen had admitted destroying marijuana they said they found in Gallardo's possession. The action was a violation of departmental policy, Hoobler said.

In another development, an organization called the Ad Hoc Committee on Chicano Rights last night also asked for a separate investigation.

The meeting of the Chicano leaders was held in the hall of St. Anthony's Catholic Church at 18th Street and Harding Avenue in National City.

Herman Baca was the chairman of the group and Peter Shey, the attorney for the committee, acted as adviser.

At the conclusion of the hour-long meeting attended by nearly 50 persons, the panel of Chicano leaders said they would recommend that Hoobler be fired as a result of his men allegedly violating constitutional rights and because of what Baca termed was "rampant incompetency."

They also said they will ask for the independent investigation into the entire Gallardo case and that tape recordings now held by police and taken in an interview with Gallardo by police community relations officers be heard by the news media and the Chicano community.

### Council To Hear Recommendations

Baca said the recommendations would be presented to the City Council.

Baca said he and other Chicano leaders met with Councilmen Leon Williams, Floyd Morrow and Jim Bates yesterday and that the three agreed to push for an independent investigation of the case.

The leaders also asked for the suspension of the two patrolmen, Perry R. Bryant and Harold A. Phenix, who they said were involved in the Gallardo case.

Mrs. Cecilia Monteverde, a sister of Gallardo who attended the meeting, told Baca that she did not believe the firing of the police chief would make any difference. She said she believed the harassing by police of ex-convicts and parolees probably would continue.

In his announcement yesterday of the special meeting Thursday of the City Council inquiring into the Gallardo case and the investigation, Mayor Wilson said:

"I have every confidence that the investigation will be honest, fair and thorough, and will provide the department with the basis for appropriate action.

"I think it of great importance that the public share this confidence and would respectfully suggest that an effective way, and perhaps the best way available, to demonstrate the scrupulousness and fairness of the department's own investigation is to have a second, entirely independent investigation conducted under the auspices of the San Diego County Grand Jury."

Gallardo, who was an ex-convict on parole, went to his attorney, Alex Landon, several days before he was shot on the front porch of his home at 3025 L St.

At that time, Gallardo assertedly told Landon he feared for his life and for his freedom.

Landon sent Gallardo to Richard Walden of the Legal Aid Society because Walden was investigating cases of alleged police abuse.

SAN DIEGO UNION  
AUGUST 27, 1974



# Separate Probe Asked In Death Of 'Informer'

By NANCY RAY

Councilman Jim Bates yesterday asked for "a full-bore investigation by an independent body" into the shooting death of a 35-year-old Mexican-American who earlier had claimed police forced him to become an informer.

Bates said he asked City Mgr. Kimball Moore to initiate the investigation of the shooting last Monday of Bernardo Gallardo of 3025 L St. Harold Richard Villa, 28, of 3694 National Ave. has been arraigned on murder charges in connection with the shotgun death.

## THREAT ALLEGED

The councilman said he also wanted an independent inquiry into the charges made by Gallardo to his attorney, the Legal Aid Society and the city Community Relations Board that two police officers had threatened him with violence or imprisonment if he refused to become a police informer. Police Chief Ray Hoobler said yesterday that the two officers, Perry R. Bryant and Harold Phenix, denied threatening Gallardo. The pair told police investigators that Gallardo had volunteered to become an informant after the officers found marijuana in his possession Aug. 5.

Bryant and Phenix admitted taking the marijuana from Gallardo and throwing it away — a violation of department policy — Hoobler said.

The police chief, in issuing a preliminary report on the investigation, said he did not consider the actions of the two officers a "minor offense." He said they had been reprimanded for a similar incident about six months ago.

Bates said: "I hate to be critical of the Police Department but this appears to be one of a series of incidents, jail breaks and charges against officers that indicate that all is not well in the department."

## PUBLIC CONCERN

He said he had decided to request the inquiry by the city manager's office after receiving a number of calls from constituents expressing concern over the adequacy of the police investigation of the two incidents.

Hoobler made no statement on disciplinary action against Bryant and Phenix. He said there was no evidence to link the two officers with the slaying of Gallardo.

Police are investigating the homicide and the charges against the officers separately. Neither investigation is complete.

## NOT UNCOMMON

Hoobler said that it was not uncommon for police officers to recruit informants by "persuasive discussions." He said they can "make deals, can turn their heads" but can not threaten any or break the penal code in their recruitment efforts.

Gallardo, in a tape-recorded interview with Community Relations investigators and in talks with his attorney,

after the recruitment incident, expressed fear for his life at the hands of the police or at the hands of his associates if they found out he had agreed to become an informer.

Gallardo, on parole at the time of his death, also said he feared for the safety of other parolees whom police had recruited with threats of sending them back to serve out their terms in prison.

## DA's ROLE

Logan McKechnie, spokesman for the county district attorney's office, said that his agency is not investigating charges of alleged misconduct by police officers but was investigating circumstances of Gallardo's shooting two weeks later.

"Our interest in the case

## Informer's Death Stirs Probe Plea

(Continued from Page B-1)

said his agency would not come into the investigation unless requested by a local official after other agency resources had been exhausted.

He said that the situation involving "the alleged violation of the civil rights of a parolee" (Gallardo) appeared to be one for the local district attorney's office.

"If he (the district attorney) requested aid, I would send him back a series of questions asking why he didn't assume the investigation and what would stop him from taking the matter before the local grand jury," Houghton said.

"The district attorney has every obligation to go ahead and investigate improper use or threats by law enforcement," he said.

strictly involves investigation of a murder," he said. The charges of the dead man against the two officers, he said, are a matter for the internal investigation unit of the Police Department and the district attorney's office would not interfere unless aid was requested by the police chief, city manager, mayor or City Council.

McKechnie said that the only way that a citizen could hope to initiate an investigation into the charges against the police "is to write a letter to the county grand jury."

## REQUEST ONLY

Robert Houghton, chief of the state attorney general's law enforcement division,

(Continued on B-6, Col. 1)



## Policy changed on complaints against police

By WILLIAM OSBORNE

City Mgr. Kimball Moore, responding to recent incidents which have prompted criticism of the San Diego Police Department, said today new procedures are being implemented in the handling of complaints of police misconduct.

The new procedures, which Moore said are intended to "insure thorough investigation and review of complaints," provide for Police Chief Ray Hoobler to request County Grand Jury review of complaints if there is indication of community dissatisfaction with the department's investigation and require "intensive review and testing of all officers" on department rules and regulations.

Moore also recommended that the city's independent Personnel Department consider hiring a staff psychologist to assist departments, including police, in the testing and evaluation of job applicants as well as career consultation and counsel-

(Cont. on page A-5, col. 5)

## Outside check put on police

CONTINUED FROM PAGE 1

ing for city employees.

In addition, Moore said a career development program will be proposed to the City Council in the near future, and that "it will propose radical departures from the tradition of the police as a paramilitary personnel structure."

The new steps and recommendations were outlined by Moore in a report delivered today to the City Council. Moore said the report was intended "to place Police Department activities in a clearer perspective."

He referred to "recent widespread publicity concerning allegations of serious misconduct by several police officers" and added that, "It is sometimes difficult to recall the many positive actions that have been taken by the department when instances of individual improper performance receive concentrated publicity."

"I believe that this city has an excellent police department," Moore said.

Moore reported that, during the second quarter of this year, the department itself disciplined 77 policemen, issuing 42 formal reprimands, 32 suspensions and three dismissals.

A series of incidents, ranging from a succession of escapes from City Jail to the death of a man who claimed he had been forced to become a police informant, has triggered demands for county and federal inquiries into the operation of the department.

E.T.B.  
9-10-74



# Moore Proposes Police Overhaul

City Manager Seeks Ways To Check On Officers, Avoid New Incidents

By OTTO BOS

City Mgr. Kimball Moore, citing the need to weigh the good things being done by police against a series of recent incidents that has plagued them, yesterday outlined steps to gradually overhaul police practices and procedures.

In a report to the City Council, the city's chief administrator said the procedures are intended to "insure thorough investigation and review of complaints." He said they would provide or additional ways to check on police investigations and avoid the kind of incidents that have occurred in the department in

recent months.

Moore said the incidents, culminating with the recent slaying of a man who reportedly was recruited as a police informer, should be put in the perspective of "an excellent department," recognized nationwide for many innovative programs.

Moore's report was ordered by the City Council after the death last month of Bernardo Gallardo, who had said he was forced to become an informer.

Two officers were suspended for 30 days in connection with the recruiting of Gallardo, but were absolved of any connection with the slaying. Harold Villa has been arraigned on murder charges.

The City Council and city officials, including Moore and Police Chief Raymond Hoobler, asked for an independent grand jury review of the matter, which is under way.

Moore recommends hiring of a psychologist to aid in testing all city job candidates, including potential of

(Continued on B-5, Col. 4)

# Moore Urges Overhaul Of Police Department

(Continued from B-1)

officers, grand jury review of police investigations when widespread dissatisfaction with them is shown and "intensive review and testing of all officers" on department rules and regulations.

## 'RADICAL' CHANGES

Moore added he intends to present the council with a "career development" program, described as proposing "radical departures from the tradition of the police as a paramilitary personnel structure."

Moore did not list details of this plan, saying only the department could start "recognizing variables in skill, education, experience and community service" in making assignments.

Moore is ill but, reached at home, he said plans are to revamp assignments to utilize nonsworn personnel and police cadets as much as possible for routine functions now handled by uniformed police, freeing the uniformed men for more intensive anti-crime programs.

In addition, the department is considering an apprenticeship plan to further upgrade the professional uniformed ranks, Moore said, with beginning and experienced levels of patrolmen.

## GOAL DEFINED

"Our objective is to stress the uniformed police officer as possibly the most important position on the force and to make him as professional as possible with the required training and skills," Moore said.

Presently, officers hired undergo 12 weeks of training and become full-fledged officers upon successful completion of the program.

Moore praised several anticrime, traffic safety, community relations and other programs started in recent years by the 1,120-member department. He also observed while 77 police officers received some form of disciplinary action during the year's second quarter, 267 received commendations.

"It is sometimes difficult to recall the many positive actions that have been taken

ceive concentrated publicity," Moore said.

A series of incidents has marred the reputation of the San Diego police in recent months, including suspensions of officers involved in a "prank" firing of their weapons, suspension of another officer for destruction of evidence and the suspension and indictment of another officer on charges of falsifying evidence.

Moore reiterated his support for expanding the Model Cities Neighborhood Review Board to a citywide police advisory panel. The matter will be before the council tomorrow.

When there is community dissatisfaction with internal police review, the chief will request the grand jury's participation, Moore said. Also, should a special probe be started on misconduct charges, a member from the elected city attorney's office will participate with investigations, he added.

## REMINDERS, TOO

Officers will be given reminders of department rules and regulations as part of their continued training, Moore said.

The Police Department is in the midst of a series of studies on its operations, organization and practices, Moore said. The city's Personnel Department is also reviewing job tests and applications.

Moore has recommended the personnel offices hire a staff psychologist to aid all city departments in testing and evaluation of job candidates as well as carrying on career consultations and other counseling for workers.

"This individual would assist in developing profiles to identify police officers who

may become disciplinary problems," Moore said.

Innovative police programs cited by Moore involve an antidrug project, efforts to crack down on drunken drivers, safety programs which have kept automobile insurance rates low here, a model antiviolence program for schools and novel training such as providing Spanish lessons during police academy classes.

There is also a new internal investigation, inspection and control unit, which officials have said brought many of the police incidents leading to suspension to the surface.

Of the 77 disciplinary actions, 42 involved formal reprimands, 32 had suspensions and three officers were terminated, said Moore.

Of the four major studies, two involving upgrading the beat system and the other installing a computer dispatch system are due in November. Another study of controversial field interrogations was finished this month.

A two-year study, now half finished, is evaluating the department's entire operation and has made many of the suggestions involving the shift to civilian personnel when logical, Moore said.



# Miller Says Man Killed Self In Struggle With Officer

Dist. Atty. Edwin L. Miller said yesterday that an independent inquiry by his office has concluded that James M. Gaw, 27, of Los Angeles committed suicide during a struggle with a police officer at University Hospital on June 15.

Miller said the decision was based on an investigation by Robert Ring, a member of his staff. Miller said Ring, who has had several years of homicide investigation experience with the Sheriff's Department, reviewed all reports on the death from the Police Department, coroner's reports and reports by a pathologist. Ring also interviewed numerous eyewitnesses, Miller said.

"Based on the investigation conducted by the San Diego Police Department,

supplemented by our independent inquiry, we have reached the conclusion that James Gaw did in fact commit suicide by firing a bullet into his head," Miller said at a press conference.

## PROBE REQUESTED

The San Diego American Civil Liberties Union Legal Panel sent a written request on Aug. 22 to Miller's office for an investigation. The letter alleged irregularities regarding the Police Department investigation of the shooting, which also concluded that Gaw committed suicide. Copies of the request were sent to the grand jury and Police Department.

The ACLU based its request on a complaint by Dr. James Davis, an intern on duty at University Hospital when Gaw and another man were admitted after being

found unconscious in a Pacific Highway bar. Tests were unable to determine what had caused Gaw to pass out.

## SHOTS HEARD

Davis said that after Gaw regained consciousness, he saw an officer searching Gaw in the waiting room. He said Gaw appeared confused, but not hostile, and the officer struck him on the jaw. Minutes later, Davis said, he saw Gaw and the officer fall to the floor. After he left the room, he heard two shots, and Gaw was found dead with a bullet wound in the head.

Following are excerpts of findings following the investigation by the district attorney's staff:

The officer involved in the struggle, Kenneth Hargrove, (Continued on B-4, Col. 4)

## Miller Clears Policeman In Man's Death

(Continued from Page B-1)

was on duty about 10:45 p.m. on June 14 with Sherrie Gutshall, a harbor police-woman assigned to Hargrove's unit. They received a call that a person was in trouble at the Barbary Coast lounge on Pacific Highway. "They found three persons, including James Gaw, suffering symptoms of some type of seizure or overdose of drugs," the report said.

## CARRIED BADGE

At the hospital, it was learned that Gaw was carrying a badge identifying him as a Los Angeles police lieutenant. It was determined the badge was fictitious and that Gaw was wanted on a \$1,000 felony warrant for forgery.

At about 3:20 a.m. June 15, Gaw was released from the hospital and officers attempted to place him under arrest. The struggle followed.

Hargrove told investigators Gaw managed to get his gun, which discharged once, firing into the floor.

"Hargrove then saw Gaw take the weapon, place it to the right side of his head and fire," the report said. "Hargrove summoned help and retrieved his weapon."

## OTHER STATEMENTS

His statement was corroborated by Policewoman Gutshall, who said she was knocked to the side of a doorway by Davis who had run out of the room yelling just before the shots.

Tyrus Davison, a friend of Gaw, told investigators that Gaw had threatened suicide in the past. Gaw had been treated at Atascadero State Hospital for mental problems, the report said. A pathologist also concluded that gunpowder traces indicated Gaw's wound was a contact type gunshot wound.



S D Union

## 2 'Identify' Defendant In Slaying

Two persons called by the prosecution testified yesterday that they recognized Harold Richard Villa, 28, as the man they saw carrying a shotgun the day Bernardo Gallardo, 35, was killed.

The witnesses, a boy, 10, and an elderly man, were called by Deputy Dist. Atty. Roland Haddad during a preliminary hearing before Municipal Court Judge Thomas A. Sagar on the murder charge against Villa, of 3694 National Ave.

He is accused in the Aug. 19 slaying of Gallardo, who said he was forced to become a police informant. Gallardo, in a taped interview with community relations investigators and in talks with his attorney, expressed fear for his life at the hands of police or his associates if they found out he had agreed to be an informant.

He was killed on the porch of his home.

Called as witnesses yesterday were Walter Weaver, 10, and Willie Anderson, 68. Responding to questions by Haddad, they both identified Villa as the man they saw carrying a gun the night of the shooting.

The boy was shown a photograph of Villa and identified him as the man he saw holding the gun after the shooting at 3025 L St. In the photographs identified by the youth, Villa has a mustache and beard. He appeared in court cleanly shaved.

9-6-74

## Tunney Explains Police Probe Bid

Editor, The Union: I read with interest your Sept. 3 editorial on the calls for an investigation of alleged incidents of misconduct by San Diego police.

In regard to my own position in the matter, my request that the Justice Department look into the facts was based neither on any "bandwagon" effect nor by lack of confidence in local investigatory machinery.

I felt I would be derelict in my duties had I ignored the request of three San Diego city councilmen who felt strongly that a Justice Department inquiry was called for and who asked that I urge the department to begin one.

My request for an investigation is not a judgment that misconduct has occurred, but an attempt to get at the facts through an impartial inquiry.

It is clear that the Justice Department has jurisdiction in a matter involving allegations that federal civil rights laws have been violated.

JOHN V. TUNNEY  
U.S. Senator

Editor, The Union: It is with great trepidation we watch City Councilmen Leon Williams, Jim Bates and Floyd Morrow join the leftists in their habitual push for an investigation of our understaffed Police Department by outside forces and the probable creation of a Citizens' Review Board.

The fact that the City Council is responsible for the faltering morale in the Police Department and the continuing lowered, inadequate requirements for membership on the police force, seems to have skipped their attention. San Diegans must not forget that until the standards were lowered a few years ago, we had one of the most outstanding police departments in the United States.

We should support our policemen and seriously question the motives and abilities of Williams, Bates and Morrow!

ELAINE A.  
BRANTINGHAM

9-7-74

## VILLA FACES MURDER TRIAL

Municipal Court Judge Thomas M. Sagar yesterday ordered Harold Richard Villa bound over for trial in Superior Court on a murder charge in connection with the shotgun death of Bernardo Gallardo.

Sagar made his ruling following a preliminary hearing that began Thursday. He set Villa's arraignment in Superior Court for Sept. 20.

Gallardo, 35, of 3025 L St., was killed by a shotgun blast at his home Aug. 19. Prior to his death he claimed that he was forced to become a police informant. In a taped interview with community relations investigators and in talks with his attorney, he expressed fear for his life at the hands of police or his associates if they found out he agreed to be an informant.

Four witnesses were called by Deputy Dist. Atty. Roland Haddad during the preliminary hearing. They testified they saw Villa carrying a shotgun the night of the slaying.



## Ex-Director Of City Jail Fights Ouster

A former city jail supervisor who was demoted after two jailbreaks last December testified yesterday the jail's poor construction and understaffing caused the breakouts.

Patrolman Edward W. Kenney, in an appeal before the city's Civil Service Commission, also tried unsuccessfully to have commission chairman Vira Williams disqualified because she inspected the jail after the breakouts.

Mrs. Williams refused, saying she could conduct the hearing in "a fair and unbiased manner."

Also, an attempt to subpoena Mrs. Williams to testify before the commission as to her ability to conduct the hearing was rejected by the commissioners.

Kenney, a policeman since 1951 and a sergeant since 1959, was demoted by Police Chief Raymond Hoobler for lack of supervision over officers under his control and failure to adequately supervise the security of prisoners.

Deputy City Atty. Derek Simmons said Kenney did not "exhibit any supervisorial ability" as jail supervisor when 12 prisoners escaped from the jail Dec. 11 of last year or during the escape of 16 prisoners on Dec. 15. All were federal prisoners. Hoobler, the first of 28 witnesses in the hearing which will continue today, said the demotion was based on information from supervisory personnel, a thorough internal investigation, and from Kenney's prior performance record.

Kenney was fired from the department in connection with a beating incident in North Park in 1972 and was reinstated by the commission last year after an appeal. The commission instead imposed a six-month

(Continued on B-5, Col. 3)

## Ex-Director Of City Jail Fights Ouster

(Continued from B-1)

suspension. He also received a six-day suspension in 1969 for using chemical Mace to subdue a traffic violator in Southeast San Diego.

### STRESS FACTOR

"The two incidents indicated some severe emotional problems under stress and a failure to properly supervise," said Hoobler, who added he was authorized after the escapes by City Mgr. Kimball Moore to fire Kenney at his discretion.

Hoobler said prisoners escaped through a ventilator exhaust window. In the second jail break, prisoners went through the same type window using a hack saw blade attached to a broken mop handle to cut through the steel bars that had been put up.

Hoobler said Kenney was "negligent in not adhering to memos on removing cleaning equipment from cells."

Kenney, through his attorney Crandall Condra, said the city violated a contract with the federal government in the running of the jail.

"Inadequate staff, insufficient guidelines and physical plant defects were the cause of the escapes," he said.

### OTHER ACTION

Also disciplined in connection with the breakouts were Capt. A. B. Harris, two days suspension; Lt. W. A. Doshier, his assistant, one day suspension; and Patrolman L. E. Waugh, a jail security officer, five days' suspension.

Hoobler testified that Kenney had made a report that said Waugh was blameless in the incidents and should be commended. Waugh filed an appeal of his suspension which was denied by the commission April 5.

S.D. Union  
9-11-74



## Friend suspected of killing

# A slain ex-con: His last few days

By LYNNE CARRIER

Star-News Staff Writer

Bernardo Diaz Gallardo, the Chicano ex-convict slain on Aug. 19, made one deadly mistake.

He saw the threat to his life on the street, dressed in a police uniform. But when the showdown came, he had forgotten to guard his flank.

**POLICE SAY** the shotgun blast that killed him was fired by his best friend and roommate, Harold Richard Villa.

Publicly, little is known of the fatal scenario in Gallardo's house on L St. in Southeast San Diego. Some of the how's and why's of his shooting may emerge during Villa's preliminary hearing today at the municipal courthouse.

What is certain is that Gallardo died a tormented man. He had a deep pervasive fear of two police officers who tried to pressure him into becoming an informer and threatened his liberty and life if he didn't.

The 35-year-old ex-convict chose to fight for his rights.

**WHY SHOULD** he be a stool pigeon against his wishes? he asked. If police caught him violating the law or parole, why didn't they book him and let him have his day in court? Why the pressure, the intimidation, the war of nerves?

Gallardo wanted no special favors. His plea was, "Arrest me or let me live in peace."

He sensed he would be the under-

**He settled into a rare new experience — a domestic routine of sorts.**

dog if he went public with his complaints.

The two cops in question — Harold "Rock" Phenix and Percy R. Bryant — were young, white, good-looking, and articulate.

And he, Gallardo, was a Mexican-American, a graduate of "tough" prisons like Chino and Folsom. He was a burly, barrel-chested man covered with tattoos. He wore his long black hair in a pony tail, and his grammar was bad.

Would he believe him? He figured that by picking a different bibliography, he could out-term papers on dissertations and theses.

Nayo brought a young lady with him. Her name was Robin but he called her "the old lady" (marriage papers were later found among his belongings). "We used to tease him a lot about his old lady," said one friend. "She

was only in her early 20s and he already had some gray hairs in his whiskers. We'd say to her, 'What's a young thing like you doing with such an old man?'"

**HIS STATISTICAL** past might have conjured up visions of a "hardened criminal," but his friends saw a different Nayo.

"He was friendly to everyone," said his landlady. "He would take a beer to his neighbors, chat with them on the front porch. Or sometimes he would invite them into his house."

Among his friends, Harold Villa was Nayo's favorite.

"Sometimes Harold got drunk on the front steps," said the landlady. "And Nayo would pull him into the house. Harold would be laughing. They were very tight. We'd see Nayo and Harold knocked back on the couch, talking for hours."

**AUG. 5** marked a critical turning point. It was the day two policemen intercepted Nayo at a liquor store and marked him "informer."

Nayo repeated his unvarying version to anyone who'd listen.

He was with two buddies when it happened, but Nayo was the real target, he said. Only Nayo lived in that neighborhood, and Nayo told the police he was on parole.

"You're up here to cop (street jargon for getting hold of dope)," was their opening gambit. No, Nayo countered, he was only there to cop some dog food.

**THE OFFICERS** reportedly persisted. They searched his friend's car, then brandished a can of marijuana under Nayo's nose. They had found it in his coat, they said.

And Nayo told them, "This stuff ain't mine, man."

No, it belonged to Nayo all right, they answered. It couldn't possibly belong to his two companions.

The two officers reportedly took the ex-convict under the 28th St. Bridge and made him a proposition — be "our snitch" (our informer) or go to jail.

Nayo reportedly went along with them while they outlined how he was to let them know about burglaries or

dope dealing. They told him not to tell a soul about their arrangement.

**ONCE FREE**, Nayo went home and told his friends, his landlady, and his lawyer, Alex Landon. He showed them the slip of paper with the handwritten names of the two officers and their telephone number. He wasn't going to inform.

But that night, Nayo underwent a second rude shock. He, his wife and his friends went partying and came home around 3 a.m.

The house was a wreck. The stereo and other valuables were gone. Drawers had been ransacked, the contents strewn everywhere. Meat had been taken from the freezer and fed to the dogs.

Harold's brother, Arthur, called the police to report a theft. But

**He raced down the street and through the back alley with the patrol car right behind him.**

when officers arrived, the residents were stunned to learn that the police had done it and that Harold, Arthur, and Richard Villa were under arrest for burglary and receiving stolen property.

The police explained they'd found a hot motorcycle in the backyard and, therefore, they assumed everything else in the house was stolen. Richard was booked for the motorcycle — and the rest of the confiscated goods were returned.

**TWO DAYS** later, Nayo was alone in the house. The phone rang. A strange voice asked for him. "He don't live here," he snapped, nervously. He hung up.

Five minutes later, he reportedly saw Officers Phenix and Bryant coming up the walk. Nayo panicked. He ran to the bathroom and leaped onto the sink so he could open the small ceiling panel leading to the rafters. He heaved himself up and crawled to the vent near the front of the house.

"Open up, this is the police de-

partment," he heard. Then on the door, then opened window and stuck their heads in.

Nayo swore he heard "We know you're in there going to get you, even if it kills you."

Nayo saw them leave in the dark, overheated nearly two hours until a friend and talked him down.

**FROM THEN** on, Nayo with the two officers to turn. They had planted a head, and it was blossoming fullblown hysteria.

On another occasion, walking to the market, friend David. Suddenly, appeared. One of them pointed a finger at him, windshield. Nayo thought one of them mouth, "We get you." Was it his imagination?

He raced down the street through the back alley, patrol car right behind him, leaping over the tram fence, he sprinted into his

But they didn't come. They drove on.

**SIMILAR INCIDENT** until the tension, the fear, was unbearable.

Still, Nayo had hoped harassment would go on, clung to the pipe dream of life on L Street to the very end.

On the day he was shot, \$50 in back rent to the landlady, said he wanted her to live in his name. He was responsible for his friend's bill. He was going to pay and he could afford it.

Afterwards, he went to await some news from the landlady, had left soon after Nayo had begun.

The afternoon he died, expecting her call. It never came.

Among his belongings was a yellow sheet of paper he'd written some thoughts. It said:

"Robin, I thought you returned by now."

But not Gallardo. He protested and risked the consequences. Days later, he died violently in what may have been a cruel twist of fate. No evidence has surfaced linking the police to the incident.

But his friends, neighbors, and associates confirmed that Gallardo had, indeed, suffered genuine terror in the wake of encounters with police.

**MANY OF** them witnessed his world collapse around him at a catastrophic pace. They told the following story:

Bernie Gallardo was released on parole early this year. He'd done time — nearly 11 years — for a variety of offenses, the worst of which were two counts of forgery in 1965 and selling marijuana at the age of 18.

This time, he reassured his sister and four brothers, he was going straight. To them, it seemed he was taking steps in the right direction. His brother, Daniel, helped him find a job as a form setter, and he worked at it until a construction strike laid him off temporarily.

In July, he moved to the yellow frame house on L St. at the invitation of his friend, Harold Villa. It was a spacious four-bedroom residence big enough for Harold, his two brothers, Arthur and Richard, and Gallardo — or "Nayo" as his friends knew him.

Nayo brought a young lady with him. Her name was Robin but he called her "the old lady" (marriage papers were later found among his belongings). "We used to tease him a lot about his old lady," said one friend. "She



# **Groups demand Hoobler ouster, civilian review**

The City Council was presented today with demands that Police Chief Ray Hoobler be fired and that a citizens review board be set up to monitor the San Diego Police Department.

The demands, stemming from incidents in recent months involving police conduct and, in particular, the slaying of a Mexican-American who had been recruited as a police informant, were made by a number of individuals and representatives of Chicano and black community groups.

The council, meeting in special session called by Mayor Wilson to discuss the "informant" controversy, took no action on the demands, but voted unanimously to acknowledge that the county grand jury had agreed to investigate the case, expressing thanks for the investigation and pledging the city's cooperation.

Most of the council discussion and public testimony today centered on the need for an outside agency to investigate the recruitment of Bernardo Gallardo, 35, a paroled convict, as a police informant and Gallardo's subsequent slaying Aug. 19 in front of his home.

(Cont. on next page, col. 4)



# Groups demand Hoobler's ouster

CONTINUED FROM PAGE 1

Two policemen — Harold A. Phenix and Perry R. Bryant — have been suspended for their role in recruiting Gallardo as an informer and the county grand jury earlier this week agreed to investigate the matter at the request of Hoobler.

Councilmen Jim Bates, Floyd Morrow and Leon Williams yesterday asked the U. S. Justice Department to take jurisdiction in the case, as a possible violation of Gallardo's civil rights, and most speakers today supported that request.

Richard Walden, a Legal Aid Society attorney who had been in contact with Gallardo prior to his (Gallardo's) death, told the council he had earlier filed a complaint with the FBI, which had forwarded the complaint to the Justice Department.

Herman Baca, chairman of the Ad Hoc Committee on Chicano Rights, demanded Hoobler be dismissed for what Baca said were illegal and unconstitutional practices, failure to correct "rampant incompetency" in the department and "abuse of power."

He also demanded establishment of a citizens review board, composed of a cross-section of the community, to monitor the police department and investigate complaints.

Walden also supported the review board, as did Henry Cole, representing various black groups and the Model Neighborhood Community Relations Board (CRB).

Arthur Schaffer, an attorney and law teacher, supported the review board, saying, "The only agency in our entire structure that does not have an independent review (of its actions) is the police."

In its vote last night calling for a Justice Department investigation, the CRB, an administrative arm of the city's Community Relations Department, said it had received other complaints about the conduct of Bryant and Phenix.

The CRB called for a new administration in the department if investigations show the department is guilty of illegal and unconstitutional practices and policies, or that Hoobler has failed to correct incompetency.

The board also recom-



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(Cont. on next page, col. 4)



# City Councilmen Support Grand Jury Police Probe

(Continued from B-1)

Mexican-Americans are represented on the grand jury.

Baca also said Hoobler has abused his power, condoned "illegal and unconstitutional acts," and failed to cure "rampant incompetency" within the department.

Policemen have been criticized in a series of incidents over the past few months involving jail breaks, charges of false arrests, illegal shooting of their weapons and confiscation of evidence.

Both Wilson and Moore said this week no thought has been given to dismissing Hoobler or to seeking his resignation.

Speakers for a number of minority organizations in-

cluding the San Diego Urban League and the American Civil Liberties Union, also urged the independent review and the creation of a citizens review mechanism.

"If their activities have been legal and honest, what do they fear of a citizens review board," asked Arthur M. Schaffer, a Western State University College of Law professor.

John Jacobs, Urban League executive director, said the Justice Department participation would insure the credibility of the investigation in the eyes of the minority community.

Councilman Bob Martinet outlined his proposal for an

"in-house" administrative review of citizen complaints concerning police. Wilson and Councilman Maureen O'Connor pointed out that the council's Public Services and Safety Committee has scheduled an October review of police policies and practices.

## CALLED 'UNFAIR'

Williams said the federal probe request should not be viewed as lack of confidence in the local process but as an assurance in public confidence in the matter. He said it is "basically unfair to ask people to investigate their friends," citing the close working relationship between police and the district attorney's office.

However, Wilson said the district attorney quite often investigates local issues and added there has been no evidence to indicate a local investigation would not be thorough or objective.

Wilson and the council majority said it would appear "unnecessary at this time" to have a federal review of the matter.

The efforts of the three councilmen who support a federal review drew criticism from Councilman Lee Hubbard, who said the move "does accuse the DA of incompetence." Councilman Jim Ellis said it runs contrary to established investigative procedures.

