

# Chicano Unit Ask Firing Of Hoobler

A group of 14 organizations firing of Hoobler even if the unit itself the Ad Hoc Committee on Chicano Civil Rights order regarding detention yesterday demanded the firing aliens.

Police Chief Raymond L. Hoobler

twice, first at demonstration before the City Council, and again at a press conference, Herman Baca, chairman of the committee, demanded the ouster of Hoobler because he had issued an "illegal and unconstitutional memorandum" regarding the seizing of illegal aliens.

"This policy," Baca said, "has caused a reign of terror in the streets of San Diego in the Chicano community."

The Hoobler memo, issued May 8, referred to a legal opinion from the U.S. Justice Department giving approval of our practice of detaining and questioning possible illegal aliens."

At a press conference later Father Juan Hurtado of the Andre Hidalgo Center, said at Thursday, shortly before noon, there was a "calculated police raid on the Full Gospel Mission Church, 441 Fifth Ave." Father Hurtado said three San Diego police officers, arriving in two patrol cars and an ambulance, entered the church to disrupt the religious service and began looking for "brown looking individuals or Mexicans." They asked these individuals to leave the building. Once they began to question them in English. They asked for their passports.

Since the police did not speak Spanish, nor the individuals speak English, the questioning stopped.

The police arrested seven of them and took them out. They have been deported to Mexico."

Hoobler said of the incident, "Our officers went to the church after a citizen flagged down my car and said a group of men appearing to be aliens had just entered."

Hoobler said officers reported there was no formal service of process and the aliens were detained for immigration officers.

Baca said that the Ad Hoc Committee is demanding

"It is obvious to us who suffer the injustice that the Hoobler memorandum is a black indictment and a major abuse of search and seizure by the San Diego Police Department and is not part of the true discharge of duty" as stated by Chief Hoobler and Mayor Wilson.

"I would have no intent supporting the firing of the chief," Wilson said.

"Mr. Baca seems to search of a cause, and I think this is a good one. It's a bummer."

The City Council voted 8-0 with Floyd Morrow absent to refer the matter to City Manager Bill Moore and City Attorney Witt for a report.

S.P. Union  
6/19/73

Voice View  
6/20/73

## Chicanos urge city

(Continued from page A - 2)

**unified us" ... by assaulting us,** Baca exclaimed.

Mayor Wilson's reply to Baca was given in a motion to the City Council. "I move to refer this to the City Manager and the City Attorney ... so the policy of the city can be clearly explained." Wilson added that Baca could meet with the city officials if it is his desire to do so.

At the Chicanos' press conference, the director of MAPA said he would discuss with the Ad Hoc committee whether or not to meet with the city officials. But "under no circumstances" would they rescind their demand that Hoobler be fired; even if Hoobler declares a "hands-off policy" as did County Sheriff Duffy.

Hoobler's most recent memorandum, dated May 17, "clarifying" the Police Department's policy on illegal aliens stated that "officers should not go out of their ... routine duties ... to look for violations of federal alien laws."

When asked if Baca felt this "clarification" in actuality changed the Department policy, he answered a definite "No" saying they were just words; their actions do not follow that policy.

Father Juan Hurtado, representing Padre Hidalgo Center at the conference, declared that the Church Community is also "greatly disturbed and angered" by the Police Department's action.

Last Wednesday, June 13, "there was a calculated police raid at the full Gospel Mission Church on 441 Fifth Ave. They entered the Church, ... stopped the religious service and began to look for brown looking individuals..." Father Hurtado stated. The "raid" resulted in the arrest of "seven or eight" and their sub-

sequent deportation to Mexico.

"In allowing his police department to seek and seize 'illegal aliens' in Churches," Hurtado said, Hoobler has done the following:

- 1) violated the sacred privacy of churches
- 2) aroused an angered community
- 3) presented a very serious threat to freedom of worship
- 4) ventured on a very dangerous course that might ... lead to a class suit against the City of San Diego."

Chief Hoobler told of his knowledge of the Church incident. "A citizen flagged down one of our patrols cars," the Chief explained telling them that a group of aliens had entered the Rescue Mission (Gospel Mission Church). The officers subsequently entered the Church and apprehended seven suspects who were later found to be in this country illegally.

The action, Hoobler stated, "was not self-initiated," took place in the course of their routine duties and therefore was within the frame-work of the Department's policy. He added that he does not know of 2 cases which one of his men initiated results in the apprehension of an illegal alien.

Asked to comment on the Chicano's demand that he be fired, Hoobler stated "I serve at the will and pleasure of the City Manager ... if in the performance of my duties I fail to live up to" the ideals of the City Manager, it is entirely possible that my service would be terminated.

Yet the Chief did not believe he would be fired because of his Department's policy on illegal aliens. His policy, he stated, was approved by the U.S. Justice Department and by the City and will not be changed.

Feb. 18, 1983

National City City Council  
1243 National City Blvd.  
National City, CA. 92050

Attn: Mayor Kile Morgan

Dear Gentlepeople:

It has come to our attention that certain persons are being confronted by the National City Police because of Federal Immigration Laws.

There appears to be a recurrent pattern; i.e. all these people are of Mexican ancestry. Such practices, if they are occurring, are contrary to the inherent rights of the American people.

It is the policy of the American Civil Liberties Union to protect and defend these rights. We offer aid to all those who have been harassed by the National City Police or any other police department.

We hope that the National City City Council will also want to protect the Constitutional Rights of citizens and will make any concerns you have in regard to this situation known to law enforcement agencies.

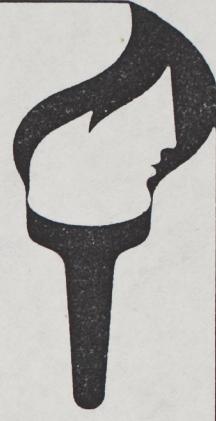
Very truly yours,

*Irma Muñoz*  
Irma Muñoz, INS Chair,  
San Diego ACLU

*Eleanor Schor*  
Eleanor Schor, Minority Rights Chair  
San Diego ACLU

E:eg

CC: Herman Baca  
SD UNION  
TRIBUNE  
LA TIMES



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AMERICAN  
CIVIL LIBERTIES UNION

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*Staff*  
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# GERALD BLANK

ATTORNEY AT LAW

1168 UNION STREET, SUITE 301  
SAN DIEGO, CALIFORNIA 92101  
(714) 239-3333

February 28, 1983

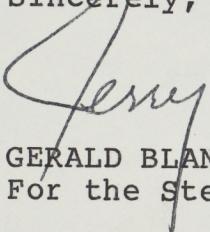
Mr. Herman Baca  
Chairperson Committee on Chicano Rights, Inc.  
1837 Highland Avenue  
National City, California 92050

Dear Herman:

I have enclosed a copy of both my response and the response of the San Diego Chapter of the National Lawyers Guild to your packet of materials received on February 22, 1983.

Please keep us advised to further developments on this issue.

Sincerely,

  
GERALD BLANK  
For the Steering Committee

GB:ec

# GERALD BLANK

ATTORNEY AT LAW

1168 UNION STREET, SUITE 301  
SAN DIEGO, CALIFORNIA 92101  
(714) 239-3333

February 28, 1983

City Council  
City of National City  
1243 National City Boulevard  
National City, California 92050

**re: Detention Of Suspected Undocumented Persons By The National City Police Department.**

Dear Members of the City Council:

The recent intense activity of your Police Department in stopping, questioning, detaining, and turning over to the United States Border Patrol persons suspected of being undocumented aliens has come to my attention and the attention of the legal community in San Diego. This illegal and unconstitutional activity by your Police Department not only constitutes an improper expenditure of taxpayer funds, a violation of basic human rights, and all moral standards of decency, but also directly flies in the face of the directive from the United States Attorney General that such activity shall not be carried out.

Several members of the legal community have, through personal contact with the United States Border Patrol and other immigration authorities, confirmed the existence of these incidents in the first two months of this year. It appears on several occasions, National City Police Department officers have stopped persons on the street and inquired as to their status based on no more than a hunch or suspicion. Since the existence or non-existence of certain papers in a person's pocket in no way can change their outward appearance, it must be assumed that this is an activity by your Police Department directed solely at those who somehow appear to be of Hispanic ancestry. Since the only conduct of your Department after contacting these persons is to turn them over to the U.S. Border Patrol, it must be further assumed that they were guilty of no other illegal conduct. Otherwise your Department would have naturally taken the step of arrest and submission for filing of charges to one of the prosecutorial agencies in the county. This was not the case in these recent incidents.

