



CCR

Committee on Chicano Rights, Inc

PRESS RELEASE

PRESS RELEASE

PRESS RELEASE

14 January, 1994

Contact: Herman Baca, Chairman
Committee on Chicano Rights

(619) 477-3800

FAX: 477-3800

For Immediate Release

Committee on Chicano Rights Calls For Immediate Federal Intervention!

National City, 14 January, 1994.....The National City based Committee on Chicano Rights (CCR) has sent an urgent request to U.S. Attorney Janet Reno, for immediate "Federal Intervention" by the United States Justice Department to stop immediately the unlawful and illegal Policy issued by San Diego Police Chief Jerry Sanders (See Attachment A).

The new Sanders immigration policy was supported, aided and abated by San Diego Mayor Susan Golding and City Manager Jack McGrory. It reverses a 1986 policy (See Attachment B) issued by former Police Chief Bill Koldender which stoped the San Diego Police Department from actively involving themselves in determining, detaining or arresting alleged undocumented aliens unless the is cause to arrest on a criminal charge or otherwise detained in a lawful manner.

"The Policy" according to Herman Baca, Chairman of the Committee on Chicano Rights," is 'ethnic law enforcement' and represents a full scale "declaration of war" by San Diego Mayor Susan Golding (a known racist) and Chief of Police Jerry Sanders on the Civil and Constitutional rights of 300,000 U.S. citizens and legal residents of Mexican ancestry who reside, work and pay taxes in San Diego."

"The policy", continued Baca," will not only effect U.S. citizens, but will also effect millions of Mexican nationals who are expected to visit, shop and carry out business in the San Diego/Tijuana border the most heavily traversed border in the world.

"The insidious Golding/Sanders immigration policy will, in direct violation of Constitutional quarantees, effect one and only one ethnic group in San Diego...those who are of Mexican ancestry," pointed out Baca. "Past history has taught us that the potential for abuse by overzealous and racist law enforcement officers against our community will be massive (See Attachment C).

"Abuses and overzealous enforcement by racist law enforcement officers will generate a climate which may lead to serious civil disturbances. We saw this happen in the late sixties, and Seventies

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ALBERTO GARCIA



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In concluding, Baca said: " We are calling for "Federal intervention" on the grounds that the City of San Diego is acting illegally by usurping Federal powers and that the Golding/Sanders policy violates the Justice Departments policy which was issued by U.S. Attorney Griffin Bell which stated that 'the state and local police were not to stop and question, detain, arrest, or place on 'immigration hold' any person not suspected of crime, solely on the ground that they may be deportable aliens due to the complexities and fine distinctions of immigration law."

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DA7:
For your info



CCR

Committee on Chicano Rights, Inc

FOR IMMEDIATE PRESS RELEASE

February 4, 1994

Contact: Herman Baca, Chairman
Committee on Chicano Rights

(619) 477-3800
Fax: 477-3800

Herman Baca, chairman of the Committee on Chicano Rights, today accused the Clinton administration of totally surrendering to the racist elements of U.S. society and to the right wing kooks of the Republican Party. The deployment of additional U.S. Agents to the U.S./Mexico border, stated Baca, "is an open admission that the Simpson/Rodino Immigration legislation of 1987 has turned out to be the largest U.S. policy failure since prohibition and the 55 mile speed law." "Instead of treating the historical, social and economic bi-national and bi-lateral causes of the so called immigration issue which is in fact a labor issue," continued Baca "the Clinton administration has chosen to play to the racist fears of U.S. society and has chosen to treat the symptoms. "Like the Simpson/Rodino legislation, this latest policy action will also prove to be a failure."

In concluding, Baca stated, "that this action will effect the new N.A.F.T.A. trade agreement, relations with Mexico and will have political fall out with California's large voting population of Mexican-American when Clinton and the Democractic Party seek their votes."

***** End*****

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Police revise migrant, Border Patrol policy

By KELLY THORNTON
Staff Writer

San Diego police officers who stop undocumented migrants for criminal activity but lack proof to arrest them will be allowed to turn the migrants over to the Border Patrol for deportation, starting in January.

Police

San Diego revises Border Patrol policy

Continued from A-1

officers "shall not make an effort to look for violations of immigration laws" and will only stop someone if there is "reasonable suspicion to believe the person is involved in criminal activity."

For example, a police officer who stops an undocumented person matching the description of a burglar but then determines the person is not the culprit may not summon the Border Patrol.

However, if an officer sees an undocumented migrant on the street corner dealing drugs, but does not have solid evidence to link the person to narcotics sales, the officer may hold the migrant for the Border Patrol because there is "reasonable suspicion of criminal activity."