Ellis said the action could be interpreted to judge police guilty before there is proof. "I'm sure if the grand jury feels the U.S. Justice Department is necessary they wouldn't sweep it under the rug," Ellis said.

Bates, Williams and Morrow had also asked Tunney to join them in seeking a federal investigation.

## TUNNEY LETTER

Tunney yesterday wrote to Atty. Gen. William Saxbe to ask for an investigation by the Justice Department's civil rights division.

Such an investigation would aid in clearing up these charges and bringing any guilty parties to jus-



# Council Backs Grand Jury Police Probe

## Sen. Tunney Asks U.S. Review But City Bypasses Such Action

By OTTO BOS

A county grand jury review of police activities in the case of a police informer who was slain with a shotgun this month was formally sought yesterday by the City Council.

Endorsement of a request for a similar investigation by the U.S. Justice Department — made Wednesday by three councilmen — was bypassed by the full council after members were told that a civil rights complaint had been filed with that department.

A federal investigation also was urged yesterday by Sen. John V. Tunney, D-Calif., who said serious charges had been made against individual police officers and the San Diego Police Department.

Councilmen unanimously agreed a thorough review of police procedures and practices will be undertaken and urged the district attorney's office and grand jury to look into the Aug. 19 slaying of Bernardo Gallardo, 35, who claimed his fear of getting killed led him to become a police informer.

### 2 SUSPENDED

Two policemen, Harold A. Phenix and Perry R. Bryant, were suspended for 20 working days for their role in recruiting Gallardo, an ex-convict, as an informer.

However, police said their investigation, including its lie detector tests, showed "without a doubt there was no connection between the officers and the shooting."

Harold R. Villa, 28, has been arraigned on a murder charge in connection with the case.

Mayor Wilson, several councilmen, City Mgr. Kimball Moore and Police Chief Raymond Hoobler all endorsed a grand jury probe. Councilmen Jim Bates, Leon Willaims and Floyd Morrow on Wednesday asked the U.S. Justice Department to review a series of incidents involving police to provide an outsider's view of the situation.

Several organizations yesterday asked the council to take a similar view and support the creation of some type of civilian review or complaint board for police. Such a board has been op-

## BRIGHT, SUNNY WEEKEND DUE

Look for bright and sunny days this weekend and probably a little late night and early morning cloudiness, says the U.S. National Weather Service.

In the mountains there will be warm days with low humidity and daytime temperatures reaching 80 degrees and lows between 45 and 55 at night, according to weatherman Walt Bartlett. Desert temperatures will range from 102 to 106 degrees with overnight lows of about 70.

Along the coast today and tomorrow high temperatures will range between 73 and 78 degrees. High temperatures inland will range from 85 to 90 degrees. The expected coastal low will be between 60 and 65 degrees. Low temperatures inland will be between 55 and 60.

Yesterday's high recorded at Lindbergh Field was 75 degrees and the low, 63. Water temperature was 66 degrees.

posed by the city in the past.

Herman Baca, representing an Ad Hoc Committee for Chicano Rights, said one reason the outside investigation is required is because no

(Continued on B-4, Col. 1)



Star News  
8/29/74

# SB Chicanos demand action over slaying of ex-convict

By LYNNE CARRIER

Star-News Staff Writer

The Chicano community is up in arms about police failure to clear up the strange circumstances surrounding the Aug. 19 slaying of ex-convict Bernardo Diaz Gallardo.

And this week, the Ad Hoc Committee on Chicano Rights met in National City to demand an immediate independent investigation of alleged police wrongdoing in the Gallardo case and the firing of San Diego police chief Raymond L. Hoobler.

**BEFORE HIS** death, Gallardo charged that he was forced to become an informer after policemen Perry R. Bryant and Harold "Rock" Phenix allegedly threatened to plant marijuana on him and have him sent to jail for it.

Gallardo, who feared for his life, was murdered in what police say was the upshot of a drinking brawl. Gallardo's good friend and roommate, Harold Richard Villa, 28, was arraigned for the murder.

At the meeting this week, the Chicano group's chairman, Herman Baca, called for a thorough and immediate investigation of Gallardo's charges and subsequent murder by the Justice Department, the Federal Grand Jury, the state Legislature, and the San Diego County Grand Jury.

The Chicano leaders also demanded the immediate suspension of the two officers accused of dubious police procedures.

**TUESDAY**, Hoobler did suspend the officers for 20 working days. He

said they acted improperly by not returning allegedly confiscated marijuana to the police station and failing to take Gallardo into custody for the offense.

The Chicano group's cry for a thorough investigation was seconded by San Diego Mayor Pete Wilson, who is urging a grand jury investigation of alleged police abuses. The City Council meets today to discuss further strategy in the Gallardo matter.

Baca's group has adopted a hard line regarding the two policemen charged with hassling Gallardo and others in his neighborhood into informing.

"They should be prosecuted for any and all crimes uncovered by the investigation," he said.

**AND CHICANO** groups have a

longstanding grievance against Police Chief Hoobler.

Said Baca, "We are reiterating our formal position of June 14, 1973, in which we called for Hoobler to be fired.

"We are asking for this because of the illegal and unconstitutional practices and policies of the San Diego police department and because Hoobler has failed to correct the department's rampant incompetency and abuses of power."

The Ad Hoc Committee also demanded that the police department release a tape made by Gallardo three days before his death.

It contains his detailed version of how policemen threatened him if he didn't "snitch" on his friends. It also recounts subsequent encounters

with the two officers when it became apparent Gallardo had no intention of copoerating.

**THE TAPE** was made at the city's Department of Community Relations. It was handed over to police after Gallardo's murder and, thus far, police officials have not made the contents public.

Gallardo had said his reason for filing the complaint was that "if anything happens to me, I want it on the record that there were threats against my life."

The local meeting, held at St. Anthony's Church, was attended by some 50 people -- including the sister and four brothers of the murder victim.

"He (Gallardo) always came to me when he had a problem," lamented Cecilia Monteverde, Gallardo's sister. "Why didn't he come to me this time?"

Mrs. Monteverde said she and her brothers are extremely interested in finding out exactly what did happen to their deceased relative.

However, Mrs. Monteverde fears that firing Hoobler would not solve the problem of coercing ex-convicts into becoming stool pigeons.

The Ad Hoc Committee suggested that one solution would be the establishment of a citizen review board independent of the police department. The board would investigate charges of police abuse coming from the community.



(1) We are not opposed to a C.G.J but the main thrust should be in getting and outside Inves. inv. but the Council should be

aware of the following facts.

Grand Jury is a biased body because

(a) 2780 K St.

233.8883

(b)

Any <sup>an</sup> investig. <sup>is cond.</sup> by the C.G.J. should be the following guidelines should be inclu.

(a) Investigator should be from the Att. Gen. Office

(b) Should be exclusive.

2. One year ago <sup>the</sup> we A.H.C. alleged that the Adm. headed by C. of P. was acting "illegal + Unconstitu" we are now again making the same allegations + demand that Hoobler be fired, because of the following reasons.

3. To prevent future incident we are requesting that a civilian Citizen Review Board made of a cross section of the community be established



# Grand jury probe needed

THE VERY NATURE of a policeman's job leaves him vulnerable to charges of misconduct, harassment or other abuse of the power he is granted to uphold the law.

And some skepticism is justified in evaluating the allegations of pressure groups espousing a narrow point of view, whether it be ethnic, ideological or political.

But a recent series of incidents, casting doubt on the competency and responsibility of some individual officers and climaxed by strong suggestions that the constitutional rights of San Diego citizens have been violated, supports demands for an investigation of San Diego's Police Department.

THE DEATH of a former convict on parole has given wide exposure to claims that he was pressured by police to become an informer in narcotics laws enforcement at the risk, he feared, of his life. An internal probe has confirmed violations of Police Department policy, according to Police Chief Ray Hoobler.

Earlier, a reckless shooting spree, purportedly a "prank," involving police officers shocked the East San Diego community.

Doubt was cast upon police procedures when a girl kidnaped

in Los Angeles was not returned to her mother for five months.

The city, in addition, is the target of a proliferation of damage suits in the wake of evidence that a former policeman had falsified evidence in a number of criminal cases.

THERE IS NO reason to doubt the ability or sincerity of the department's internal investigations unit in uncovering individual misconduct to protect the police image. It seems apparent, however, that police procedures may be open to criticism, suggesting that an objective study is essential.

The concept of a civilian police review commission, advocated by some police critics, is not necessarily the answer. Commissions, too, tend to become polarized in response to special interest pressures.

Mayor Wilson is likely to repeat before a special meeting of the City Council tomorrow his call for a grand jury probe of the Police Department.

THE EVENING Tribune endorses the proposal as the fairest, most positive way of determining Police Department effectiveness and establishing public confidence in law enforcement processes.

Tribune  
8-28-74



# Councilmen Ask U.S. Probe Of City Police Procedures

Editorial — Page B-18

Three city councilmen, citing the need for an "objective" outside agency to look into San Diego Police Department procedures, yesterday asked the U.S. Justice Department to take part in the investigations of the Bernardo Gallardo case.

At the same time, the Model Neighborhood Community Relations Board and representatives of a number of community organizations also called for a federal probe.

In a letter to the civil rights division of the Justice Department, Councilmen Jim Bates, Floyd Morrow and Leon Williams said their request for a federal investigation was prompted by a series of incidents involving police and culminating in the case of Gallardo.

Gallardo, 35, was shot to death Aug. 19 at his home at 3025 L St. after telling his attorney he became a police informant because two officers had threatened him.

The accused officers, Perry R. Bryant and Harold A. Pheix, were suspended Tuesday for one month. Police said a departmental investigation, including voluntary lie detector tests, showed without a doubt there was no connection between the officers and the shooting of Gallardo.

Harold R. Villa, 28, of 3894 National Ave., has been arraigned on a murder charge in connection with the shooting.

The county grand jury, with assistance of the Dis-

trict Attorney's office, has agreed to examine the matter as requested by some community groups. Mayor Wilson and City Mgr. Kimball Moore and endorsed by Police Chief Raymond Hoobler, who is in Chicago for a police convention.

The council, at Wilson's request, has scheduled an 8 a.m. session today to discuss police problems and to formally discuss the grand jury request.

Wilson suggested the move to clear the air. He said Hoobler, by supporting the investigation, "apparently has some confidence" in the outcome.

A majority of councilmen yesterday expressed dissatisfaction and concern about a series of police incidents over the past few months, including jail breaks, "pranks," illegal shooting of firearms and a number of false arrest claims.

Councilmen also indicated some support for an administrative review process to study police problems, augmenting the present internal investigations unit.

Bates said the request for a federal probe is not "intended to cast reflection on the grand jury or DA investigation." He said a probe  
(Continued on B-7, Col. 1)

## U.S. Probe Sought Of Police Methods

(Continued from Page B-1)

would serve as a "fail-safe" support for an administrative review procedure of police practices as suggested by Moore and advanced by Councilman Bob Martinet.

Williams said an "objective" outsiders' investigation would avoid charges of whitewash by those not satisfied with the local review of the matter. "It's unfair fundamentally to request local people to investigate local people," said Williams.

Councilman Maureen O'Connor said the request for federal intervention appears "to bypass the whole community."

"They're saying we can't solve the problems ... that we're all dishonest," she said. "The grand jury is supposed to sit as an independent body. This is kind of slapping the grand jury and the process."

Miss O'Connor, Mayor Wilson and Councilman Gil Johnson expressed some

Wilson said he has confidence in the local independent investigation.

"I don't know what is available that suggests the grand jury or DA lack either the competence or conviction to do their job," Wilson said, and added the move appears "unnecessary."

"Local solutions to local problems," Wilson said.

Union  
8-29-77



# U.S. asked to join probe as furor rises on police

CONTINUED FROM PAGE 1

Mayor Wilson earlier this week scheduled a special council meeting for tomorrow morning, in advance of the regular council agenda, to discuss the "informer" incident.

The actions by the various councilmen today came on the heels of yesterday's announcements that three San Diego police officers had been suspended, one county grand jury investigation has been initiated and another investigation called for as problems in the police department continued to mount.

City Mgr. Kimball Moore and Mayor Wilson stood behind Police Chief Ray Hoobler, but others at City Hall expressed concern about operation of the department and events in recent months involving police conduct.

Two of the suspensions announced yesterday by Deputy Police Chief William Kolender, acting in the absence of Hoobler, were in connection with the officers' alleged attempt to recruit a police informer who was subsequently slain.

Kolender said the county grand jury had also agreed to investigate the matter. Hoobler asked the grand jury to conduct an independent investigation, an action also supported by Mayor Wilson, other city officials and civic groups.

The third suspension involved a 15-year veteran of the police force who, according to Kolender, fired seven shots in the air outside a service station at Pacific Highway and Grape St. after a party.

Officer Ronald Ladd, 38, was suspended for 20 working days in connection with the incident, which occurred about two weeks ago.

In another development, the local chapter of the American Civil Liberties Union, supported by Councilmen Jim Bates, Leon Williams and Floyd Morrow, asked the grand jury to investigate police conduct surrounding the shooting death in June of a patient at University Hospital.

The death of James Gaw, 27, of Los Angeles, was ruled a suicide by the county coroner's office, but the ACLU said there were many "disturbing questions" remaining about the shooting itself and the police department's investigation.

Dist. Atty. Ed Miller, contacted last night, said his office was investigating the death of Gaw, that he had sent the ACLU's letter to the grand jury and that the jury had indicated it would investigate.

The ACLU request was based on a complaint filed with the organization by Dr. James Davis, who was working as an intern at the hospital on the night of June 15, when Gaw was brought in by police in a semi-conscious condition.

The letter said a police identification card was found on Gaw and that a police department check showed Gaw was wanted for allegedly using the card to cash forged checks.

Davis, according to the letter, saw a police officer begin to strike Gaw and attempted to intervene. Davis said Gaw and the officer fell into the examining room while struggling and that he saw the officer reach for his gun.

Davis said he ran out of the room, heard at least two shots, and when the shooting stopped the officer walked out of the room and said, "I think you have a dead patient in there," according to the letter.

Davis said he later saw the police officer still in possession of his gun and that he (Davis) and another doctor made a citizens' complaint that the officer be restricted from carrying his firearm until after the investigation.

"Whenever a police officer draws his gun it must be of great concern to the community. When a police officer draws his gun on an unarmed person and the person is subsequently found dead of a bullet wound serious consideration must be given to the circumstances surrounding his death," the ACLU letter said.

The officers suspended in the "informer" case were Perry R. Bryant, 26, a veteran of five years on the police force, and Harold A. Phenix, 25, a three-year veteran.

They were suspended for 20 working days and also given formal reprimands, according to Kolender, for their role in the recruiting of Bernardo Gallardo, 35, a paroled convict, as an informer.

Gallardo, of 3025 L St., allegedly told attorneys that Bryant and Phenix had threatened his life if he (Gallardo) did not become an informer.

Gallardo was found shot to death in front of his home Aug. 19. Held in connection with the shooting is Harold R. Villa, 28, of 3694 National Ave.

"Without a doubt there was no connection between these officers and the shooting of Mr. Gallardo," Kolender said.

He said the officers had voluntarily taken a lie detector test and that the test "showed they were truthful" about their role in the matter.

They were suspended, Kolender said, for destroying evidence, failure to arrest Gallardo and attempting to develop Gallardo as an informant in violation of department regulations.

Under the regulations, officers can attempt to become an informant, threaten him or violate the penal code to accomplish that end.

Hoobler, in a telegram yesterday to the mayor and City Council, said he was requesting the grand jury to "immediately conduct an independent investigation" into the Gallardo matter.

## 3 on council ask U.S. for police probe

By WILLIAM OSBORNE

Three city councilmen today asked the U. S. Justice Department to investigate the San Diego Police Department's handling of the recruitment of a police informant who was later found shot to death.

Councilmen Leon Williams, Floyd Morrow and Jim Bates, in a joint statement, said they had asked Sen. John Tunney, D-Calif., to assist in getting the Justice Department to take jurisdiction in the case.

Meanwhile, another councilman, Gil Johnson, said he has asked for a closed-door session between the council, city attorney's office and police department to discuss the matter.

Johnson said he thinks it is "imperative that we have an executive session immediately to discuss needed communications" between the various city departments.

There was no immediate indication the session would be held, but

(Cont. on page A-4, col. 1)

Union  
8-28-74



# Cover-up by city charged in Wiggins case

By WILLIAM OSBORNE

The city has been accused of covering up continued misconduct on the part of former police officer Herman Wiggins, now under indictment for perjury and falsification of evidence.

Attorney Philip N. Andreen, in the 14th claim filed against the city in connection with arrests made by Wiggins, said police and other city officials knew of Wiggins' "misconduct," failed to investigate and "did cover up, conceal and fail to disclose said knowledge..."

The claim was filed on behalf of Adam Acosta, 42, of the 9th Ave. Hotel, who was arrested by Wiggins and subsequently charged with two counts of burglary and three counts of robbery.

The district attorney's office dismissed the charges against Acosta last June. He had been scheduled to go on trial July 31.

Acosta's claim seeks \$775,000 damages from the city and said Acosta "suffered the agony and fear of facing lifetime incarceration in state prison for a crime he knew he did not commit," and that he also suffered shock, humiliation, damage to his reputation and loss of earnings.

All told, the claims filed against the city in connection with the Wiggins case seek nearly \$13 million.

Wiggins, 33, was fired by Police Chief Ray Hoobler in June and indicted by the County Grand Jury in July on five counts of perjury and eight counts of preparing false evidence. He has pleaded innocent and is free on bond.

Two civil suits are also pending against Wiggins and the city for alleged false arrest, each seeking \$100,000 in damages.

Claims are an administrative procedure required before a lawsuit can be filed against the city.

Acosta was arrested, according to the latest claim, because of fraud, false accusation, perjured testimony and falsification of evidence by Wiggins.

The claim also said the city "knew and should

through the exercise of due care have known" of a "continuous and regular course" of wrongdoing on Wiggins' part.

The claim said complaints and reports of misconduct against Wiggins had been filed by fellow police officers; there had been numerous complaints by attorneys and others; claims had been filed against the city; one claim for false arrest had been settled, and there had been "judicial recognition of false and perjured testimony" by Wiggins.

Despite such evidence, according to the claim, the city "did neglect and refuse to act on information then available which did and would have disclosed said course of misconduct; did fail and refuse to take simple precautions or corrective action or to conduct a simple investigation; and did thus permit Officer Wiggins to continue to act as an arresting officer..."

The district attorney's office, city attorney's office, and the chief of police were specifically said to have failed to act.

## Mamie to attend dedication rites

AUGUSTA, Ga. (AP) — Authorities at Ft. Gordon say that Mrs. Mamie Eisenhower will dedicate the new Dwight David Eisenhower Medical Center at the fort next April.

Col. Alton D. Peyton, director of the medical center, said Mrs. Eisenhower has accepted an invitation to dedicate the \$32-million, four-story center April 24.

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Even. Tribune  
8-28-74



CHIDES VAN DEERLIN

# Marden Seeks Action On Illegal Alien Problem

Wes Marden, Republican candidate in the 42nd Congressional District, said yesterday he is working with the White House to halt the flow of illegal aliens into the county.

Speaking to the Soroptimist Club in Chula Vista, Marden criticized his opponent, Rep. Lionel Van Deerlin, D-San Diego, for not doing more to solve the problem.

"This has reached the proportions of a national disgrace," Marden said.

A Van Deerlin spokesman said the problem is complicated because the Office of Management and Budget has vetoed more funds to beef up the U.S. Border Patrol. This year, the spokesman added, the House Appropriations Committee rejected more funds, saying the patrol had failed to fill vacancies already approved.

Marden said he telegraphed President Ford urging him to issue an executive order to deal with the prob-

lem. The GOP challenger said 100 more agents should be added to the patrol and the patrol should be authorized to confiscate any vehicle found to be carrying aliens.

"It's getting to be big business," Marden said in an interview. "The same vehicles are used time and time again in smuggling aliens."

He said smuggling is the top-priority issue in his dis-

trict and that he could not wait to be elected to find a solution. If elected, he said he would seek to establish a commission to deal with the problem.

The President's congressional liaison officer, Bill Timmons, wrote Marden saying he would call the matter to Mr. Ford's attention. Marden said he would discuss the subject further with Timmons today.

## Bill Would Aid District

San Diego Union Staff Dispatch

SACRAMENTO — San Diego Unified School District will receive an estimated \$1.5 million for educationally disadvantaged assistance if Gov. Reagan signs a bill on his desk today.

The bill, SB1864, by Sen. George Deukmejian, R-Long Beach, would revise a 1973 formula for distribution of aid to educationally disadvantaged youth. That formula

left out San Diego and Long Beach.

An additional \$2.6 million would be appropriated for the aid program under Deukmejian's bill with San Diego receiving \$1.5 million.

School officials said the money will allow an additional 4,285 students to receive the intensive individualized instruction in reading and mathematics and other special educational assistance.

Even Trib.

8-28-74

## Fired officer loses plea on pot use

The city Civil Service Commission has upheld the firing of San Diego policeman James E. Ireland for smoking marijuana he had seized as evidence.

After nine hours of testimony and deliberation, the commission last night sustained the March 11, 1974, firing of Ireland, 36, who had been a patrolman since July 11, 1969.

Ireland had appealed his dismissal by Police Chief Ray Hoobler, who fired the patrolman for conduct unbecoming an officer, incompetence and inefficiency in the performance of his duties. The charges were based on Ireland's failure to impound the marijuana and on his experimenting with it.

Testifying in his own defense, Ireland said he forgot to impound a small amount of marijuana he had seized in connection with an arrest in early 1972.

He said he smoked several marijuana cigarettes on two occasions in his home in 1972 to better understand the effects of the drug.

Ireland testified that knowledge of the effects of marijuana would improve his performance as a police officer.

His private use of the drug did not come to light until early this year when Ireland was recommended for promotion and underwent a routine interview with police officials.

When asked in the interview whether he had ever smoked marijuana, Ireland said he replied that he had.

In arguing for Ireland's reinstatement to the department without back pay, his attorney, David K. Kroll, told commissioners they would not be condoning his "overzealous and ill-judged act," but would be acting in the best interests of the city by retaining a highly commended officer with an otherwise unblemished record.



## PROBE OF POLICE NECESSARY

# Grand Jury Should Go Ahead

The San Diego County Grand Jury should go ahead with its investigation of the role of the San Diego police in the case of Bernardo Gallardo, who met a violent death after telling his attorney that police had tried to force him to become an informer. The police department has suspended two officers for misconduct in the case, and cleared them of any connection with the man's death. Nevertheless, an independent grand jury report on the incident would go a long way toward restoring public confidence in the San Diego police force in the wake of a series of incidents involving negligence or misconduct.

San Diegans should not lose sight of the fact that recent incidents casting doubt on the degree of discipline and integrity within their police department have involved only a handful of officers among 1,300 on the force. The vast majority have done nothing to create any doubt in our minds that they are conscientious and dedicated officers of the highest stamp. We have placed great trust and confidence in them, and we can continue to do so.

The fact remains, however, that one incident after another involving individual officers indicates that all may not be right in the leadership at police headquarters.

Under our city charter the police department enjoys a great degree of autonomy. It is insulated from politics, and the mayor and city council are specifically prohibited from directly interfering in police affairs. This is as it should be, and reinforces

the mayor's conclusion that the best approach to removing a cloud from the police department is to go outside the city government for the kind of investigation that a grand jury can conduct.

Any erosion of the public image of a police force can lead to an erosion in the public safety and protection which the police provide to a community. San Diego has always justly been proud of the quality of its police force and has placed complete trust in it. The Grand Jury can be a valuable instrument to assure that it continues to merit that pride and trust.

Uncon  
8-29-74



# SLAYING PROBE

**Continued from Third Page**

The committee wants the recording turned over to Gallardo's family and the news media, Bacca said.

A spokesman for Mayor Wilson said some serious questions have been raised about the shooting.

"We have a set of unusual circumstances, a situation in which the man is no longer around to testify," he explained.

"Two persons are alive, telling one version of the story, and one person who is dead told an entirely different story on tape."

Wilson said Hoobler has joined him in asking for the grand jury investigation and sent a telegram to the City Council saying he was prepared to offer the full cooperation of his department.

Although the tape has

not been released, The Times obtained a transcript in which Gallardo described his alleged encounter with the two officers and how they later tried to "pressure" him into becoming a stool pigeon by threatening him with a phony marijuana arrest.

Gallardo said on the tape he was warned not to tell anybody about being recruited as an informant, "because if you do, we're going to find out about it and one way or another we're going to get you—we're going to bust you."

"We can fix it up so we can send you back to prison for the rest of your life," Gallardo said the officers told him.

Two days later, on Aug. 8, Gallardo said on the tape, he was home alone when the two officers came to his house and threatened to kill and "get all you guys out of this house, because you're the only Chicanos who live in this neighborhood."

The parolee, who said he was frightened by the threats, told the community relations representative that the officers' Aug. 8 actions were witnessed by several neighbors.



# Probe Asked in Slaying of Ex-Convict Who Didn't Want to Become a Police Informant

BY NARDA Z. TROUT  
and BILL HAZLETT

Times Staff Writers

SAN DIEGO—A grand jury probe into the shotgun slaying of an ex-convict who allegedly balked at being recruited as a police informant was urged here Tuesday by Mayor Pete Wilson.

The investigation was demanded after what Wilson described as "serious allegations of police misconduct" surfaced in the Aug. 19 killing of Bernardo Gallardo, 35, a parolee from Folsom Prison.

Gallardo was killed by a single blast from a 12-gauge shotgun as he stood on the front porch of the southeast San Diego house he shared with three friends.

One of them, Harold R. Villa, 28, was arrested after the shooting on suspicion of murder. He is currently being held in lieu of \$100,000 bail pending a Sept. 5 preliminary hearing.

However, Richard Walden, an attorney with the city's Legal Aid Society, said Gallardo had told him several days before his death that his life was in jeopardy because he had refused to agree to the demands of two police officers.

Walden said he urged Gallardo to go to the city's Community Relations Department where the parolee made a 20-minute tape recording in which he said that two police officers had threatened to have him killed or his parole revoked if he did not become an informant.

The tape recording, Walden said, was the basis of a formal complaint he filed Tuesday with the FBI office charging a police violation of the slain parolee's civil rights.

An FBI spokesman said copies of Walden's complaint were filed with the U.S. Justice Department in Washington D.C. and with the staff of U.S. Atty. Harry Steward here.

Meanwhile Mayor Wilson said he will go before a special City Council meeting Thursday to seek support

in his request for a grand jury investigation of the entire incident.

At the same time, a protest group called the Ad Hoc Committee on Chicano Rights is demanding the dismissal of Police Chief Ray Hoobler and a comprehensive probe of several incidents of alleged police abuse and misconduct.

Herman Baca, committee chairman, accused Hoobler of abusing his office by covering up or condoning unconstitutional police practices and policies.

Baca said the committee is also asking immediate suspension of the two patrolmen and establishment of a Police Review Commission made up of city residents to investigate charges of police misconduct.

Baca also demanded the release of the contents of the tape recording Gallardo made during his interview with representatives of the Community Relations unit.

Please Turn to Page 27, Col. 1

L.A. Times

8-28-74



# Are charges of police wrongdoing being buried?

Insiders say police officials are burying charges of police wrongdoing made by a man who was slain at his San Diego residence Aug. 19.

Three days before his shooting death, Bernardo Diaz Gallardo, a Chicano ex-convict on parole, complained to San Diego's Community Relations Department and the Legal Aid Society that he had been forced to become a police informer by two officers, P.R. Bryant and "Rock" Phoenix.

HE SAID his liberty and his life had been threatened if he didn't cooperate and that the officers put their names on a slip of paper along with a telephone number to call in case he had information on burglaries and other crimes committed in his neighborhood.

Following an alleged "in-house investigation," Police Chief Raymond L. Hoobler issued a statement saying the two officers had found marijuana on Gallardo and that the ex-convict willingly volunteered to inform rather than risk a parole violation that might send him to jail.

Police say Gallardo's subsequent murder was committed by his close friend and roommate, Harold Richard Villa, who has been arraigned for the shotgun slaying.

HOOBLER asserted that the officers' failure to return the supposedly confiscated marijuana to police headquarters was the prime irregularity the investigation uncovered.

The district attorney's office also denied any interest in Gallardo's charges, although it was told of Gallardo's problem by Legal Aid lawyer, Richard Walden, prior to the Chicano's death.

According to Roland Haddad, deputy district attorney in charge of investigating the Gallardo homicide, "The police have given us enough evidence to prove that Villa perpetrated the murder, that he pulled the trigger. We don't care what happened before the homicide."

ASKED WHAT Villa's motives might be, Haddad answered, "Who knows what goes on inside their heads. You almost never know."

Independent investigation reveals that the police officers named by Gallardo have been the subject of other complaints involving stronghand tactics in recruiting police informants, brutality and entry without a warrant.

Last March, the two were accused of strongarming an 18-year-old black youth into informing. The youth, who had no previous police record, reportedly was found with marijuana on him.

The officers then said they would have him sent to jail or drag him from his house if he failed to come up with good information.

At that time, Hoobler reprimanded the officers and promised that such conduct would not be repeated.

N.C. STARNIEWS  
8-25-74



# U.S. Probes City Police Hiring Plan

A federal official said here yesterday an investigation is under way to determine if improper procedures were used by the city in seeking federal job training positions to hire 105 additional police officers.

David H. Lowe of the Department of Labor said his office is looking into charges the city substituted federal employment money for something originally to be paid for from city general funds.

"There has not been any flat-out acceptance or rejection of the matter," said Lowe in an interview. "The sequence of events is being examined."

## TO FIGHT CRIME

The City Council's Public Services and Safety Committee in May recommended 105 additional officers be hired as recommended by Police Chief Raymond Hoobler to offset a rising crime rate.

The panel left the financing of the positions up to the entire council which in turn decided to utilize the federal job funds to pay for the officers during the coming year. City Mgr. Kimball Moore was instructed to evaluate new methods of financing for future years.

The city anticipates hiring 240 persons under two federally sponsored programs totaling about \$3 million, the former Public Employment Program and the new Comprehensive Employment Training Act (CETA) program. About half of the positions are earmarked to increase the police force by about 10 per cent.

## CLAIM REJECTED

Officials last week had indicated that DOL had rejected a claim by Craig Frederickson, a member of a coalition of social agencies called Community Congress, who contended the city had made a number of errors in applying for the funds, including the substitution of money.

Frederickson said he seeks to have employment opportunities distributed more equally among city departments and assign some to community agencies as was once the case in San Diego.

Lowe said it would be "too strong" to state the allocation of police officer positions is jeopardized right now. He said his office is only evaluating the charges, with a conclusion expected next month.

S.D. Union  
8/27/74  
Economic



# Police Suspend Two Officers In 'Informer' Case

## Grand Jury Begins Independent Probe

By OTTO J. BOS

Two police officers involved in the recruitment of an alleged informant who was later found slain were suspended for one month yesterday on charges of destroying evidence and breaking department regulations.

However, Deputy Police Chief William Kolender said a thorough police investigation, including lie detector tests, has concluded "without a doubt there was no connection between the officers and the shooting of Mr. Gallardo."

Bernardo Gallardo, an ex-convict on parole, was killed Aug. 19 at his 3025 L St. home a few days after he told his attorney his fear of being killed led him to become a police informer.

Harold Richard Villa, 28, of 3694 National Ave., has been arraigned on a murder charge in connection with the slaying.

Last year an officer was fired for destroying marijuana evidence, police said. That involved a felony offense, which is not the case in the current incident, Kolender explained.

Meanwhile, Hoobler, in a telegram from a Chicago convention he is attending, welcomed Wilson's suggestion for an independent review of the entire matter by the grand jury.

Moore, who is Hoobler's direct supervisor, took a similar view.

"I think it's appropriate and necessary in order to resolve any possible questions that may exist regarding the case," Moore said.

Hoobler pledged complete cooperation to clear "certain broad based allegations" connected with the case.

### Hoobler Receives Strong Support

Neither Moore nor Wilson indicated any reason to dismiss Hoobler or to seek his resignation. A Mexican-American organization has recommended Hoobler be replaced.