This activity must be stopped. You should order your Police Department to immediately cease and desist from this conduct. This should be done as a signal to all concerned that you will not tolerate actual or apparent racial activity on the part of city police officers. In addition, your Council should strongly be heard to say that under no

City Council  
City of National City  
February 28, 1983

page two

circumstances will unconstitutional or illegal activity on the part of its city police officers be tolerated. Further, being responsible for the fiscal health of the city, your Council should be concerned with the obvious liability to which such activities expose the treasury.

Sincerely,

GERALD BLANK

GB:ec

NATIONAL  
LAWYERS  
GUILD



San Diego Chapter  
1168 Union Street, Suite 400  
San Diego, California 92101  
(619) 233-1701

March 1, 1983

City Council  
City of National City  
1243 National City Boulevard  
National City, California 92050

**re: Detention Of Suspected Undocumented Persons By The National City Police Department.**

Dear Members of the City Council:

The conduct of the National City Police Department in stopping, questioning, detaining, and turning over to the United States Border Patrol persons suspected of being undocumented aliens has come to the attention of the San Diego Chapter of the National Lawyers Guild.

This illegal and unconstitutional activity in violation of basic human rights and all standards of decency is condemned by this Chapter and its members who urge you to immediately direct your Chief of Police to bring it to an end.

We further note this activity is in direct conflict with the directive of the United States Attorney General issued in 1978 requesting local jurisdictions not interfere in immigration matters. Nevertheless, without probable or other cause National City Police Department officers are targeting persons who appear to be of Hispanic ancestry, compelling them to answer questions regarding their immigration status, and then releasing them to the United States Border Patrol. Since these persons have not been arrested, booked, or charged with any other offense, it must be assumed the police officers involved had no basis for the contact other than the physical appearance of the detainee.

This Chapter of the National Lawyers Guild urges you to exercise your power and stop this conduct immediately. Otherwise, as an organization of lawyers dedicated to protection of basic human and civil rights and the eradication of racism, we will be compelled to consider further action.

Steering Committee of the National Lawyers Guild, San Diego Chapter.

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Charles T. Bumer, Esq., Chair

SAN DIEGO POLICE DEPARTMENT PROCEDURE Origin: CHIEF OF POLICE	DATE: 12/20/87	PAGE: 1 OF 1	NO. 6.18 PATROL
DISSEMINATION:	SUBJECT: UNDOCUMENTED ALIENS		
ALL PERSONNEL	NEW PROCEDURE <input type="checkbox"/> PROCEDURAL CHANGE <input checked="" type="checkbox"/>		
ORIGINATING DIVISION: FIELD OPERATIONS	SUPERCEDES: 5.2, 08/22/86	RELATED POLICY: 6.18	

*Holenders*

### I. PROCEDURES:

#### --- A. Adult Undocumented Aliens

1. Should an officer, while conducting a criminal investigation, determine that a person is an undocumented alien the following shall apply:
  - a. If there is cause to arrest on a criminal charge or otherwise detain in a lawful manner, for reasons not related to immigration status, (e.g., 5150 W&I, 647F P.C.), the officer will do so.
  - b. In all other cases the officer(s) will release the subject at the point of contact. DETENTION FOR RELEASE TO BORDER PATROL IS PROHIBITED.

*How  
determine*

NEW

#### Juvenile Undocumented Aliens

- 1. Refer to Department Procedure 3.8, VIII.

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



Committee on Chicano Rights, Inc

May 5, 1983

Mr. Ray Blair  
City Manager  
202 "C" Street  
San Diego, Ca. 92101

Dear Mr. Blair:

The Committee on Chicano Rights condemns the use of the "sleeper hold" by the San Diego Police Department and the irresponsible, insensitive statements made by the Chief of Police, Bill Kolender, that the "choke hold" policy is the best system we know. With the rampant racism which exist within the San Diego Police Department, the continuation of the "sleeper hold" policy can only result in a "Los Angeles" type situation for the San Diego minority community. The brutal death of a human being by a San Diego Police Officer who was stopped for a burned out headlight, who was unarmed and under the custody of the San Diego Police Department, raised numerous questions over the use of this policy by the Department and for that reason the Committee on Chicano Rights is calling for an ending to the "sleeper hold" policy by the City of San Diego.

Herman Baca,

Chairperson  
Committee on Chicano Rights

cc. all media  
city council  
rev. ard

# **UNDOCUMENTED ALIENS: IMPACT ON THE CRIMINAL JUSTICE SYSTEM**

## **PROPOSAL TO NATIONAL INSTITUTE OF JUSTICE**

**MARCH 1986**

**San Diego**



**ASSOCIATION OF  
GOVERNMENTS**

1200 Third Avenue  
Suite 524 • Security Pacific Plaza  
San Diego, California 92101

(619) 236-5383

Contact Person:  
Susan Pennell, Director  
Criminal Justice Research Unit  
(619) 236-5383

San Diego  
ASSOCIATION OF  
GOVERNMENTS

Suite 524, Security Pacific Plaza  
1200 Third Avenue  
San Diego, California 92101  
(619) 236-5300

March 13, 1986

Joseph Kochanski, Program Manager  
Research on the System of Criminal Justice  
National Institute of Justice  
633 Indiana Avenue, N.W.  
Washington, DC 20531

Dear Mr. Kochanski:

Enclosed are eight copies of the proposal entitled Undocumented Aliens: Impact on the Criminal Justice System. The proposed research is submitted by the Criminal Justice Research Unit of the San Diego Association of Governments in the category "the criminal justice system" of NIJ programs.

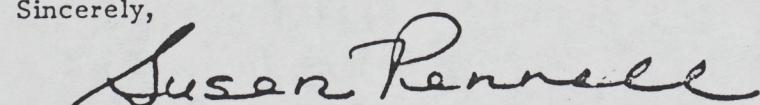
We were encouraged by our local justice administrators to prepare this proposal. There is a strong belief that undocumented aliens become involved in criminal activity and that this involvement creates significant impacts on the system with respect to workload, costs and coordination. Yet, this issue has not been addressed in a comprehensive, standardized manner. Increasing evidence suggests that this problem is one of national interest and concern as undocumented aliens move north and east from border areas.

We believe that a study of this nature is critical to examine the actual significance of this issue and provide valuable information for future policy decisions regarding immigration. The proposed research would document the impact on two major ports of entry: San Diego and El Paso Counties. Please be advised that a letter from Chief Rodriguez of El Paso expressing his willingness to participate has been sent to James Stewart under separate cover.

If you have questions about this proposal, please call me at (619) 236-5383.

Thank you for your consideration.

Sincerely,



Susan Pennell

SUSAN PENNELL  
Director, Criminal Justice Research Unit

SP/ce

Enclosures

## ABSTRACT

The increasing influx of undocumented aliens into the United States has significant impacts on the social, political and economic systems of this country. There is a growing perception that illegal migration has profound effects on local criminal justice operations and resources, yet this issue has not been comprehensively addressed. The current Congress is the third Congress to consider the illegal migration issue through the Immigration Reform Act of 1985. Population projections relative to Mexico, the declining economy of that country and the increase in illegal entrants from other countries place this issue as one of continuing national concern. Accurate estimates of the nature and scope of illegal alien involvement in criminal activity would be useful for determining the actual significance of this problem and for developing reform options and evaluating the effectiveness of new policies.

The proposed study would examine the impact of undocumented aliens on the criminal justice systems of two counties which comprise 54% of the total alien apprehensions by the U.S. Border Patrol in this country: San Diego, California, and El Paso, Texas.

By tracking approximately 12,500 arrestees through the system and linking processing efforts to cost and workload indicators, the impact of this issue on the criminal justice system will be documented. Examination of coordination efforts among different agencies (federal, state, local) will identify practices and policies that promote effective operations as well as procedures that may impede successful strategies for addressing the problem of crimes committed by undocumented aliens. Finally, this study will provide the basis for development of a data base for subsequent trend analysis to measure outcomes of reform policies.

The results of the proposed research will be of interest to elected officials at all levels of government, criminal justice administrators, and researchers interested in the issue of illegal migration.