The document stipulates that an officer may not turn over an undocumented person to the Border Patrol if the migrant is:

- A victim or witness to a crime.
- Involved in a domestic dispute.
- Seeking medical treatment.
- Receiving a minor traffic citation.

The document warns officers to avoid migrant camps, in which "the

The policy replaces a longstanding edict — adopted in 1986 under pressure from Latino activists — that prohibits officers from helping the Border Patrol.

The change, widely praised by patrol officers but criticized by some advocates of immigrants' rights, is intended to curb increas-

majority of residents ... work in the surrounding area and are in this country legally. Officers are generally prohibited from detaining undocumented persons in this setting."

Some Latino community leaders gave high marks to Sanders for sensitivity in undertaking the major policy change.

"I have confidence the Police Department is going to continue to do a good job," said the Rev. Henry Rodriguez of St. Jude's Catholic church.

"I do not see (police) as going specifically after undocumented people. They're only going to detain those who are breaking the law."

David Valladolid, a member of the Chicano Federation's board of directors, initially denounced Sanders' intention to review the policy. Since then, he has accompanied an officer on patrol.

"In seeing what was going on, I don't think we can afford not to get rid of those drugs," Valladolid said. "My position will be that we support any step focused on the elimination of drugs."

"We have never tried to protect those who are violating the law, but we're trying to ensure the laws are applied fairly, without discrimination," he said.

Despite assurances from Sanders, not all community leaders and Latino activists are convinced the policy provides enough protection

ing criminal activity of undocumented migrants.

San Diego Police Chief Jerry Sanders declined to discuss the policy yesterday, saying he wants to wait until he makes the announcement today at a news conference.

The policy was crafted by several high-ranking Hispanic police offi-

for Latinos, both legal and illegal.

"If they're not involved in a crime, they ought to be released immediately," said Roberto Martinez, director of American Friends Service Committee, an immigrants' rights group. "If (police) only suspect, it leaves too much room for interpretation by the officers."

Sergio Feria of La Raza Lawyers Association of San Diego, which is active in Latino affairs, said the

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change boils down to scapegoating Hispanics, adding that police should not act as immigration officers.

"We're just pointing the finger at these people, blaming them for every ill under the sun," Feria said.

"We adamantly do not agree with the changes they're making. Don't they have anything better to do? We have a serial rapist in P.B. (Pa-

cial) who consulted with dozens of community leaders in an effort to alleviate fears that the change will result in police harassment of Latinos.

A six-page document outlining the policy emphasizes that patrol

See Police on Page A-23

cific Beach) and many unsolved murders."

Sanders, who became chief in May, is not the city's first top cop to grapple with the controversial issue.

In 1986, under former Chief Bill Kolender, San Diego became one of the first major police departments in the nation to forbid officers from detaining undocumented migrants for the Border Patrol.

In this county, the San Diego and Escondido police departments are the only law-enforcement agencies that bar officers from detaining suspected undocumented migrants for the Border Patrol.

In other U.S. border cities, policies vary. In Nogales, Arizona, officers may hold undocumented migrants for the Border Patrol. But in Laredo and Brownsville, Texas, officers who are not allowed to detain migrants get around it by telling Border Patrol agents where the migrants are, according to spokesmen in the departments.

Researchers say that it is difficult to measure criminal activity by undocumented migrants and that few agencies keep such statistics.

Sgt. Jim Arthur, supervisor of the downtown San Diego walking team, said 58 of 70 people — or 83 percent — arrested during a March sweep of drug offenders downtown were undocumented migrants. Most had a criminal record here and many had been deported before, he said.

S.D. 07107
12/17/93

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S.D. 07107
12/17/93



CCR

Committee on Chicano Rights, Inc

Ms Janet Reno, U.S. Attorney General
Department of Justice
10 Constitution Avenue, N.W.
Washington D.C. 20530

Dear Ms Reno:

The Committee on Chicano Rights, an organization with 24 years experience in the protection of Civil and Constitutional Rights, requests immediate intervention in the implementation of an illegal and unconstitutional policy just issued by San Diego Police Chief, Jerry Sanders, with the concurrence of Mayor Susan Golding and her City Manager Jack McGrory, which usurps Federal jurisdiction on the U.S./Border in the San Diego region..

The San Diego Policy 6.18 (new) 12/17/94 (see enclosure A) usurps the Federal Government in the operation, administration and control of immigration at the U.S. Mexican Border in the San Diego region. As far as we are aware of, the administration, control and operation and regulation of the border is directly under the administration of the Justice Department and the U.S. Attorney General.

June 23, 1978, Attorney General Griffin Bell issued a press release and a memorandum which reaffirmed Department of Justice Policy that the enforcement of the immigration laws rests with the Immigration and Naturalization Service (INS) and not with state and local police. This same memorandum urged local police to "not stop and question, detain, arrest, or place an 'immigration hold' on any person(s) not suspected of crime solely on the ground that they may be deportable aliens" (see enclosure B).