"I will not ask him and I see no reason why he should," said Moore.

"I don't know of any personnel changes being contemplated," Wilson said.

Wilson also said it is "not wise or fair to generalize or make blanket indictments" of "a very good" police department without concrete evidence.

Hoobler, by asking for the grand jury review, "apparently has some confidence" in the outcome, Wilson said.

Wilson also expressed reservations about a civilian review board for police as sought by some groups, saying such boards have a tendency to become too "politicized."

Moore and Councilman Bob Martinet indicated, however, the city may be ready to make a change in this field, by the possible creation of an administrative review process.

"There may be merit in some kind of administrative body to check on police procedures," Moore said, explaining he was thinking in terms of a panel drawn from within the city structure itself rather than a board of laymen.

Martinet suggested a five-man panel, consisting of a council member, representatives from the city attorney's, city manager's and affected department's office and the citizens assistance officer.

### Grand Jury Commences Review

Officials said the county grand jury yesterday began an independent review of the case as requested by community groups and Mayor Wilson, and endorsed by City Mgr. Kimball Moore and Police Chief Raymond Hoobler, who is out of the city.

Kolender said in an interview that officers Perry R. Bryant, a five-year veteran, and Harold A. Phenix, a three-year member of the force, were suspended for 20 working days for their role in asking Gallardo to be a police informer.

The suspensions, which can be appealed to the Civil Service Commission, were based on the destruction of evidence, their failure to arrest Gallardo when he was found with marijuana in his possession and their efforts to develop him as an informant in "violation of department rules and regulations," said Kolender.

Both men have compiled "excellent" department records and voluntarily took polygraph tests, Kolender added.

Gallardo, a 35-year-old Mexican-American, went to his attorney, Alex Landon, several days before his death and reportedly told Landon he feared for his life and freedom. Gallardo allegedly said police threatened him with death or other actions if he did not cooperate.

Kolender said the police investigation showed that "he (Gallardo) made the initial contact" to become an informer, although it occurred after marijuana evidence found in his possession was thrown away.

"They should have arrested him and not destroyed the evidence," said Kolender.

SEEDING  
8/27/74  
Union  
S.D.  
8/28/74





# AD HOC COMMITTEE ON



# CHICANO RIGHTS

1837 Highland Ave.

Nat'l City, Cal. 92050

(714) 477-3620

## EXECUTIVE BOARD

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Vice Chairman  
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Albert Garcia

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RE: POLICE PRACTICES

September 12, 1974

Dear Friends:

Attached you will find the official position of the Ad Hoc Committee on Chicano Rights concerning the recent Gallardo case and other incidents of police malpractice.

It is felt at this time that positions numbers 1, 2 and 5 dealing with an outside investigation of the San Diego Police Department, the firing of Chief Hoobler, and the establishment of a Civilian Review Board, should be pursued by a city-wide coalition of interested individuals and organizations.

To this end we are hereby calling for a second coalition meeting (a first meeting was held on August 28, at the Southeast office of the Legal Aid Society) to solidify our positions, decide what goals to pursue, and form an ongoing coalition to work on problems involving police activities.

The meeting will be held at the Southeast offices of the Legal Aid Society, 3040 Imperial Ave., San Diego, at 7:30 PM on September 18, 1974 (next Wednesday night).

We would hope that by that time you could represent the basic position of your organization so that the coalition may take definite stands on certain issues. We would also hope to establish a steering committee at the meeting.

The problem of police practices is a city-wide issue which should concern many identifiable groups in San Diego. Please let your concern be heard by joining in this effort to stop city-wide harrassment once and for all.

Sincerely,

Herman Baca

Herman Baca  
Chairman, Ad Hoc Committee

Peter A. Schey

Peter A. Schey, Esq.  
Attorney for Committee

## MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.

Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.





AD HOC COMMITTEE

ON



# CHICANO RIGHTS

1837 Highland Ave.

Nat'l City, Cal. 92050

(714) 477-3620

## EXECUTIVE BOARD

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Albert Puente

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Pete Rios

August 26, 1974

## OFFICIAL POSITION

- (1) That a thorough and immediate investigation take place by the Justice Department, Federal Grand Jury, California State Legislature and San Diego County Grand Jury.
- (2) That we reiterate our June 14, 1973 position to "fire Hoobler" because of :
  - a. his illegal and unconstitutional practices and policies.
  - b. the failure by Police Chief Raymond Hoobler to correct the "rampant incompetency" of the San Diego Police Department.
  - c. abuse of power.
- (3) That the tape recorded by the Community Relations Commission be allowed to be listened to by the immediate family and by the Chicano Community and the Newsmedia.

## MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.  
Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.





# AD HOC COMMITTEE ON



# CHICANO RIGHTS

1837 Highland Ave.

Nat'l City, Cal. 92050

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- (4) That the two policemen and other members of the S.D.P.D. involved in similiar activities be immediately suspended and prosecuted, for any and all crimes (abuse of power, excess forces, etc.) uncovered by the investigation.
- (5) We demand that a citizens' police review board made up of a cross-section of the San Diego Community outside of the city structure be establish to review police malpractices. + policies

## MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.  
Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.



- 1 Jamie Berg - O.B. Human Rights Committee
- 2 John Porter ACLU, NLG 488-2828 223-7539
- 3 David Meharg O.B. HUMAN RIGHTS COMM. 224-8095
- 4 Rick Rotnman @B Human Rights Committee
- 5 Alex Sander NSD 236-1826
- 6 George Katsiaficas OBHRC 223-0441
- 7 Mark Schneider Young Socialist Alliance 280-1292
- 8 Mike Zarate Young Socialist Alliance 280-1292
- 9 Patrick Stalnaker ACLU 234-9470
- 10 LARRY SCHWARTZ ACLU 582-4462
- 11 MAX R VERDUGO 428-1950
- 12 RICARDO D. RESENDEZ GI Forum 426-9483
- 13 James Morgan 225-8831
- 14 Sara Tobler 239-9611
- 15 Chuck Abdelnour 239-9341
- 16 Liz Freedman Jack Walcott's office 236-3996
- 17 Richard Walcott Legal Aid 239-9137
- 18 ARSENIA MCCHURÉ 239-9341
- 19 Vito Lopez Inter American Federation 236-1228
- 20 Carlos Vazquez Casa Justicial 477-3155
- 21 Scott Vultaggio Student 582-7546
- 22 Manuel Aguila S.O. Vets 239-9137
- 23 Gerardo Amella M.E.C.H.A. S.C. none
- 24 Phil Aleala no action 2625 Pleasant Blvd. n.e. Apt 205 474-7442



8/28/74

DRAFT EDITORIAL -- POLICE PROBLEMS

SAN DIEGO'S POLICE DEPARTMENT HAS BEEN HAVING ITS TROUBLES. THE LATEST IN A RASH OF PROBLEMS TO AFFLICT THE P-D INVOLVES A BARRAGE OF CRITICISM OVER A CASE INVOLVING TWO OFFICERS WHO ENGAGED IN THE RECRUITMENT OF AN ALLEGED INFORMANT -- AN EX-CONVICT LATER FOUND SLAIN. A GRAND JURY PROBE HAS BEGUN ON THAT ONE, WHILE DEPARTMENT HEADS STOUTLY MAINTAIN THERE'S NO CONNECTION BETWEEN THE DEATH OF THE EX-CONVICT -- BERNARDO GALLARDO -- AND THE OFFICERS (CURRENTLY SUSPENDED FOR DESTROYING EVIDENCE AND VIOLATING DEPARTMENT REGULATIONS). THE GALLARDO CASE COMES ON THE HEELS OF ANOTHER INVOLVING FORMER DETECTIVE HERMAN WIGGINS -- FIRED FOR MISHANDLING EVIDENCE. THEN THERE WAS A SHOOTING SPREE TO "SPOOK" A FELLOW OFFICER; THE SUSPENSION OF AN OFFICER WHO FIRED HIS GUN IN THE AIR AFTER A PARTY; AND THE FIRING OF ANOTHER OFFICER FOR "EXPERIMENTING" WITH MARIJUANA. THE RECORD IS NOT ENVIABLE, BUT (CHANNEL 10 SUBMITS) NEITHER IS IT CAUSE FOR OVER-REACTION AND ATTACKS ON A FORCE OF SOME 12-HUNDRED MEN WHO HAVE, FOR THE MOST PART, DONE AN OUTSTANDING JOB FOR THE CITY OF SAN DIEGO. CRITICS MIGHT WELL REMEMBER THAT THE DEPARTMENT INVESTIGATES ALL CHARGES AS THEY ARE BROUGHT AND HAS SOMETIMES BEEN CRITICIZED FOR BEING TOO SEVERE IN ITS DISCIPLINE. AS ATTORNEY-GENERAL SAXBE POINTED OUT THIS WEEK, CRIME IS ON AN ALARMING INCREASE. ALL THINGS CONSIDERED, CHANNEL 10 BELIEVES THAT NOW IS NOT THE TIME TO ATTACK THOSE CHARGED WITH PROTECTING US AND OUR PROPERTY. LET US AWAIT THE GRAND JURY'S FINDINGS, AND NOT ATTACK A WHOLE GROUP FOR THE ACTIONS OF A FEW.



# San Diego Police Feeling Heat of New Inquiry

BY BILL HAZLETT  
AND NARDA Z. TROUT

Times Staff Writers

SAN DIEGO—This city's police department, scorched by several scandals, is feeling the heat of a new probe into allegations of racial bias and criminal activity. The department added fuel to the fire by firing a three-month period in June when 77 police officers were disciplined—three fired, 42 suspended and 42 formally reprimanded. A recent break of police-related publicity—shootings, rape, marijuana, false arrests—sparked official concern and touched off the cur-

rent investigations of the department by the San Diego County grand jury and the Justice Department's Civil Rights Division.

The investigation had been sought by city officials, community organizations, minority groups and Sen. John V. Tunney (D-Calif.).

In recent months the 1,200-member department's image has been tarnished by a series of incidents:

—The filing of a \$1 million damage claim against the city by an irate father who alleged two San Diego police officers raped his 14-year old daughter.

—The filing of 14 claims involving questionable arrests that resulted in

the dismissal of a 33-year old detective for mishandling evidence. These claims against the city total \$13 million, and the grand jury has indicted the officer on eight counts of falsifying evidence and five counts of perjury.

—The firing of another police officer who admitted smoking some of the marijuana he had seized as evidence "as an experiment to become a better officer."

—The suspension of a 15-year veteran police officer after he fired his service revolver into the air several times to celebrate a Saturday night party.

—The suspension of three officers

who went to another policeman's house after a party, set flares on his lawn and fired a shot into the air. The shot roused still another policeman who lived nearby and he fired shots at the departing vehicle. No one was hurt.

—The request from the American Civil Liberties Union for a grand jury investigation into the June 15 shooting death of a Los Angeles man during a struggle with a police officer in the emergency room of a hospital.

(San Diego Dist. Atty. Ed Miller, in a detailed report Sept. 6, said an exhaustive probe by his staff and the police department had estab-

lished that the death of James M. Gaw, 27, was suicide.)

The catalyst that touched off demands for an investigation was the Aug. 19 shotgun slaying of Bernardo D. Gallardo, a 35-year old prison parolee, killed four days after he made a tape-recorded statement accusing two San Diego police officers of trying to pressure him into becoming an informant.

Gallardo's statement and subsequent death stirred up a storm of public complaints about earlier police-related incidents involving jail breaks, false arrest charges, allega-

Please Turn to Page 10, Col. 1



even lower morale within the department, he added.

"There's no question that a lot of men are dissatisfied with the police department — with all the cliques and clans — and the wholesale dissension," a city official said.

"That's evidenced by the number of officers who quit to join the sheriff's department — even though the pay is lower — and the others who resign to go with the state or to the district attorney's investigative staff."

Part of the beleaguered department's current trouble apparently stems from earlier investigations — started in 1966 — that created internal turmoil and split the force into opposing factions.

The sequence began with a federal strike force investigation of illegal gambling and bookmaking in San Diego County that uncovered a big-money operation and enough evidence of police corruption to launch a second investigation by the state attorney general, then Thomas C. Lynch.

Hot on the heels of the state probe, a special federal grand jury started looking into local politics — especially some questionable campaign contributions — and criminal conduct by police officers.

The probes were marked by a lot of thunder and threat, but only one officer was indicted — and later acquitted — on a perjury count, although six other officers either retired or resigned during the storm. Investigators found plenty of evidence of police corruption, but there was no way to prosecute because of the statute of limitations.

The scope of the probes finally came to light in 1970 when Lynch issued a controversial report that outlined the scandal and detailed instances of bribery, sexual misconduct — including a police woman who charged she was forcibly raped by a superior officer — perjury and widespread police misconduct.

The report was a shocker and quickly became such a burning issue that only an expurgated version was released by Dist. Atty. James Don Keller.

And, the problems lingered. Within three

May 1971, said Police Officer Ray Mondak.

hood as the third man to head the department since 1967 — "insists on the highest standards for his officers."

"He has been reversed by the commission a couple of times for being too harsh in his disciplinary measures."

The commission has overturned dismissals and suspensions and, has reduced departmental punishment in several cases involving such offenses as assault, use of unwarranted force, laxity in supervision and conduct unbecoming an officer.

Since Jan. 1, according to a report by City Manager Kimball Moore, there have been 22 appeals by officers over department disciplinary actions. The commission upheld the department in nine of these cases, reversed the department in six and modified the action in seven cases.

"Sometimes I'm of the opinion that even Chief Hoobler doesn't have the span of control over what's happening in the field," said City Councilman Floyd L. Morrow, one of three councilmen who asked for an investigation of the police department by the U.S. Justice Department's Civil Rights Division.

"The individual officer has got to realize that he's accountable not only to his chief, or his inspector, but to the public as a whole," Morrow said.

"And when he does something wrong, it's not only the police chief who will go after him, but the public as well."

The Gallardo incident revealed the police department's growing malaise, one official said. "It was there before, floating just out of sight."

A few days after Gallardo was killed on the porch of his Southeast San Diego home, officers Harold A. Phenix and Perry R. Bryant, accused in Gallardo's recording of trying to force the victim to turn stool pigeon, were suspended for 30 days.

Dep. Chief Kolender said they admitted destroying evidence — a small amount of marijuana — and violating departmental rules in recruiting an informant for which they were



# SAN DIEGO POLICE INQUIRY

Continued From First Page

tions of brutality and harassment and indiscriminate shooting "pranks."

Dep. Police Chief William Kolender insisted, however, "the problems with police personnel are no different in San Diego than in any city, but in the past couple of months we've been getting pretty extensive coverage by the media."

He conceded the department has "had two or three more problems than normal" recently.

"But I don't think it's a trend in the police department as far as lack of discipline and control," Kolender said, "but a series of unfortunate incidents that have occurred."

One of those who said he is concerned about a possible pattern of police misconduct is Mayor Pete Wilson.

"That kind of thing—the asinine pranks they have been pulling—irritates me when it's damned foolishness and concerns me when it's worse," he said.

Another high-ranking San Diego official, who asked not to be identified, was more critical in his assessment.

"This police department seems to have more than its share of trouble—has had for years—and things look like they're not getting any better," he said.

"The whole outfit is torn by internal strife, and there's a power struggle going on between the department brass and the city administration over who's going to run the show."

Problems plaguing the police department are reflected in a growing number of resignations—as many as 18 officers in one two-week period—said a spokesman for the Police Officers Assn.

department after the city manager complained his telephone had been tapped.

In that case, however, the grand jury took no action.

"There hasn't been a major investigation of the police department since late in 1970, but plenty of controversy has arisen over their policy on stopping illegal aliens, the way they handled disturbances at rock concerts and at Ocean Beach, and the harassment of minorities," said the high-ranked city official quoted earlier.

(Ocean Beach is a city waterfront community whose residents are predominantly long haired young people, college students and nonconformists who have been involved in several confrontations with the police.)

The alleged harassment of minorities was spotlighted when the Black Panthers in San Diego complained to federal authorities in 1970 about police interference with their civil rights.

An ACLU attorney said that during a brief time-span 18 Panthers were arrested a total of 30 times on 42 different charges and that 27 of the charges were later dropped without formal proceedings.

The same complaint was echoed by the city's Community Relations Board.

Ms. Ardelia McClure, former board chairman, said the agency had received more than 200 complaints of alleged police misconduct since 1971, and each complaint had been submitted to the department.

"Three have been sustained, and four or five were partially sustained," she said, "but the department said the rest were all unfounded."

Another source of irritation within the department is the continuing friction between police administrators and the city's Civil Service Commission.

Both denied knowing anything about Gallardo's death and voluntarily submitted to polygraph lie detector tests.

Harold R. Villa, 28, one of three men who lived with Gallardo, was arrested at the scene and charged with killing the Folsom parolee.

The damage suit filed last week by the father of the 14-year-old victim of an alleged rape was the latest action in an investigation that already has resulted in dismissal of one San Diego police officer

and the resignation of a reserve officer.

The incident was reported in April, and the victim accused Patrolman Bruce R. Beezy, 31, and Reserve Officer Robert J. Bednark, 28.

Beezy was fired June 10 after a probe by the department's internal investigations unit, and Bednark resigned. Both were indicted, but the indictments were dismissed by Superior Court Judge Ross Tharp in August.

Miller said he would appeal the dismissal.

The victim's attorney, Donald Lewis, claimed in his damage action that the child had become pregnant after she was raped and later underwent an

abortion.

Although he defended himself as a good police chief with a reputation for integrity and not responsible for all of the department's ills, Dist. Atty. Miller said, "This police situation is a serious matter, and it's not going to be swept under the rug."

City Councilman Jim Bates, who joined Morrow in seeking the federal investigation, agreed the blame could not be placed on any one man.

"But, we've got to hold Hoobler accountable to correct the situation or go," he said.

Bates referred to the department — increasingly isolated from the community and local government

— as "an incestuous situation."

"We need an outside police chief and we should make promotions outside the department," he said. "Bringing in talent from the outside is healthy."

Councilman Morrow blamed clamishness and isolationism for turning the police department into "a little feudal estate" with an overprotective attitude about themselves "that gives rise to arrogance."

Although the battle lines have been drawn and the multifaceted investigations are under way, the final solution remains uncertain, Bates said.

"Internal affairs will in-

vestigate, the grand jury will investigate, the Justice Department will investigate, the City Council will review the procedures and policies of the department and make sweeping changes in priorities," he added.

"Still, I'm not sure of the outcome."

## Civil Suit Dismissed in False Arrest Case

Fired San Diego police officer Herman P. Wiggins, dismissed after he was indicted by the county grand jury on charges of perjury and preparing false evidence, has been relieved from standing tri-

al in a civil suit filed against him and four others by a juvenile seeking \$40,000 on a claim of false arrest and imprisonment.

Superior Court Judge Charles W. Froelich Jr. granted Wiggins a summary judgment on the grounds no valid claim was filed against the city, which was his employer at the time the arrest was made.

The 33-year-old former detective is scheduled to go on trial Oct. 28 on the criminal charges. Claims totaling almost \$14 million have been filed against the city of San Diego in connection with the Wiggins case.





P.O. BOX 14117, SAN DIEGO, CALIF. 92114

"BE AWARE - SHOW CONCERN"

August 29, 1974

Mayor Pete Wilson  
Office of City Council  
City Administration Bldg.  
202 "C" Street  
San Diego, CA. 92101

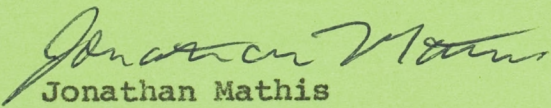
Dear Mayor Wilson:

The Black Action Committee, Inc. completely endorses the Ad Hoc Committee on Chicano Rights, "Official Position Paper", dated August 26, 1974, concerning the investigation of the City of San Diego Police Department.

We are not responding to this position paper based on a particular incident, but because for many years there have been a number of senseless killings in the Southeast community in which our City fathers have overlooked. Black Action Committee, Inc. is establishing an official position in favor of the idea of an impartial investigation of the San Diego Police Department by the United States Department of Justice.

If this office can be any assistance, please call on us.

Sincerely yours,

  
Jonathan Mathis  
President  
Black Action Committee, Inc.

JM:jm

cc: Leon Williams  
Jim Bates  
Herman Baca  
Floyd Morrow  
John Jacobs  
Howard Carey  
Bob Zarnier





THE CITY OF

# SAN DIEGO

1348 E STREET • SAN DIEGO, CALIFORNIA 92101 • PHONE 239-9341

September 13, 1974

COMMUNITY  
RELATIONS  
DEPARTMENT

W. H. Hagler  
Director

Charles G. Abdelnour  
Assist. Director

Curtis W. Long  
Research Analyst

Herman Baca, Chairman  
Ad Hoc Committee on Chicano Rights  
1837 Highland Avenue  
National City, California 92050

Dear Mr. Baca:

The Community Relations Board has asked me to thank you for your presentation at our special meeting of 8-28-74.

In that regard, the board also wishes you to be advised that our staff was able to make arrangements with the District Attorney's Office for the relatives of Bernardo Gallardo to hear the tape he recorded at our office shortly before his death. This was accomplished on 9-10-74, in the office of Deputy Prosecutor Roland Haddad. Present with Mr. Haddad were Mr. Gallardo's sister and brother, Mrs. Cecilia Monteverde and Mr. Alex Gallardo, respectively; their attorney, Mr. Alex Landon; and Messrs. Charles Abdelnour and Hector Lopez of this office.

I would like to assure you that this department and board are continually at your and the community's disposal.

Yours very truly,

*Will Hagler*  
Will Hagler

WHH/CWL/cf



# Model City Plan Faces Hearing

## Relations Board Expansion Sent To Council Committee

A plan to expand the Model Cities Community Relations Board on a citywide basis has been referred to a City Council committee which previously lent a sympathetic ear to the idea.

The City Council Thursday unanimously referred the matter to its Public Services and Safety Committee for a Wednesday hearing. The issue involves a request to change the 26-member makeup of the board to reflect the entire population of the city, although retaining its emphasis on the minority community.

The board was created three years ago to promote understanding between law enforcement agencies and the minority community. The expansion received initial support from the committee during this summer's budget sessions.

### FILE ACTIONS

City Mgr. Kimball Moore last week also announced that, henceforth, on a quarterly basis, a listing of disciplinary actions against police officers will be filed at the board's 1348 E St. offices.

While this is a step in the right direction, the board still frequently is largely "working in the dark" when it comes to checking out citizen complaints against the department or its officers, said a spokesman for the agency.

Wilbur Hagler, community relations director, said most board members feel the quarterly listings are "inadequate" because no specific actions are noted and officers' names are withheld.

Complaints are reviewed by police but responses received only indicate if the complaint is upheld or not, said Hagler. The board has also asked several times for a list of officers and badge numbers.

"But this is all we've got," said Hagler, pointing to the list filed for the first time last quarter by the city.

It showed 77 officers were disciplined during the past three months, with 267 officers receiving commendations.

Among the 77 disciplinary actions, 42 were formal reprimands, 32 involved suspensions and three officers were dismissed from the force, said the report.

### COOPERATION GOAL

Hagler said the board is seeking only better communication and cooperation with police, not to make all personnel decisions a public record.

Police Chief Ray Hoobler said making names of officers available would be stepping beyond the regular administrative process.

"We do not feel that employees should be subjected to additional harassment" after disciplinary or some other internal action has been taken, said Hoobler.

Deputy City Mgr. Ray Blair also pointed out a charter section of the board which states it "will not adjudicate individual citizen complaints against individual police officers or impose disciplinary action."

An arrangement was made, he said, between the board, city manager and Hoobler to file the quarterly reports.

Hagler said the board recognizes its limitations but believes it hasn't always had the full cooperation of police.

The board is currently limited to the Model Cities areas of Southeast San Diego and San Ysidro.

Plans call for the board makeup to be revised with six members continuing to be selected from the Model Cities area and nine members picked by the City Council. One delegate would be from the schools while eight members would remain from law and justice agencies. Two city officials serve as nonvoting members.



# Police Back Chief Hoobler

Police Chief Raymond Hoobler received a vote of confidence yesterday from 380 of his men. The men signed a petition affirming their support and confidence in Hoobler.

A series of Police Department incidents has occurred involving alleged misbehavior of several officers, escapes from the police-operated federal jail and the slaying of an alleged police informer.

The petition was drawn up by Patrolman Stephen G. Margetts, a six-year veteran of the department. Margetts said many more police officers would have signed the petition if there had been time to reach them. There are about 1,100 officers in the department.

Margetts said he felt recent "bad publicity" has been a unifying factor among the policemen.

"The men know that the chief's decisions and the things he does for the city and in support of the department are in our best interests," Margetts said.

Hoobler said it was the first time in his 3½ years as chief that he has received such a vote of confidence.

"This is kind of nice and I appreciate it," said Hoobler.

Union

9-14-74

S.D. Union

9-14-74

## Too Many Cooks

City Manager Kimball Moore urges that recent embarrassments involving the San Diego police force be viewed in the context of an otherwise "excellent" department. In considering the proposed reforms he has outlined in a report to the City Council, the problem is to avoid doing harm to the policies and traditions which have produced the degree of excellence the force now represents.

The department certainly should explore opportunities to promote the concept of professionalism and career development in the selection, training and assignment of officers. Whether this requires radical departure from the "paramilitary" personnel structure of the police force, as Mr. Moore suggests, is quite another question. This basic organizational arrangement is particularly responsive to the need for responsibility and discipline in a force of uniformed law enforcement officers, and it is our view that any departure from it would be a perilous adventure.

Mr. Moore's idea for an expanded "advisory panel" of citizens to review police activities has the potential for controversy and erosion of police morale that has resulted from civilian review boards in other cities. With good administration at the top, and with the opportunity to call on a grand jury to investigate suspected police abuses — as has been done in one recent case — yet another body with overseer status could make the police department a broth with too many cooks. The present administrative framework for our police department seems sound enough—provided the proper dedication and integrity is applied to make it work.

9-16-74 - Union

9-16-74

Union



## Suspect identified in Gallardo affair

Two witnesses for the prosecution, in the Gallardo affair, have testified that they recognized Harold R. Villa as the man they observed carrying a shotgun the day Bernardo Gallardo was slain. Gallardo was shotgunned to death on the front porch of his home, 3025 L St. last month. Villa has been charged in connection with the killing.

Herman Bacca, Chairman of the Ad Hoc Committee for Chicano rights, addressed a small crowd attending the weekly meeting of the Militant Forum on the subject of Gallardo's killing and police terror in the Chicano Community. The Forum met in Love Library, on the campus of SDSU. Bacca read what was said to be a copy of a transcript of a tape recor-

ding Gallardo allegedly made before his death. Residents of Southeast San Diego allege that Gallardo's killing was related to an attempt to recruit him as an informer by two San Diego police officers.

The two witnesses were called to testify in a preliminary hearing before Municipal Court Judge Thomas A. Sagar. Walter Weaver, 10, and Willie Anderson, 68, in response to questioning by Roland Hadad, deputy district attorney, identified Villa. Walter, further identified Villa, after being shown a photograph. Villa is shown with a beard and mustache in the photograph but appeared in court clean shaven.

The deposition, supposedly given by Gallardo, read by Bacca to approximately 30 persons, substantiated

reports that Gallardo had feared for his own safety. Indications are he was afraid of reprisals from police, officer Harold R. Phenix and Perry R. Bryant, who had attempted to recruit him as their informer.

The deposition, alleges that the two officers, had attempted to reach Gallardo by telephone, but that he (Gallardo) had answered and told the callers no one lived there by that (Gallardo) name. His statement also indicated that the two officers then came to his home and pounded on the door, but received no response. Gallardo's testimony then states one of the officers poked his head through a window and stated "We'll get you."

Bacca said the transcripts were common knowledge and had been distributed, by persons unknown, throughout the city.

In speaking about police tactics, Bacca said that the City Council was fully aware of police activities. He also said that former police officer Herman Wiggins has been framed.

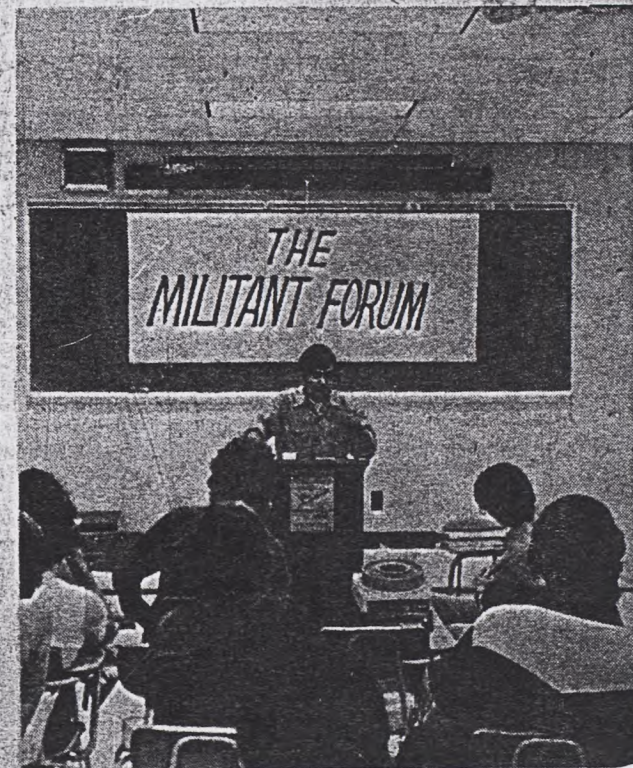
"In the more than 200 complaints that have been lodged against the San Diego PD, this year, only four have been responded to," Bacca said.

"The Wiggins issue indicates that the police are fully committed to the policy of framing people. This is why we are trying to get an outside investigation," he said.

"The chickens have come home to roost, as far as the Mayor and the City Council is concerned," Bacca said.

"They have an albatross around their necks named Hoobler, and it's their responsibility, and we're going to make sure, one way or another, that they get rid of this individual" Bacca added.

New York City's Rep. Charles B. Rangel, chairman of the Black Congressional Caucus introduced into the Congressional Record the announcement of the Children's Television Workshop" new Fall TV series on adult health, "Alive and Well."



Herman Bacca, chairman of the Ad Hoc Committee for Chicano Rights, addressing the Friday session of the Militant Forum.

—Photo by Ken Mimms



# news release



## Rodriguez for Governor

FOR MORE INFORMATION CALL:  
DAVID KING (714) 280-5262

FOR IMMEDIATE RELEASE  
August 28, 1974

OLGA RODRIGUEZ, SOCIALIST WORKERS PARTY CANDIDATE FOR GOVERNOR OF CALIFORNIA, CALLS FOR INDEPENDENT CHICANO COMMUNITY INVESTIGATION INTO GALLARDO MURDER

Olga Rodriguez, Socialist Workers Party Candidate for Governor of California, today released the following statement:

"In a Watergate - style cover-up, the police investigation of the murder of Bernardo Gallardo finds that ' without a doubt there was no connection between the officers and the shooting of Mr. Gallardo'"

"Chicano leaders in San Diego are calling for the firing of Police Chief Ray Hoobler, the release of a tape made by Gallardo confiscated by the police, the suspension and prosecution of the cops who threatened Gallardo, and the establishment of an independent community commission to review the Gallardo and other cases. We support these proposals. Open up all the secret police files! Let the Chicano



community hear the Gallardo tape! Let the people directly involved, the Chicano community, investigate this case in open, public hearings! Remove the police, a racist, occupying army, from the Chicano community!

" San Diego Mayor Pete Wilson is trying to whitewash and cover up this case of local Watergating. He says "I have every confidence that the investigation (by the police) will be honest, fair, and thorough, and will provide the department with the basis for appropriate action!

"As the Socialist Workers Party candidate for Governor, I have no confidence in any investigation by the police. As Malcolm X used to say, that's like setting the fox to watch the chicken coop.

" Mayor Wilson calls for a grand jury investigation to restore public trust in the cops. I have no confidence in any grand jury investigations. In the last 103 years, only five Chicanos have served on the San Diego grand jury. That statistic alone testifies to its racist character.

"I have full confidence in a broad investigative committee set up by the Chicano community, holding public hearings, to bring the real criminals to justice.