## UNDOCUMENTED ALIENS: IMPACT ON THE CRIMINAL JUSTICE SYSTEM

"Each night, shots ring out in the canyons near the border, where murder, robbery and rape are committed often by bandits against undocumented aliens trying to cross the border. But the crime echoes far beyond the canyons." (San Diego Union, September 1, 1985)

"We're talking about an epidemic compared to what it's been in recent years and it's getting worse." (Chief William Kolender, San Diego Police Department)

### PROBLEM STATEMENT

The increasing influx of undocumented persons illegally crossing near major international ports of entry creates significant impacts on the social, political and economic systems of the United States. In 1985, the 99th Congress was the third Congress to consider immigration reform legislation through Senate Bill 1200. As the Congressional Record pointed out, "We do not know how much the U.S. government spends ... relative to illegal immigrants. It is essential in the responsible management of our economy and of fiscal policy that we know the full extent of illegal immigration." (Congressional Record, September 19, 1985) Until disparities in wealth and income between the United States and Latin America are reduced, the United States probably will continue to act as an economic magnet for Mexicans and other Latin Americans in search of employment and income opportunities. Moreover, with 42% of Mexico's population of 69.3 million persons still under the age of 15 in 1981, it is likely that in the next decades even more Mexicans will be attracted to employment opportunities in the United States. (Bean and King, 1983) These forecasts lend increasing importance to research into the effects of illegal migration on the local, regional and national governments. Although the majority of illegal entrants to San Diego and El Paso are Mexican, it is important to point out that illegal immigrants from over 70 countries were represented in San Diego Border Patrol FY85 apprehension data. In other border areas, such as Florida, the immigration focus reflects other nationalities.

There is a growing perception that illegal migration has significant impacts on local criminal justice operations and resources. This research study proposes to

examine the impact of undocumented aliens on the criminal justice systems of two counties comprising 54% of the total apprehensions by the U.S. Border Patrol in this country: San Diego and El Paso Counties. Accurate estimates of the nature and scope of this problem would be useful in determining the significance of this issue and for developing reform options and evaluating the effectiveness of new policies.

High feelings and general confusion surround the issue of the illegal immigrant. Attention fluctuates between the painful plight of the immigrant in search of work and the perception of aliens preying on innocent victims.

This paradox is vividly played out each evening in the Mexican border city of Tijuana as hundreds of Mexican Nationals wait for dark to cross to the U.S. border. On the American side, the Border Patrol waits to apprehend those entering illegally. In FY 1985, the San Diego sector of the Immigration & Naturalization Service apprehended 427,772 deportable aliens, over a third (34%) of all the apprehensions nationwide, and a 50% increase since FY 1980! (See Table 1 and Figure 1.) Law enforcement authorities attest to the fact that illegal entrants are both victims and culprits. In response, the San Diego Border Patrol and the San Diego Police Department have formed the Border Crime Prevention Task Force. This specialized team seeks to reduce crimes committed on illegal entrants by other Mexican Nationals known as "bandidos," who prey upon those attempting to cross the border.

Local law enforcement agents characterize the involvement of undocumented persons in criminal activity in four groupings:

- (1) victims
- (2) minor offenders who commit lesser crimes as they travel north
- (3) Mexican Nationals who reside in Tijuana but cross the border to commit major and minor crimes and return to Mexico
- (4) Mexicans, both legal and illegal, who prey on those attempting to cross the border.

Law enforcement agents, reacting daily to alien involvement in crime, feel that this situation is overloading the criminal justice system by aggravating already

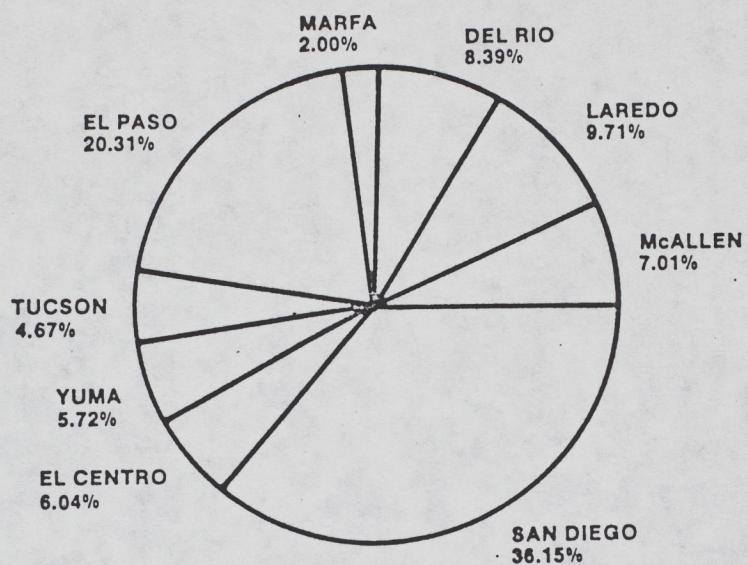
TABLE 1  
DEPORTABLE ALIENS ARRESTED  
IMMIGRATION AND NATURALIZATION SERVICE, SAN DIEGO SECTOR  
FY 1965 - FY 1985

FY 1965	6,558
FY 1966	13,362
FY 1967	17,844
FY 1968	24,116
FY 1969	33,311
FY 1970	50,663
FY 1971	59,375
FY 1972	73,115
FY 1973	128,889
FY 1974	196,981
FY 1975	185,499
FY 1976	266,709
FY 1977	337,195
FY 1978	325,557
FY 1979	337,930
FY 1980	285,984
FY 1981	326,836
FY 1982	314,979
FY 1983	429,121
FY 1984	407,828
FY 1985	427,772

Percent Difference FY1965 - FY1985: 6,423%

**FIGURE 1**  
**U.S. BORDER PATROL**  
**Apprehensions - FY '85**  
**Southern Border**

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**TOTAL SOUTHERN BORDER APPREHENSIONS 1,183,455**

**TOTAL NATIONWIDE APPREHENSIONS 1,265,000**

crowded detention facilities, burdening the courts and exhausting resources of local police agencies.

In response to this growing concern, the San Diego Criminal Justice Council, comprised of justice administrators and elected officials, in August 1985, invited their Congressional delegation to a briefing at which testimony was presented by criminal justice administrators. The following section is based on information given to the delegation. (Similar information was not available for El Paso.)

#### Law Enforcement

A recent review by San Diego Police Department revealed that 12% of all felony arrests for 1985 reflected illegal aliens. Of all arrests for motor vehicle theft, the proportion involving illegal aliens was 23% and they represented 26% of all burglary arrests. The San Diego Police Department spends \$365,000 annually for the Border Crime Prevention Task Force to protect illegal entrants from the "banditos."

The San Diego Sheriff's Office reported these statistics in FY 1985:

- o Of 211 arrests for assault with a deadly weapon, 19% were illegal aliens.
- o For 30 arrests for rape, 33% were reported to be aliens.
- o Of 267 auto theft arrests, 15% were illegal aliens.
- o Illegal aliens constituted 6% of 101 arrests for robbery.
- o Thirty-six (36) arrests for murder involved 14% illegal aliens and 50% of the 24 persons arrested for attempted murder were classified in this group.

Escondido Police Department (northeastern section of San Diego County) reported that 13% of all arrests in the first six months of 1985 were undocumented aliens.

Carlsbad Police Department (northwestern portion of San Diego County) arrested 4,053 undocumented persons in 1984 and the Border Patrol apprehended 40,370 deportable aliens in the Carlsbad area. Over a 10-year period, illegal aliens reflected 37% of all murders in Carlsbad either as victims or suspects of a total of 30 murders.

Police administrators noted that the time required to investigate cases has increased as well due to unavailability of witnesses who return to Mexico or are afraid to testify.

#### Prosecution and Courts

In a three-month period in 1985, 7% of all defendants charged with felonies were illegal aliens of 1,482 total defendants. Over half of the illegal defendants (67%) were charged with burglary or robbery. According to District Attorney staff:

- o Costs for translation have risen due to a ruling that requires a separate interpreter for each witness and defendant.
- o Many cases are dismissed due to lack of witnesses to testify or inability to return to the United States.
- o Taxpayers suffer because undocumented persons often cannot or do not pay restitution. Also, they are unlikely to have automobile insurance that reimburses citizens for property losses.

#### Detention Facilities

- o During FY84-85, 2,146 illegal aliens were detained in local detention facilities. In the Vista facility (northern portion of San Diego County), a sample three-month period showed 19% of the inmates as illegal aliens. This group is unlikely to qualify for bail or own recognizance (O.R.) release because they are likely to flee and not appear for trial. This results in these offenders being detained longer, thus contributing to overcrowding.

Overall, the testimony presented to the Congressional delegation was based on sample data reflecting involvement of undocumented persons in the criminal justice system. The data presented were not compiled in a systematic, standardized manner and do not represent all criminal justice agencies in the county. Furthermore, the information does not link the numbers to cost and workload indicators or address the attrition rates of illegal aliens through the system compared to other offenders. Many local administrators expressed the belief that as

job opportunities fluctuate, a significant proportion of aliens use crime as a means of support. According to Leo Chavez, an analyst for the U.S.-Mexican Relations Center at the University of California at San Diego, "No clear reports exist on the extent of undocumented alien involvement in crime. Most tend to support the view that aliens are victims, not perpetrators." (Cantlupe, 1985) And research by Arias indicates that "after the initial act of surreptitious migration to the United States, undocumented Mexicans strive to avoid unlawful activity for fear of being deported." (Arias, 1986) Whether actual or perceived, the perception that undocumented aliens commit crimes in the United States negatively affects citizens' quality of life, according to San Diego administrators.