The action was taken by U.S. Attorney Griffin Bell after serious civil disturbances erupted in San Diego over the selective persecution of Mexican Americans and Mexican Nationals over similar policies which were implemented by then San Diego Sheriff Duffy and San Diego Police Chief Hoobler. The Committee on Chicano Rights was instrumental in bringing the matter before the Congress, the President, the Justice Department, the Congress and the President of Mexico. Following the Griffin Bell memorandum, the situation settled down until San Diego Chief of Police Bill Kolender became the Chief Police. Bowing to extreme right-wing pressure, Kolender issued his policy which instituted the same racist, illegal actions that had been disapproved by the Justice Department. Once again the Committee on Chicano Rights swung into

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action and brought pressure to remove the local beat cop from carrying out the functions of the INS/Border Patrol. Kolender was forced to rescind his racist policy 5.2 of 8/22/86 and issue a new police 6.18 on 12/20/87 (see enclosure C) which removed the San Diego Police from carrying out INS/Border Patrol duties.

We are now faced, once again, with the local police chief, in collusion with the mayor, usurping the duties and responsibilities of the Justice Department, the INS and the Border Patrol. The new Sanders/Golding policy (new 6.18) dated 17 December, 1994 (see enclosure A) in its application will deny U.S. citizens, legal residents of Mexican ancestry, and of the casual Mexican national who daily crosses the border to shop, carry out business, and/or visit relatives and friends, the protection of the U.S. Constitution i.e.: Due Process and Equal Protection under the law (14th Amendment) and Illegal Search and Seizure (4th Amendment).

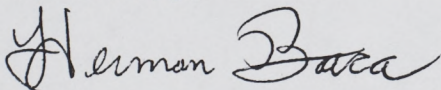
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Immediate intervention by the U.S. Attorney General is requested and a reaffirmation of the preemptive powers of the Federal government in establishing the rules, regulations, and control of the INS, Border Patrol and the Custom agents on our borders.

Unfortunately, it has become quite fashionable to blame the Mexicano-Latino, and the undocumented, for the inability of certain politicians to blame and scapegoat upon the powerless and those less able to defend themselves.

Your immediate attention and response is requested as this is a matter of great urgency.

Sincerely,



Herman Baca, Chairman
Committee on Chicano Rights

C/C: Department of Justice, Special Counsel for Immigration
Congressman J, Conyers, Government Operations and Judicial
Legislation
Senator Joseph Biden, Judiciary Committee

ATTN "B"

DEPARTMENT OF JUSTICE
Washington, D.C.

PRESS RELEASE

June 23, 1978

Attorney General Griffin B. Bell today reaffirmed Department of Justice policy that the responsibility for enforcement of the immigration laws rests with the Immigration and Naturalization Service (INS), and not with state and local police.

INS officers are uniquely prepared for this law enforcement responsibility, because of their special training and because of the complexities and fine distinctions of immigration laws, Mr. Bell said.

The Attorney General stated that the Department would continue to urge state and local police forces to observe the following guidelines:

1. Do not stop and question, detain, arrest, or place an "immigration hold" on any persons not suspected of crime solely on the ground that they may be deportable aliens;

2. Upon arresting an individual for a non-immigration criminal violation, notify the Service immediately if it is suspected that the person may be an undocumented alien, so that the service may respond appropriately.

INS officials will continue to work with state and local law enforcement officials to carry out this policy.

S.D. police issue new alien policy

Undocumented won't be held for Border Patrol

By Dick Weber
Staff Writer

Undocumented aliens stopped but not arrested by San Diego police will no longer be turned over to the U.S. Border Patrol, Chief Bill Kolender announced yesterday.

If no probable cause exists to arrest someone for a criminal violation other than being here illegally, that person will be released immediately, Kolender said.

That change in policy, hinted at last week, is primarily because of the time Kolender said his officers have been spending on undocumented aliens. The time spent on them, he said, has lessened their ability to meet other demands and has jeopardized the safety of officers by not being able to provide needed cover for colleagues soon enough.

Kolender said he also was concerned about "the appearance" of his officers treating Latinos differently than other people.

"It is inappropriate for us to use unlawful entry into the United States to expediently remove from the streets persons who may be aliens when no similar option would be considered for other groups of persons," Kolender said.

The announcement pleased Hispanic groups.

"It's a step in the right direction," said Irma Castro, executive director

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9/24/87

Aliens: Undocumented people won't be held for Border Patrol

Continued from B-1

of the Chicano Federation. "Our concern is that police time is taken away from servicing the public in areas of concern such as drug trafficking.