"The brutal murder of Bernardo Gallardo August 19, after a long campaign of police harrassment against him, adds one more name to the list of victims of violence at the hands of racist cops in California. From the case of Los Tres del Barrio in Los Angeles to the murder of 14 year old Tyrone Guyton in Oakland, we have evidence that Chicanos and Blacks are framed up and gunned down as a regular part of the system of 'justice' in California.

"This murder reveals how the cops in San Diego, and all California, operate. Bernardo Gallardo was a parolee trying to live in peace. But the cops wouldn't let him alone. They tried to force him to become an informer. They threatened to "have you killed, set up for a parole violation, or we can take you in right now". They broke into his house and tore it up like a gang of robbers. The Socialist Workers Campaign thinks it is time to remove these killers from the Chicano community."



A F F I D A V I T

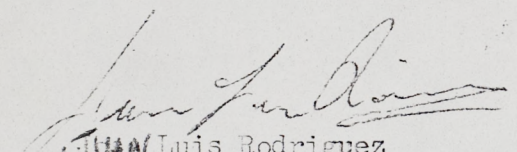
I, Juan Luis Rodriguez, residing at 17 E. Seaward, San Ysidro, Calif., do hereby state and affirm as follows:

That on January 7, 1973, on or about 9:05 a.m., I was stoped by a San Diego Police Officer ( H.A. Phenix), Badge No. 469 Division P-1. Officer Phenix, using his racist attitude against Mexican-Americans abusing of his authority, started to interrogate me, taking upon himself the responsibility of an Immigration Federal officer asking me where I was born and what kind of identification I had to prove my United States citizenship. I responded to the San Diego Police officer that I was a United States citizen by birth and I did not make it a custom to carry my birth certificate in order to prove that I was an American, However, Officer Phenix insisted that I was not a citizen of this country trying to imply that I was illegally in the United States and insisted that I show him some kind of green card or other immigration document that would verify that I was an American Citizen or a legal resident in this country.

I refuted the officer's insinuation and he proceeded to interrogate my companion Mr. Expedito Madrigal who identified himself as a citizen of the Republic of Mexico with his legal border crossing card for a period of 72 hours issued by the United States Immigration authorities at the San Ysidro port of entry.

Due to the unexperienced capacity of the San Diego Police officer, he proceeded to detain Mr. Expedito Madrigal and myself for further interrogation to the local Police Department in San Diego alleging we were illegally in the United States of America. We were there for approximately 4 hours until Immigration authorities were contacted and then we were released with the usual " I am sorry this happened".

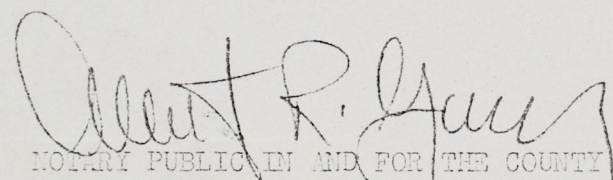
I herewith affirm and declare that the foregoing is a true and correct statement of fact.

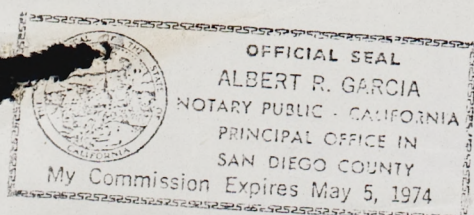
  
JUAN Luis Rodriguez

SUBSCRIBED AND SWORN TO BEFORE ME

This 14th day of July, 19 73

At San Ysidro, California

  
NOTARY PUBLIC IN AND FOR THE COUNTY  
OF SAN DIEGO, STATE OF CALIFORNIA





CITY of SAN DIEGO  
MEMORANDUM

FILE NO.:  
DATE : August 23, 1974  
TO : City Manager Kimball Moore  
FROM : Councilman Jim Bates  
SUBJECT: The Gallardo Incident

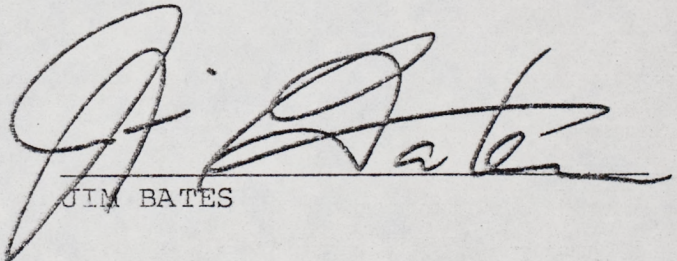
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My own personal concern regarding the Gallardo incident is reinforced by calls from numerous constituents who have expressed shock and alarm regarding the murder, and who have asked questions which I cannot answer at this time because of insufficient information from city staff.

The constituents emphasize their concern regarding the manner in which the investigation is being handled, a manner which has done little to clarify the situation, and the alleged misconduct--or worse--of two of our officers.

It is requested that I be provided a copy of the investigative report on the Gallardo incident as soon as possible. I would also like to meet with you concerning this matter and to listen to the tapes at your earliest opportunity.

I should advise you that in view of some information which has been brought to my attention I believe that an independent investigation of the incident may be in the best <sup>and</sup> interests of the City and citizens of San Diego. I ~~intend~~ <sup>am</sup> ~~to~~ request such an investigation unless firm evidence is produced to establish that such action is not warranted.

  
JIM BATES

JB/ry



DATE OF INCIDENT: 3-13-74

No Charges.

SUSP Officers: Phoenix aka "Rock" and Bryant

Date of Report: 3-15-74

David Lamar reported to the Community Relations Department on March 15, 1974 that he was approached by two San Diego police officers who offered him freedom from prosecution for offenses committed by him in exchange for his services as an informer. He stated that he pretended to go along with them because he was afraid of what they might do if he refused; that his only thought was to get away from the officers and tell his mother what had occurred. He subsequently contacted Jerry Parker of Model Ex-Offenders who accompanied Lamar to this office when he made his statement, which is extracted as follows:

- "At about 5:00 a.m. on March 13, 1974 I was walking north on 28th Street (San Diego), on the east side of the street. When I got to within approximately two blocks of Imperial Avenue, I was stopped by San Diego Police Officers Phoenix and Bryant, who drove out of an alley. They asked me where I was going at that hour of the morning; 'to the home of a friend', I replied. They searched me and discovered about a 'can' of marijuana on my person, which the officers kept. They put me in the car. They then told me that if I did them a favor, they would do one for me. They said that I would be surprised how many 'snitches' there are in San Diego--that some of my best friends might be 'snitches.' They said 'how about it, wouldn't you like to do that for us?' I told them that I didn't know; that I didn't have the heart to do anything of that sort. They said that they could take me to jail.

Then they took me to a vacant lot in front of Memorial Jr. High School, where there is a library. They began to explain to me what they wanted me to do. I only pretended to agree because I wanted to go home and tell my mother what had happened. Officer Phoenix told me that whenever I had information I should contact him. He gave me a number to call (235-6137), saying I should ask for 'Rock'. He said I should get in touch with him within a week. He added that he might call my job or my home, disguising his voice. I told him that he should not call my job, as my boss would not like it; he said he would think it was one of my friends. I said I still would prefer that he not do that.

He then asked me who was pulling off all 'those robberies and burglaries.' He said that I knew because they were around my area, and he knew where I lived. (The officer is the same one who stopped me once before at the park near Kennedy School, but far from Lincoln.) They found a ticket in my pocket and told me they would take me to jail. I told them that if they let me out of jail, they would go to jail. They let me down the door and drag me out--after I'm in bad or not.



...of the ... with determination ... I should give them a call. They said if the information I supplied sounded reasonable to them, they would turn the information they took from me. They said they had to make a police report, but would tear it up if they got some information that sounded as though I was telling the truth. They said that if I heard of a robbery I should try to get in on it; but that I should not hold the gun. Then I should tip them off, and they would be waiting. When they came in on us, they said, they would 'jack me up' the same as the rest, but would later let me get away. They said I should not tell any other policemen about our arrangement, as they might not like it. As regards the robberies, burglaries and murders they questioned me about, I explained to them that I did not associate with nor did I know people who did these things; that what I heard was second-hand.

It was beginning to get light when a call came over the car radio; they said it was a murder or something. We then proceeded to 32nd and Harbor Drive, and stopped at a parking lot in front of the Naval Base. There were several other police vehicles there, including a van. They said it was reported that a body was lying in the grass. Officer Phoenix got out to take a look around the ditch bordering Harbor Drive; then he returned to the car saying it was the second call they had had for the same thing, and probably somebody was playing a joke on them.

They then took me back, almost to the spot where I was stopped, and released me near 27th and Commercial Street."

When David Lamar was asked why he was telling this, he stated that he had to live in this city and did not want to be in a situation where he was eternally under the vigilance of the police. He was instructed to inform this office immediately upon being contacted by the officers in question here.



CASE: James Webb (26)  
2805 Webster  
San Diego, Calif.

DATE: March 9, 1974

ASSIGNED TO: Wes Whetstone

Mr. Webb stated that on March 9, 1974, at approximately 2:00 a.m. that he and Auther Arrington were walking north on Evans approaching Commercial when two uniformed San Diego police officers, Cooper and Bryant, stopped them. Mr. Webb stated that the officers told him this didn't concern him and for him to leave the area. He then turned and walked south on Evans. As he approached Franklin ave, he was again stopped by officers. He was told to place both hands on the police vehicle. He turned his head to the right and was struck from behind by an officer and rendered unconscious. He next remembers awakening at University Hospital in the Emergency Room.

He then found that he had three inch laceration to the right side of his head, bruised right hip, and shoulder.

He further stated that he was not even asked to identify himself or told why he was stopped. From witnesses he found out that he had been beaten and kicked while he was unconscious.

On March 13, 1974, officers Bryant and Phoenix went to the residence of Mr. Webb at approximately 12:00 midnight and entered through an open door without invitation or search warrant. When asked why they were there they replied that they had an arrest warrant for James Webb. When asked to see the warrant they could not produce one and were asked to leave the residence by Mr. Theodore Holden. Mr. Holden would appreciate it if officers without warrants or official business would afford him the courtesy of knocking before entering.



THE CITY OF

SAN DIEGO

POLICE DEPARTMENT • 345 WEST F STREET • SAN DIEGO, CALIFORNIA 92101  
(714) 234-6566

CHIEF OF POLICE

IN REPLYING  
PLEASE REFER  
TO FILE NO.

15.24

March 25, 1974

Mr. W. H. Hagler  
Community Relations Department  
1348 E Street  
San Diego, California 92101

Dear Mr. Hagler:

On March 15, 1974 a complaint from David Lamar was received from Mr. Curtis Long of your office. Mr. Lamar complained that he was contacted by two police officers who attempted to use him as an informant in exchange for not arresting him for possession of marijuana.

Investigation revealed that the officers did not follow proper police procedures in this matter, and administrative action has been taken to insure this type of conduct is not repeated.

David Lamar has been contacted and assured that he will have no further contact with the officers regarding him being their informant.

Thank you for bringing this matter to my attention.

OFFICERS

Sincerely,

RHOENIX  
BRYANT

R. L. HOEBLER  
Chief of Police



PAGE 01-1-1  
CHIEF OF POLICE

May 2, 1974

IN REPLY, PLEASE  
PLEASE GIVE  
OUR REF. NO.  
15.21

Mr. William Hagler, Director  
Community Relations Department  
1348 "E" Street  
San Diego, California 92102

Dear Mr. Hagler:

Thank you for calling the complaint from Mr. James Webb to my attention.

A supervisor from this Department investigated the matter that occurred March 2, 1974 and determined that the actions of the officers were proper. The arrest was lawful and only that force necessary was used to effect the arrest.

At 3:15 a.m., officers had received a radio call to check for a man with a gun in the area where Mr. Webb was contacted. At approximately this time, Mr. Webb was observed with another subject standing in front of a closed business. As the officers approached, the subjects began to walk away. When they were ordered to stop, both suspects ran in different directions. As Mr. Webb had been observed with an object in his hand, the officer chasing him removed his service revolver from his holster and ordered Webb to stop. Mr. Webb uttered profanities and threatened to kill the officer, and at this time, turned and attempted to strike him with his fists. The officer blocked the blow, but his revolver was knocked out of his hand in the process. Mr. Webb then reached into his right pants pocket and it became necessary for the officer to use force on Mr. Webb by striking him. Mr. Webb was subsequently subdued. He was then arrested and booked for drug sniffing and resisting arrest.

On March 13, 1974, officers observed Mr. Webb near his residence and believing there was a warrant for his arrest, attempted to stop him. Mr. Webb ignored the officers and walked into the house. The officers legally followed him into the house, where they contacted Mr. Holden and with his permission, used his telephone and determined that Mr. Webb was not wanted at this time. Mr. Webb is on probation and is subject to search and seizure of his person, automobile, residence, and property until February 21, 1977, and as such, should have stopped when ordered to do so by the officers. The officers acted properly in both situations.

If you have any further questions, or if I can be of further assistance, please let me know.

Sincerely,

R. L. Kochler  
Chief of Police



COMMUNITY RELATIONS BOARD  
Special Meeting  
August 28, 1974  
5:45 p.m.

AGENDA

1. Report of action of the Executive Committee.
2. Comments.
3. Ratification of action of the Executive Committee.
4. Special concerns of the Chair.
5. Acknowledgment of Community Organizations
6. Presentations from Community Organizations.
7. Adjournment.

(1) Creditability of the C.R.B.

(2) Take Position. It is either city or comm.

(3) Specific ratify our position

No	Yes	Abs
		16





CITY OF SAN DIEGO

# C-R- B L U R B



MODEL CITIES PROGRAM

COMMUNITY RELATIONS DEPARTMENT, 1340 "E" ST., SAN DIEGO, CALIF. 92101 - TEL. 239-9341

Volume 3 Number 7

Date August 28, 1974

THE SAN DIEGO MODEL NEIGHBORHOOD COMMUNITY RELATIONS BOARD (CRB) PERIODIC REPORT TO THE PEOPLE  
FOR IMMEDIATE DISSEMINATION VIA ALL INFORMATION MEDIA.

## P R E S S   R E L E A S E

The Community Relations Department is a city department, directly under the supervision of the City Manager. It was created as the administrative arm of the Community Relations Board, and should not be confused with the police community relations units.

On 8-16-74, Bernardo Diaz Gallardo reported to the Community Relations Department staff that he had been approached by San Diego police officers Perry R. Bryant and Harold A. Phenix to be an informer for them. He alleged that those officers threatened to falsely arrest him for possession of marijuana and cause him other distress if he did not agree to be their "snitch". Gallardo further stated that he pretended to go along with them in order to forestall their threats.

Gallardo's Legal Aid attorney requested that the department delay submission of the complaint to the Chief of Police until it was legally expedient. However, after Gallardo's death on 8-19-74, the attorney indicated there was no longer any reason to wait, and the complaint was forwarded to the Police Department on 8-21-74. To date, no formal response thereto has been received.

As a result of this incident and a strikingly similar one-involving those same two officers which was reported by the Community Relations Department to the Police Department previously, and which complaint the Chief of Police sustained and indicated the officers would receive disciplinary action and be counselled against repeating the offense, the Executive Committee of the Community Relations Board met on 8-23-74. The committee decided to petition the City Council (see attachment I), hold a press conference (statement contained in attachment II) and call a special board meeting for today, at 6:00 p.m.

At that time, invited representatives of various community organizations will voice their opinions as to the procedure of the Community Relations Board in the matter at hand, as well as to the request by the board that the City Council order an independent investigation of the overall alleged abuses within the San Diego Police Department.

The following listed attachments will support the past concern of the Community Relations Department and Board with reported police abuses:

Attachment III - Memorandum from CRD Director to Chief of Police, dated 11-21-73

Attachment IV - Letter from CRB Chairman to City Manager, dated 2-20-74

Attachment V - Letter from City Manager to CRB Chairman, dated 4-8-74

Attachment VI - Memorandum from City Manager to Chief of Police, dated 3-26-74



We are asking for a total investigation of activities involving police practices in San Diego relating specifically to these points rather than a narrow investigation into this one case. The unfortunate death of Bernie Gallardo has brought this specific case to the attention of the news media. It is, however, but one of many complaints that we have received involving numerous police officers. We all know the Bernie Gallardo story, but how about the many other stories that have gone untold? We feel that it is about time someone took a good long look at police activities in this city, and if possible, such an investigation should be conducted by the office of the Attorney General of the United States.



August 23, 1974

By authority vested in it by Municipal Code Section 26.32, the Community Relations Board resolves the following:

In an effort to identify problem areas in the delivery of law and justice services, the Board has received a substantial number of complaints that identify practices which, in the Board's opinion, are in violation of the rights of the citizens of San Diego, particularly Southeast San Diego and San Ysidro. It is imperative that an impartial investigation be conducted by an outside entity, preferably a Federal agency, to identify abuses of police power.

Among these abuses are the following. (Pending the outcome of the investigation these practices should be suspended.)

- a. Policy of recruitment of informants.
- b. Unlawful search and seizure.
- c. Harassment of parolees and probationers, both juvenile and adult.
- d. Use of unnecessary minor citations as a form of harassment.

Improvement in these areas would enhance the image of the Police Department in the community.

Respectfully submitted,

*Louise Washington, Vice Chairman on  
behalf of the community relations board.*

Robert L. Varner, Chairman  
Louise Washington, Vice Chairman  
Max Verduzco, Secretary  
Doretha Graham, Treasurer  
Juan Galvan, Executive Committee Member  
Jacqueline Walker, Parliamentarian



CITY of SAN DIEGO  
MEMORANDUM

1800

File No.:

DATE : November 21, 1973

TO : Ray Hoobler, Chief of Police

FROM : Director, Community Relations Department

SUBJECT: Meeting Request

Over the past year this department has developed an excellent rapport with the administrative officers of the Police Department. In most cases we find ourselves in basic agreement with Police Department policies; however, this is in no way meant to infer complete satisfaction with the quality of law enforcement that the minority community is presently receiving, as is evidenced by recent complaints received regarding police action and over-reaction in the area of the 4600 block of Franklin Avenue.

Police Department policies on the whole are excellent; however, many of these policies, especially in the area of human relations, are going unheeded by patrolmen in the field and when complaints by citizens are received, the Police Department invariably takes the position that the circumstances warranted extreme measures rather than admit to the fact that prescribed policies were disregarded and emotional reaction caused a situation that could have resulted in a major incident and certainly did nothing to enhance the image of the Police Department with members of the minority community. Policies are made by the Department, but little is being done to enforce these policies. The San Diego Police Department, like most police departments throughout the nation, is engulfed in a strong feeling of monastic brotherhood that in some cases is good, but has one basic drawback; it does not leave room for criticism and impedes innovation and change. As long as this attitude prevails, little can be accomplished to change the negative attitude in the minority community toward the peace officer.

In order to promote a better understanding of the problems and create a more effective means of resolving those problems, I would appreciate a meeting with you at your earliest convenience. I would also like to include in that meeting all those persons to whom a copy of this memorandum is being sent.

Thank you for your consideration.

*Wilbur H. Hagler*  
Wilbur H. Hagler

WHH/cf

cc: John Lockwood  
Ruben Dominguez  
Clarence Pendleton





THE CITY OF

# SAN DIEGO

1340 E STREET • SAN DIEGO, CALIFORNIA 92101 • PHONE 239-9341

## COMMUNITY RELATIONS BOARD

February 20, 1974

### OFFICERS

ARDELIA MC CLURE  
CHAIRMAN  
ETHELLENN NEAL  
VICE-CHAIRMAN  
BETTY STEINBACK  
TREASURER  
OLLIE EDWARDS  
SECRETARY  
WILBUR HAGLER  
EXECUTIVE DIRECTOR

Kimball H. Moore, City Manager  
City Administration Building  
202 "C" Street  
San Diego, California 92101

Dear Sir:

### MEMBERS

GABRIEL ARCE  
LUTHER CRAWFORD  
PAUL COSSETTE  
RUBEN DOMINGUEZ  
PAUL FRANCIS  
JUAN GALLARDO  
ERSKINE GARRETTE  
DORETHA GRAHAM  
FRED KUNZEL  
ROBERT MACDONALD  
LARRY MARSHALL  
REV. GEORGE MCKINNEY  
OSCAR MORLETT  
MARCUS MOSELY  
SPENCER NASH  
JOSEPH ORTEGA  
PHIL SAENZ  
MIKE SGOBBA  
JOSE VILLA  
CARRIE ENNIS WOODEN

On February 13, 1974, the Community Relations Board authorized me "to seek the cooperation of the Human Relations Commission in formulating a joint request to the City Manager to instruct the Police Chief to realistically investigate citizens' complaints, and to inform these two bodies of the steps he will take toward improving the Police Department's acceptability in those communities where it seems to cause the most antagonism". I am taking the opportunity at this time to contact you unilaterally pending a response from the Human Relations Commission. I am convinced by certain recent incidents, that Police/Community Relations in certain areas of our city have deteriorated to the point where immediate action on your part is necessary to remedy this situation, which, if allowed to continue unchecked, could and undoubtedly will produce very dire consequences within the very near future.

The Police Department has traditionally assumed a defensive attitude when complaints against their officers are received, and generally regard those complaints as an attack upon the overall competency of the department. This attitude does nothing to alleviate the frustration and hostility that citizens feel toward our police.

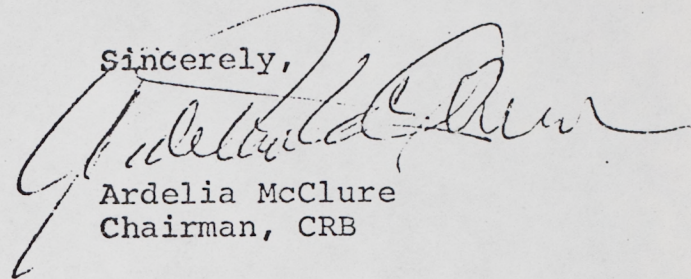
I am asking that you instruct the Chief of Police that it is incumbent upon him to insure that all citizens' complaints against individual officers are as aggressively investigated as is any criminal complaint against an ordinary citizen, and to honestly seek out and deal with those officers who are guilty of illegal



or unprofessional conduct in the performance of their duties. I am not naive enough to believe that every complaint against a police officer is properly founded, however, by the same token, neither I nor the community can accept the infallibility of every San Diego police officer.

Thank you in advance for your attention to this communication. I shall await a response at your earliest opportunity.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ardelia McClure', written over the typed name and title.

Ardelia McClure  
Chairman, CRB





THE CITY OF

# SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF. 92101

OFFICE OF THE  
CITY MANAGER  
236-6363

April 8, 1974

Ms. Ardelia McClure  
Chairman, Community  
Relations Board  
1340 E Street  
San Diego, CA. 92101

Dear Ms. McClure:

This is in reply to your letter dated February 20, 1974, which you delivered to me on March 6, along with letters from a number of organizations.

Since our meeting, I have met twice with Police Chief Ray Hoobler to review the various points raised. I understand you have also subsequently held discussion meetings with the Chief, as well as with Captain Ecklund. I believe these meetings have served a timely and mutually useful purpose.

Enclosed is a copy of a memorandum to me from Chief Hoobler dated March 26, 1974. I believe that the four points in his memorandum are directly responsive to the concerns of the Community Relations Board, and that they will be faithfully carried out.

Sincerely,

A handwritten signature in cursive script, appearing to read "K.H. Moore".

Kimball H. Moore  
City Manager

KHM/mw

cc Mayor Wilson  
Chief Hoobler



CITY of SAN DIEGO  
MEMORANDUM

FILE NO.:

DATE:

March 26, 1974

TO:

Kimball Moore, City Manager

FROM:

R. L. Hoobler, Chief of Police

SUBJECT:

Letter of Complaint from Community Relations Board

In response to the letter from the Community Relations Board, we have taken the following steps to improve our reporting of and our responses to citizen's complaints:

- 1 All inquiries from the CRB will be answered within a maximum of one month.
- 2 The CRB will be advised on a quarterly basis the total number of disciplinary actions taken and the number of commendations received by this Department.
- 3 My staff has been instructed to answer all complaints in a more complete manner, giving details regarding allegations made and conclusions reached.
- 4 I have instructed one of my assistant chiefs to meet with the chairman of the CRB on a monthly basis in order to develop greater ties with my administration.

RECEIVED  
MAR 27 1974  
CITY MANAGER



Whereas, Chief Ray Hoobler, has allowed a systematic pattern of emotional and physical discrimination of minority residents of the City of San Diego to pervade the San Diego Police Dept. - and,

Whereas, Chief Ray Hoobler has, both overtly and covertly, impeded proper and full investigation of the Gallardo's and other similar incidents,

We resolve that the City Council shall for his resignation immediately and commission a complete, thorough, and independent study of his Police Dept. , And if Chief Hoobler refuses to tender his resignation, he should be removed for gross malfeasance and/or misfeasance in public office.





# C.A.S.A. JUSTICIA

CENTRO DE ACCIÓN SOCIAL AUTÓNOMO  
(AUTONOMOUS CENTER FOR SOCIAL ACTION, INC.)  
A NON-PROFIT CALIFORNIA CHARITABLE ORGANIZATION

1839 HIGHLAND AVENUE  
NATIONAL CITY, CALIFORNIA 92050  
TELEPHONE (714) 477-3155 477-3156

COMITÉ NACIONAL HERMANDAD GENERAL DE TRABAJADORES

August 26, 1974

## OFFICIAL POSITION

- 1) We demand that an immediate thorough investigation be conducted into the allegations of police misconduct in the events leading up to Gallardo's death.

That the following agencies be brought into the investigation: The U.S. Justice Dept; The Federal Grand Jury; the Calif. State legislature & the San Diego County Grand Jury.

That the Chief of the San Diego Police Dept, Raymond Hobler & staff, be ordered to cooperate fully with all investigative bodies.

That the investigations not be limited to the particular Gallardo's death, but reach all recent allegations of police misconduct in San Diego.

We demand that the tape recording made at the San Diego Community Relations Board by Gallardo prior to his death be immediately released to members of his family, Chicano Community & the News media.

We demand that S.D.P.D. patrolmen Perry R. Bryant & Marld A. Phoenix the 2 officers who covered Gallardo into becoming an informer by setting him up with a fake narcotics bust be immediately suspended & prosecuted for their involvement in the Gallardo issue as any other illegal conduct on their past uncovered by the investigation.

We demand that the Chief of the S.D.P.D. Raymond Hoobler, be immediately fired for:

- A) His failure to correct the rampant incompetency of his department;
- B) His condoning of the illegal & unconstitutional practices & policies of the San Diego Police Dept;
- C) Abuse of power.

We demand that a Citizens Review Commission be immediately established to review police practices in the city of San Diego.

Such a commission should be made up of representatives of a cross-section of the San Diego Community.





# C.A.S.A. JUSTICIA

CENTRO DE ACCIÓN SOCIAL AUTÓNOMO  
(AUTONOMOUS CENTER FOR SOCIAL ACTION, INC.)  
A NON-PROFIT CALIFORNIA CHARITABLE ORGANIZATION

1839 HIGHLAND AVENUE  
NATIONAL CITY, CALIFORNIA 92050  
TELEPHONE (714) 477-3155 477-3156

COMITÉ NACIONAL HERMANDAD GENERAL DE TRABAJADORES

FOR IMMEDIATE PRESS RELEASE

AUGUST 22, 1974

C.A.S.A. JUSTICIA, a community based Chicano organization, has called for an immediate and thorough investigation into the mysterious death of Bernardo Diaz Gallardo and the police practices which seemingly led to his death. (See Star News article, attached).

Letters requesting immediate investigations have been mailed to Attorney General William Saxbe, United States Justice Department, the U.S. Federal Grand Jury in San Diego, and to San Diego County District Attorney Ed Miller.

Herman Baca, community leader and Chairman of C.A.S.A., has alleged that "the death of Bernardo Diaz Gallardo was caused by an official practice of coercing ex-convicts and defendants in criminal cases to act as police informers without regard for their safety or the safety of their families."

C.A.S.A. officials further allege that the City of San Diego deliberately attempted to "cover-up" the facts in the case by ordering the San Diego Community Relations Board to withhold information from the news-media about a tape-recording made by Bernardo Gallardo at their offices shortly before his death.

Peter Schey, Attorney for C.A.S.A., has called for the immediate suspension of the San Diego police officers who allegedly coerced Gallardo into cooperating with them by threatening him with a "set-up" arrest for drug possession. Complaints have been previously lodged against the two officers involved. Schey has claimed that the Chief of Police will negligently expose the City of San Diego to possible future liability for the conduct of these officers if he allows them to continue their employment.

A meeting of the Ad Hoc Committee on Chicano Rights and the Chicano community has been called by C.A.S.A. officials for Monday, August 26, 1974, at St. Anthony's Church, 18th Street and Harding Ave., National City, at 7p.m., to discuss and formalize a community position on this tragedy.

For further information call: Herman Baca, 477-3155.



S.D. Union  
10-24-74

10-24-74

## Ten Claims Allege Police Mistreatment

Ten San Diegans, claiming police mistreatment, filed claims against the city totaling more than \$1.3 million yesterday.

The claims were filed by an attorney for the San Diego Coalition of Police Practices (COPP). They included a \$1 million claim by a 27-year-old woman who said she suffered a miscarriage and death of her premature baby six days after being struck by a policeman.

Peter Schey, attorney for COPP, said the claims are the first step leading to lawsuits in municipal and superior courts in behalf of the claimants.

Police Chief Ray Hoobler said he could not discuss the 10 claims "until I have a chance to look at them," and that, with legal action pending, he could not reveal if the incidents had been investi-

gated by the department.

The claims include:

— A \$1 million claim by Mrs. Billie Jean Williams, and a \$4,000 claim by her husband, McKindley Williams, 30, of 727 63rd St., who allege that police officers entered their home about 5 a.m. Aug. 31, hitting Mrs. Williams with the door when they forced their way in. The police, the couple alleges, jailed her husband for kidnapping, but he was later released without charges being filed. Mrs. Williams claimed she suffered a miscarriage at Mercy Hospital Sept. 5.

— Claims for about \$13,000 by four men living at 4686 Mississippi St., where police in search of a murder suspect fired tear gas and shotgun blasts, resulting in heavy property damage Oct.

(Continued on B-4, Col. 7)

## 10 Claims Cite Police Incidents

(Continued from B-1)

14. One claimant, Bill Manigold, claimed he offered the officers keys to the house and told them that no one was inside.

— A \$100,000 claim by Daniel Ostrowski, 37, of 3424 Oak Glen Lane, an unemployed carpenter, who alleged that police threatened to shoot his children and attacked him when he attempted to remove personal property from a car being taken in payment for an overdue bill on July 22.

— A \$4,000 claim by John Sinegal, 27, of 3150 Martin Ave., who alleged he has been arrested without cause six times in the past six months after an arrest for possession of heroin, a charge he is currently facing.

— Tommie Ray Jackson, 25, of 3714 Harding St., whose claim for \$100,000 alleged that he was beaten, had Mace sprayed in his face and was choked by police after he could not produce his car registration last Aug. 22 when stopped in an alley near 30th Street and Imperial Avenue.

— A claim filed earlier for \$50,000 by John H. Roberts, 38, of 719 Beacon Drive, which alleges that last March 20 police stopped him near 3924 Park Blvd., where he was helping a friend clean a cocktail bar. Roberts, who said he was declared "legally blind" by the state in 1969, claimed police harassed him, assaulted and slandered him.

Organizations in the Coalition of Police Practices include the United Farm Workers, the National Lawyers Guild, the American Civil Liberties Union police practices committee, Model Ex-Offenders, Senior Citizens Federation, Unified Filipino Association, Young Socialist Alliance, C.A.S.A. Justitia, In-Between Youth Center and the Black Action Committee.

— A \$100,000 claim by Ronald Edwards, 25, of 4113 50th St., who claimed that he was beaten about the head, body and legs last Sunday by several officers wearing gloves on their right hands. The claim said he was arrested for being drunk in a public place, and released a few hours later without medical attention.



# Police Plan Complaint Countersuits

The head of the San Diego Police Officers Association said yesterday the group will file damage suits against persons who make "unfounded, malicious complaints against officers."