The incidence of crime among immigrants, both legal and illegal, has been little studied, according to a report by the General Accounting Office (GAO). There do seem to be some indications that crime rates are high in border areas. (Chelimsky, Eleanor, 1983). The report of the GAO identifies criteria that should be considered when selecting studies relative to immigration:

- o The question should be important to the Congress.
- o It should be a long-standing or an emerging question that seems likely to endure.
- o It must be feasible to collect and analyze the data that will answer the question.
- o The question should be of national interest. (Chelimsky and Grant, 1983)

It is believed that this research proposal meets each of these criteria. Border cities such as San Diego and El Paso may experience more severe impacts due to their proximity to Mexico. However, evidence does suggest that other major cities also bear the consequences of illegal migration. For example, the City of Los Angeles constitutes the second highest proportion of Hispanic population with Mexico City having the largest population of all cities worldwide. Although the proportion of illegals is not known, evidence suggests that as work opportunities in border cities decline, illegal immigrants move to other metropolitan cities in the North and East so the issue becomes one of national concern. A report to the

Illinois General Assembly in 1978 indicated that cities surrounding the Chicago area were primary distribution points for illegal aliens coming from Guanajuato, Mexico. It was substantiated that Joliet is the headquarters for several smuggling organizations. (Illinois Legislative Investigating Commission, 1978) Furthermore, the Select Commission on Immigration and Refugee Policy, created by Congress in 1978, noted the following in its final report: "One issue has emerged as most pressing — the problem of undocumented/illegal migration." Since the largest number of illegal migrants come from Mexico, the volume and consequences of that migration are of particular significance. (Bean and King, 1983.)

Recognizing that the issue of immigration is a value-laden one, it is important to emphasize the focus of this proposal, which is the impact of illegal aliens on the municipal and county criminal justice systems in terms of workload, costs and degree of coordination of agencies involved. The proposed study does not address purported effects of illegal migration on other systems (e.g., economic, welfare, health, education). It does not address the issues of amnesty, national work identification cards, guest workers or employer sanctions. Nor does it examine a related yet separate issue: aliens as crime victims. The emphasis on criminal justice can provide useful information at the federal level when policies regarding immigration are developed. If Senate Bill 1200 is enacted, it will not end the immigration problem, but begin a new process for handling the problem. Compilation of data relative to impacts of illegal aliens on the local criminal justice system may be valuable resources for revisions in immigration policies as well as provide a data base to evaluate these policies.

LAT 22 JUN, 78

# Bell to Warn Police on Arrest of Illegals

## Local Lawmen Aren't Allowed to Enforce Immigration Laws

BY FRANK DEL OLMO  
Times Staff Writer

At the request of Latino leaders, Atty. Gen. Griffin Bell will issue a formal statement later this week reminding local police agencies that they are not authorized to enforce U.S. immigration laws, The Times learned Wednesday.

Bell agreed to issue the statement during a meeting in Washington, D.C., with members of the congressional Hispanic Caucus.

Latino activists throughout the country have alleged recently that, with growing public concern about illegal aliens, many local police depart-

ments have taken it upon themselves to seek out and detain suspected illegal immigrants for deportation by U.S. immigration officials.

The congressmen told Bell that because local police lack knowledge of U.S. immigration law and procedures, they often harass Latino citizens or legal residents in their zeal to track down illegal aliens.

The Hispanic Caucus warned Bell that this has created an "extremely explosive situation" in some cities between local police and Mexican-Americans, Puerto Ricans and other Latino citizens.

A spokesman for Bell said Wednes-

day that the Immigration and Naturalization Service of the Justice Department has had a long-standing policy that local lawmen should not try to enforce immigration statutes.

But the members of the Hispanic Caucus "thought it would be helpful for the attorney general to emphasize that it is a national policy, and he is willing to do that."

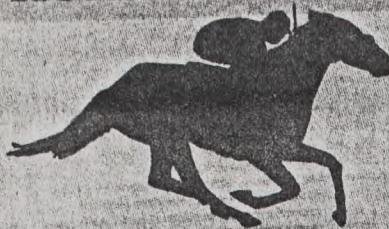
Other participants in the meeting Tuesday between Bell and the Latino congressmen were the chief counsels of the Mexican-American and Puerto Rican Legal Defense and Education Funds, two national public interest law firms.

MALDEF's general counsel, Vilma Martinez, said Wednesday that Bell's decision represented an "extremely important development" in the area of Latino community-police relations.

"It will emphasize to local police that they should not run around trying to enforce immigration laws which they know nothing about," she said.

Ms. Martinez said MALDEF and other civil rights groups have received many complaints in recent months from Chicano groups alleging that local policemen are harrassing Mexican-Americans while looking for illegal aliens.

## HORSE RACING



**Del Mar  
outlook  
Handicap**

C-14

## THE ECONOMY

**Chevron to sell GA**

Brothers buy nuclear research firm D-1

Pads le  
8-7

# The San Diego Union

A Copley Newspaper

4, 1986

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GUA on Page A-17



President Reagan looks on as Mexican President Miguel de la Madrid waves to reporters after their meeting at the

White House. The pair discussed the problem of drug traffic between countries and Mexico's economic reforms.

United Press International

## U.S.-Mexico talks emphasize unity

By Arthur Golden  
Staff Writer

WASHINGTON — President Reagan and Mexican President Miguel de la Madrid dramatically improved bilateral relations yesterday by emphasizing issues that unite their nations rather than those that separate them.

Mr. Reagan and de la Madrid said both nations were inextricably linked on economic and trade issues, as well as in a joint effort to crack down on

### Analysis

illegal drug traffic. They suggested that cooperation, not confrontation, is the best policy.

The presidents barely mentioned the divisive issue of Central America in their three-hour White House meeting yesterday, and omitted any discussion of Mexico's votes in the United Nations, which have frequently nettled U.S. policy-makers.

"We decided to talk only about bi-

lateral issues," de la Madrid said in response to a reporter who asked why Central America had received no more than a passing mention during the conference.

Barely containing his enthusiasm, a normally taciturn Mexican official said the meeting was "extraordinarily productive" because of the support the White House seemed to be lavishing on Mexico.

"It seems to me that we may be

See TALKS on Page A-21



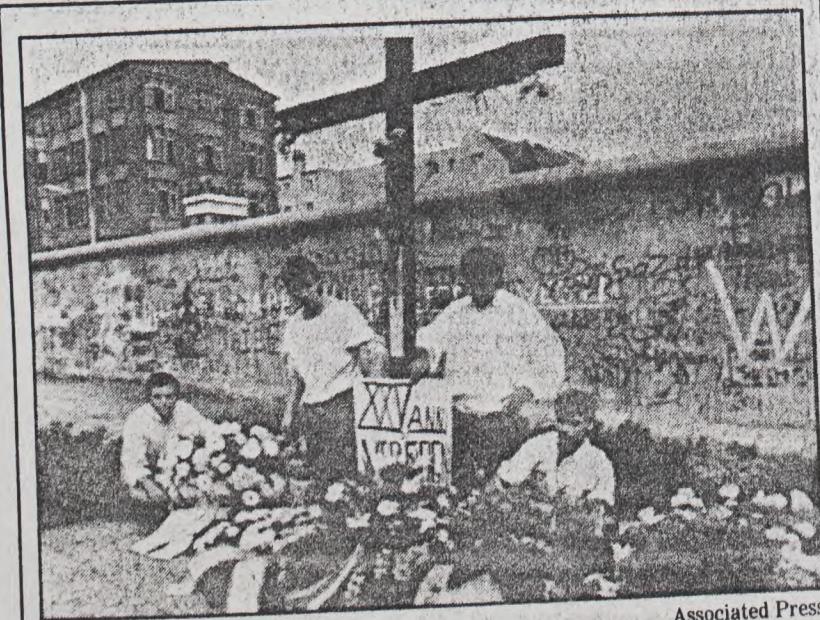
### U.S.-Mexico Summit

• Business network revises growth of Mexican economy by 2% following IMF decision — Page D-1.

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Associated Press

Wall: Four former East German border guards, who defected to West Germany, sit near a memorial

## Arms talks may resume Speakes gives upbeat view of week's Moscow

From News Services

WASHINGTON — The White House yesterday gave an upbeat assessment of U.S.-Soviet arms talks just concluded in Moscow, saying they were serious and substantive and may continue later this month in Washington.

A high-level group of U.S. arms-control specialists headed by veteran negotiator Paul Nitze held two days of discussions Monday and Tuesday with an equally prestigious Soviet delegation at a secluded retreat outside Moscow.