"The INS (Immigration and Naturalization Service) is in charge of immigration issues, not the Police Department," Castro added. "We have to make those distinctions."

A Border Patrol official said yesterday that Kolender's action will mean fewer Border Patrol agents will be assigned to San Diego.

"Basically, we're disappointed, but we understand the Police Department has its own priorities," said Mike Williams, deputy chief of the Border Patrol. "We're going to continue our cooperation with them the best we can and we're going to try to apprehend as many aliens as we can as close to the border as possible."

Williams said the Border Patrol increased the number of agents in the city in recent years, concentrating them in high-crime areas at the request of police. Police, in turn, routinely detained aliens they stopped, sometimes for such infractions as jaywalking, for a Border Patrol van to arrive to take them away.

The department's policy was revised a year ago to limit to 20 minutes the amount of time an officer can detain an alien for the Border

Patrol. But civil rights leaders said the limit generally was being ignored and that officers frequently were more concerned with people's citizenship than with fighting crime.

One Hispanic leader said last week the situation has reached the extent that many undocumented residents won't report crimes for fear that they will be deported.

Kolender said economic conditions in Mexico and Central America and the lack of an effective federal immigration policy have resulted in San Diego taking "the brunt of a problem which we are unable to impact."

"We have been expending considerable resources and time on undocumented aliens," he said. "This has affected our ability to respond to citizens' request for police service and has had a negative impact on an officer's ability to obtain needed cover."

In addition, he said, many of the aliens that officers have been detaining for the Border Patrol simply sneak back across the border and are in the city again within hours.

Kolender first indicated the policy change last week. He made it official yesterday.

As many as 15 Border Patrol agents used to be in the city at any time, but last week Border Patrol Chief Alan Eliason, reacting to the impending change, reassigned most

of them closer to the border.

Deputy Chief Williams said the Border Patrol now will keep two or three agents in San Diego unless it has information on a large concentration of aliens in a drophouse awaiting transportation.

"We recognize that when we remove these people that it sometimes is only for hours, but we're going to continue to do the best we can," Williams said.

"We're just going to have to live without that aspect of cooperation. But it doesn't mean we're not going to work together. We're both law enforcement officers," Williams said.

Williams said the new policy will have little impact on the volume of aliens the Border Patrol deals with daily. "Now we'll just catch more coming in at the border," he said.

Williams said 525,000 aliens have been apprehended in the San Diego sector this year, compared to 427,000 in all of 1985.

San Diego joins police departments in Los Angeles, Anaheim, Santa Ana, San Jose, San Antonio, Phoenix and the Los Angeles County Sheriff's Department in having alien policies that are considered non-cooperative with the Border Patrol, said deputy police chief Manuel Guaderrama.

Ms Janet Reno, U.S. Attorney General
Department of Justice
10 Constitution Avenue, N.W.
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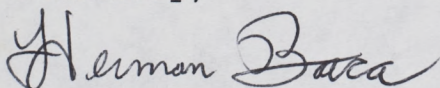
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C/C: Department of Justice, Special Counsel for Immigration
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Legislation
Senator Joseph Biden, Judiciary Committee

SAN DIEGO POLICE DEPARTMENT PROCEDURE	DATE	PAGE	NO.
Origin: CHIEF OF POLICE		1 OF 6	6.18 PATROL
DISSEMINATION:	SUBJECT:		
ALL PERSONNEL	UNDOCUMENTED PERSONS		
ORIGINATING DIVISION:	NEW PROCEDURE <input checked="" type="checkbox"/> PROCEDURAL CHANGE <input type="checkbox"/>	RELATED POLICY:	
FIELD OPERATIONS	SUPERCEDES: D.P. 6.18 12/20/87	3.8	

S Andrews

policy ATTH. "A"

where says SO?

I. BACKGROUND

This Department Procedure is intended to clarify the Police Department's policy with respect to the handling of undocumented persons.

The San Diego Police Department recognizes and values the diversity of the community it serves. The purpose of this policy is to ensure the safety and well being of all persons, regardless of their immigration status. The primary responsibility for the enforcement of Federal immigration laws rests with the Immigration and Naturalization Service and the U.S. Border Patrol. Although State and local peace officers have the authority to assist in enforcing immigration laws, it is the policy of the San Diego Police Department that officers shall not make an effort to look for violations of immigration laws.

San Diego Police personnel will focus on detecting and apprehending individuals involved in criminal activity.

II. ADULT UNDOCUMENTED PERSONS

A. San Diego Police officers are responsible for the enforcement of all laws, Federal, State and local, and the safety and protection of all persons. Therefore, officers have a duty to contact any person(s) when there is a "reasonable suspicion" to believe they are involved in criminal activity. (Refer to SDPD Procedure 4.1).