Attorneys for the 1,150-member labor negotiating unit will review all complaints filed with the city against policemen, according to Sgt. Jack R. Pearson, POA president. The organization represents nearly all police officers here.

"And, in cases where there is evidence of malice and where there is substantial indication that legal redress is in order, countersuits and any other legal remedy will be pursued immediately," he said.

## NEWS CONFERENCE

Pearson made the announcement during a news conference at the association's headquarters at 666 W. Market St., located across from the police station.

He said the POA will encourage any officer who believes he or she has been unjustly accused of wrongdoing to launch a counter-complaint.

The association has retained attorneys from two local firms identified by Pearson as Brundage, Williams & Zellman of 3746 Fifth Ave., and Carlson & Thiesen, 110 West C St., to investigate complaint cases and prepare legal responses.

## MALICIOUSNESS

However, he emphasized, the policy is not to discourage legitimate citizen complaints about police conduct.

"It is aimed at those persons and groups who file malicious complaints as well as those who solicit them," he said.

Pearson also said police

(Continued on B-4, Col. 1)

B-4 THE SAN DIEGO UNION

Friday, November 1, 1974

# Police Group Plans Suits For Malicious Complaints

(Continued from B-1)

officials believe several coalitions here are concerned with gathering adverse information and criticizing the San Diego Police Department, particularly Chief Raymond Hoobler.

Those groups are under investigation, Pearson said. He declined to identify what groups are being investigated or by whom.

## CRITICIZE PRESS

Pearson also criticized the press for what he termed "too much focus on these complaints."

"The moment a complaint is filed and hits the press, the damage is done," he said. "This sensationalism has caused a great deal of unhappiness among the ranks of uniformed officers."

Pearson said he does not know how many complaints have been filed against police for misconduct this year or if complaints are on the rise.

According to Police Department figures, 1,758 complaints have been filed with the city against the department since Jan. 1, about 30 complaints less than for the first nine months of 1973.

Asked if the public might have a right to know about charges against police, Pearson said, "Possibly, but there is a question of overexposure and an inordinate amount of attention."

## DISTORTS IMAGE

He said news about complaints against police has distorted the image of the officer in the eyes of the public and has impeded performance.

"Many officers have complained to us that they feel undue pressures when they deal with the public because of all the recent news of complaints," Pearson said.

He rejected the idea of a citizen's review board to monitor police actions, however, saying: "We have a sufficient means of investigating cases within the department when we believe wrongdoings exist."

## COUNTERSUITS

Counter suits will be filed by POA attorneys on behalf of individual officers and not the association, Pearson explained.

He also said attorneys for the group have ruled out filing criminal charges against groups or individuals who attempt to malign officers.

Hoobler said that while he is concerned at complaints filed against officers under his administration, he believes that publicity could have an adverse effect on the investigation and outcome of the cases.

"It's a little like trying the case in the press," he said in an interview. "Officers charged with misconduct by citizens should be afforded the same rights under the laws as those citizens."

## FALSE TARGETS

Hoobler said he believes that police officers should have legal representation and be encouraged to file countercomplaints when they believe they have been falsely targeted.

City Atty. John Witt, whose office receives complaints filed against policemen, said he also believes individual officers have the right to sue for defamation of character or to redress false charges against them.

"There might be some argument in the courts that police officers are public officials and therefore give up some civil rights," Witt said. "But I don't believe the courts would go so far as to say policemen must give up these rights."

Union  
11-1-74



Is civilian review the answer?

# SD police—and complaints go on

Some 42,000 South Bay residents in the Otay-San Ysidro area are served by the San Diego police department. This is the first of a series of articles on the department's problems.

By **LYNNE CARRIER**  
Star-News Staff Writer

The San Diego police department — battered by a series of recent scandals, deluged with complaints of alleged misconduct, and faced with calls for local, federal and state probes of its activities — is standing at a critical crossroad.

Inside sources say police department morale has never been lower. High level police officials have been thrust into a defensive posture to parry criticisms from city officials, community and minority groups, the press — and even its own disillusioned patrolmen.

**POLICE SAY** the current flag is a gut reaction to isolated incidents blown up by the media. One officer described it as a "post-Watergate syndrome," and another claimed that police critics are leaping on minor organizational flaws with a vengeance.

The San Diego Police Officers Assn. (POA) went a step further. It promised the group won't treat lightly malicious or false allegations leveled at police officers and the POA may do some suing of its own.

But many community leaders think a peek behind the shield of police secrecy is long overdue. They argue that the sheer number of complaints — many documented and investigated — indicates something is wrong with present police procedures.

And they want to find some way ordinary citizens can make sure that men with guns and badges don't abuse that power.

**WHAT SPARKED** the latest uproar was the Aug. 19 slaying of Bernardo Gallardo, a Chicano ex-convict who three days prior to his death complained that two patrolmen attempted to strongarm him into becoming a stool pigeon and threatened serious consequences if he didn't cooperate.

In the wake of his shooting, Mayor Pete Wilson, several city

councilmen, and U.S. Sen. John V. Tunney (D-Calif.) requested a probe into police department activities.

Herman Baca of National City, head of the Ad Hoc Committee on Chicano Rights, also called for an outside investigation and repeated his previous demand for the resignation of Police Chief Raymond Hoobler on the grounds of "rampant incompetency."

The San Diego County Grand Jury is currently looking into charges of police misconduct relat-

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### National City Weather

	HI	LO	
Thursday	68	47	Fair today and Thursday becoming increasingly
Friday	68	47	cloudy Thursday and
Saturday	69	47	mostly cloudy Friday
Sunday	72	46	slightly cooler Friday

STARNEWS  
11-7-74  
Pick up



★ ★ ★ ★

**Complaints seek \$18 million**

# Misconduct suits mount up against police

STARKNEWS  
11-7-74

Nearly \$18 million in suits alleging police misconduct have piled up in San Diego City Attorney John Witt's office.

But, according to one city official, it's business as usual.

Bob Walters, claims and insurance superintendent, said the latest wave of astronomical lawsuits hasn't thrown the office into a tizzy yet.

While admitting the trend is toward bigger and more numerous claims, he said, "This is just a way the lawyers around town can get a lot of free publicity."

**PETER SCHEY**, a lawyer who recently filed 10 police-related claims totaling \$1.3 million against the city, disagrees.

The lawyer, who filed the suits in behalf of the Coalition on Police Practices (COPP), said the suits were lodged because the claimants — who felt they had legitimate grievances against the police department — were too poor to hire personal attorneys to fight potentially costly litigation.

"When you file a claim against the city, it is like suing an individual and the claimant has to be in a position

to participate in the adversary process," said Schey. "These people are locked out of that adversary process."

Schey, an attorney with the Legal Aid Society, pointed out that COPP screened and investigated the complaints before sending them to the city attorney's office. The lawyers working with COPP, he said, have volunteered their time.

**WALTERS**, however, felt that Schey had no business causing headaches for the city attorney because he works for the Legal Aid Society, a group supported with federal revenue sharing funds and other tax money.

"There seems to be a conflict of interest," Walters said of Schey's recent actions.

Walters went on to explain that settlements on claims against the San Diego police department are relatively low.

Last year, he said, the city paid a total of \$67,000 on police-related claims. The figure included \$5,647 for property damage, \$13,500 for vehicle damage and about \$3,000 in bodily injury claims (most of which went for an elderly woman who

tripped on the police department's steps).

**EVEN THOSE** settlements were not required by law, the official maintained.

"We are legally immune from damages incurred while police are doing their duty," he asserted. "If a policeman is chasing a murder suspect and fires a shot through your door, technically the city is not liable. But in those cases, we do settle the citizens' claims because it's good public relations."

Walters took a cynical view of the lawyers' motives for lodging claims involving alleged police misconduct.

He said that some attorneys have the mistaken notion that if their clients have criminal cases pending, they can file civil complaints against the city, then offer to forget the civil case if the criminal charges are dropped.

**"WE DON'T** make any deals," Walters said, adding that a civil suit against the city is something entirely separate from criminal charges against an individual.

Walters said the vast majority of claims are settled out of court. Last year, only 4 percent went into actual

litigation, he pointed out.

He added that the city — self-insured against damage claims for the past four years — usually wins the cases that do end in court and says settlements are low despite the millions of dollars of

claims the city attorney's handles.

Thus, Walters concludes, won't go broke because citizens expressing their police frustrations in ever-larger amounts against San Diego.

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## Grand Jury look at police practices

# Snitch: How is he recruited?

This is the third in a series of articles on the San Diego police department (which serves 42,000 South Bay residents).

By **LYNNE CARRIER**

Star-News Staff Writer

Behind closed doors, the county Grand Jury has been hearing testimony vitally important to the San Diego police department.

The jurors are looking into charges made by an ex-convict shortly before he was slain on the porch of his southeast San Diego residence Aug. 19.

**BERNARDO GALLARDO** accused two officers, Perry R. Bryant and Harold "Rock" Phenix, of handing him an ultimatum — be a snitch (an informer) or go to jail on a marijuana possessions charge.

The ex-convict complained the two officers threatened harm if he didn't play along. Thus, Gallardo's death took on ominous portent.

Since then, Gallardo's friend, Harrold Villa, confessed he accidentally shot the Folsom parolee.

**BUT** THE issue facing the grand jury — while including the circumstances surrounding the shooting of Gallardo — is far broader.

Was Gallardo right in fingering the two cops for alleged misconduct

in recruiting informers? Was Gallardo's experience an isolated incident — or was it indicative of wholesale abuses occurring in southeast San Diego?

The police department conducted its own investigation and determined that Officers Bryant and Phenix were mainly guilty of destroying the marijuana they said they found on Gallardo. (However, Gallardo claimed it was planted on him.)

They were suspended for 20 working days and quietly transferred out of Southeast San Diego when they returned to the force.

**BUT** Deputy Police Chief William Kolender defended the two officers concerning rumors they had been involved in other alleged acts of wrongdoing.

Of Phenix, he said, "He came into my office like Harry Humble. What am I supposed to think? The boy's got a clean record except for

one oral reprimand last March."

The reprimand resulted from a similar complaint of strongarming a youth into becoming a "snitch."

"My finest men are in Southeast San Diego," Kolender added.

**AN INDEPENDENT** investigation revealed a different kind of portrait of police activity in Logan Heights.

In exclusive statements to The Star-News, an ex-officer and two officers currently on the force — all of whom worked with officer Phenix at various times last year — said that months before the scandal broke, trouble was simmering under the surface.

That trouble involved questionable use of informers, rivalry and clannishness among

(Continued on page A-4)

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## Grand Jury takes testimony

# The snitch: How do policemen recruit him for the job?

(Continued from Page A-1)

some officers and downright racial prejudice.

Two of the policemen maintained that at least one supervising sergeant was well aware of the tense situation, but did nothing to correct it.

**FROM INTERVIEWS** with these policemen (who asked their names be withheld) and complaints lodged by Logan Heights residents whose statements parallel Gallardo's allegations, the following picture emerges:

Southeast San Diego, generally considered a high crime area, is a happy hunting ground for officers

**He told me he was going to be a legend in his own time ... a supercop.'**

with a "good arrest record" in mind.

It is not a slum in the usual sense. Its tidy frame homes bring to mind middle-class blue-collar enclaves in other cities and it shows none of the visible misery of New York's Harlem or Boston's Roxbury ghetto.

Nevertheless, it has a heavy concentration of blacks, Chicanos, and other minorities and suffers the pangs of poverty, drug addiction and crime associated with ghetto life.

**PHENIX**, a three-year man who came aboard as a Public Employment Program employee, was assigned to Southeast San Diego for two years. According to fellow officers, he quickly earned a reputation as an ambitious go-getter.

"He told me he was going to be a legend in his own time," recalled an officer who rode with Phenix. "He was going to be a supercop. I warned him, 'Phenix, you're going too fast. Take it easy.'"

**TO MAKE** good arrests, the former officer said, you first must know what's happening on the beat. You have to identify the junkies, the

and he thought he ought to be in on the action."

The ex-officer said dissension broke out over informers when one man, who had willingly offered tips to policemen in the past, complained that Phenix was taking advantage of him — waking him up in the middle of the night to run errands on "The Set" (the turf around 30th and Imperial Sts.), calling him at all hours of the day and night and talking to him indiscreetly in public.

"I told Phenix that if he was going to ask the guy to run all over town for him, he could at least give him 20 bucks for gas," the ex-officer maintained. "He just said, 'The nigger's doing it for free. Why should I pay him.'"

**BECAUSE OF** increasing friction between the two officers, Phenix went to his supervising sergeant and complained the ex-officer was "hogging all the informers in Logan Heights," he said.

The former patrolman said he never saw Phenix plant marijuana or anything else on a suspect, but added that the officer would often walk a suspect up the street to conduct his searches.

"We work in pairs so we can protect each other. I could have gotten a knife in the back while he was up the street," grumbled the ex-officer. "Then he'd come back and hold up a couple of joints and say, 'Look what I found on this guy.'"

**ANOTHER OFFICER** who worked with Phenix was upset enough with the patrolman to write a report faulting his judgment and M.O. (method of operation.) "I never filed that report," the officer stated. "I thought it would be better to talk it over with our supervisor and Phenix and try to work it out that way."

Essentially, he said, the problem was that Phenix insisted on dragging the officer around to check up on his informers — even though Phenix never shared the information with his own "running partner."

**"PRACTICALLY** every night, the first thing we'd do is head for

activities because he wasn't in Phenix's "in-group."

"I can remember nights when we'd pull up to a restaurant for a coffee break. No matter how cold the night was, the guys in the clique would get out and talk over their business and the rest of us would sit in our cars alone."

Another problem, he said, concerned Phenix's racial attitudes.

"He had a favorite word (unprintable) he used on minorities," the officer maintained. "Phenix asked me one time if I thought he was prejudiced. I had to say, 'To tell you the truth, I think you are.'"

**THE OFFICER** also said he disagreed with such heavy reliance on informers because building up a

network of contacts means an officer sometimes lets lawbreakers go free in exchange for promised tips in the future.

"If you catch a guy breaking a law, your job is to arrest him," he stated. "Sometimes you'll bust someone and he'll offer to give you some information if you let him go free. But there's no guarantee the guy really intends to cooperate."

He felt that deals compromised an officer and that information volunteered to policemen should come with no strings attached.

"I can't entirely blame Phenix," added the officer. "An officer starts building up a high arrest rate, and his supervisor gives him a pat on the back and encourages him to keep up the good work."

He said that Herman Wiggins, an

ex-officer now facing criminal charges of perjury and falsifying evidence, fell into the same trap.

"Wiggins (a black officer) was their fair-haired boy," he noted. "Some of us felt that Wiggins was being groomed for sergeant. He was doing great, but no one asked how he was making so many arrests until it was too late. They kept pushing him and he was under a lot of pressure to perform."

**A THIRD** officer basically sympathetic to Phenix said he had known him since high school and recognized he had difficulties in Southeast San Diego after working on patrol with him for a while.

The officer commented, "I thought it was strange he kept

wanting to go back to 30th and Imperial. It was out of territory."

Phenix was contacted by a reporter, but he said he is unable to comment on remarks at the Grand Jury is still considering the Gallardo case. He said he may rebut statements made about him after the Grand Jury finishes its investigation.

**'An officer starts building up a high arrest rate, and his supervisor gives him a pat on the back and encourages him to keep up the good work.'**

"You sure don't make many friends when you're trying to do your job," he noted, ruefully.

**EARLY THIS** year, officers Phenix and Bryant teamed up. Soon after, life for the non-informer became miserable, according to a number of men who didn't want to snitch for them.

Of six complainants (two of whom have subsequently been shot to death) alleging harassment on the part of the two patrolmen, all agreed on one point:

Arrest or the threat of arrest had nothing to do with actual violation of law, but was seen as a punishment for failing to come up with "good information."

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**Next: How the Civil Service Commission deals lightly with policemen accused of malfeasance.**

information pipeline behind the scenes.

With luck, the payoff is an occasional tip leading to a drug bust or a stakeout for a robbery.

Phenix learned that lesson early, he noted, and worked overtime convincing people one way or another to tell all.

**"I REMEMBER** the first tip Phenix got," the man said. "It was a robbery that was going to take place in Vacation Village. Phenix was furious because he wasn't allowed to be in on the stakeout. It was scheduled a few hours after he went off duty. But he said it was his tip

explained. Then, he'd get out to talk to a few people. I was surprised. Those guys down there don't like cops, but he seemed to be on pretty friendly terms with some of them.

"One night, he said we had to go to the liquor store at 25th and Broadway. We got there and he jumped out and went to the public telephone booth. It rang and he answered it and had some kind of conversation."

"It didn't seem fair. I had a lot more years of experience than he did and yet I had to conform to his schedule."

**THE OFFICER** said that Phenix rarely told him much about his



## Heroin bust

# Arrested man says dope planted

Several months ago, a man whom we shall call Joe Reynolds was busted on a heroin possession charge.

Reynolds was upset. He claimed he didn't have that heroin. Moreover, he felt the real reason for the bust was that he hadn't informed enough for the arresting officers, Harold Phenix and Perry Bryant.

**THE ARREST**, he said, followed several weeks of being pressured by the two officers to snitch on people—especially the dudes who hung out around "The Set" near 30th St. and Imperial Ave.

"The Set" is a glamorous name for an otherwise bleak assortment of storefront establishments along a strip of Imperial Ave.

In the Black and Tan Cafe, the neighborhood poolroom and a hall catering to afternoon cardplayers, coteries of black San Diegans ward off the twin specters of boredom and idleness.

It is said that many heroin addicts frequent "The Set."

("You can spot the junkies real easy," joked one Logan Heights resident. "They're the guys holding up the 'No Loitering' sign in the corner liquor store.")

**ACCORDING** to Reynolds, officers Phenix and Bryant were irresistibly drawn to 30th and Imperial in search of informers.

Reynolds said the officers took a sudden interest in him early this year.

"They wanted a black dude who could get into black groups and tell them who was dealing dope," he recalled. "When I was first stopped, the officers were in separate cars but later they got together and after that, they stopped me all the time."

"Once they asked me if I knew some Chicano up on Logan Ave. I didn't know the guy, but they said,

'Yeah, you know him all right.' And they asked me about other dudes, too, but I didn't want to tell them anything."

**REYNOLDS** alleged the pair offered him deals, saying, "You scratch my back and I'll scratch yours."

"They told me they could do things other people couldn't do," he recalled.

But failing to get good tips from Reynolds, he said the officers changed their tune.

"I guess I made their little black book," Reynolds noted, wistfully. "They told me they'd fix my goose."

After that, he said, the officers stopped him with increasing frequency.

"**SOMETIMES** they'd stop me three times a day," he explained.

"Once they stopped me something like four times in an hour and a half. They stopped me at 31st and Imperial, and they stopped me when I went into a bank. They stopped me when I came out of the bank. I got on the freeway, and they stopped me again. I'd get into my car; they'd stop me. I'd get out of my car, they'd frisk me."

Finally, said Reynolds, the cops arrested him.

"I could see them following me for a block and a half. Then they arrested me for heroin possession, but I didn't have the stuff," Reynolds claimed.

"They said they found two ballons of heroin sitting on the front seat of my car in plain view. With the kind of heat they'd been putting on me, does that make sense?"

—LYNNE CARRIER

STARNEWS  
11-14-74



# Expert sees 'Catch-22' in vice law enforcement

Information extortion. Questionable drug arrests. Violation of civil rights.

Complaints against patrolmen Harold Phenix and Perry Bryant charged that the officers indulged in all three practices.

**BUT ONE** eminent authority on urban police forces thinks blatantly illicit police tactics are par for the course in drug enforcement efforts around the country.

He is Dr. Jonathan Rubenstein, a Harvard Scholar who conducted an exhaustive probe of the Philadelphia police force. His book "city Police," hailed as a landmark study, was published last year.

In his book, he maintains that pressure to enforce vice laws has put the average American city police department in a "Catch-22" no-win dilemma.

**BECAUSE** police forces once fell prey to corruption and graft, he says, many departments now encourage a lot of drug and other vice arrests as proof of fundamental "honesty."

If vice arrests are few, civic leaders may suspect that corruption is crippling enforcement, Rubenstein emphasized.

(A measure of this concern was indicated during a recent interview with San Diego police Captain Carl Ecklund. Pointing to a newspaper column berating police corruption in another city, Ecklund remarked, "You haven't heard that kind of criticism about San Diego.")

**ON THE** other hand, Rubenstein contends the police only court trouble when they try to beef up vice arrest statistics.

According to the author, that's because people accused of vice—dope dealing and gambling, for instance—rarely make a habit of doing their thing in front of uniformed observers. Yet, laws oblige a policeman to catch the vice offender red-handed.

"There are no legal ways to enforce the

drug laws on the streets," writes Rubenstein. "So any pressure on the police to make more drug arrests is an open encouragement to them to lie and violate their pledge to uphold the Constitution."

**IN THE** game of "pinching drug offenders," the author says, extorting information is now as prevalent as graft was on certain police forces tarnished in past decades.

"Vice information is a commodity, and the patrolman learns that he must buy it on a restricted market where the currency he needs provided him by his power and authority," he explains.

"The policeman who is accused of extortion is rightly condemned for being a crook. But the same man, who exploits the moments when people are temporarily dependent upon him for their well being and liberty to compel them to give him information, is praised and rewarded."

**RUBENSTEIN** sees freedom, too, as a kind of commodity for certain people on the streets.

"His (the policeman's) information is a form of rent that he collects from local prostitutes, junkies, bums, petty thieves and burglars.

"Anyone who uses the street knows that the policeman who is friendly one day is the same man who may cajole, threaten and even beat him the next. And if the people do not come up with information, well, they must take their chances."

Thus, the author says that some police force policies aimed at stifling a public outcry of corruption actually generate a different breed of problem.

"Many of the illegal things that policemen do are not designed to generate payoffs for them but to meet obligations established by the department," he concluded.

—LYNNE CARRIER

STARNEW  
11-14-74



# Civil Service Commission: Final arbiter of police discipline?

This is the fourth in a series of articles on the San Diego police department (which serves 42,000 South Bay residents).

By LYNNE CARRIER

Star-News Staff Writer

He was once fired from the San Diego police force on charges of brutality. He was later demoted when 28 prisoners escaped from the city jail last December while he was in command of the watch.

Yet Sgt. Edward W. Kenney is still going strong on the San Diego police force.

**THE REASON?** He appealed his superiors' disciplinary actions to the Civil Service Commission.

And both times, the five-man commission modified the department's judgments in favor of Kenney.

**It may seem that the commission is attempting to impose a different kind of discipline, but it's not true.**

The commission, a kind of city superego, has the last say when policemen (or other city employees) appeal a suspension or dismissal.

On several occasions, the police department had one idea on how to discipline officers while the Civil Service Commission marched to a different drummer.

That's because the commission handles policemen's appeals like a court proceeding, deliberating solely on the specific complaint brought against an officer by his superiors.

According to commission critics, the commission has lost sight of the fact that, like Caesar's wife, the police officer should be beyond reproach.

The policeman should have an impeccable image in the community, they say, but the commission doesn't care much whether the appealing officer is a good or bad employee.

It simply focuses on the narrow issue of charges made about an officer and whether the penalty fits the offense.

**THIS POLICY** frustrates police administrators, who say the commission sometimes undermines disciplinary efforts by overruling or modifying the department's disciplinary penalties.

Still other observers argue the department already is inconsistent with its discipline policies and the problem is merely compounded by the commission's failure to deal with real issues.

For instance, department critics point to the sometimes incongruous penalties given for different offenses.

An officer wearing a long-hair style under a short-hair wig got a three-week suspension while an officer who destroyed marijuana evidence instead of arresting the man caught with it also got a three-week suspension.

Another officer, who made a false arrest, received only a one-day suspension and his discipline failed to reflect the fact the same officer had several prior complaints against him.

**HOWEVER** the Civil Service Commission isn't ready to tackle the general issue of using police discipline to maintain the quality and image of the force. The commission simply expects the police department to back up its charges if a penalized officer decides to appeal his suspension or dismissal.

Sue Williams, city personnel director, says that when the commission doesn't uphold the police department's disciplinary action, it's usually because police aren't able to prove the charges made against the officer.

In Kenney's case, Mrs. Williams explained, the police produced no witnesses during his first hearing who could testify Kenney actually used excessive force on anyone. He was, however, present and the supervising officer of patrolmen during a street fracas resulting in complaints of brutality and a broken windshield.

Thus, Kenney's dismissal was changed to a six-month suspension.

**AT HIS** September hearing on the second charge, Kenney's defense rested on arguments he wasn't responsible for city jailbreaks last December because he ran the jail the same way other sergeants did.

"The commission felt that Kenney was being made a scapegoat," said Mrs. Williams.

Kenney was therefore given back his sergeant's rank, awarded \$1,500 in back pay and penalized only with a five-day suspension.

"It may seem that the commission is attempting to impose a different kind of discipline or to reinstate unfit officers, but it's not true," Mrs. Williams maintained. "The commission based its decision on the evidence at hand."

**ACCORDING** to the personnel director, Kenney's previous problems weren't included in the police complaint to the commission charging he was lax in supervising the city jail. Therefore, she said, police testimony stating Kenney had

a prior bad record wasn't admissible during the 12-day public hearing.

Not so, countered Deputy Police Chief William Kolender.

"I did mention Kenney's prior infractions when I wrote up the charges," said Kolender, who seemed mystified the commission wouldn't consider an officer's past history.

"How is it possible to adjudicate discipline without considering the whole man?" he asked.

**BOTHERSOME** to Kolender was the Civil Service Commission's penchant for changing discipline without really clearing the officer of charges made against him.

"They can find a man guilty but then they turn around and give him a different (lesser) penalty," he said.

To date, the commission has shown exceptional independence in determining what price an appealing officer should pay for his sins.

Of 16 cases appealed to the commission between January, 1973, and October, 1974, it backed the police department only six times. Six disciplinary actions were modified and four were reversed by the commission.

"I don't have any hangups about the commission," Kolender maintained. "I think they're well-intentioned people. It's just that

**'How is it possible to adjudicate discipline without considering the whole man?'**

there's been a lack of communication."

**BOTH** Kolender and Mrs. Williams attended a recent commission workshop in hopes of putting the police department and the commission on the same wave length.

The results of that workshop may soon get a test, with some of the hottest police appeals still on the horizon.

Officer Herman Wiggins, sacked after being indicted on charges of perjury and falsification of evidence, and Bruce Beezy, fired following a charge he raped a 14-year-old girl, are appealing their dismissals.

Beezy's commission hearing is scheduled for Wednesday and insiders say it should be a sizzler. It is believed Beezy may present sensational x-rated testimony in trying to prove police officials were too harsh in dumping him for alleged sexual misbehavior.

**WIGGINS**, too, may go through with his public hearing if absolved of criminal charges. His trial is now in progress, and police witnesses are offering abundant testimony concerning the ex-detective's method of falsifying fingerprints.

"If he serves time, he won't have much of a chance of getting back on the police force," admitted Mrs. Williams.

She cautioned, however, that officers found innocent following indictment on criminal charges merit serious consideration by the Civil Service Commission.

**"THE POLICE** department has its image to think about," Mrs. Williams emphasized. "They'll fire a man because he's been indicted on a criminal charge."

But Mrs. Williams added that indictment is not the same as guilt. Thus, the officer who's canned because his indictment made splashy headlines could still appeal his case — and possibly win it — if he managed to convince the commission his superiors overreacted to his alleged wrongdoing.

Even grooming standards, a buttress of semi-military police discipline, will soon come under the commission's scrutiny.

Three officers charged with wearing long hair under short-hair wigs are appealing their three-week suspensions, and a public hearing on the matter is expected sometime in December.

**THESE CASES** are legitimate fodder for the Civil Service Commission, said Mrs. Williams.

That's because the city charter says a city employee has the right to know why he's being disciplined or dismissed and the right to appeal the action if he deems it unfair.

The public hearing resembles courtroom proceedings in many ways.

There is a court reporter present. Appellants are frequently represented by attorneys.

And the commissioners — appointed by the mayor and the City Council for five-year terms — sit as quasi-magistrates weighing police administrators' arguments against cases made by disciplined police officers.

Witnesses are frequently called. And, as with the courts, the Civil Service Commission's docket is getting clogged.

"We are not trying to undermine police discipline," insisted Mrs. Williams, adding that the com-

**'If he serves time, he won't have much of a chance to get back on the police force.'**

mission did uphold the dismissal of an officer who confessed he smoked confiscated marijuana.

She added the commission doesn't consider appeals made by officers who resign under charges to

avoid being fired. It doesn't hear cases in which officers were merely reprimanded without a suspension either.

Nevertheless, many observers feel that the commission — a small group of civilians — is the final arbiter on how far police administrators can go in the name of running a tight ship.

**Next: How computerized police "performance sheets" drive officers to spend their time chasing motorists instead of chasing crooks.**

STAPNEWS  
11-17-74



## POLICEMEN'S ACTIONS SCRUTINIZED

## Grand Jury's Gallardo Probe Nears End

County grand jurors are winding up a two-month investigation into the case of Bernardo Gallardo, a 35-year-old Mexican-American who, before his death last August, claimed two San Diego policemen tried to force him to become a police informer.

Gallardo was shot to death by a friend and former roommate a few days after he told lawyers and city Community Relations Board investigators that the officers had threatened to send him back to prison or harm him physically if he did not turn informer.

Harold Richard Villa, 28,

later pleaded guilty in connection with Gallardo's death and exonerated the two officers of any part in the shooting. Villa was sentenced to six months to 15 years in state prison for involuntary manslaughter.

## DATA DUE SOON

The grand jury's conclusions are expected to be made public in the next two weeks after the panel completes its deliberations, according to a spokesman in the district attorney's office.

The grand jury probe into the alleged forcible recruiting of Gallardo, a parolee, by Officers Harold A. Phenix and Perry R. Bryant was

requested by the City Council.

Three city councilmen — Deputy Mayor Leon Williams, and Councilmen Floyd Morrow and Jim Bates — also asked the civil rights division of the U.S. Department of Justice to look into the case and into other violations of federal law by police department employees.

Louise Hutchinson, aide to J. Stanley Pottinger, assistant attorney general in charge of the civil rights division, said the department was delaying its investigation of the Gallardo case until federal investigators

can review the findings of local probes, including the grand jury review.

## SPECIFIC ISSUE

The specific case of Gallardo's alleged recruitment by threat to become a police informer will be the focus of the U.S. attorney's office investigation, Pottinger's aide said. No overall probe of the San Diego Police Department or its methods of informer recruitment could be made under federal civil rights statutes, she said.

"We receive thousands of complaints yearly and investigate them on an individual basis," Ms. Hutchinson said. "There may be other specific incidents involving San Diego residents which are under investigation but unless we have the names, we cannot verify that."

Doug Burns, San Diego aide to Sen. John Tunney, D-Calif., said the senator had

asked for a full-fledged investigation by the Justice Department, "not the investigation of whether or not the civil rights of a man, now dead, were violated."

## REQUEST TO SAXBE

Burns said Tunney requested Atty. Gen. William Saxbe to have the civil rights division conduct "a prompt and impartial investigation" into any "alleged violations of federal law" by the San Diego Police Department.

A third announced investigation is being made by Ralph Ochoa, aide to state Assembly Speaker Leo T. McCarthy, D-San Francisco.

Ochoa's investigation has not been completed. If evidence of wrongdoing is uncovered by Ochoa, the state legislator could call for hearings on San Diego police misconduct by the Assembly's Criminal Justice Committee.





# AD HOC COMMITTEE *ON*



# CHICANO RIGHTS

1837 Highland Ave.

Nat'l City, Cal. 92050

(714) 477-3620

## EXECUTIVE BOARD

Chairman  
Herman Baca

Vice Chairman  
Albert Puente

Secretary  
Albert Garcia

Treasurer  
Pete Rios

August 26, 1974

## OFFICIAL POSITION

- (1) That a thorough and immediate investigation take place by the Justice Department, Federal Grand Jury, California State Legislature and San Diego County Grand Jury.
- (2) That we reiterate our June 14, 1973 position to "fire Hoobler" because of :
  - a. his illegal and unconstitutional practices and policies.
  - b. the failure by Police Chief Raymond Hoobler to correct the "rampant incompetency" of the San Diego Police Department.
  - c. abuse of power.
- (3) That the tape recorded by the Community Relations Commission be allowed to be listened to by the immediate family and by the Chicano Community and the Newsmedia.

## MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.

Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.





# AD HOC COMMITTEE *ON*



# CHICANO RIGHTS

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Vice Chairman  
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Secretary  
Albert Garcia

Treasurer  
Pete Rios

- (4) That the two policemen and other members of the S.D.P.D. involved in similiar activities be immediately suspended and prosecuted, for any and all crimes (abuse of power, excess forces, etc.) uncovered by the investigation.
- (5) We demand that a citizens' police review board made up of a cross-section of the San Diego Community outside of the city structure be establish to review police malpractices.

## MEMBER ORGANIZATIONS

C.A.S.A. Justicia-Chicano Federation-G.I. Forum-Hermandad Igualdad de Derechos-M.A.A.C.-M.A.P.A.

Mecha-Padre Hidalgo Center-Servicios de Inmigracion-S.S.P.A.-Trabajadores de La Raza-U.C.M.A.A.



SAN DIEGO COALITION ON POLICE PRACTICES

621 Fourth Avenue - Room 205

San Diego, California 92101

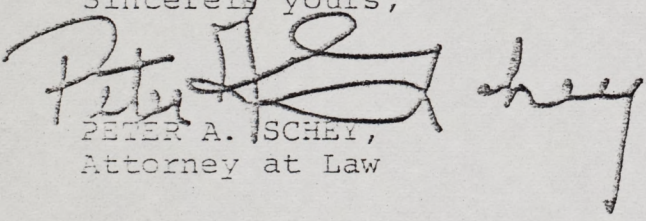
Chief R. Hoobler  
San Diego Police Department  
801 West Market Street  
San Diego, California 92101

Dear Chief Hoobler:

On August 3, 1974, one Michael Erwin Helfgott was stopped by Officer Navarro, Badge # 932, of the San Diego Police Department. The incident took place on Market Street close to 59th Street. At this time Officer Navarro did not question Mr. Helfgott as to possible physical disabilities, but merely assumed that Mr. Helfgott was intoxicated. Mr. Helfgott subsequently spent fourteen and a half (14-1/2) hours in the Detoxification Center. Mr. Helfgott vehemently denies that he was, in fact, intoxicated. Mr. Helfgott was never given any kind of sobriety test. Mr. Helfgott suffers from Bell's Palsy.

It is our opinion that this case did not merit the filing of an administrative complaint because it is understandable that Officer Navarro is not a doctor, and therefore, could not recognize the symptoms of "Bell's Palsy". But it is our opinion that had Officer Navarro not assumed as much as he did, this incident would not have taken place. Therefore, we urge that it become a Department policy that prior to an individual being taken down to the Detoxification Center, he first be given some type of sobriety test, and be questioned (even if briefly) as to any medical problems they may have.

Sincerely yours,

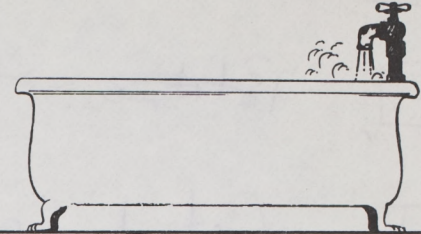


PETER A. SCHEY,  
Attorney at Law

cc: Michael Erwin Helfgott.

PAS/ys





# SAN DIEGO COALITION ON POLICE PRACTICES

Dear Friend,

On September 22, 1974, a coalition of Blacks, Chicanos, Pilipinos and Anglos from throughout the San Diego area, met at the Legal Aid Society and Agreed to form the COALITION ON POLICE PRACTICES (COPPS) and took the following positions:

(1) That San Diego Chief of Police Raymond Hoobler be fired because of:

- a. his illegal and unconstitutional practices and policies. *Memo - Hoobler Letter - RHC*
- b. the failure by police Chief Hoobler to correct the "rampant incompetency" of the S.D.P.D. *Gallardo*
- c. abuse of power. *Herman I.*

(2) We demand that a citizens police review board made up of a cross-section of the San Diego Community outside of the city structure be established to review police malpractices and policies.

(3) Demand an immediate hearing and that the police Department be investigate by outside agencies. (Justice Dept., U.S. Civil Right Division, and Calif State Legislature, ect.)

We are corresponding with you as an organization or individual to request if you wish to become a member of this coalition.

Please advise us of your decision by calling 477-3155 between the hours of 9:a.m. and 6:p.m. Monday thru Friday.

Thank You,

Herman Baca  
Co-Chairman  
  
Ardelia McClure  
Co-Chairwomen  
  
Larry Schwartz  
Co-Chairman

P.S.

A meeting will be held on Wed., Nov. 20th 1974

at the Community Congress 621 4th ave. San Diego, Ca., R.M. 216

*- L.A. Times*



I A sign. event -

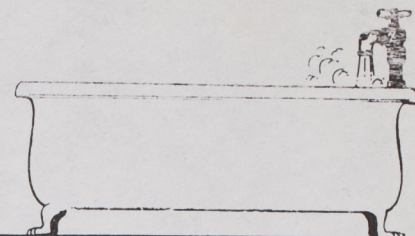
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III ~~Ret.~~ other concerns

IV Ret. tions

but A.L.





# SAN DIEGO COALITION ON POLICE PRACTICES

To: MAYOR PETE WILSON AND THE COUNCIL OF THE CITY OF SAN DIEGO

We the concerned citizens, taxpayers and residents of the City and County of San Diego, hereby petition your office for redress of grievances and hereby request that the Chief of Police Raymond Hoobler be fired because:

- a. his illegal and unconstitutional practices and policies.
- b. the failure by Chief Hoobler to correct the "rampant incompetency" of the S.D.P.D.
- c. abuse of power.

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
IAN BOASE	5038 MISSION BLVD	272-7993
Janice L Nelson	4502 NORTH AVE SD	298 0861
Armen V Gonzalez	635 Tibbets SD	264 9944
Laura Gonzalez	2413 K St.	
Wayne Steh	3461 Arroyo St.	296-3798
Paul Johnson	5126 W. Pt Loma	224-2537
Clement Warren	8701 Logan	664-8714
Forrest Hong	2644 Highland Av.	264-9973
Richard Shwally	3356 Mosho Pl.	270-3242
Michael Kent	3606 Mission Bl	488-3909
Dianne Wilkerson	833 Cedros Sol Bch	755-5684





# C.A.S.A. JUSTICIA

CENTRO DE ACCIÓN SOCIAL AUTÓNOMO  
(AUTONOMOUS CENTER FOR SOCIAL ACTION, INC.)  
A NON-PROFIT CALIFORNIA CHARITABLE ORGANIZATION

1839 HIGHLAND AVENUE  
NATIONAL CITY, CALIFORNIA 92050  
TELEPHONE (714) 477-3155 477-3156

COMITÉ NACIONAL HERMANDAD GENERAL DE TRABAJADORES

**FOR IMMEDIATE PRESS RELEASE**

**AUGUST 22, 1974**

C.A.S.A. Justicia, a community based Chicano organization, has called for an immediate and thorough investigation into the mysterious death of Bernardo Diaz Gallardo and the policy that led to his death, (see Star News article 8-22-74). Letters requesting the investigation have been sent to William Saxbe - U.S. Justice Department, U.S. Federal Grand Jury - San Diego, and San Diego County District Attorney Ed Miller.

C.A.S.A. officials allege "that the death of Bernardo Diaz Gallardo was caused by an official practice that is sanctioned and condoned by high ranking police and political officials in the City of San Diego". C.A.S.A. spokesmen also accused the City of San Diego of a deliberated effort to "cover up" the roles that were played by San Diego Police Officers by ordering the San Diego Community Relations Office not to release information to the news media had heard that was pre-recorded "on tape" between Gallardo and officials of the Community Relations office.

A meeting of the Ad Hoc Committee on Chicano Rights and the Chicano Community is being called to formalize an official Community position. (See enclosed leaflet). For further information call: Herman Baca, chairman at 477-3155.



# Group Seeks Hoobler's Ouster, Claims Allege Abuses By Police

The San Diego Coalition on Police Practices filed \$205,000 in claims against the City of San Diego yesterday on behalf of 10 residents alleging police abuse.

The filings bring the total claims to \$1.5 million by the organization formed about five months ago to provide a vehicle for citizen complaints against the Police Department.

## NATIONAL CITY

Claims by four persons totaling \$15,200 also are being filed in National City, claiming similar incidents involving the police in that city, according to Peter Schey, attorney for COPP.

Herman Baca, cochairman of COPP, said the organization has started a petition campaign to oust San Diego Police Chief Raymond Hoobler for "abuse of power," failure to correct "rampant incompetency" in

the department, and "illegal and unconstitutional policies and practices."

Baca said the removal of the police chief was the "No. 1 priority" of the 25-organization coalition.

In response to yesterday's filings Hoobler said, "I am not aware of the individual allegations, nor have I seen the complaints themselves. Until I do, I would be foolish to make any comment.

"Mr. Baca has raised this same issue (dismissal) previously. Apparently with the additional complaints, he must feel very strongly about it."

In the claims filed yesterday against San Diego, \$100,000 was asked by a 42-year-old Negro woman who claimed she was beaten with fists and a flashlight by police officers Oct. 27.

A claim for \$72,000 was filed in behalf of a 30-year-old Negro arrested last April

6 by former police officer Herman Wiggins on charges of robbery. The case was dismissed for lack of evidence after the robbery victim failed to identify the man.

## NAVY MEN

Claims against National City police include complaints by three Navy men that they were arrested and held for more than two days on charges of armed robbery, then released without charges, and the claim of another man that he was threatened by a police sergeant while on his way to file a complaint against police in an earlier incident.

National City Mayor Kile Morgan said such claims are routinely turned over to the city attorney.

National City Police Chief J.F. Liesman said he had "no official notification" on the matter.

Union  
11-27-74





**HERMAN P. WIGGINS**  
... free on bail

## Ex-Officer Found Guilty Of Perjury

Former San Diego policeman Herman P. Wiggins yesterday was convicted by a Superior Court jury of two counts of perjury and two counts of falsifying evidence.

In the 13-count county grand jury indictment returned against Wiggins in August, the former police officer was accused of falsifying fingerprint evidence and committing perjury in court appearances on criminal cases he had investigated during his five years on the Police Department.

The verdicts were presented yesterday by Russell E. Oswald Jr., foreman of the jury of seven men and five women, to Judge Franklin B. Orfield.

Defense attorney Robert May, a former deputy district attorney, said he would apply for probation for his client when Wiggins appears Dec. 17 before Orfield for sentencing. Wiggins is free on \$2,500 bail pending his sentence.

### DELIBERATION

After the verdict was returned following two and a half days of deliberation by the jury panel, Wiggins left the courtroom by a rear door with his attorney and wife, Lois.

Originally, Wiggins was charged with five counts of perjury, involving testimony in Juvenile Court cases and preliminary hearings, and eight counts of falsification of evidence, all involving fingerprints allegedly found at the scene of various offenses.

The charges were made following an investigation by the police Internal Investigations Unit under the command of Police Chief Ray Hoobler.

### EXPERTS CALLED

Deputy Dist. Atty. Frank Sexton called numerous expert witnesses during Wiggins' three-week trial.

Wiggins was acquitted of three additional perjury charges and six additional charges of falsifying evidence.

Wiggins was discharged from the Police Department by Hoobler last June following a lengthy investigation and filing of accusations.

Union  
11-27-74



IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

The People of the State of California to \_\_\_\_\_

Herman Baca

COME TO THE DISTRICT ATTORNEYS OFFICE, 7TH FLOOR AT 8:15 AM ON  
HEARING DATE.

You are commanded to appear before the Grand Jury of the County of San Diego, State of California,  
at Room No. 7003, Courthouse, 220 W. Broadway, in the City of San Diego, in said San Diego County,  
on Sept 30, 1974 at 9 A. M.  
of said day, as a witness in a matter now pending before said Grand Jury. Case assigned to  
Deputy District Attorney Neely for presentation.

236-2365

Given under my hand on:

EDWIN L. MILLER, JR.

DISTRICT ATTORNEY.

By

Richard J. Neely  
Deputy District Attorney

DEPUTY.

I HEREBY CERTIFY (as checked below;)

- ☒ That on the date shown below I served this subpoena on the above named witness by showing the  
original to and informing said witness of the contents and delivering a copy to the witness at

1837 HIGHLAND AVE NATL CITY

(ADDRESS)

- ☐ That after due search and diligent inquiry I have been unable to locate the above name witness.

- ☐ That on the date shown below I served this subpoena on the above named peace officer witness (s)  
per Sec. 1328 P.C. by delivering 2 copies to \_\_\_\_\_  
for each witness served.

Under penalty of perjury

by \_\_\_\_\_

(SIGNATURE OF SERVER)

Dated 9

Pursuant to Penal Code Section 1331.5,  
in lieu of such appearance at the time  
specified above, you may agree with the  
party at whose request the subpoena was  
issued to appear at another time or upon  
such notice as may be agreed upon. Any  
failure to appear pursuant to such agree-  
ment may be punished as a contempt, and  
could result in the issuance of a bench  
warrant for your arrest.



## Work acceptance level

# Must police meet a 'quota'?

This is the fifth in a series of articles on the problems of the San Diego police department (which serves 42,000 South Bay Residents).

By LYNNE CARRIER

Star-News Staff Writer

Early one evening, a patrolman pulled a battered '58 Chevy to the side of the road.

"Your car's riding too low and something's wrong with the muffler," he told the occupants.

The occupants, a Mexican-American family, promised to do something about it and the officer said, "Okay. This time I'll just give you a warning."

The people looked relieved and drove off.

IT WAS a scene re-enacted daily all over San Diego. But it's precisely these scenes that disillusion a growing number of San Diego police officers.

They say many vehicle stops have nothing to do with serving the public, but are purely meant to satisfy a police supervisor's demand for lots of activity.

"The citizen never gets the benefit of the doubt," said one officer, commenting on the trend toward giving high numbers of traffic citations.

AT ISSUE is the "work acceptance level," a computerized readout indicating the number of arrests, interrogations, citations and other contacts made by each officer.

Its main purpose, according to police supervisors, is to see the officer is out there earning his pay.

Said Capt. Carl Ecklund, director of the department's community relations, "Policemen are hired to do a job. What would happen if they didn't bring in any clients?"

Disgruntled officers say they're not opposed to working hard, but feel the work acceptance level can be subtly manipulated so that the officer is forced to spend most of his time harassing motorists instead of investigating burglaries and other crimes.

IT USED to be called the "traffic quota," but police administrators have long denied such a policy exists.

"You can put it on the record that the San Diego police force does not have a traffic quota," asserted Deputy Police Chief William Kolender. "And it hasn't had one for the past 15 or 20 years. Even then, it wasn't really a traffic quota."

"If any supervisors are requiring a minimum number of tickets, I'd like to know about it."

SKEPTICAL patrolmen, however, say that though traffic quotas don't exist on the books and may vary depending on the enthusiasm of individual supervising sergeants, they're pushed into playing the same old game in the field.

A sheet of activity statistics provided by one exasperated officer showed that two years ago patrolmen could prove the de facto traffic quota was very much in effect.

In the column under traffic citations, the officer had accrued seven in a week's time.

The number was circled in red and marked "Excellent." On another sheet, the officer had no traffic citations during a week's

period. The blank space was circled and at the side was scrawled, "See me about this."

The officer added that statistical sheets are no longer handed out to patrolmen.

He said supervising sergeants may not ask for a minimum number of traffic citations. However, they can demand a specified number of contacts and arrests per shift.

"IF THE supervisor asks for at least eight contacts per officer, the officer has to think in terms of one arrest or contact per hour," explained a patrolman. "That means he's going to give a lot of traffic citations because those don't take much time to write up."

He added that even an arrest for drunk driving can require up to three hours to execute and write up, forcing the officer to scramble madly to make up for lost time toward the end of the shift.

Little time is left for investigating robberies, assaults or other major citizens' problems, he said.

He also indicated that some supervisors discouraged investigation of apparently insoluble crimes—robbery and rape of illegal aliens, for instance.

BUT THE officer added that pressure for a quantity of contacts ebbs and flows. He was unsure whether these changes were due to the individual supervising sergeant

or to general departmental policy.

"Things got really bad starting in June," commented the officer. "Then all of a sudden our supervisor did a 180-degree turn, eased up on us and told us to go ahead and investigate all burglary reports."

He said that the work acceptance level has caused a tremendous amount of cynicism and frustration among young idealistic officers.

"We're supposed to serve the public," he emphasized. "And yet we end up having a big competition to see who can stack up the most traffic citations."

THE RESULT, he said, is that many officers are looking for jobs elsewhere.

"Everytime they have some openings at the county sheriffs, there's a mad rush of San Diego officers hoping to find work there," he explained.

According to the officer, the real victims of work acceptance level pressure are the poor—people who can only afford old cars in need of repair.

"You know you can stop one of those junkers and you can always find something wrong with it," the officer said. "You give the guy a ticket, he opens his glove compartment, and there's about seven other tickets he's already been issued."

Next: How the police break and enter without search warrants.

## Flap over tickets goes way back in department

Controversy over issuing a high volume of traffic citations—a subject bound to rile the heart of any citizen old enough to drive—is nothing new.

Last year, the San Diego Police Officers Assn. (POA) went public with the traffic-warrant issue and threatened to sue the city if the department didn't quit pushing for so many citations.

BUT, as police administrators point out, the tempest was at least partially political. The POA raised the volatile matter while negotiating for higher salaries before an annual contract renewal.

Citing reasons for the POA protest, the group's president, Sgt. Jack Pearson, said:

"The police department did want quality traffic citations. But it was pushing for quantity too. Under those conditions, it's not always possible to issue quality warrants."

"We thought the city deserved better than that."

Pearson said after "a lot of moral soul searching," the POA decided to sue the city on the matter, but later dropped the lawsuit.

MEANWHILE, police administrators reacted to the POA's threat to slow down the number of traffic citations issued by patrolmen.

They started a five-point program aimed at countering a sudden decrease in traffic warrants.

Under that system, an officer falling into a traffic citation slump would first be counseled. If he didn't shape up, he went through succeeding stages of punishment—a reprimand, a note in his personnel file, suspension, and finally dismissal.

The five-point program brought a scream of protest from many patrolmen who now say that, while the issue has simmered down, it's never been resolved.

BUT ACCORDING to Pearson, the POA isn't griping about traffic citation policy any more.

"The POA is happy with the present department policy," he said, adding the association does have some other matters to raise when it's time to negotiate next year's annual contract.

As for officers who still think something's wrong with the traffic citation system, they'll have to protest the matter on their own.

—LYNNE CARRIER



## 10 San Diegans Allege Malpractice by Police

Group Files Claims Against City Seeking Total of \$1.3 Million in Civil Damages

From a Times Staff Writer

SAN DIEGO—Ten San Diegans, alleging various types of police malpractice, filed claims against the city totaling \$1.3 million in civil damages Wednesday.

The largest claim—\$1 million—was sought by Mrs. Billie Jean Williams, 27, of southeast San Diego, who claimed that a pre-dawn raid on her home by officers caused the premature birth of her child five days later.

According to Mrs. Williams, who said she was six or seven months pregnant at the time of the raid, the baby died several hours after birth at Mercy Hospital.

In her complaint, made public at a press conference called by the San Diego Coalition on Police Practices (COPS), Mrs. Williams alleged:

That four San Diego officers, who told her they were seeking a kidnaping suspect, forced their way through the door, knocking her down and hitting her in the stomach with their fists in the process.

The officers arrested Mrs. Williams' husband, McKindley, 30, and a visitor in her home, Jacob Godfrey. Williams was subsequently released, records show, and Godfrey was charged with kidnaping and assault with a deadly weapon in connection with the abduction of a young San Diego woman. He is currently awaiting trial.

The claims filed by nine other individuals involved allegations of physical abuse, violation of civil rights, false arrest, and mental distress and anguish. The city has 45 days in which to accept or deny the claims before civil litigation can be initiated.

Peter A. Schey, chief counsel for COPS, said the claims were investigated by attorneys provided by the American Civil Liberties Union, National Lawyers Guild and the Legal Aid Society of San Diego.

Police Chief Ray Hoobler said he would have no comment on the allegations until he had studied the claims.

COPS has demanded that Hoobler be fired.



# Ten Claims Allege Police Mistreatment

Ten San Diegans, claiming police mistreatment, filed claims against the city totaling more than \$1.3 million yesterday.

The claims were filed by an attorney for the San Diego Coalition of Police Practices (COPP). They included a \$1 million claim by a 27-year-old woman who said she suffered a miscarriage and death of her premature baby six days after being struck by a policeman.

Peter Schey, attorney for COPP, said the claims are the first step leading to lawsuits in municipal and superior courts in behalf of the claimants.

Police Chief Ray Hoobler said he could not discuss the 10 claims "until I have a chance to look at them," and that, with legal action pending, he could not reveal if the incidents had been investi-

gated by the department.

The claims include:

— A \$1 million claim by Mrs. Billie Jean Williams, and a \$4,000 claim by her husband, McKindley Williams, 30, of 727 63rd St., who allege that police officers entered their home about 5 a.m. Aug. 31, hitting Mrs. Williams with the door when they forced their way in. The police, the couple alleges, jailed her husband for kidnapping, but he was later released without charges being filed. Mrs. Williams claimed she suffered a miscarriage at Mercy Hospital Sept. 5.

— Claims for about \$13,000 by four men living at 4686 Mississippi St., where police in search of a murder suspect fired tear gas and shotgun blasts, resulting in heavy property damage Oct.

(Continued on B-4, Col. 7)



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# 10 Claims Cite Police Incidents

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(Continued from B-1)

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14. One claimant, Bill Manigold, claimed he offered the officers keys to the house and told them that no one was inside.

— A \$100,000 claim by Daniel Ostrowski, 37, of 3424 Oak Glen Lane, an unemployed carpenter, who alleged that police threatened to shoot his children and attacked him when he attempted to remove personal property from a car being taken in payment for an overdue bill on July 22.

— A \$4,000 claim by John Sinegal, 27, of 3150 Martin Ave., who alleged he has been arrested without cause six times in the past six months after an arrest for possession of heroin, a charge he is currently facing.

— A \$100,000 claim by Ronald Edwards, 25, of 4113 50th St., who claimed that he was beaten about the head, body and legs last Sunday by several officers wearing gloves on their right hands. The claim said he was arrested for being drunk in a public place, and released a few hours later without medical attention.

— Tommie Ray Jackson, 25, of 3714 Harding St., whose claim for \$100,000 alleged that he was beaten, had Mace sprayed in his face and was choked by police after he could not produce his car registration last Aug. 22 when stopped in an alley near 30th Street and Imperial Avenue.

— A claim filed earlier for \$50,000 by John H. Roberts, 38, of 719 Beacon Drive, which alleges that last March 20 police stopped him near 3924 Park Blvd., where he was helping a friend clean a cocktail bar. Roberts, who said he was declared "legally blind" by the state in 1969, claimed police harassed him, assaulted and slandered him.

Organizations in the Coalition of Police Practices include the United Farm Workers, the National Lawyers Guild, the American Civil Liberties Union police practices committee, Model Ex-Offenders, Senior Citizens Federation, Unified Filipino Association, Young Socialist Alliance, C.A.S.A. Justicia, In-Between Youth Center and the Black Action Committee.





## *cited in claims against police*

A \$1-million claim has been filed against the city, accusing police of beating a pregnant woman who had a miscarriage five days after the alleged beating.

The claim was one of 14 alleging police misconduct that were filed against the city yesterday. Ten of the claims were filed by a new group calling itself the San Diego Coalition on Police Practices.

One of the other claims was filed by attorney Charles Roseman and the other three were filed by attorney Clifton Blevins.

The city has 45 days to determine whether to reject the claims or pay them. If the city rejects them, which is the normal practice, the 14 people filing the claims can file civil suits against the city in Superior Court.

The 10 claims filed by the coalition are:

— A \$1-million, by Mrs. Billie Jean Williams, 27, of 727 63rd St., and a \$4,000 claim by her husband, McKindley, in connection with an Aug. 31 incident in which they claim police entered their house without a warrant.

The claim alleges that police officers entering the home hit Mrs. Williams, who was pregnant, and that she had a miscarriage Sept. 5.

The claim also alleges that her husband was held in County Jail on suspicion of kidnaping but was re-

(Cont. on page A-4, col. 1)



# Misconduct claims filed against police

CONTINUED FROM PAGE 1

leased after five hours without being charged.

— \$13,000 in four claims filed by four men living in a home at 4686 Mississippi St., which was tear-gassed by police Oct. 14 during a search for a murder suspect. A tear gas cannister started a fire in the house, causing damage to the house and burning their possessions.

— \$100,000 sought by Daniel Ostrowski, 37, of 3424 Oak Glen Lane, who claims police threatened to shoot his children while they were sitting in his car, a car that sheriff's deputies were trying to seize as part of a judgment settlement in payment for an overdue bill. The incident, the claim says, occurred July 22.

— A \$105,805 claim filed by attorney Blevins on behalf of Robert E. Smith and Roberta Smith, of 342 Billow Dr., and Robert C. Myers, of 3932 Logan Ave.

According to the claim, police officers arrested the three earlier this year after entering the house at 342 Billow Dr. without permission or just cause.

The claim said the officers caused a false search warrant to be obtained and served on Smith's home after he entered "and police knew it wasn't the right home."

The claim accuses the officers of false arrest and imprisonment, assault and battery, libel and slander and said the claimants' personal property, including money, had been confiscated.

Robert Smith and Roberta Smith are each seeking \$35,375, while Myers seeks \$35,055.

Police Chief Ray Hoobler said he would not comment on the claims until the complaints are received.

"Common sense prevailing," the chief said, "I will not comment on the complaints until after I see them and they are investigated."

Members of the Coalition on Police Practices are the National Lawyers Guild, the Police Practices Committee of the American Civil Liberties Union, Senior Citizens Federation, United Farm Workers, Model Ex-Offenders, Unified Filipino Assn., Young Socialist Alliance, Inbetween Youth Center, Black Action Committee and several other social action agencies.

— \$4,000 by John Sinegal, 27, of 3150 Martin Ave., who says he has been arrested without cause six

times. Edwards, 25, of 4113 50th St., who says he was beaten about the head, body and legs

last Sunday by several officers wearing gloves on their right hands. He claims he was arrested for being drunk in a public place and was released a few hours later without medical attention.

— \$100,000 by Tommie Ray Jackson, 25, of 3714 Harding St., who says he was beaten, had Mace sprayed in his face and was choked by police after he could not produce his car registration Aug. 22 when stopped in an alley near 30th St. and Imperial Ave.

— \$50,000 by John H. Roberts, 38, of 719 Beacon Dr., who claims he was stopped last March 20 by police near 3924 Park Blvd., where he was helping a friend clean a cocktail bar. Although declared "legally blind" by the state in 1969, Roberts says police harassed him, assaulted and slandered him.

— A \$500,000 claim filed by Roseman on behalf of Gwendelyn D. McCain, of 4086 40th St., contending she was wrongfully and falsely arrested on Jan. 23 of this year.

It said the woman, nine months pregnant at the time, was charged with violations of the vehicle code and health and safety code.

The claim said she suffered shame, humiliation and severe emotional distress because of the incident.

## City Police focus of probe

The staff of Assembly Speaker Leo McCarthy, D-San Francisco, is preparing a report to the speaker on alleged misconduct by the San Diego Police Department.

Ralph Ochoa, a member of McCarthy's Los Angeles office staff, said he and two other staff members completed a five-day probe of the department recently and are to complete a written report to McCarthy within three weeks.

Ochoa would not comment on the report's probable findings.

He said the probe was started after several assemblymen, under pressure from some Mexican-American political organizations, asked that the shooting death of San Diego police informant Bernardo Gallardo be investigated. Police have been cleared of any connection with Gallardo's death after an investigation by Dist. Atty. Ed Miller.

Ochoa said the report will focus on police misconduct here.

The hearings could be conducted by the Assembly's Criminal Justice Committee, Ochoa said.

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# The reason citizens get riled at police

by Lynne Carrier

(second series)

The tenants much needed police assistance until July.

That evening, Fred and Julia Wright and their neighbor Mrs. Norton, were walking home. Six teen-agers approached them.

"Got anything to get high on?" one of them yelled. Negative response prompted a streamer.

The youths took the Wrights to the front door of the house, forcibly trying to enter. No sooner did Wright shut the door on them than they smashed through the bedroom window.

Wright grabbed a gun and rushed to the porch — only to be thrown down when he saw that most of the assailants were girls, apparently stopping the rampage.

Even as Julia ran next door to phone the police, the police had his hands full warding off the teen-agers who were smashing the door with their bare fists.

Kathy made the first urgent call from a neighbor's house about 10:10 p.m. She could hardly make herself heard because the teen-agers had followed the two women and were kicking the screen door. Then, the front window shattered.

The neighbor placed a second call for help at 10:20 and a third at 10:30. Hearing the ruckus, another neighbor also phoned the police. But no one came, and the girls retreated.

A few minutes later, a second group of youths began gathering at the front gate.

Fearing more trouble, Mrs. Norton made a fourth call to the police at 10:41.

"I called again and told the lady that answered that if someone didn't get out here soon, we were going to have a riot," recalled Mrs. Norton. "The operator at that time was surprised that no one had answered our earlier calls."

Shortly before 11 p.m. a patrol car arrived, questioned the Wrights, their neighbors and Mrs. Norton about the incident.

When told that the assailants were

Mexican-Americans, one officer allegedly replied, "This is Mexican territory. Why are you living in this neighborhood anyway?"

"I told him if you know a place where I can rent a two-bedroom furnished house five blocks from where my husband works for \$125 a month, I'll be happy to move," the neighbor recalled.

A trail of blood led down the sidewalk, apparently the result of a cut sustained by one of the girls who broke one of the windows.

The officers followed the blood-stains to the door of a house nearby, but had no luck in finding the youths. They left.

Indignant, the neighbors complained to the police and to Supervisor Jim Bear's office the next day.

They also informed their landlord, Chula Vista resident Frederick Behrens, who picked up the gauntlet.

Neither Behrens nor his tenants were satisfied with the calls from the Police Department in answer to the complaint. The police called four times after 10 p.m.

Behrens views these calls as simple pacification gestures rather than real attempts to clear up a misunderstanding.

On Aug. 30 Behrens fired a letter to Police Chief Ray Hoobler, Mayor Pete Wilson and the City Council, urging a further look into the matter.

It was later learned that police considered the incident a low-priority "juvenile rock-throwing" episode, and no investigation was intended until Behrens insisted on some sort of explanation.

In his letter, Behrens summed his complaint this way:

"The San Diego Police Department was non-responsive to its citizens begging for police assistance when bodily harm was a great possibility.

"The San Diego Police Department is totally irresponsible in telling people to move because this area is not the nicest part of the city. Any citizen has a right to live where he wants and can afford.

"And, finally, the San Diego Police Department apparently has not followed up

(See POLICE, 2A)



# Police

(Continued)

to determine who was responsible and, in closing, I am not satisfied with the San Diego Police Department pacification phone calls."

A more thorough investigation was begun.

Later, Sgt. Ramiro Castorena, supervisor of the officer who had answered the tenants' call, interviewed Mrs. Joe Odom, manager of Behrens' four rentals.

Polite and soft-spoken, the sergeant listened as Mrs. Odom described at length the July 22 disturbance.

"I think it was uncalled for to tell us we ought to move because this is Mexican territory," Mrs. Odom told him. "If we had been Mexican-Americans living in a white neighborhood, I don't think the officer would have asked us to move."

Castorena said the police officer had denied making the remark.

Mrs. Odom gave him an astonished look.

"But five of us were standing at the front gate when he said it. We all heard it."

The tenants were questioned and, in addition, had submitted written accounts of the incident to the police shortly after it happened.

On Sept. 23, the results of the internal investigation were sent in a memorandum from Chief Hoobler's office to the mayor.