White House spokesman Larry Speakes, commenting publicly for

"Each side was able to hear the other out in detail and express its own views. The United States and the Soviets explored ideas and had a good exchange," he said.

The dialogue is intended to support the ongoing Geneva superpower arms negotiations and the planned Sept. 19-20 meeting between Secretary of State George Shultz and Soviet Foreign Minister Eduard Shevardnadze. That meeting, in turn, is expected to lead to setting a date for a second summit agreed to by President Reagan and Soviet leader Mikhail Gorbachev at their first meeting last November.

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ATT. 1

## SAN DIEGO POLICE DEPARTMENT

## ANNOUNCEMENT

JULY 28, 1986

**TO:** ALL PERSONNEL  
**FROM:** W.B. KOLENDER, CHIEF OF POLICE  
**SUBJECT:** ARRESTED UNDOCUMENTED ALIENS

Statistical information is being gathered to address undocumented alien crime. When an undocumented alien is arrested, all personnel are reminded to check the UNDOCUMENTED PERSON box on the ARJIS-8 Arrest-Juvenile Contact Report. This box is located in the "identification number" section of the form (See Below).

IDENTIFICATION NUMBERS	DRIVER'S LICENSE NO.	STATE
	SOCIAL SECURITY NO.	
	FBI NO.	
	CII NO.	
	OTHER I.D.	TYPE
	UNDOCUMENTED PERSON	<input type="checkbox"/> YES

CHECK THIS BOX

Do not check the "undocumented person" box in the "Arrestee-Crime" section of the ARJIS-8 form. This is a misprint and should be disregarded.  
 DO NOT CHECK THIS BOX

IS SUBJECT A SUSPECT USER OF NARCOTICS/DRUGS?	<input type="checkbox"/> YES	INTERPRETER REQUIRED	<input type="checkbox"/> YES	UNDOCUMENTED PERSON?	<input type="checkbox"/> YES	SUSPECT'S RELATION TO VICTIM(S):	RELATIVE ACQUAINTANCE STRANGE
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Officers may ask if an arrestee is a U.S. citizen, if officers have reason to believe the arrestee may not be a citizen. Proof or confirmation of undocumented status is not required. This information does not change the manner in which the arrest is processed. ALL undocumented aliens should be identified when arrested.

This announcement applies only to undocumented aliens who are arrested.

Y2  
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.

**OFFICE OF THE ATTORNEY GENERAL  
State of California**

**JOHN K. VAN DE KAMP  
Attorney General**

**OPINION**

**to**

**No. 83-902**

**JOHN K. VAN DE KAMP  
Attorney General**

**JULY 24, 1984**

**RONALD M. WEISKOPF  
Deputy Attorney General**

THE HONORABLE JAMES P. FOX, DISTRICT ATTORNEY, SAN MATEO COUNTY, has requested our opinion on the following question:

Is there a general legal duty for California judges and peace officers to report persons to the Immigration and Naturalization Service who they learn have entered the United States illegally in violation of title 8, United States Code section 1325?

**CONCLUSION**

There is no general affirmative legal duty in the sense of a legally enforceable obligation incumbent on peace officers and judges in California to report to the Immigration and Naturalization Service (INS) knowledge they might have about persons who entered the United States by violating title 8, United States Code section 1325, but such public officials may report that knowledge if they choose to do so unless it was learned in a process made confidential by law.

**ANALYSIS**

Section 1325 of title 8 of the United States Code makes it a first-time misdemeanor for an "alien" 1/ to enter

1. Title 8, United States Code section 1101(a)(3), defines the term "alien" as "any person not a citizen or national of the United States." We will sometimes substitute the term "foreign national" herein.



U.S. Department of Justice  
Immigration and Naturalization Service

Office of the General Counsel

425 Eye Street N.W.  
Washington, D.C. 20536

APR 7 1983

Mr. Herman Baca  
Chairperson  
Committee on Chicano Rights  
1837 Highland Avenue  
National City, California 92050

Dear Mr. Baca:

Your letter of February 11, 1983, to the Attorney General, has been forwarded to me for reply.

It is the position of the Immigration and Naturalization Service that only the Service is authorized to enforce the civil provisions of the Immigration and Nationality Act. However, there is no mechanism whereby the Service or the Department of Justice can issue "cease and desist" orders to localities which independently undertake such practices.

Sincerely,

Maurice C. Innman, Jr.  
General Counsel

dares

# San Diego Times<sup>©</sup>

238-1903

San Diego, Ca.

15¢

June 19, 1973



because of her training in Kansas City to become an airline stewardess. Miss Martinez, first runner-up in the contest, will be attending the Forum's state convention this week to compete for the state crown.

## Jns Post deration

June 1 Estrada wished the organization well and said he had "gained from the experience."

Estrada was elected to the one-year post in January. He succeeded Pat Nava and was the Federation's fifth chairman.

Estrada had for several weeks been less active in the chairmanship as his vocational responsibilities as a reporter for Channel 10 television increased.

Earlier this month, Channel 10 announced that Estrada would

## Chief Hoobler's Memo Angers Chicano Groups

By Henry Acevedo

Chicano representatives told the city council Thursday that citizens of Mexican descent are experiencing a "reign of terror ... in the Chicano community" and demanded that Police Chief Ray Hoobler be fired because of it.

Hoobler has authored an "illegal alien memorandum" which allows harassment by police of any citizen of Mexican descent, according to Herman Baca, county director of the Mexican American Political Assn.

The memo provides "reasonable cause" justification for police to stop and question any Chicano, Baca said.

Because of Council rules which provide that only one person be allowed to speak for any group, Baca was spokesman for several Chicano community organizations.

About 150 Chicanos attended the meeting and applauded Baca's speech.

The Council unanimously recommended that Baca's presentation be referred to the city manager's office for further action.

A motion by Councilman Leon Williams that the city manager report on the topic to the Council

within three weeks died for lack of a second.

The city manager is expected to invite Baca to a meeting so that the memorandum can be "fully explained."

Baca maintained that Chicanos' civil rights were being violated by the existence and execution of the memo.

"You are assaulting our communities," he said.

Baca cited several instances where persons at public meetings, church services or on personal business were stopped and questioned "for no other apparent

reason" than their obvious Mexican background.

"'Illegal alien' is a euphemism for Mexican," he said, and all persons of Mexican descent face the threat and indignity of being questioned merely because of their ethnic background.

"Is the Council willing to assume responsibility for dual taxation of our citizens who pay local police for doing a federal job?" Baca asked.

"We come before you (Council) not to ask, not to beg; but to demand that Hoobler be fired as chief of police."

## Armendaris Toma Juramento Como Director De OMBE

En una ceremonia llevada a cabo hoy, el Señor Frederick B. Dent, Secretario del Departamento de Comercio, tomó juramento de el Señor Alex Armendaris, nombrado como Director de la Oficina de Empresas Comerciantes para Minorías en el Departamento de Comercio.

En su nuevo puesto, el Señor Armendaris será responsable por la administración de los esfuerzos del gobierno tanto como los de grupos privados, para el desarrollo de negocios para minorías. La Agencia, la cual fue establecida en mil novecientos sesenta y nueve por el Presidente Nixon, se ocupa de la coordinación de tales esfuerzos y proviene asistencia técnica de negocios para minorías

mediante organizaciones locales. De Julio a Diciembre mil novecientos setenta y dos, ocho mil trescientas personas recibieron asistencia de tales organizaciones. Al mismo tiempo, cerca de mil ochocientos negocios o se establecieron, o se adquirieron, o se agrandecieron con ayuda de la Oficina de Empresas Comerciantes para Minorías.

Antes de ser designado, a la edad de cuarenta y dos años, como Director de la Oficina de Empresas Comerciantes para Minorías, el Señor Armendaris estuvo empleado como consultor de la Oficina de Oportunidad Económica y también por el Concilio Consultor para Empresas de Minorías del Presidente Nixon.

### Minority Bank Opens July 2

The Chula Vista Federal Savings and Loan Assoc., operated by a group of Mexican-American businessmen, will open for business on Monday, July 2 at 352 H St. in Chula Vista.

The opening culminates three years of planning during which time the group received the first federal charter to be granted San Diego County in nearly 40 years.

Chula Vista Federal seeks





Committee on Chicano Rights, Inc.

August 14, 1986

Maureen O'Conner, Mayor  
City of San Diego  
202 "C" Street  
San Diego, California 92101

Mayor:

The Committee On Chicano Rights is writing to you to demand the firing of Chief of Police William Kolender. This position has been taken by our organization because of a July 28, 1986 memorandum which was issued to San Diego police officers. This memorandum which is the latest issued by Chief Kolender, now delegates federal immigration powers to the San Diego Police Department for the stated reason of gathering "statistical information" on the immigration status of U.S. Citizens and other persons whom the San Diego police arrest. This is to be done without demanding proof or confirmation of either citizenship, or immigration status! This directive is a violation of the City Charter, Federal Law, the U.S. Constitution and constitutes a racist political attack on our community.