B. If upon investigation "probable cause" to arrest exists, unrelated to the person's immigration status, officers may arrest for the offense.

1. If the subject is booked in the City or County jail and determined to be illegally in the United States, a hold for INS/Border Patrol shall be placed on the prisoner.

a. Immigration documents identified as evidence in a criminal investigation will be impounded per Department Procedure 3.2.

b. See Health and Safety Code section 11369 for notification requirements when the arrest is drug

C. If after investigation based on "reasonable suspicion" no "probable cause" exists for the suspected criminal activity but there is probable cause to believe the person(s) contacted may be in violation of 8 United States Code Section 1304(e), and reasonable suspicion to believe the person is involved in criminal activity remains, officers are authorized to release the detainee(s) to INS/Border Patrol within a reasonable time, at the scene of the contact. ("Reasonable suspicion" defined in Department Procedure 4.1.)

1. The duration of the stop or detention prior to the detainee's release to INS/Border Patrol shall be in accordance with Department Procedure 4.1, paragraph 4a which provides as follows:

A person stopped pursuant to this procedure may be detained at or near the scene of the stop for a reasonable time. Officers should detain a person only for the length of the time necessary to obtain or verify the person's presence or conduct, or an account of the offense, or otherwise determine if the person should be arrested or released.

Such factors as remoteness and safety considerations for the person(s) detained may extend the reasonable time of detention prior to INS/Border Patrol release. However, such detentions should ordinarily be no longer than twenty (20) minutes.

2. Officers are generally prohibited from transporting detained undocumented persons to a police facility for the sole purpose of releasing them to INS/Border Patrol.
3. Undocumented persons may be transported if they voluntarily consent in order to complete or further an investigation.

D. If after investigation it is determined the person(s) is not involved in criminal activity, the person should be released.

III. EXCEPTIONS

- A. Certain criminal situations, because of their inherent danger to citizens of the United States and undocumented persons as well, require immediate action by San Diego Officers. Officers are authorized to detain and release undocumented persons to INS/Border Patrol when contacted under the following conditions:

danger to citizens of the United States and undocumented persons as well, require immediate action by San Diego Officers. Officers are authorized to detain and release undocumented persons to INS/Border Patrol when contacted under the following conditions:

1. Drop House - a house or building being utilized as a transfer/holding facility for persons engaged in smuggling undocumented persons.
2. Load Vehicles - vehicles engaged in smuggling undocumented persons.
3. Drug house - house or building being used to facilitate narcotics trafficking.

IV. SITUATIONS WHERE BORDER PATROL INVOLVEMENT IS PROHIBITED

A. Officers are prohibited from releasing persons to INS/Border Patrol when undocumented persons are contacted under the following conditions:

1. They are victims or witnesses of a crime, ~~unless a determination has been made by investigators to hold them as material witnesses.~~
2. When contacted during family disturbances.
3. Generally, during the enforcement of minor traffic offenses (infractions and misdemeanors).
4. When the person(s) are seeking medical treatment.

V. MIGRANT CAMPS

A. The majority of residents living in migrant camps work in the surrounding area and are in this country legally. Officers are generally prohibited from detaining undocumented persons in this setting for INS/Border Patrol unless there is probable cause to arrest for a crime not related to immigration violations. If probable cause to arrest exists, officers will follow the procedures laid out in this policy.

VI. DOCUMENTATION OF DETENTIONS

A. All undocumented persons who are arrested will be booked or cited and appropriate reports prepared. When undocumented persons are detained and released to INS/Border Patrol, officers will prepare a detention report in every case.

1. Detention reports involving undocumented persons must list in detail the reasons for the detention, including all facts that led to the "reasonable suspicion" that the subject was involved in criminal activity unrelated to immigration status.
2. In the event officers locate a drop house, load car or drug house containing multiple undocumented persons, they will document the event by preparing an ARJIS-8 on each subject and an ARJIS-9 detailing the circumstances of detention. The names and identification number(s) of the agent(s) who take custody of the detainees will be included in the report.

VII. ASSISTANCE TO LAW ENFORCEMENT AGENCIES

- A. Officers are directed to provide necessary assistance to all law enforcement agencies including the United States Border Patrol when requested to do so.
- B. An emergency statute, California Government Code Section 55069.75, taking affect on October 4, 1993, was enacted to guarantee "continued federal support for local law enforcement activities." It provides as follows:

"....no local law shall prohibit a peace officer or custodial officer from identifying and reporting to the United States Immigration and Naturalization Service any person, pursuant to federal law or regulation, to whom both of the following apply:

- (a) The person was arrested and booked, based upon the arresting officer's probable cause to believe that the person arrested had committed a ~~felony~~.
- (b) After the arrest and booking in subdivision (a), the officer reasonably suspects that the person arrested has violated the civil provisions of the Federal immigration laws."