Although Behrens repeatedly requested a written explanation from police, he only caught wind of the memorandum when City Councilman Jim Bates forwarded him a copy.

Behrens and his tenants were furious. From their viewpoint, the lengthy interviews had been for naught.

The police had merely reiterated the officers' version of the incident and questioned Behrens' motive for pressing the complaint.

The memo did admit to a 30 to 35-minute delay in police response, but added that "the response time would normally be an alleged he [redacted] services. When asked what was tying up those police units, the single specific instance cited was a "211" robbery downtown.



As for allegations of the officer's rudeness, the report stated:

"One of the tenants volunteered a statement regarding her financial inability to move. The officers advised her specifically that it would be unnecessary. There was additional conversation from which could be inferred there are better neighborhoods with less problems. No ethnic description of this neighborhood was offered by officers or tenants."

Police failure to find the youths who caused the problem was neatly dismissed. The officers followed the blood stains to a house. As no one there professed any knowledge of the incident or displayed wounds, the pursuit was dropped, the report stated.

The report went on to say the tenants "could have, but did not identify the juveniles involved, fearing retaliation."

Behrens and his tenants saw this — and other statements in the report — as a distortion of what had, in fact, happened.

Subsequently, Behrens had a chance to discuss his grievance with Lt. Michael Tyler, the supervising officer who had prepared the report.

During the course of a lengthy three-hour conversation attended by this reporter, Tyler again admitted the delay in service but, for the most part, backed his officers' version of the encounter.

"Mr. Behrens, what would you have me do?" sighed the lieutenant. "I've already admitted there was a delay in answering the call. But I can't sustain the part about the officer making a comment about Mexican territory."

Tyler said the officer vehemently denied saying anything ethnic and that he was merely trying to empathize with the tenants when telling them about the chronic juvenile rock-throwing problems in that particular neighborhood.

"I guess policemen are going to have to stop acting human," Tyler remarked. "They try to understand the citizens' point of view and they just get in trouble."

Besides, Tyler went on, it didn't make sense that in this day and age, an officer would utter the heresy of an ethnic slur. It might occasionally happen, he said, but it was strictly taboo.

Skeptically, Behrens pointed out that the lieutenant had taken the word of two officers over the testimony of five citizens.

"Do you expect me to give the guy a polygraph test everytime something like this comes up?" Tyler countered. "Mr Behrens, I have to get work out of these guys."

He added that police had investigated the incident thoroughly, the conclusions were

"Mr. Behrens, if you lived in New York and this kind of thing happened there, the police would probably tell you, 'Go see your glazier about it,' " the lieutenant said. "And if you called the police and complained someone beat you up, they'd probably tell you, 'Mister go take karate lessons.' "

Behrens had his doubts. Nor was he impressed by the \$500 investigation, which he said would not have been necessary if the police had done their job in the first place.

(Next: The case of two police officers



# City police catching flak from all sides <sup>11/6/74</sup>

Lynne Carrier

(First of a series)

The San Diego Police Department — battered by complaints of misconduct — stands at a critical crossroad.

Police officials have been thrust into a defensive posture to police criticisms from city officials, minority groups, the press — and their own patrolmen.

Police say the current situation is a reaction to isolated incidents brought by the press. One officer described it as a "post-Watergate syndrome." Another claims

police critics are leaping on minor organizational flaws.

The Police Officers Association (POA) went a step farther. It promised the group won't treat lightly false allegations. Police may do some suing of their own.

But some community leaders say a peek behind the shield of police secrecy is overdue. They argue that the number of complaints indicates something is wrong with present Police procedures.

What sparked the latest uproar was the Aug. 19 slaying of Bernardo Gallardo, an ex-convict who three days before his death complained that two policemen tried to

coerce him into becoming an informer.

In the wake of his shooting, Mayor Pete Wilson and several city councilmen requested a probe into police activities.

Herman Baca of National City, head of the Chicano Federation, also called for an investigation and repeated a previous demand for the resignation of Police Chief Ray Hoobler on the grounds of "rampant incompetency."

The county Grand Jury is looking into charges of police misconduct in the Gallardo case. (A friend of Gallardo was convicted of the shooting death.)

But the Gallardo incident opened a

Pandora's box of bad memories of other police-related incidents.

Last month, 10 individuals filed \$1.3 million worth of damage claims against the city. All charged police misconduct.

The suits included:

— A million-dollar claim by a woman who claimed police hit her with the door when they broke into arrest her husband early one morning. She suffered a miscarriage six days later, resulting in the death of her premature infant. Her husband, who was arrested for kidnaping but later released, has filed a \$4,000 claim.

(See POLICE, 6A)



11/6/74

(Continued from)

— A \$13,000 claim by our men for property damage caused when police blasted an unoccupied house with tear gas and shotguns during a search for a murder suspect.

— A \$100,000 claim by a man who said two officers beat him, choked and sprayed him with Mace when he tried to produce his car registration.

Peter Schey, an attorney representing the Coalition on Police Practices (COPP), filed the suits. He said the complaints had been screened before being filed with City Atty. John Witt's office.

The lawyer, who works for the Legal Aid Society, said COPP, a coalition of community and minority organizations, also has received 25 other police-related complaints.

Asked what caused the furor, Schey replied, "The death of Gallo touched off a reaction from the community. But the problems have been lying under the surface for quite a while."

In past months, the 1,100-man police force found itself in the news over a series of incidents.

Last April, two officers were charged with raping a 14-year-old girl. Following a department investigation, one was fired and the other resigned. The girl later filed a million-dollar claim against the city.

In another case, an officer was dismissed when the Grand Jury indicted him on five counts of perjury and five counts of falsifying evidence.

Claims totalling nearly a million have poured into the city attorney's connection with the former officer's suit.

Disturbing to some is the belief that police supervisors had a knowledge of these

problems months before but did nothing about them.

Last year, the city settled for \$1,900 a claim arising from a false arrest charge involving the officer.

The June 15 shooting death of James Gaw in the emergency room of University Hospital was another police embarrassment. The American Civil Liberties Union (ACLU) requested a Grand Jury investigation of Gaw's death, ruled suicide by police and the coroner.

The ACLU report said Dr. James Davis, an intern in the emergency room, saw police officer K.S. Hargrove strike Gaw twice although Gaw, groggy from a drug overdose, did not seem to be resisting.

Gaw and the officer fell to the floor and began scuffling, Davis said.

The doctor claimed he ran from the room when he saw the officer reach for his gun. Moments later, Davis said he heard two shots ring out.

Then, according to the intern, Hargrove emerged from the examining room and commented, "I think you have a dead patient in there."

At the behest of City Councilmen Floyd Morrow, Jim Bates and Leon Williams, the district attorney's office investigated the shooting. On Sept. 6, Dist. Atty. Ed Miller announced his findings — Gaw shot himself in the right temple, he said.

Other officers ran afoul of the department because of off-duty misbehavior.

Three policemen were suspended after a shot was fired in the air after a party. A 15-year veteran officer also was suspended after a similar gun-firing incident. In a separate incident, a policeman was sacked after he confessed to smoking confiscated marijuana.

Police administrators insist they deal firmly with errant officers. Hoobler is

generally viewed as a "stern disciplinarian," they say.

"We are not trying to sweep anything under the rug," said Capt. Carl Ecklund, director of the community relations staff.

Ecklund said policemen take a lot of flack because "they are the most visible entity of the government."

"Policemen are almost held responsible for society's unhealthy conditions," he said.

Asked if current criticisms of police are warranted, he stated:

"It's possible that some things are not done as the chief wants."

However, he added, the chance of major problems is less than in other bureaucratic organizations because the department is semi-military and actions are reviewed at every step in the chain of command.

However, he pointed out that police are not able to answer some criticisms because they involve cases pending in court.

"I guess we're open for a lot of people to take pokes at us," he said, "but we aren't in a very good position to defend ourselves."

On the other hand, a growing number of community groups say they have lost faith in the department's ability to conduct internal investigation of citizens' complaints.

They say the normal avenues for citizens' complaints — the police community relations staff, the Human Relations Commission, Legal Aid Society or the City Council — simply funnel the grievances to the police. Few citizens' complaints are sustained when police investigate their own activities, critics say.

Since its inception in 1971, the community relations division processed 135 allegations of police misconduct. Only four were sustained; seven others were partially sustained.

Further, it is pointed out that while the City Council receives quarterly figures on the number of reprimands issued within the department, the names of the reprimanded officers and the nature of the misconduct are withheld.

Commenting on the pitfalls of police investigating complaints against police, Dick Leslie, a lawyer on the Human Relations Commission said:

"The trouble is that they can do with a complaint what they wish because there is secrecy of the investigative process."

"The citizen never knows the extent of the investigation and he doesn't know what witnesses were contacted."

According to some, the solution is some type of civilian review board with enough independence to find out what's really going on.

But the notion of civilian review is anathema to police.

As one officer put it:

"A civilian review board would never find in favor of the policeman. Pretty soon, policemen wouldn't do anything for fear of being called on the carpet."

But Richard Walden, who works with the Legal Aid Society, says the police paranoia about civilian review is unfounded.

He said the policeman's anxiety over possible malicious complaints could be answered by conducting civilian review hearings in secret.

He says civilian review is much needed because "expecting the Police Department to investigate itself is unrealistic and it hasn't worked."

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(Next: What happens when a citizen files a complaint)



Nov. 13 1974.