It is our organizations' position that William Kolender has willfully and purposely violated his oath in upholding City, Federal and Constitutional Law. In calling for Chief Kolenders' removal, our organization wishes to submit the following facts regarding his issuance of the July 28, 1986 memorandum.

- 1.) Acting illegally by empowering San Diego Police officers to act as immigration officers, judge and jury in direct violation of previous ruling issued by the U.S. Justice Department, California Attorney General and the INS. (See Attached)
- 2.) Expendng taxpayers monies in violation of the San Diego City Charter in enforcing laws that have not been delegated to his Department.
- 3.) Violating Constitutional guarantees protected by the 14th Amendment (due process and equal protection under the law) in not requiring proof or confirmation of citizenship or legal status.

- 4.) The Kolender memorandum is a political motivated effort to manufacture "bogus" statistics to cover up the gross incompetency of the Kolender administration which has been unable to stem the rising crime in the City of San Diego.
- 5.) This is nothing but a conscious and cynical attempt by Chief Kolender to poison the well of human understanding in the border region by creating inflated statistics regarding undocumented alien crime and thus fueling the racist hysteria that now exists. Furthermore, this unlawful statistics gathering will make it impossible for anyone interested in developing an honest picture of crime in this area to carry out their research.

In concluding, we are demanding for the removal of William Kolender as Chief of Police because this latest memorandum can no longer be disregarded as an "unfortunate" or an "honest" mistake. In 1977, Chief Kolender issued a similar memorandum which resulted in the 1979 Bell Memorandum(see enclosure) that stated, "Immigration Law rest with the INS and not with state and local law enforcement agencies"

Chief Kolender, besides acting illegally and unconstitutional, has in our opinion lost the support of a sizeable segment of our community and we now call on your office to initiate proceedings to fire William Kolender as Chief of Police.

Awaiting your prompt response in this matter.

Chairman of the Board,

*Herman Baca*  
Herman Baca

cc: City Council Members  
News Media  
Legal Organizations



Committee on Chicano Rights, Inc.

August 14, 1986

Cy Murray  
City Manager  
City of San Diego  
202 "C" Street  
San Diego, California 92101

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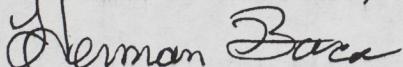
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Chairman of the Board,

  
Herman Baca

cc: City Council Members  
News Media  
Legal Organizations

THE CCR TODAY ANNOUNCED

THAT IT HAS WRITTEN APPROPRIATELY  
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REQUESTS MADE IN OCCOMMUNICATE +

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IN THE CITY OF S.D.



Committee on Chicano Rights, Inc.

FOR IMMEDIATE PRESS RELEASE

August 14, 1986

National City, CA

THE COMMITTEE ON CHICANO RIGHTS AT A PRESS CONFERENCE TODAY ANNOUNCED THAT IT HAS WRITTEN BOTH CITY OF SAN DIEGO MAYOR, MAUREEN O'CONNER AND CITY MANAGER, CY MURRAY TO DEMAND THE FIRING OF CHIEF OF POLICE WILLIAM KOLENDER.

"OUR ORGANIZATION HAS TAKEN THIS POSITION STATED HERMAN BACA, CHAIRMAN OF THE COMMITTEE ON CHICANO RIGHTS, "BECAUSE CHIEF OF POLICE KOLENDER HAS ILL-EGALLY (SEE ATTACHED) ASSUMED FEDERAL IMMIGRATION POWERS BY ORDERING HIS OFFICERS TO CLASSIFY ARRESTEE'S AS UNDOCUMENTED PERSONS WITHOUT DEMANDING ANY PROOF OR CONFIRMATION OF EITHER CITIZENSHIP OR LEGAL STATUS". " THIS UNLAWFUL USURPTION (WHICH IS NOT THE FIRST TIME) OF FEDERAL POWER", SAID BACA, "BY CHIEF KOLENDER, BESIDES BEING A GROSS VIOLATION OF THE SAN DIEGO CITY CHARTER, FEDERAL LAW AND THE U.S. CONSTITUTION WOULD RESULT IN":

1.) EVERY LEGAL RESIDENT, TOURIST VISITOR, REFUGEE AND EVEN U.S. CITIZEN WHO ARE ARRESTED, BEING CLASSIFIED AS AN UNDOCUMENTED FOR "STATISTICAL PURPOSES".

2.) A RACIAL VENDETTA AGAINST EVERY PERSON OF MEXICAN ANCESTRY.

IN THE FUTURE WHEN LAW ENFORCEMENT OFFICIALS RELEASE STA-

TISTICS, UNDOCUMENTED (i.e. persons of Mexican Ancestry)

WILL NO DOUBT BE HELD RESPONSIBLE FOR THE INCREASE IN CRIME.

BACA IN HIS LETTER TO CITY OFFICIALS ACCUSED CHIEF KOLENDER OF ISSUING HIS DIRECTIVE FOR "POLITICAL REASONS". "IN ORDER THAT "BOGUS" STATISTICS

CAN BE MANUFACTURED TO COVER UP THE RAMPANT INCOMPETENCY OF THE KOLENDER ADMINISTRATION WHICH HAS BEEN UNABLE TO STEM THE RISING CRIME IN THE CITY OF SAN DIEGO.

IN CONCLUDING, BACA STATED, "THAT THE LATEST MEMORANDUM CAN NO LONGER BE DISREGARDED AS AN "UNFORTUNATE" OR "HONEST" MISTAKE". THIS DIRECTIVE WHICH WILL COST THE SAN DIEGO POLICE DEPARTMENT THE SUPPORT OF A SIZEABLE SEGEMENT OF OUR COMMUNITY IS A DELIBERATE POLITICAL ATTACK ON THE RIGHTS OF OUR COMMUNITY THAT CAN NOT BE TOLERATED.

FOR FURTHER INFORMATION, PLEASE CONTACT HERMAN BACA, CHAIRMAN, COMMITTEE ON CHICANO RIGHTS AT 474-9875

# FORM: Illegal Alien Policy Altered

Continued from Page 1

officials, who want to prove to the federal government that illegal aliens are a drain on San Diego County's justice system.

Burgreen said Thursday that although the memo bore Kolender's name, it was actually written by the department's training division.

But the memo drew angry protests from groups that claimed police were contributing to skewed statistics that would militarize the border problem and pin the blame for rising crime on illegal aliens.

Thursday morning, the Committee on Chicano Rights held a press conference and called for Kolender's resignation because members claimed he was fomenting anti-Latino sentiment.

"Our greatest fear is that it could result in a racial vendetta against every person of Mexican ancestry," said Herman Baca, committee chairman. "If he [Kolender] wants his men to be Border Patrolmen, the INS [Immigration and Naturalization Service] is hiring."

The American Civil Liberties Union and members of the Harborview Community Council also criticized the memo for reaffirming police involvement in border control, a federal responsibility.

"It directs officers to make judgments in every case of an arrest," said Greg Marshall, ACLU legal director. "Essentially it is asking for hunches and subjective judgments of patrol officers about who is undocumented."

"You might just as well have officers assuming the political affiliation or blood cholesterol level of the people they arrest. The question is: What does it matter? I think there is a lot of pressure to stigmatize undocumented immigrants, and that's something we're very concerned about."

Al Ducheny, chairman of the Harborview Community Council, said the box-checking circumvents due-process safeguards and in-

flates figures on how much undocumented aliens add to local crime. Kolender has said publicly that illegal aliens from Mexico are to blame, in part, for San Diego's rising crime rate.

"The whole idea is really insane," Ducheny said. "We see it basically as a follow-up on what [San Diego County Supervisor] Susan Golding started a few months ago."

Golding has come under criticism for her proposal to sue the federal government to recover what she said was an estimated \$23 million the county paid in the last five years to provide social services or arrest and jail illegal aliens. Her charges that illegal aliens committed a significant number of violent crimes also drew protests from Latinos. Plans for the lawsuit have been shelved.

Burgreen said that, after telephone complaints and a written protest by the ACLU, Kolender decided Thursday to write a new memo discontinuing the practice of questioning a suspect's citizenship and marking the box on the arrest form.

"The chief and I had a discussion and we agreed that we are not immigration officers and we are not to inquire about citizenship," Burgreen said. "We're rescinding that [July 28] order right now. There's nothing illegal about it. We're just choosing not to follow it."