VIII. UNDOCUMENTED JUVENILES

A. 300 W&I Dependent Children

1. Under 13 years of age

Children in this category will be transported to Hillcrest Receiving Home if a parent or guardian cannot be contacted. Hillcrest will determine the status and disposition of the child.

2. Thirteen years of age or older

If the juvenile's parent or guardian can be located, the juvenile will be released to them regardless of the family's immigration status.

3. If the juvenile's parent or guardian cannot be contacted, the juvenile will be released to Border Patrol. Transportation to an INS/U.S. Border Patrol facility is authorized for this purpose.
4. An ARJIS-9 report will be submitted detailing the circumstances of the detention and the disposition of the juvenile.

B. 601 W&I Status Offenses (i.e., curfew, truants and runaways)

1. Under 13 years of age

If the parents reside in a foreign country, the juvenile will be transported to Hillcrest Receiving Home.

2. Thirteen years of age or older

It is incumbent upon the Police Department to return juveniles without parental supervision to their parents, guardians or school officials. If the parents or guardians are in the United States and can be contacted, the juvenile will be released to them.

If the juvenile's parent or guardian cannot be contacted, the juvenile will be released to Border Patrol. Officers are authorized to transport the juvenile when Border Patrol is unable to respond or there would be an excessive time delay.

3. A juvenile contact report (ARJIS-8) will be completed detailing the circumstances of the detention.

C. 602 W&I Minor Offenses

1. Under 13 years of age

If the parent or guardian cannot be contacted, a court order is required before Juvenile Hall will accept them. In these cases, personnel at Juvenile Hall will be responsible for obtaining the court order. Officer will stand by until a disposition is reached by Juvenile Hall.

In cases where a court order is not issued, the arresting officer should contact the Division's Juvenile Detective. The Juvenile Detective, with the assistance of the Juvenile District Attorney, will coordinate the placement of the juvenile in Juvenile Hall or Hillcrest Receiving Home.

2. Thirteen years of age or older

If a juvenile is arrested and the parents or guardian cannot be contacted, the juvenile will be placed in Juvenile Hall.

D. 602 W&I Serious Offenses

1. Juveniles arrested for serious and/or violent crimes shall be placed in Juvenile Hall.
2. Officers shall photograph and fingerprint the juvenile taken into custody. The photograph and fingerprints should be attached to the investigator's copy of the juvenile contact report.
3. All arrests of undocumented juveniles shall be documented on a juvenile contact report (ARJIS-8).

ATTN "B"

DEPARTMENT OF JUSTICE
Washington, D.C.

PRESS RELEASE

June 23, 1978

Attorney General Griffin B. Bell today reaffirmed Department of Justice policy that the responsibility for enforcement of the immigration laws rests with the Immigration and Naturalization Service (INS), and not with state and local police.

INS officers are uniquely prepared for this law enforcement responsibility, because of their special training and because of the complexities and fine distinctions of immigration laws, Mr. Bell said.

The Attorney General stated that the Department would continue to urge state and local police forces to observe the following guidelines:

1. Do not stop and question, detain, arrest, or place an "immigration hold" on any persons not suspected of crime solely on the ground that they may be deportable aliens;

2. Upon arresting an individual for a non-immigration criminal violation, notify the Service immediately if it is suspected that the person may be an undocumented alien, so that the service may respond appropriately.

INS officials will continue to work with state and local law enforcement officials to carry out this policy.

La Prensa San Diego

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EDITORIALS/OPINIONS

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Court of Appeals Rules Border Patrol May Not Stop A Person Based Solely on His Appearance !

On January 17, 1988 Mario Gonzalez Rivera was riding as a passenger with his father in a car on his way to work. They were traveling northbound on Interstate 805, past San Diego. Both men were wearing uniforms displaying the logo of the "International House of Pancakes."

Border Patrol Officer Salvador Wilson and another officer were also traveling northbound on Highway 805. The officers stopped the car and discovered that while Gonzalez's father was in possession of documents permitting him to reside legally in the U.S., Mario Gonzalez did not. He was then arrested. Subsequently they learned he had entered the U.S. without inspection.

Gonzalez requested a deportation hearing. On February 26, 1988, Gonzalez contested deportability, denied all factual allegations in order to show cause, sought relief in the form of voluntary departure and moved to suppress evidence obtained as a result of the vehicle stop.

The Border Patrolmen testified they had decided to stop the car on five factors: (1) Gonzalez and his father appeared to be "Hispanic"; (2) Both of them set-up straight, looked straight ahead and did not turn their heads to acknowledge the Border Patrol car; (3) Gonzalez's (the son) mouth appeared to be "dry"; (4) Gonzalez (the son) was blinking and (5) both men appeared to be nervous. The Immigration Court concluded that the evidence showed that the stop involved was based solely on Hispanic appearance and is an egregious Fourth Amendment Violation and ruled to suppress the I213 Form and Wilson's testimony concerning what he learned from the stop.