39 San Diego Coalition on Police Practices

~~James Berg 223-7539 OB Human Rights form: In-Between~~  
~~Mark Blackman 234-8415 Community Congress (ACLU)~~  
TALK WITH PAUL JOHNSON DIR. IN BETWEEN  
~~Alex Stone 223-6744 In-Between - P.A.C. (ACLU)~~  
~~Chuck Brozka 224-8792 (if you need assistance in writing or copying)~~  
~~George Clark 234-8415 Community Congress~~  
~~Pauline McLeod 298-1490 (ACLU) Police Practices~~  
~~Alice Weingarten 291-6555 Arch. Law Dept (ACLU Police Practices)~~  
~~Dorothy Danby 270-4630 222-5951 - parent - Danby's cocktails~~  
~~Arthur M. Schaffer 287-2929 (ACLU) Police Practices~~  
~~James Avery Avery 234-7536 - (Community Congress)~~  
~~Beau Paul Myers 232-5184 Atty~~  
~~John Woodard~~  
~~Patrick Straker (ACLU) - 234-9470~~  
~~~~XXXXXXXXXXXX~~ 287-6764~~  
~~Carol Vagstad Casa Justicia 477-3155~~  
~~Herman Baca Casa Justicia 477-3155~~  
✓ ~~Hector Lopez CRB 239-9341~~  
~~Lorna Fourn V.C.B. 257-9137~~  
~~Bar. Hernandez 284-3955~~  
modern { ~~Cy Hersherberger Alternative CLU 283-1097~~  
4321-43rd St S.D. 92105  
~~Mary Hersherberger alternative C.H. 283-1097~~  
~~Peter Schen Attorney 239-9137~~  
~~Jerry Schen (ACLU) OB~~  
**DANIEL R. OSTROWSKI 3124 OAK GREEN LANE S.D. 92117**  
~~Dorothy Danby 270-4630-222-5951 call for \$~~  
~~HAROLD TYVOLL 297-2293 ATTORNEY~~



DATE August 28, 1974

ATTENDANCE

| NAME                 | ORGANIZATION                                               | PHONE NUMBER                       |
|----------------------|------------------------------------------------------------|------------------------------------|
| * Jim Jaramas *      | Human Relations Commission                                 | 299-2840                           |
| * Jerry Russell      | PROTECT JOVE *                                             | 233-6572                           |
| * Doug Sandoz        | Postconviction Legal Services - Atty                       | 236-1826                           |
| * Mark Schneider     | Militant paper                                             | 280-1292                           |
| * Dave Goldman       | Militant Photographer                                      | 280-1292                           |
| * Mike Zarate        | Militant paper                                             | 280-1292                           |
| * Peter Affelmy      | Ad Hoc Committee on Civilian Review Board (Legal Aid Atty) | 239-9137                           |
| * Judy DiCenturo     | Atty-member of ACLU Legal Panel                            | 273-3203 (home)<br>232-6849 (work) |
| * Alvaro Colorado Jr | S. A. C. → N. C. Com. action Council                       | 477-5974                           |
| * Martin Alvarez     | ACLU                                                       | 488-7147                           |
| * Henry Cale         | B. A. C. Inc                                               | 233-8883                           |
| * Jonathan Mathis    | B. A. C. Inc                                               | 233-8883                           |
| * J. Moses           | Legal Aid                                                  | 239-9611                           |
| * Gregory Knoll      | Legal Aid                                                  | 239-9611                           |



DATE August 28, 1974

## ATTENDANCE

[illegible]





# C.A.S.A. JUSTICIA

CENTRO DE ACCIÓN SOCIAL AUTÓNOMO  
(AUTONOMOUS CENTER FOR SOCIAL ACTION, INC.)  
A NON-PROFIT CALIFORNIA CHARITABLE ORGANIZATION

1839 HIGHLAND AVENUE  
NATIONAL CITY, CALIFORNIA 92050  
TELEPHONE (714) 477-3155 477-3156

COMITÉ NACIONAL HERMANDAD GENERAL DE TRABAJADORES

1338

## SAN DIEGO COALITION ON POLICE PRACTICES

| NAME                  | ORGANIZATION            | ADDRESS                             | PHONE               |
|-----------------------|-------------------------|-------------------------------------|---------------------|
| Mark Pearlman         | Community Congress      | 621 4th Ave. San Diego              | 234-4733            |
| Bruce Clark           | Community Congress      | " "                                 | 234-8471            |
| Helen Herbert Heiutt  | Community Congress      | " "                                 | 270-4179            |
| Patric Stalnaker      | Pres. ACLU              | 1346 29th St. San Diego             | 234-9470, 297-1643  |
| Avis L. Stone         | ACLU                    | " "                                 | 223-6744            |
| Pauline McLeod        | ACLU                    | " "                                 | 298-1490            |
| George Weingarten     | ACLU                    | " "                                 | 291-6555            |
| Patrick Stalvaker     | ACLU                    | " "                                 | 234-9470            |
| Cy & Mary Hershberger | ACLU                    | " "                                 | 283-1097            |
| Judy D. Gennaro       | ACLU                    | " "                                 | 273-3203, 232-6849  |
| Martin Chancey        | ACLU                    | " "                                 | 488-7147            |
| Larry Schwartz        | ACLU                    | 4161 Olympic St. S.D.               | 582-4462, 238-1181  |
| Hector Lopez          | Community Relation B.   | 1338 B St                           | 239-9341            |
| Carlos Vasquez        | C.A.S.A                 | 1839 Highland Ave. N.C.             | 477-3155            |
| Herman Baca           | Ad Hoc Chicano Rts.     | 1837 Highland Ave. N.C.             | 477-3800            |
| Mattie Branch         | Dir. Crisis Center      | 2754 Imperial Ave. S.D.             | 239-0325            |
| Mateo Camarillo       | Cir. Chicano Fed.       | 1960 National Ave. S.D.             | 234-2621            |
| Richard Resendez      | AM. GI Forum            | 271 I St. Chula Vista               |                     |
|                       | <del>Am. GI Forum</del> | <del>430 University Ave. S.D.</del> | <del>299-3390</del> |
| Henry Cole            | Dir. Black Action Com.  | 2780 K St. San Diego                | 233-8883            |
| Larry Greenwood       | Black Action Comm.      | " "                                 |                     |
| Bernard Ashcraft      | Black Action Council    | 5977 Balmoral Dr. S.D.              | 264-9416            |





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COMITÉ NACIONAL HERMANDAD GENERAL DE TRABAJADORES

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| NAME                  | ORGANIZATION            | ADDRESS                    | PHONE    |
|-----------------------|-------------------------|----------------------------|----------|
| 22 Art Casares        | Dir. Barrio Station     | 2196 Logan Ave. S.D.       | 234-3464 |
| 23 Daniel Padilla     | Barrio Station          | " "                        | 234-3464 |
| 24 Albert Alvarado    | Com Action Council      | National City              | 477-5974 |
| 25 Gregory Akili      | Black Federation        | 4075 Market St. S.D.       | 263-2626 |
| 26 Ken Msemay         | Dir. Black Federation   | " "                        | 263-2626 |
| 27 Sherry Garrel      | Harambee House          | 408 N. 30th St. S.D.       | 232-1002 |
| 28 Larry Bouche LKH   | Inbetween Youth Cent.   | 5041 Newport Ave. 92107    | 225-9306 |
| 29 Gerri Russell      | Project Jove            | 2                          | 233-6572 |
| 30 Rich Walden        | Legal Aid Society       | 964 5th Ave. SD 92101      | 239-9611 |
| 31 G. Moses           | Legal Aid Society       | " "                        | 239-9611 |
| 32 Alex Landon        | Legal Aid Soccity       | " "                        | 236-1826 |
| 33 Lonnie Brown       | Legal Aid Society       | 3040 Imperial Ave.         | 239-9137 |
| 34 Greg Knoll         | Legal Aid Society       | " "                        | 239-9611 |
| 35 Victor Nieto       | MAAC                    | 825 "A" Ave. N.C.          | 474-2232 |
| 36 Manuel Aguilar     | MAAC                    | " "                        | 474-2232 |
| 37 Millie M. Acasio   | Dir. Model Cities       | 610 S. 30th St. S.D. 92113 | 233-5733 |
| 38 Howard Carey       | Dir. Neighborhood House | 841 S. 41st St. S.D.       | 263-7761 |
| 39 Jamie K. Berg      | O.B.H.R.C.              | 5012 Santa Cruz, S.D.      | 223-7539 |
| 40 Charles Smith      | Lions Club              | 139 Los Flores Terrace     |          |
| 41 John Joens         | Senior Citizens Fed.    | 610 S. 30th St. S.D.       | 233-5733 |
| 42 Mrs. Lorene Wright | Women's Civic League    | 3090 "K" St. S.D.          | 232-9247 |
|                       | M.E.C.H.A. City College | 1455 Rust Bldg.            | 234-8451 |





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COMITÉ NACIONAL HERMANDAD GENERAL DE TRABAJADORES

| NAME                             | ORGANIZATION                               | ADDRESS                  | PHONE              |
|----------------------------------|--------------------------------------------|--------------------------|--------------------|
| 43 Solomon A. Johnson            | Laboer Local 89                            | 4161 Home Ave.           | 263-6661           |
| 44 Dorthy McBrown                | N.A.A.C.P.                                 | 4276 Market St. S.D.     | 264-9311           |
| 45 Imamu Sukumu                  | Dir. National Invole Ass.                  | 4183 Market St. S.D.     | 263-3139           |
| 46 Gary Pryor <i>H.D. MURPHY</i> | Sotheast Involement Program                | 626 S. 28th St.          | 234-1871           |
| 47 Rev. Ed. P. Williams          | Bethel AME Church                          | 3085 "K" St. S.D.        | 232-0510           |
| 48 Peope Balista                 | Unified Pilipino Ass.                      | 2952 Market St. S.D.     | 233-7397, 298-8402 |
| 49 Richard Shujja                | Sotheast Drug Coaliton                     | 4291 Market St. S.D.     | 263-6181           |
| 50 Peter Schey                   | Legal Aid Society                          | 3040 Imperial Ave. S.D.  | 239-9137           |
| 51 Bern Paul Meyers              | Attorney at Law                            | 233 "A" St. S.D.         | 232-5184           |
| 52 Mark Schneider                | <del>Thats</del> <i>Militant Newspaper</i> | 4635 El Cajon Blvd.      | 280-1292           |
| 53 John Jacobs                   | Dir. Urban League                          | 4261 Market St. S.D.     | 263-3115           |
| 54 Milt Silverman                | Attorney at Law                            | 2404 Broadway St. S.D.   | 233-5411           |
| 55 Harry Ryvoll                  | Attorney at Law                            |                          | 297-2293           |
| 56 Daniel R. Ostrowski           |                                            | 3474 Oak Breen Lane S.D. |                    |
| 57 Dorthy Daxley                 | Bar Owner                                  | 2                        | 270-4630, 222-5951 |
| 58 Bob Akridoe <i>strowski</i>   |                                            |                          | 284-3955           |
| 59 Jim Avery                     | Community Congrees                         | 621 4th Ave.             | 234-4733           |
| 60 Chuck Antosca                 |                                            |                          | 224-8792           |
| 61 Eva Valle                     | PRENSA POPULAR                             | P.O. Box                 |                    |
| 62 Robert L. Varner              | Dir. Comm. RelationsB.                     | 1340 "E" St. S.D.        | 239-9341           |
| 63 Wilbur Hagler                 | Ex. Dir. Comm. Rel. B.                     | 1 "                      | 239-9341           |
| 64 Lisa Lieberman                | HELP Center                                |                          | 286-0894, 234-8871 |
| 65 Martin Erwin                  |                                            | 1919 Coast Blvd          | 755-5344           |



|                  |                    |                       |            |
|------------------|--------------------|-----------------------|------------|
| Maureen O'Connor | City Councilwoman, | City Council Offices, | 11th Floor |
|                  | 202 C St.          | SD 92101              | 236-6440   |
| Bob Martinet,    | City Councilman,   | City Council Offices  | 11th Floor |
|                  | 202 C St           | SD 92101              | 236-6440   |
| Lee Hubbard,     | "                  | "                     | "          |
| Jim Bates        | "                  | "                     | "          |
| Leon Williams    | "                  | "                     | "          |
| Floyd Morrow     | "                  | "                     | "          |
| Jim Ellis        | "                  | "                     | "          |

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4857 Saratoga Ave SD 92107.  
Craig  
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Craig Fredrickson -

Wayne Stalk - Administrator

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~~\* LARRY SCHWARTZ ACU~~

5824462 Hm

~~George Weingarten~~ Asian Film Inst. 2916555 CTT mcs X21  
SD. Chasler PCB 6233. SD 82106

SD Chapter PC Box 6233 - SD 92106

~~Hector López~~ ~~CRB~~ ~~239-7341~~

~~Martin Chaney~~ ~~9ELU~~ ~~582-6764~~ ~~ACCU Boel of Directors.~~

NORW EGIN 1919 Coast Blvd Albu<sup>92014</sup> 755-5344

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~~Helena Herscovici Hewitt~~ 270-4179

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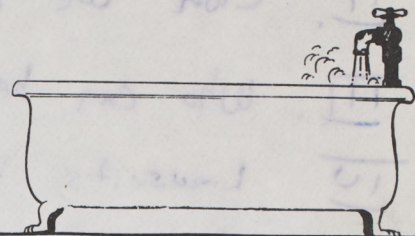


Police Practices Mailing List

- ✓ Richard Resendez GI Forum 271 I Street Chula Vista Ca 92010
- ✓ John Jacobs, Director, Urban League 4261 Market St. S.D. Ca. 92102 263-3115
- ✓ Henry Cole, Director, Black Action Committee 2780 K St. SD 92102 233-8883
- ✓ Larry Greenwood " " " " " "
- ✓ ~~Larry Schwartz~~, ACLU, 4161 Olympic St S.D. Ca., 92115 582-4462 home/238-1181 <sup>work</sup>
- ✓ Gregory Akili, Black Federation, 4075 Market St SD Ca . 263- 2626 ext 216
- ✓ Ken Msemay, Director, " " " " " "
- ✓ Millie M. Acasio. Director Model Cities Senior Citizens Program, 610 S. 30th St. SD Ca 92113 233-5733
- ✓ Howard Carey, Director, Neighborhood House, 841 S. 41 St. SD 92113 263-7761
- ✓ Margaret Castro, " " " " " "
- ✓ Manuel Aguilar, Vets Project, MAAC Center, 827 A Street, National City 92050 474-2247
- ✓ Lonnie Brown, VETS Project Legal Aid 3040 Imperial Ave. SD 92102 239-9137
- ✓ Patrick Stalnaker, President, ACLU, San Diego Chapter, 1346 29th St. SD 92102 234-9470/297-1643
- ✓ Herbert Hewitt 3372 Karok, BD 92117 270-4179
- ✓ Rich Walden Legal Aid Society 964 5th Ave SD 92101
- ✓ ~~Scott Washburn~~ United Farm Workers 1825 National Ave, SD 92113 233-5648
- ✓ John Porter, National Lawyers Guild, 4655 Cass St SD 92109 488-2828
- ✓ Judy DiGennaro, Atty at Law, 233 A St Suite 1107 SD 92101 232-6849/273-3203 home
- ✓ Jamie K. Berg, O.B.H.R.C. 5012 Santa Cruz, SD 92107 223-7539
- ✓ Art Schaffer 4570 54th St #123 SD 92115 287-2929 home/232-6506-work
- ✓ Art Casares, Director, Barrio Station, ~~XXXX~~ 21496 Logan Ave SD 234-3464
- ✓ Daniel Padilla " " " " 92113 " "
- ✓ Judy Bond, Human Relations Commission, 3730 5th Ave SD 92103 299-2840
- ✓ Sherry Garrel, Harambee House, 408 N. 30th St. SD 92102 232-1002
- ✓ Larry Bouche, Inbetween Youth Center, ~~5041 New Port Ave 92107~~ 2259306.
- ✓ Hilt Silverman, Attorney, 2404 Broadway SD 92102 233-5411
- ✓ Bernard Ashcraft, Black Action Council, 5977 Balmoral Drive, SD 92114 264-9416.
- ✓ Mattie Branch, Director, Crisis Center, 2754 Imperial Ave SD 239-0325
- ✓ Carlos Vasquez, Director, CASA, 1839 Highland Ave National City 92050
- ✓ Herman Baca, *Chicano Rights*, 1837 Highland Ave N.C. 2 477-3155
- ✓ Glen Cornist, Director, Model Ex-Offenders 1719 National Ave SD 234-6191
- ✓ Chester Holliday, Director, Project Star, 3558 National Ave SD 239-5161
- ✓ Charles Smith, Southeast Lions Club, 139 Los Flores Terrace, SD.
- ✓ ~~John J. Smith, Director, Project Star, 3558 National Ave SD 239-5161~~
- ✓ Mrs Lorene Wright, Woman's Civic League 3090 K St SD 232-9247
- ✓ John Jones, Senior Citizens Federation, 610 S. 30th St SD 233-5733
- ✓ M. Harris, Director, Welfare Rights Organization, 906 N. 47th St SD 264-3434
- ✓ American G.I. Forum 430 University Ave Rm 110 SD 92103 299-3390
- ✓ Chairman, M.E.C.H.A. San Diego City College 1425 Russ Blvd SD 92101 234-8451
- ✓ Solomon A. Johnson, Laborers' Intl' Union, Local 89, 4161 Home Ave. SD. ca. 92105 263-6661
- ✓ Mrs. Dorothy McBrown, N.A.A.C.P. 4276 Market Street SD ca 92102 264-9311
- ✓ Rev. Edward P. Williams, Bethel AME Church. 3085 K St SD 92102 232-0510
- ✓ Mr. Imamu Sukumu, Chairman, National Involvement Association, 4183 Market St. SD Ca 92102 263-3139
- ✓ Mr. Gary Pryor, Southeast Involvement Program, 626 S. 28th St SD 92113 234-1871
- ✓ Atty. Clifton Blevins, 110 West A St Suite 1540 SD Ca 92101 234-6468
- ✓ Richard Shujja, Southeast Drug Coalition, 4291 Market St SD Ca 92102 263-6181
- ✓ Mateo Camarillo, Director, Chicano Federation, 1960 National Ave SD Cal. 92113 234-2621
- ✓ Alex Lanon, Attorney at Law, 520 E St. Suite 1100 SD 92101 236-1826
- ✓ Peope Balista Unified Pilipino Assoc. 2952 Market St SD 92102 233-7397 2402-home
- ✓ ~~John Schneider Young Social Club~~
- ✓ Gil Johnson, City Councilman, City Council 202 C Street, SD 92101 236-6440

*Bern Paul Myers 233 A Street Suite 204 SD 92101 232-5184*  
*Opiter Shrey attorney Legal aid 239-9137*





## SAN DIEGO COALITION ON POLICE PRACTICES

Dear Friend,

On September 22, 1974, a coalition of Blacks, Chicanos, Pilipinos and Anglos from throughout the San Diego area, met at the Legal Aid Society and Agreed to form the COALITION ON POLICE PRACTICES (COPPS) and took the following positions:

- (1) That San Diego Chief of Police Raymond Hoobler be fired because of:
  - a. his illegal and unconstitutional practices and policies.
  - b. the failure by police Chief Hoobler to correct the "rampant incompetency" of the S.D.P.D.
  - c. abuse of power.
- (2) We demand that a citizens police review board made up of a cross-section of the San Diego Community outside of the city structure be established to review police malpractices and policies.
- (3) Demand an immediate hearing and that the police Department be investigate by outside agencies. (Justice Dept., U.S. Civil Right Division, and Calif State Legislature, ect.)  
*Sen Tunney* *Ralph Ocala*

We are corresponding with you as an organization or individual to request if you wish to become a member of this coalition.

Please advise us of your decision by calling 477-3155 between the hours of 9:a.m. and 6:p.m. Monday thru Friday.

Thank You,

Herman Baca  
Co-Chairman  
  
Ardelia McClure  
Co-Chairwomen  
  
Larry Schwartz  
Co-Chairman

P.S.

A meeting will be held on Wed., Nov. 20th 1974

at the Community Congress 621 4th ave. San Diego, Ca., R.M. 216



I. How many Org. & ind. signed up?

II. Can we agree on the <sup>objectives</sup> ~~agenda~~?

III. Who can be in the legal comm.

IV. Lawsuits, R. Assoc. stand, G.J., Sen Tunney.

V. Press Conf?

Meeting will be set up with Tunney's, Cranston, Ocho

(1) Com Congr. A.  
(2) O. B. H. R.  
(3) A. H. C. on C. R.  
(4)



AN INQUIRY INTO THE CONDUCT OF MEMBERS OF THE  
SAN DIEGO POLICE DEPARTMENT

An Interim Report  
by the 1974-75 San Diego County Grand Jury

INTRODUCTION

REQUEST FOR ACTION:

On August 26, 1974, seven days after the death of Bernardo Gallardo, the 1974-75 San Diego County Grand Jury received the following telegram from Raymond L. Hoobler, Chief of Police of the City of San Diego:

"CERTAIN BROAD BASED ALLEGATIONS HAVE BEEN MADE REGARDING THE CONDUCT OF TWO MEMBERS OF THE SAN DIEGO POLICE DEPARTMENT. THESE ALLEGATIONS ARE BEING INVESTIGATED BY MY INTERNAL AFFAIRS UNIT IN WHICH I HAVE THE UTMOST CONFIDENCE. IF IMPROPRIETIES OR ACTS OF MISCONDUCT HAVE OCCURRED I WILL, AS ALWAYS, TAKE APPROPRIATE DISCIPLINARY ACTION; HOWEVER, IN VIEW OF THE SERIOUSNESS OF THESE ALLEGATIONS, I HEREBY REQUEST THE SAN DIEGO COUNTY GRAND JURY TO IMMEDIATELY CONDUCT AN INDEPENDENT INVESTIGATION INTO THESE ALLEGATIONS. BE ASSURED THAT THE SAN DIEGO POLICE DEPARTMENT WILL PROVIDE COMPLETE COOPERATION DURING YOUR INQUIRY."

(Signed) R. L. Hoobler, Chief of Police

It should be noted here that, despite statements to the contrary, the above request was the only one received by the Grand Jury.

JURY REACTION:

On the following day, August 27, 1974, the Grand Jury, after deliberating its jurisdiction and time priorities, sent a letter to District Attorney Edwin L. Miller, requesting that he provide investigative support and assign a deputy as an advisor. (See Addendum A for complete letter)

On the same day, the Grand Jury informed Ray L. Hoobler, Chief of San Diego Police Department, that it was initiating an investigation into the allegations referred to in his telegram. The Jury also

- COPY TO -  
RUDY  
BAUTISTA  
ASST. TO DEPUTY  
MAYOR - SDIEGO



asked that the Department furnish a report of its Internal Affairs Unit and such statements and other evidence which were available.  
(See Addendum B for complete letter)

JURISDICTION OF THE GRAND JURY:

The jurisdiction of the Grand Jury for this inquiry is defined in the California Penal Code:

Sec. 917: The grand jury may inquire into all public offenses committed or triable within the county and present them to the court by indictment.

Sec. 919: The grand jury shall inquire into .....

(c) The willful or corrupt misconduct in office of public officers of every description within the county.

Although the Grand Jury does not have the power to inquire into the manner in which a municipal department operates, as it does for county offices, it believes it should comment upon faulty practices and procedures brought to its attention during such an inquiry.



COMMUNITY ALLEGATIONS:

The broad-based allegations referred to in Chief Hoobler's telegram can be generally summarized from publicized statements made by individual citizens and groups of the community. They contained such allegations as the following:

1. That police officers Perry E. Bryant and Harold A. Phenix attempted to obtain an informant (Bernardo Diaz Gallardo) by means of coercion.
2. That these officers harassed the intended informant and threatened him on two or three occasions with bodily harm.
3. That these officers had planted narcotic evidence on the informant in order to press him into their service.
4. That these police officers, as well as others, destroyed amounts of narcotics which possibly could have been used as evidence.
5. That the two officers were involved in the subsequent death of Bernardo Gallardo on August 19, 1974.
6. That an illegal search and seizure was made at the residence in which Gallardo was a temporary occupant.
7. That, in the course of police activities during the night of August 5 and the early hours of August 6, 1974, property damage was done by the police at that same residence.
8. That the Internal Investigations Unit of the San Diego Police Department constantly has performed its function inadequately and "white-washed" all police infractions.
9. That the Chief of Police abused his power and was incompetent; accordingly, he should be fired.



JURY INSTRUCTIONS AND PROCEDURES:

In accordance with the preceding penal codes, the Jury addressed a letter to the assigned Deputy District Attorney and Chief Investigator. The Jury defined its interests and limitations of inquiry into these allegations in the following manner:

- a. The nature of the alleged attempt by the police officers to recruit Bernardo Gallardo as an informant, about which these questions should be answered:
  - (1) Were the actions of the police officers illegal or improper?
  - (2) If such actions were illegal or improper, were they typical or accepted practices among other officers involved in similar duties?
  - (3) If such actions were illegal or improper, were they known, condoned, and/or authorized by the immediate supervisors of these police officers?
  - (4) Are there official rules, policies, procedures or instructions adopted or accepted by the Administration of the San Diego Police Department concerning recruitment of informants?
- b. The alleged illegal or improper suppression or destruction of evidence of criminal activities which was found in the Gallardo residence.
- c. The alleged illegal or improper entry into and/or search of the Gallardo residence.
- d. The allegation that the two accused police officers, or any other members of the Police Department, were involved in the murder of Gallardo.
- e. The possibility of any evidence of other instances of crime or misconduct disclosed by the investigation.
- f. If, during the course of the investigation, it is determined that improper practices or procedures were utilized, but that such did not constitute a criminal or public offense or willful or corrupt misconduct, the Jury might comment on such matters in a report made to the public and/or proper authorities. (See Addendum C for complete letter)

During the period between the instructional letter of September 3, and October 28, 1974, all investigations were made as instructed. The



Grand Jury believes that it has heard directly or indirectly all available evidence relative to the inquiry. Its investigators interviewed 67 persons, including all who had written the Grand Jury wishing to offer evidence. During the ten days of testimony under oath, forty-three witnesses were heard, some of whom were recalled for further questioning. Fifty-three exhibits were received in evidence, including police records and reports, photographs, and other supportive materials. The transcript of the inquiry contained 1470 pages, and has been filed with the Superior Court as a sealed document, in accordance with the law.

In hearings before the Grand Jury, all concerned witnesses heard the following statement made by the Deputy District Attorney:

"This Grand Jury is convened to hear certain matters over which it has jurisdiction by virtue of certain sections of the Penal Code. They are convened here to inquire into certain possible public offenses committed by individuals under the authority of Penal Code Section 917. They are also looking into possible willful misconduct by certain public officials or officers pursuant to their authority under Penal Code Section 919(c). Your testimony is relevant and material to this inquiry."

Additionally, when there was any possibility of a witness incriminating himself or herself by testimony, his or her rights were read by the Deputy District Attorney in the following manner:

"Prior to proceeding, I have a responsibility and duty to inform you of your rights. If you believe that the answers to any question would tend to incriminate you, you have the right under the Fifth Amendment of the United States Constitution to invoke the privilege against self-incrimination and to refuse to answer such question. If you are in doubt as to whether such an answer would or would not incriminate you, you are entitled to seek the counsel of any attorney of your choice. If you cannot afford an attorney, one will be appointed for you by the court. You are entitled to confer with that attorney outside the Grand Jury room prior to answering any question that you believe might tend to incriminate you."

"Do you understand your rights?"



DEFINITION OF TERMS:

In the course of its inquiry, the Grand Jury learned that there are many ways in which information is obtained by police. There is, of course, the public spirited citizen who reports to the police his knowledge or suspicions of crime; there is the paid informant, generally in the area of narcotics, who acts as an undercover agent and is paid for his services. There are also those who voluntarily or involuntarily become informants and give information about crimes because of some hold over them, either the threat of return to jail or the overlooking of a small crime they have committed because they can give information about a more major crime.

It is the last definition of the word "informant" with which this report generally deals. In this category are those called "narcotic informants" who are either users or have knowledge of drug traffic or both, and the "general informant" whose knowledge is of crimes other than those involving drugs.

THE ROLE OF THE INFORMANTS:

The Grand Jury recognizes that an element of the allegations was the implication that the use of informants is in itself wrong. An important source of information for all law enforcement agencies are informants with access to varying groups or elements of society engaged in criminal activity. Although police receive great help from the average citizen who volunteers information he has come onto, the true informant, because of his associations, is able to furnish more detail, frequently on a continuing basis, both of crimes in the planning stage and of illegal acts which have been committed.



Informants, because of the risks involved, normally seek something in return, either in the form of money or of favors which the law enforcement agency can provide. Such favors may be in the form of excusing misdemeanors not involving crimes against persons or property, or traffic offenses, or through some type of assistance by the police. In the case of an individual who has committed a more serious crime, adequate procedures are available involving the District Attorney and the trial judge which will permit consideration of the defendant's cooperation at the time he is being sentenced.

The importance of such informants, the difficulties in their recruitment, development, and use, the potential dangers of overzealousness by officers, particularly in the recruitment phase, make it important that those involved in this activity be well instructed and closely supervised. Threats of force and violence or of starting a false rumor that the individual is a police informant in order to coerce him into cooperation are clearly improper and probably useless as a means of gaining a good informant.

Top officials of the San Diego Police Department recognize that officers in the Patrol Division have important duties assigned to them which must take high priority over informant recruitment activities; in fact, such recruitment activities are discouraged. Patrol officers should take full advantage, however, of utilizing sources of information other than informants that are available to them in the routine coverage of their assigned areas. Under current policy, testimony indicated that members of the investigatory bureaus - the detectives - are in a position to handle informants and that this task is a primary responsibility for them.



SPECIFIC CONCLUSIONS AND SUPPORTIVE EVIDENCE

In order to facilitate the reading and use of this report by all interested parties, the Jury decided to use as a format a statement of each of its conclusions followed by supportive evidence which, in part, led to that conclusion. These conclusions are not presented in any chronological order nor are they placed in this report in any order of importance.

Conclusion: There is no doubt that Officers Perry E. Bryant and Harold A. Phenix did attempt to obtain Bernardo Gallardo as a police informant to acquire information relative to crimes being committed in the general area of Southeast San Diego.

Supportive Evidence: Bernardo Gallardo told of this attempt to several persons, including a lawyer and an agent of the Community Relations Department. Additionally, the two officers, as named, under oath, admitted that they had made such an attempt on Gallardo on August 5, 1974.

Conclusion: There is considerable doubt that coercion by threats of force was used by Officers Bryant and Phenix in the attempt to secure Gallardo as an informant.

Supportive Evidence: Evidence concerning this is difficult to obtain since conversation was obviously confined to the three men involved. Four pieces of evidence point out the doubt expressed in the conclusion: The fact that the police officers took a polygraph test which indicates they were telling the truth in denying use of threats; the fact that the police officers again denied such usage while under oath in testifying before the Grand Jury; the incontrovertible



evidence that Gallardo, while in the San Diego County jail, willingly became an informer for one of the deputy sheriffs assigned to his floor; and the fact that Gallardo, in discussing the incident with two of his close friends separately on the evening of the recruitment attempt, did not refer to any threats of violence or fear of bodily harm from the two officers. These friends stated that his main concern was to avoid arrest and revocation of his parole; his other concern was the possible consequences among his friends if he became known as an informant.

Conclusion: The allegation that the marijuana found in Gallardo's possession on August 5, 1974, by Officer Phenix was "planted" by either of the officers is false.

Supportive Evidence: Two witnesses, under oath, without the knowledge of each other's testimony and supposedly friendly to Gallardo, stated they had personal and direct knowledge that marijuana was in the car; one of these witnesses had personal and direct knowledge that Gallardo was actually in possession of that marijuana.

Conclusion: The "proof" offered by Bernardo Gallardo that he did not have narcotics in his possession because he was a non-user was false.

Supportive Evidence: Again, three witnesses, friendly to him, separate and apart and under oath, testified that they had personal and direct knowledge that Gallardo smoked marijuana cigarettes on August 4 while in Costa Mesa, and one of these witnesses had personal and direct knowledge that Gallardo had smoked at least a part of a marijuana cigarette during his automobile trip from Costa Mesa to San Diego



on August 5, 1974.

Conclusion: Officers Bryant and Phenix did not participate in either the search of 3025 L Street (the house where Gallardo was temporarily residing) conducted on the night of August 5, 1974, or the arrest of the other occupants of that residence in the early morning of August 6, 1974.

Supportive Evidence: Police records indicate neither officer was on duty during the times of the search and the arrest. Testimony given before the Grand Jury clearly discloses the names of all police officers involved in both incidents, none of whom was either Bryant or Phenix.

Conclusion: Officers Phenix and Bryant deliberately destroyed evidence in the form of narcotics on at least three separate occasions and that, on two of these occasions, the destruction was done with their full knowledge and understanding that such acts are contrary to police regulations.

Supportive Evidence: Under oath, both officers admitted to such acts, stated that they had been counseled on police rules and regulations following the first destruction, and that the second and third such destructions occurred after they had been so counseled. This conclusion is further supported by the detailed report and testimony of members of the Internal Investigations Unit of the Police Department.

Conclusion: Both Officers Bryant and Phenix did attempt a kind of harassment of Bernardo Gallardo on August 6, 1974.

Supportive Evidence: Each officer, under oath, admitted that on August 6, the day following the first encounter, they called Gallardo on the telephone, then went to his



residence on L Street, calling his name and demanding that he come out of the house. Additionally, one of the officers put his head through an open window and shouted, "You'll be sorry." No witnesses could be found among neighbors to confirm Gallardo's allegations of other threats on this occasion. The Jury thought it significant that the same officers in an attempt to recruit two other men had threatened to keep after them if the men refused to obtain information; but, in fact, neither officer did so.

Conclusion: The statement by Gallardo of additional harrassment by Officers Bryant and Phenix while in a police car on August 15, 1974, is unfounded.

Supportive Evidence: Official records show clearly that both officers were off duty that day, hence could not likely have been driving a black and white police automobile near 30th and Imperial Avenue as alleged.

Conclusion: The search of 3025 L Street on August 5 - 6, 1974, while begun under legitimate circumstances and reasons, resulted in improper actions on the part of those involved in that search.

Supportive Evidence: Testimony before the Grand Jury showed clearly that a stolen motorcycle had been placed in the yard of the residence a short time earlier and that there was sufficient reason to believe that the person who was in possession of that stolen vehicle was still present in the house. Hence, there was sufficient reason, after identifying themselves and requesting admittance, for the officers to break into the residence to find the possible felon.



Information received by the officers of a "want" on one article was probably sufficient cause to believe that fire arms and expensive pieces of equipment seen in plain sight could be stolen and should be impounded. When the officers without a search warrant opened drawers, examining the contents, and looked in other concealed areas, they were acting beyond their authority and were violating the rights of the occupants of the house.

Conclusion: The sergeant called to the location of 3025 L Street, San Diego, on the date and at the time of the search by the police, performed his duty in a desultory manner in failing to ascertain the extent of the search that had been made.

Supportive Evidence: Testimony disclosed that the sergeant was late in responding to the request for assistance at the location by the officers. Although the detailed search had been made prior to the sergeant's arrival, he failed to ascertain the extent of the search, but approved the actions he assumed had been taken. Had he been aware of the full situation, he should have assisted the patrolmen by counseling and admonishing them.

Conclusion: Damage done to the gate, fence, and a lavatory sink at the L Street property existed prior to the dates of August 5 and 6.

Supportive Evidence: Although there was conflicting testimony about the times when this damage was done, one witness who resided at the address testified that the gate and fence were in disrepair prior to August 5, 1974, and described how the gate had to be lifted in order to move it. Another



resident testified of personal and direct knowledge that the sink in the bathroom was in good condition prior to Gallardo's use of it to climb into the attic on the afternoon of August 6, 1974, when Officers Bryant and Phenix were attempting to talk to him. This act occurred after the search of the premises by the police in the early hours of August 6, 1974.

Conclusion: The .38 caliber hand gun, claimed to be stolen from one of the occupants of 3025 L Street, is missing and no testimony indicates its whereabouts.

Supportive Evidence: The occupant in question claimed his hand gun was kept in the nightstand in his bedroom and he saw it there four days before the search by the police. All officers at the scene testified that they had not seen such a gun. The inventory of impounded goods did not include the gun. The property room was searched without finding it. Investigation by the police indicated they could not locate the weapon identification through their own and State data files. At the request of the Grand Jury, the owner was finally able to locate a paper showing the make and serial number of the gun. A recheck of the State gun data file was then made, disclosing that the owner had, in fact, registered his purchase of the gun with the San Diego Police Department. There is still no evidence as to what has happened to this gun. (Registration of the serial number as a missing weapon in local and State data files may lead to an explanation should the gun reappear.)

Conclusion: Neither Officer Bryant nor Office Phenix had anything whatsoever to do with the death of Bernardo Gallardo.



Supportive Evidence: Testimony by both officers revealed they were not in the vicinity of the L Street address at the time of Gallardo's death; polygraph tests indicated such testimony is true. As a part of the exhibits of evidence, the Grand Jury received and read the transcripts of both the preliminary and change of plea hearings of Harold Villa. The preliminary hearing report showed that neither officer was at the residence on August 19, 1974.

In his change of plea testimony, Harold Villa clearly stated that he and he alone was responsible for the accidental death of Bernardo Gallardo and that no members of the Police Department were involved in any way.

Conclusion: For their acts of destroying narcotic evidence and attempting to acquire a narcotic informant on August 5, 1974, Officers Bryant and Phenix were suspended for twenty working days with loss of pay, separated as patrol partners, and assigned to different areas of the City. Note was made of a prior reprimand on March 15, 1974, when the two officers were involved in a similar incident. While police officials thought such discipline adequate and the two officers thought it severe, the Jury believes that deliberate infractions of written police regulations approach insubordination, hence the penalty imposed was proper. The Jury believes that, should such an act be committed by either officer in the future, the punishment should not be less than termination of service.

Supportive Evidence: Many citizens of the community were aroused by the stories of harassment and attempts at coercion by these officers, even though many such tales were unfounded.



Both officers have stated under oath that they understand the police regulations relative to narcotics and narcotic informants and that they intend to abide by them in the future; thus, any additional infraction could serve only to show that their services are no longer of any use in the protection of the public.

Conclusion: Prior to March 19, 1974, attempts to gain informants through the "twist" method (the forgiveness of a minor crime to obtain information about major crimes) and the destruction of small amounts of narcotics (mostly marijuana) were not unusual among officers of the Patrol Division of the San Diego Police Department.

Supportive Evidence: Several Patrol Division officers, testifying separately under oath to the Grand Jury, stated they had made attempts to gain informants. Some admitted to destroying small amounts of narcotics in such attempts. All patrolmen involved stated they did not know such practices were against departmental policy relative to the Patrol Division.

Conclusion: Prior to March 19, 1974, (when there were distributed written police policies relative to narcotic informants and the required impoundment of all narcotic evidence, no matter how small) the so-called "understood but not written" policy of the Department was not clear to many patrolmen. The dependency of the police administration on such an "understood" policy was unrealistic.



Supportive Evidence: Many of the patrolmen testified that, prior to March 19, 1974, they knew of no policy regarding informants and did not know of the required impoundment of all narcotics (particularly small amounts of marijuana).

Conclusion: The Police Department failed to recognize that the standards of judgment among many patrolmen were at sharp variance with those of the top echelon regarding the importance of the impoundment of small quantities of narcotics and the role of Patrol Division officers in the recruitment of informants.

Supportive Evidence: It was stated, in testimony, that discretion and judgment were expected of patrolmen; that all the rules of the Department could not possibly be put in writing. Still, violators of "understood" policies were reprimanded or punished even though such officers may have been under the impression they were using their discretion and judgment at the time.

Conclusion: There is a lack of proper techniques of dissemination of policies within the chain of command of the Police Department. This is shown by the lack of awareness of them by patrolmen.

Supportive Evidence: It was obvious through testimony that many patrolmen did not and do not know policies concerning informants. Briefing on this subject was inadequate, never given, or never received.

Conclusion: The requirement that an owner assume the responsibility for the return of incorrectly impounded property after such property has been determined as legally acquired is an injustice to the owner. This requires him to accept the inconvenience



and possible cost of such repossession.

Supportive Evidence: Testimony revealed the property, except the motorcycle, that was seized and impounded during the search on the night of August 5, 1974, rightfully belonged to the occupants of the house. One of the occupants was then told by the police a few days later to come to the police station to claim the property. Some of the impounded property was bulky and heavy.

Conclusion: The Grand Jury concluded that appropriate reprimand and punishment have been meted out to Officer Bryant and Phenix. Further, that while some procedural corrections need to be made in the internal operations of the San Diego Police Department, no indictable offenses or willful misconduct have been committed by other members of that Department, in the area of this Jury inquiry.

Supportive Evidence: In the testimony given by all forty-three witnesses, no facts were disclosed or ascertained that would warrant this Grand Jury to return an indictment or make a formal accusation.

Conclusion: There is need for cooperation between the California Department of Corrections and the San Diego Police Department regarding the use of parolees and probationers as informants.

Supportive Evidence: The Department of Corrections has established a procedure where a request is made to them for police use of a parolee or probationer as an informant. Their policy seeks to discourage such informant status since it tends to require the individual to consort with known criminals and persons of poor character. This is contrary to the parole and probation rules, and handicaps attempts at



rehabilitation. There is no law, however, that requires police to notify the Correction Department of their intention to use a parolee or probationer as an informant. Since the chances for rehabilitation vary greatly among individuals, discussion and cooperation between the Police and Corrections Departments are desirable.

Conclusion: There exists a good relationship between the San Diego Police Department and the San Diego Community Relations Department, although there may be some differences in their approach to mutual problems.

Supportive Evidence: Officials of both Departments, under oath and in separate testimony, stated that, since the inception of the Community Relations Department three years ago, the relationship between the two Departments has been good. Officials of the Community Relations Department indicated, however, that they desire to be given more details on the complaints sent to the Internal Investigations Unit than the Police Department believes are proper to release.

Conclusion: The Internal Investigations Unit of the San Diego Police Department does a thorough and professional job in its investigation of complaints against police officers.

Supportive Evidence: Testimony given regarding investigatory procedures reveals that the Unit thoroughly interviews the complainant, all witnesses, and the concerned officers in an attempt to find the truth. Reports received in evidence indicate the willingness of that investigatory body to return a verdict against an officer whenever appropriate.



Conclusion: The Grand Jury in its inquiry found no basis on which to question the competency of Chief of Police Raymond L. Hoobler or to sustain in any way allegations of abuse of power or misconduct.

Supportive Evidence: Months prior to the date when Officers Bryant and Phenix destroyed narcotic evidence and attempted to recruit Gallardo, Chief Hoobler had issued a regulation forbidding such acts. Because of this, Bryant and Phenix had been personally counseled on the regulation. The punishment directed by Chief Hoobler to the two officers was appropriate. From testimony, it became apparent to the Jury that Chief Hoobler strives to be a strong leader who insists on high professional standards of performance.



COMMENTS

The Grand Jury in the course of its investigation and formal testimony has heard representatives from many elements of society. Information has been obtained from community relations officials; State parole officers; friends, neighbors, and acquaintances of Gallardo; former police officers; Sheriff's deputies; San Diego police including patrolmen, sergeants, senior supervisors, and top administrators; and other concerned citizens. In the gamut of the persons heard were admitted drug users, parolees, defendants in on-going criminal matters, and persons previously convicted.

Through the knowledge gained, the Jury believes that certain comments could result in a benefit to both the police and the people. These comments may not fall within the scope of authority found in the Penal Code, but as with all reports by this Grand Jury, its purpose is to serve the people of San Diego by criticizing constructively. The Jury thus offers the following comments:

- The San Diego Police Department should examine its procedures for the initial instruction of new officers in the rules, regulations, and policies - both written and unwritten - and for the dissemination of changes and new regulations to insure that all officers have a clear and timely understanding of such guidance. Particular attention should be given to the problems of notification of officers in the Patrol Division whose shifts, hours, and immediate supervisors are changed frequently.

- The senior police administrators now recognize that there is occasionally a "generation gap" in standards of judgment as between the older officers and those who have entered the force in recent



years. An example shown by this inquiry is that of attitudes towards marijuana and certain other drugs. Unwritten policies should be measured against such standards, and where a possibility exists of a variance, such policies should be clearly defined in regulations. This should be a continuing study, involving both junior and senior officers. To insure clarity of newly written regulations, it is suggested that junior as well as senior officers be permitted to make appropriate comment on proposed regulations.

- In view of the importance of informants in providing information to the police, written policy, special guidance and training should be given all officers authorized for this work. This should include the techniques of as well as limitations on recruitment, development, use, and control of informants.

- It is realized that, in replying to the Community Relations Department relative to unfounded complaints, full disclosures by police could lead to specious civil suits against the City. Nevertheless, the Police Department and the Community Relations officials mutually should develop more satisfactory methods and procedures of reporting results of complaint investigations.

- The City Council is urged to make a study of the requirement for and means of raising the physical and educational standards of the Police Department entrants and of ensuring that they are psychologically suited for this career. Additionally, an analysis of salaries paid to the San Diego police officers should be made to prevent the present attrition of officers to the San Diego Sheriff's Department; evidence indicates that, in a short time with their prior police experience and training, those transferring can receive higher salaries for work similar in nature to what they were doing.



- All citizens in the County of San Diego should make a real effort to place their trust in the professional officer whose job it is to protect the citizens and their property. To do otherwise is self-defeating.

- All citizens should understand that in any large professional organization, especially one in which a certain amount of power and authority is vested, there will always be individuals whose performance is below accepted standards. Through its own professional efforts and with the understanding and support of a knowledgeable Civil Service Commission, the San Diego Police Department can and should rid itself of these types of individuals.

- When controversies over police matters occur, the Police Department must be given full opportunity to respond in a timely and objective manner, without dictum by city government or pressures by outside individuals and groups. Such incidents attract the attention of the news media, and facilitate the political motives of self-serving groups. The Jury suggests that the public be wary of those who seek such publicity.

The strong emotional and political overtones of the accusations against the Police Department clearly justified the broad and time-consuming Grand Jury inquiry which was conducted in a deliberate and objective manner, away from the glare of publicity. The Grand Jury, however, wishes the public to be aware of the excellent investigation of the two police officers involved in the Gallardo case that was made initially by the Internal Investigations Unit of the San Diego Police Department. The quality of its work in that and other investigation reports which were seen by the Jury during this inquiry clearly contradict claims by some in the news media that such police



efforts are "whitewash jobs". The Jury has been aware of a movement to create a Citizens' Review Board to oversee police activities. Although it has not gone into the merits or faults of such a board, the Jury has found during this inquiry no reason to advocate or justify the board's existence to add to other governmental offices (the Mayor, the City Manager, the City Council, the City Attorney, the District Attorney, the California Attorney General, the Community Relations Department) presently available to dissatisfied complainants.

This County Grand Jury, as a result of its exposure to many levels of personnel within the San Diego Police Department during this inquiry, concluded that the Department attempts to be, and in most cases succeeds in being, a dedicated, professionally competent organization...



ADDENDUM "A"

August 27, 1974

Mr. Edwin L. Miller, Jr.  
District Attorney  
220 West Broadway  
San Diego, California

Re: Grand Jury File #74-65

Dear Mr. Miller:

The San Diego County Grand Jury has received a telegram dated August 26, 1974, from Ray L. Hoobler, San Diego Chief of Police, copy of which is attached.

In response to this request, the Jury wishes to conduct an investigation of the recent allegations and of related police department practices and procedures.

It is requested that you provide the Jury with investigative support and assign a Deputy as an advisor to the Jury relative to the inquiry. Please have the individuals named by you contact Mr. George Foster, Room 7003, Court House, (Extension 2676), who will act as liaison with your office.

Sincerely,

SAN DIEGO COUNTY GRAND JURY

Edward H. Hinkle, Foreman

EEH/cb



ADDENDUM "B"

August 27, 1974

Re: Grand Jury File #74-65

Mr. Ray L. Hoobler  
Chief of Police  
801 West Market Street  
San Diego, California

Dear Chief Hoobler:

This will acknowledge receipt of your telegram dated August 26, 1974, and the information contained therein.

The Grand Jury is initiating an investigation into the allegations referred to by you and has asked for investigative support from the District Attorney.

The Jury would appreciate your furnishing it with the report of your Internal Affairs Unit and such statements and other evidence that may be available.

Any future correspondence from you regarding this matter should reference the above file number.

Sincerely,

SAN DIEGO COUNTY GRAND JURY

Edward H. Hinkle, Foreman

EHH/cb



# The Superior Court

COUNTY OF SAN DIEGO  
GRAND JURY  
7005 COURTHOUSE  
SAN DIEGO, CALIFORNIA 92101

ADDENDUM "C"

September 3, 1974

To: Mr. Richard Neely  
Mr. Wayne Burgess

Re: Grand Jury File #74-65

The Grand Jury wishes to give you its thinking regarding the investigation of allegations against members of the San Diego Police Department:

1. It is understood that this Jury's jurisdiction is limited to a determination of whether a) any criminal or public offense has been committed and b) any willful or corrupt misconduct in office has occurred.

2. If, during the course of the investigation, it is determined that improper practices or procedures were utilized, but that such did not constitute a criminal or public offense or willful or corrupt misconduct, the Jury might comment on such matters in a report made to the public and/or proper authorities.

3.- At this time, all information has come from newspaper and television sources; however, the Grand Jury believes the following areas of inquiry should be included in your investigation:

- a. The nature of the alleged attempt by the police officers to recruit Bernardo Gallardo as an informant, about which these questions should be answered:
  - (1) Were the actions of the police officers illegal or improper?
  - (2) If such actions were illegal or improper, were they typical or accepted practices among other officers involved in similar duties?
  - (3) If such actions were illegal or improper, were they known, condoned, and/or authorized by the immediate supervisors of these police officers?
  - (4) Are there official rules, policies, procedures, or instructions adopted or accepted by the Administration of the San Diego City Police Department concerning recruitment of informants?
- b. The alleged illegal or improper suppression or destruction of evidence of criminal activities which was found in the Gallardo apartment.
- c. The alleged illegal or improper entry into and/or search of the Gallardo residence.
- d. The allegation that the two accused police officers, or any other members of the police department, were involved in the murder of Gallardo.

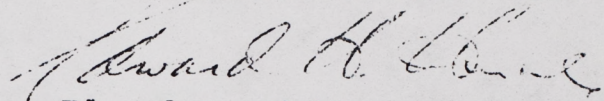


- e. The possibility of any evidence of other instances of crime or misconduct disclosed by the investigation.

It is requested that the Grand Jury be kept informed on a continuous basis of the status of this investigation. This should include a report to the Jury weekly, either at its Tuesday or Wednesday meetings. Interim reports or requests for guidance, as appropriate, may be made to Mr. George Foster (home phone: 287-5008) or, if he cannot be reached, to Mr. Edward H. Hinkle (home phone: 222-8717). Both of these jurors are available for a discussion of the investigation at any time.

Very truly yours,

SAN DIEGO COUNTY GRAND JURY



Edward H. Hinkle, Foreman

EHH:cb



AFFIDAVIT OF SWORN STATEMENT

Name: Nicholas G. Inzunza  
524 'Q' Avenue  
National City, California

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I, Nicholas G. Inzunza, do solemnly swear that the statements I am about to make are true to the best of my knowledge.

FRIDAY, JUNE 29, 1973

At about 1:20 p.m. on June 29, 1973, Lawrence Guillen and myself were in the process of putting up a 4 x 8 foot sign which read "Stop Crime Not 'Aliens' Fire Hoobler," at about 33rd and Hoover Street in National City, California. The sign we were putting up was along side Interstate 5 which is near the location given above and was meant for the people driving on the highway.

As <sup>WE</sup> were putting this sign up, a police officer from the San Diego Police Department, stopped along side the highway and proceeded toward us. He came up to us, and asked us if we were aware that we were on public property. I asked the officer, whose name was Luis Velasquez, badge #380, if anyone had filed a complaint against us and he said no, but that it was his duty to stop law violations. I asked him what law we were breaking and he said he wasn't sure, but that he would find out. I told him that he was a San Diego Policeman and that he had no business in National City and that the sign ordinances were different from those in San Diego. At this time he asked us for our identification and we gave our drivers license.

He then made his way back to the police unit to call the National City Police. About 20 minutes later, an officer of the National City Police Department arrived, he and officer Velasquez walked away from



us and started talking, we did not hear what was being said. At about that time two of our friends (Hector Cazares and Robert Valderrama) who had seen us from the highway as they were going by, approached us from the rear, I started toward them to tell them what had happened and Officer Velasquez jumped between us and told me I was being detained and I did not have the right to talk with them and also ordered me back to the railroad tracks and away from the pick up truck he had searched a few minutes earlier. I then asked him if I was under arrest and he answered "yes". I then asked what am I being arrested for? Officer Velasquez hesitated and then had a puzzled look on his face at which time he stated that he had 72 hours to charge me and he then asked me arrogantly "do you have a watch?" The officer then began to talk with Officer Pinner, who was the officer from National City.

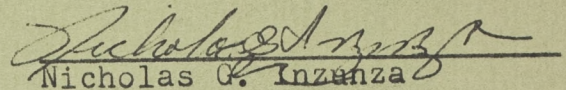
After a few minutes, Officer Pinner made his way back to his unit and started using the radio unit to call in, to what I assume was headquarters. Lawrence and I sat down and our two friends kept their distance from us. After about 20 minutes, Officer Pinner yelled from his police unit asking Officer Velasquez if we had a sign permit. Velasquez then asked me if I had a permit? I said the only permit I had was a moral permit to stop San Diego police from picking up our people for no reason at all. Velasquez answered to Pinner "No". He told us that he called his supervisor who took some pictures of our sign after he arrived.

After about 20 minutes Sgt. Scarpitti pulled up behind the other two units along the highway and made his way up to us. Sgt. Scarpitti said that the National City Police Department received a complaint from police officer Velasquez about us putting up a sign and that his department had to follow it up. He asked me to put our sign in the truck and to leave. The Sergeant didn't appear concerned and treated



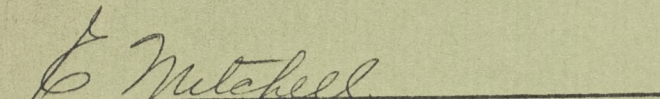
the matter very lightly. He, the sergeant, advised me to go to the second floor of city hall to find out more information about the city ordinance on signs. He also said, that there was a state law not permitting signs within 650 feet from the highway. We put the sign in back of the truck and left. I was under the feeling I was going to jail because he said I was under arrest.

I, Nicholas G. Inzunza, have a witness Lawrence Guillen who will verify everything that I stated, he was with me during the entire episode.

  
 Nicholas G. Inzunza

Subscribed and sworn to, before me  
 on this 2nd day of July 1973



  
 NOTARY PUBLIC