He added that Kolender is reviewing other ways in which local police participate in immigration enforcement.

For about a year, city police have been detaining people they believe are illegal aliens involved in crimes, even ones as minor as jay-walking. They hold suspects for 20 minutes so they can call immigration officials and offer them a chance to pick up the suspect.

Burgreen said the results of the immigration review would be released next week.

"We are concerned about the amount of time our officers are spending enforcing immigration laws," Burgreen said. "We are asking ourselves, 'What is it costing us?'"

The San Diego County Sheriff's Department uses the same arrest form, but a spokesman for the department said he did not know how deputies use the box.

Border Patrol spokesman Gene Smithburg said immigration officials rely significantly on referrals from local law enforcement for arrests of illegal aliens.

Smithburg declined to comment on what a change in police policy would mean to his agency.

Los Angeles Times

Friday, August 15, 1986

## Police to Stop Questioning Suspects About Citizenship

By TOWNSEND DAVIS, Times Staff Writer

Under pressure from civil rights groups, San Diego Police Chief Bill Kolender on Thursday rescinded an order that required his officers to try to identify whether the people they arrest are illegal aliens.

The decision came after two community groups and the local chapter of the American Civil Liberties Union complained about Kolender's instructions to officers to mark a box on the standard arrest form if a suspect is an "undocumented person." Police said the box was used, not for identification, but to supply statistics to the county.

The groups said judging a person's citizenship is not the job of the police, and that the practice could fuel ill will and a "vendetta" against Latinos.

Assistant Police Chief Bob Burgreen said Thursday that police will no longer consider a person's citizenship because "we are not interested in being immigration officials. The statistical information

is not of enough value for us to be inquiring about citizenship."

The box labeled "Undocumented Person" has been on the arrest form since 1982, and San Diego police have checked it when the suspect didn't speak English, had no U.S. address or admitted under questioning to being an illegal alien.

In a July 28 memo about "Arrested Undocumented Aliens" that was to be read to all police officers, Kolender reinforced the use of the box when he gave instructions on how to check it appropriately despite a misprint in the arrest form. "Proof or confirmation of undocumented status is not required" to check the box, Kolender wrote.

The memo said gathering the information would help "address undocumented alien crime." Police on Thursday said the statistics were being compiled for county

Please see FORM, Page 5

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# S.D. police may change alien policy

By Dick Weber  
Staff Writer

San Diego police officials yesterday said they are leaning heavily toward halting a longtime practice of turning undocumented aliens over to the U.S. Border Patrol, which promptly threatened to pull its agents out of the city.

"The department is giving serious consideration to changing our policy," said assistant chief Bob Burgreen. "We are analyzing the pros and cons."

For years aliens who were stopped by police under suspicious circumstances but not arrested for any crimes were detained for the Border Patrol to pick up.

But the policy has come under mounting criticism by civil rights groups that condemn it as racist and others who complain that police spend too much time questioning

See ALIENS on Page B-12.

# Aliens: Cops rethink policy

Continued from Page B-1  
Hispanics about their citizenship.

If the policy is changed, aliens stopped but not arrested will be released.

Police Chief Bill Kolender was reported to be strongly in favor of ending the practice, and one of his deputy chiefs said Thursday that the decision had been made.

However, Burgreen yesterday said Kolender, who left Thursday for a weekend retreat in Solvang of the California Community Colleges Board of Governors, of which he is a member, would not make a final decision until next week.

But Burgreen said complaints aired by residents at a Police-Community Relations Advisory Board forum in San Ysidro last month prompted him to reconsider the policy, and he was "leaning toward changing it."

"They (residents) said they like the police but felt we were spending too much time with immigration problems," Burgreen said. "That was said very simply and it had a major impact on me."

Burgreen said he was concerned with the amount of time officers were spending on immigration work.

"We're concerned about our rising response time, the increase in time it takes a citizen to get a police officer. Part of this may be due to the time officers are taking detaining aliens."

Burgreen said that when he informed local U.S. Border Patrol chief Alan Eliason about the possible change in policy yesterday morning, Eliason was displeased.

"I admire (Eliason)," Burgreen said. "He's a dedicated man and he and his people are doing a great job under frustrating conditions. But our job is to police San Diego and his job is to enforce immigration laws."

Eliason later issued a statement saying that the 15 to 20 agents who patrol San Diego each day will be reassigned to stop "the onslaught" of illegal crossings at the border.

"Without the active support of San Diego officials, it makes little sense to continue assigning agents as we have in the past," he said.

Eliason said his agents were in San Diego to help police deal with the increasing number of burglaries and auto thefts in La Jolla, Rancho Peñasquitos and downtown in which

the suspects are undocumented aliens.

"The city of San Diego refuses to acknowledge it is a border city. It has to face up to it sooner or later," he said.

"I'm not in a fight with Chief Kolender or the police department. They're responding to political pressure."

Police officials said other departments in several Southern California cities, including Santa Ana and Anaheim, have stopped routinely turning over aliens to the Border Patrol.

Those agencies discovered their officers were spending too much time with aliens and that was detracting from their regular police work, said deputy chief Manuel Guaderrama.

"Sometimes we feel like we're spinning our wheels," Guaderrama said. "After an alien is taken to Mexico by the Border Patrol, he just returns and we may have to deal with him more than once."

Police officials said the department's alien detention policy, in effect for at least 25 years, does not allow officers to stop aliens without reason.

For instance, Guaderrama said, an officer can not stop aliens simply because they are walking north on the highway, but aliens jaywalking downtown can be detained.

Guaderrama said the policy was modified last year to limit to 20 minutes the time officers can detain aliens for the Border Patrol.

However, Roberto Martinez, a civil rights advocate, said undocu-

mented aliens are forced to wait much longer for Border Patrol vans to arrive and that many police officers often seem more concerned with the citizenship of witnesses than with the crimes being investigated.

"People are afraid to call the police because the first thing they do is ask for their papers," he said. "It's really a bad situation."

Martinez, chairman of the Coalition for Law and Justice, said he has been seeking an end to the detention policy for three years, and is upset it has taken that long for the police administration to do something.

He said he also was bitter about the disclosure Thursday that San Diego police officers had been ordered by Kolender to identify whether the people they arrest were undocumented.

The practice, used to gather statistics on alien crime, was halted Thursday after civil rights groups protested that the method was flawed and that the inflated figures that resulted would unfairly attribute aliens with blame for rising crime.

Martinez said he has been meeting regularly with police officials and that the identification order was never mentioned.

"That's what bothers me most," he said. "We've been meeting in good faith with Guaderrama and other police officials on detaining and all this time they were preparing this memo that is racist in that it targets only Latinos for citizenship verification."

*Also contributing to this story was staff writer J. Stryker Meyer.*

# Police drop policy of holding aliens for Border Patrol

By David Jefferson

Tribune Staff Writer

San Diego police officers can no longer arrest undocumented aliens during the course of an investigation and hold them until Border Patrol agents arrive.

The department yesterday announced the change in its policy of holding undocumented aliens for 20 minutes when they do not have enough evidence to press criminal charges against them to allow Border Patrol agents time to pick them up, Deputy Police Chief Manny Guaderrama said.

Under the new policy, officers must either arrest the undocumented aliens on criminal charges or release them immediately.

"It's something that's been under consideration for a long time," Guaderrama said.

He said the department decided to make the change because officers were spending "a significant amount of time processing undocumented aliens." He added that the department has received numerous complaints about its detention of undocumented aliens.

"People were thinking we've been taking a racist attitude. But that's the furthest thing from our minds," Guaderrama said.

In addition to changing its alien-detention policy, the Police Department yesterday rescinded an interdepartmental memorandum regarding the reporting of crimes committed by suspected undocumented aliens.

According to the memo, officers were to have asked an arrested person if he or she was a U.S. citizen. Officers would not have been required to get proof or confirmation of the suspect's undocumented status.

That memo, which instructed officers to check an "undocumented person" box on police forms when an undocumented alien is arrested, outraged leaders of San Diego's Hispanic community.

Herman Baca, chairman of the Committee on Chicano Rights, wrote letters to Mayor O'Connor and City Manager Sy Murray demanding that Police Chief Bill Kolender be fired.

Al Ducheny, chairman of the Harborview Community Council in Barrio Logan, said that since police could not verify a person's undocumented status, the statistics the department collected would be false.

"There's no way an officer can know if a person is undocumented. They're not trained to do that," Ducheny said. "(Police officials) could use the false information to their own benefit."

Guaderrama said the Police Department decided to withdraw the memo after it received complaints yesterday from Baca, Ducheny and other community leaders.

"The questions raised by community folks made us re-examine this," he said.