One and a half years after the deadline for filing a notice of appeal, the INS appealed to the Board of Immigration Appeals maintaining that the stop was not based solely on Gonzalez's Hispanic appearance and that in any case, such a stop would not be have been an egregious Fourth Amendment violation. The Board of Immigration reversed the Immigration Court's decision on the grounds that the information it contained was accurate and that the stop was not based solely on

Gonzalez's Hispanic appearance. The BIA gave Gonzalez 30 days to voluntarily depart the country.

Raul Montes, Esq., of Montes, Montes & Montes, San Diego Attorneys at Law, representing Mario Gonzalez-Rivera filed an Appeal to the United States Court of Appeals for the Ninth Circuit on December 10, 1993 challenging the Board of Immigration ruling. In their Appeal they charged that Gonzalez was indeed stopped solely because of his Hispanic appearance, which constituted a bad faith and egregious violation of the Fourth Amendment.

On April 28, 1994 the Ninth Circuit United States Court of Appeals submitted its ruling which overturned the Board of Immigration ruling stating in fact that the Border Patrol Officers had stopped Gonzalez based solely on his Hispanic appearance in violation of the Fourth Amendment of the Constitution and said that "It was a bad faith Fourth Amendment violation and consequently an egregious constitutional violation requiring suppression of evidence obtained as a result of the stop

The Senior Circuit Judge, Tang, wrote in his concurring opinion, "We should not allow our courts to be used to sanction racism in any form".

The Ninth Circuit, U.S. Court of Appeals ruling should cause Mayor Susan Golding and San Diego Police Chief Sanders to reevaluate their obviously racist Council policy on stopping "Mexican" looking individuals on the basis of their looks and holding them for the Border Patrol. The Courts, up to the Supreme Court have ruled that "there must be probable (reasonable suspicion) based on 'articulable facts' to give law enforcement personnel the right to stop and question a person. Stopping anyone only because he is 'brown'; or he is looking straight ahead; or his eyes are blinking rapidly; or his mouth is dry, is a violation of his Constitutional Rights." Detaining, holding, transporting any person without that articulable facts may lead to the City of San Diego to be sued under the Supreme Court Decision of 1971 in "Bevins VS Six unknown named agents" which permits lawsuits for "violation of Constitutional Rights!

3/10/94

Police transfer undocumented to patrol

By LEONEL SANCHEZ
Staff Writer

San Diego police have turned over more than 40 undocumented immigrants to the Border Patrol for deportation under a new policy allowing local officers to help federal immigration authorities.

Many of the undocumented migrants were suspected drug dealers and car thieves, San Diego police said. These suspects could not be arrested for lack of evidence and were instead handed over to the Border Patrol, police said.

San Diego police, who patrol San Ysidro, have detained 40 undocumented persons in San Ysidro for the Border Patrol since the new policy went into effect in mid-January.

Far more arrests have been made throughout the city, especially in Logan Heights, but a three-month total will not be available until April, said San Diego Police Chief Jerry Sanders at a community meeting in San Ysidro on Tuesday.

Sanders said he plans to visit other communities to explain the new policy and answer questions from residents.

At the San Ysidro meeting, Sanders said that police were not targeting people who look like undocumented immigrants.

Sanders stressed that the aim of police is to apprehend undocumented persons who commit crimes. Those who are witnesses or victims of a crime need not worry about

calling police for help, he said.

"If you are not involved in criminal activity, then you should not worry," Sanders told residents, who also watched a short video in which the police chief and community activists explained the new policy in

Spanish.

San Ysidro residents voiced concerns about who the policy affects, but appeared to support the department's intent to curb crimes committed by undocumented immigrants

"It's been more calm around here lately," a San Ysidro woman said, praising the new policy.

Community activist Andrea Skorepa encouraged residents to report any police harassment that might result from the policy.

\$540.5 million plan to tighten border control

S.D. Union
2-4-94

Reno's sweeping initiative puts sharp focus here

By **MARCUS STERN**
Copley News Service

WASHINGTON — Attorney General Janet Reno unveiled a sweeping \$540.5 million, two-year immigration initiative yesterday that officials said could lead to substantial control of the southwest border within a year.

Under the proposal, much of which must be approved by Congress, money would be spent to police the border, more effectively discourage the hiring of undocumented migrants, expand the naturalization program, reform the political asylum system and speed up deportation of criminal undocumented immigrants.

"Our strategy to control the border is deterrence through prevention," Reno said. "We want to stop the revolving door . . .

"We will start with the locations that demand our immediate attention."

The border enforcement compo-

BORDER PLAN

The \$540.5 million, two-year immigration initiative would put 1,010 more Border Patrol agents along the southwest border.

The initiative includes:

- **\$180 million:** Agents and equipment.
- **\$55 million:** To expedite hearings to deport criminal aliens.
- **\$64 million:** To relieve the overwhelmed system by which immigrants apply for political asylum.
- **\$38 million:** To step up enforcement of laws against hiring undocumented immigrants.

ment makes San Diego its highest priority, proposing to put 400 additional agents on the line by Octo-

See Border on Page A-22

Border

Congressional delegation gives qualified approval

Continued from A-1

ber, including 300 to be hired and 100 to be shifted from other duties.

Congress approved money last year for 600 new agents. But the Clinton administration has decided instead to hire only 350, with 50 going to El Paso, Texas. The remainder of \$45 million appropriated for agents will go for equipment and support personnel.

While there will be no effort to replicate in San Diego a blockade strategy that has substantially controlled the border in El Paso, Immigration and Naturalization Service Commissioner Doris Meissner said that California residents "should expect a year from now the same result with different methods."

The plan for San Diego calls for installing lights, fences, motion detectors and night-vision equipment along the border and building a central facility for processing undocumented migrants caught crossing the border.

The initiative also calls for 200 additional immigration inspectors. Officials said a large number would go to the San Ysidro port of entry because it is the nation's busiest.

But funding for the inspectors is to come from a proposed user fee to

be charged for border-crossing documents, and the fee will require the approval of Congress and a lengthy regulatory process.

Meissner said the administration's plan would put a total of 1,010 more agents on the line along the southwest border over the next two years — 500 who will be hired and 510 who will be shifted from non-enforcement jobs. Of the 500 who are to be hired, 350 will come this year and 150 next year.

Underscoring the political importance of the issue in California, Reno and Meissner announced the initiative at a Justice Department press conference flanked by California's two senators and four House members from San Diego.

Expressing approval of the plan were Democratic Sens. Dianne Feinstein and Barbara Boxer, Republican Reps. Duncan Hunter of El Cajon and Randy Cunningham of San Diego, and San Diego Democrats Lynn Schenk and Bob Filner.

"The administration has taken a first step in attacking the immigration problem," Schenk said. "I salute them for their efforts."

But Schenk, who has lobbied for additional inspectors, added she is concerned about the likely pace of hiring the new inspectors if the funding is contingent on enactment of a border use fee.

While praising the plan, Hunter said it fell far short of the 10,000 Border Patrol agents he believes are needed to control the border. Under the administration's plan,

the actual number of agents on the U.S.-Mexico border would rise by 500 over the next two years from 3,461 to 3,961.

Hunter said resources proposed by the administration are "necessary to establish a border for the first time."

But, he added, "We know it's going to take more."

Cunningham also criticized the plan as too little.

Feinstein spent part of the past week cajoling the administration to speed up the timetable for placing agents along the border. "California does very well in this," she said.

Senators from Arizona and New Mexico apparently thought so. They wrote Reno yesterday asking for additional agents for their states.

Republican Gov. Pete Wilson said the new policy was "a hopeful sign" that the administration will seek to control illegal immigration, but reiterated that the federal government should pay more for services used by illegal migrants.

In a separate address here yesterday, Mexican Ambassador Jorge Montano cautioned the United States against making abrupt changes in its immigration enforcement policy.

"It must be recognized that sudden changes in immigration policies and practices affect the neighboring country," he said. "In those cases, prior notice and consultation is not only desirable, but a requisite for the sake of the bilateral relation-

ship, to avoid mutual mistrust and recriminations."

However, Antonio Hernandez, head of the Mexican American Legal Defense and Educational Fund (MALDEF), an immigrant rights advocacy group, praised the plan as a balanced approach.

With control of the border anticipated in San Diego and El Paso by the end of the year under the plan, the INS is bracing for shifts in the flow of migrants from Mexico. INS officials say there already are preliminary signs that some of the flow has shifted from San Diego to Arizona.

"What we ultimately envision is a fairly mobile Border Patrol," said Meissner.

Immigration officials concede that they are stunned by the success of an experimental blockade operation begun in September in El Paso that has resulted in substantial control of the border there.

They plan to continue the El Paso operation indefinitely but, bowing to the wishes of San Diego Border Patrol Chief Gustavo de la Vina, they decided against a similar experiment in San Diego.

"He has convinced me that we need to do it in a slow way rather than the dramatic way that happened in El Paso," said Michael S. Williams, who has been head of the Border Patrol but currently is serving as Meissner's chief of staff. "I'm going to support him in his strategy at this point."