Guaderrama said the purpose of having the "undocumented person" box on the police form had been to "get a tally of how the undocumented alien problem is affecting crime." He said the form was developed by the San Diego Criminal Justice Council and is being used by police departments throughout the county.

# Police alter procedure on aliens

*Will no longer be held for Border Patrol action*

By James V. Grimaldi

Tribune Staff Writer

After a "vigorous discussion," San Diego Police Department officials today joined almost every other city on the Mexican border by dropping its policy of turning over undocumented aliens who have not committed a crime to the U.S. Border Patrol for deportation.

The change in policy, which took effect this morning, was debated among deputy chiefs and commanders this week and has been criticized by Border Patrol officials, Chief Bill Kolender said. The possibility that San Diego police might change the policy was announced last week by Deputy Chief Manuel Guaderrama.

Assistant Chief Border Patrol Agent Gene Smithburg said the decision would have a profound effect on the patrol and San Diego.

"It's going to make our job more difficult," Smithburg said. "It is probably going to have an impact on the citizens of the city because there probably will be a large (increased) presence of illegal aliens in the city."

Until today, police policy stated that patrol officers would hold undocumented aliens for 20 minutes if, when they were arrested as a suspect in a crime or stopped for a traffic violation, there wasn't enough evidence to press charges, Assistant Chief Bob Burgreen said.

Police in El Paso, Texas, are the only remaining force along the border that holds aliens for the Border Patrol, Burgreen said.

The San Diego policy was eliminated because it showed separate and different treatment to people of Hispanic origin and because it took officers away from more important police calls, Burgreen said.

Guaderrama had said that the aliens released by police to the Border Patrol would simply be taken to Tijuana and would sneak back into San Diego the next day.

"All they were doing was giving him a free ride to Tijuana," Guaderrama said. "We were just spinning our wheels."

Though the policy was to wait for 20 minutes for the Border Patrol to arrive, in practice some officers were waiting up to an hour. Others were spending 30 to 45 minutes away from their beats to take the alien from the scene of arrest to the San Ysidro Border Patrol headquarters, police officials said.

"Our concern is that we're not immigration officers and we are taking away service to the public when we detain people for the Border Patrol," Kolender said.

TCB 8/22/82

# THE TRIBUNE

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San Diego, California, Saturday, Aug. 23, 1986

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Page C-3

## Fear, facts and illegal migrants

IT'S BAD ENOUGH that illegal immigration is out of control at the Mexican border. It is worse that fear and resentment of illegal immigration also threaten to rage out of control.

Lack of accurate information about the scope of the problem is clearly a contributing factor to the increasing fear that illegal immigrants are threatening to overwhelm states along the border. That fear can only be exacerbated when public officials make unsubstantiated claims about the impact of illegal immigration, or suggest solutions even they themselves find unpalatable. Only this week, U.S. Sen. Pete Wilson suggested that the U.S. may, as a "last resort," have to build a barrier along the 2,000-mile-long border to keep people out. This summer, a county supervisor got into trouble when she used inaccurate statistics to suggest that illegal immigrants were responsible for a growing number of serious crimes in San Diego County.

Thus, it is a relief to hear that the National Institute for Justice has awarded a \$127,500 grant to the San Diego Association of Governments (SANDAG) to conduct a two-year study of whether illegal immigrants are indeed responsible for a significant number of serious crimes in San Diego and El Paso counties.

The point of the study is to determine the impact of illegal immigration on the workloads of local law-enforcement agencies and the costs to local jurisdictions in dealing with crimes allegedly committed by undocumented immigrants. If the strong suspicions of local police are verified by the study, it will give cities and counties much-needed ammunition in their efforts to force federal officials to provide subsidies to local law enforcement. It also will increase the pressure on the federal government to carry out its responsibility to deal with the immigration crisis.

The study will involve a detailed review of the arrest reports of a sample of an estimated 12,000 adults arrested in the two counties during 1985. Researchers will be looking for certain details thought to be strong indicators of an individual's immigration status, such as foreign place of birth, lack of permanent residence, lack of driver's license or lack of Social Security number.

The researchers also will look through jail records and district attorney's office records to determine such things as whether individuals were held for investigation by immigration officials. Once the records have been reviewed, the names of all those thought to be illegal immigrants will be

run through the Immigration and Naturalization Service computers to determine whether they have been recorded as undocumented immigrants in the past.

This study will at last provide some reliable evidence of whether there is a relationship between crime and illegal immigration. Such evidence has been sorely lacking in the past. Until this month, for instance, San Diego police officers would either ask an arrested suspect whether he was undocumented or draw their own conclusions, and then check the appropriate box on the arrest form. But they did not verify the information.

Police Chief Bill Kolender has now instructed his officers to ignore the box, arguing that San Diego police are not Border Patrol officers or immigration officials, are not responsible for enforcing immigration laws, and should not be doing anything that might make it appear that they are. We think he's right. We also support his decision this week to drop a policy of turning over to the Border Patrol for deportation suspected undocumented immigrants who have not committed a crime. Kolender found that officers were spending up to an hour away from their beats waiting for Border Patrol agents to arrive.

Unverified information of immigration status is useless as a tool for determining the impact of illegal immigration on crime. People can and will lie, and police don't have the time or resources to confirm an individual's status. Ultimately, this manner of keeping statistics may come down to whether an officer thinks a suspect "looks" illegal. People who "appear" to be Hispanic — regardless of their birthplace — would come under immediate suspicion, while undocumented Canadians — of which there are many — could be accepted as citizens with no questions asked. In fact, one of the reasons Kolender dropped the policy of holding suspected illegal immigrants for the Border Patrol is that "it showed separate and different treatment to people of Hispanic origins."

Unfortunately, other local police agencies, including the Sheriff's Department, continue to include unverified information on immigration status on arrest forms. They're wasting their time; the information is by definition unreliable and no one should pay the slightest attention to it. It makes more sense to wait until the SANDAG study produces a preliminary report a year from now before we make any conclusions about crime and illegal immigration.

# S.D. Police Will Not Detain Suspected Illegal Immigrants

By TOWNSEND DAVIS, *Times Staff Writer*

Breaking enforcement ties with the U.S. Border Patrol, San Diego Police Chief Bill Kolender announced Friday that his officers will no longer detain suspected illegal aliens to help federal immigration officials control the border.

"Due to economic conditions in Mexico and Central America and the lack of an effective federal immigration policy, San Diego has been taking the brunt of a problem which we are unable to impact," Kolender said in a prepared statement. ". . . Our policy has been and remains that we are not in the immigration business and we are not immigration officers."

"I am also concerned about the 'appearance' of treating people differently who are of Hispanic descent."

The announcement marks the end of San Diego officers' decades-old practice of holding some people suspected of crimes—some as minor as jaywalking—for 20 minutes to allow the Border Patrol enough time to determine whether any of the suspects were illegal aliens. San Diego officers held anyone who had no U.S. address, did not speak English or who admitted under questioning to being in the country illegally; others were let go.

The move, which came after the protests of several community groups, makes San Diego among the last U.S. border city police forces to drop the policy of detaining illegal aliens for the Border Patrol, said San Diego Deputy Police Chief Manuel Guaderrama. Only El Paso, Tex., still detains illegal aliens, although it is reviewing that policy.

In recent years, Anaheim, Santa Ana, San Jose, San Antonio and Phoenix also have dropped such policies, he said.

Friday's announcement drew criticism from a Border Patrol official.

"We're disappointed, of course, but they have their job to do and we have ours," said Mike Williams, deputy Border Patrol chief in San Diego. "I don't think that their participation was that significant in terms of sheer numbers, but by removing a number of illegal aliens involved in crime, they were able to assist us."

Last week, Border Patrol Chief Alan Eliason anticipated the department's decision, lambasting police for what he called a "head-in-the-sand attitude" about illegal immigration. He threatened to pull out a special INS force of 15 to 20 agents that patrols public transportation routes to apprehend suspected illegal aliens, and Williams confirmed Thursday that the special force will be cut back and redeployed to the border.

"We're not going to stop responding to police calls and requests for assistance, but it doesn't do us much good to have these [downtown] patrols without total cooperation," Williams said. Police admitted the withdrawal of Border Patrol agents would result in an increase in crime in the city, but they said that immigration is still a matter that goes beyond local responsibility.

Bob Burgreen, assistant San Diego police chief, said a recent four-day survey in two patrol areas showed that officers detained 107 suspected illegal aliens and spent 32 hours on immigration matters.

The survey was conducted after several community groups complained that San Diego police were too involved in immigration work

**'Our policy has been and remains that we are not in the immigration business and we are not immigration officers.'**

**Bill Kolender**  
San Diego police chief

and were improperly checking a box marked "undocumented person" on the standard arrest form. The department said it instructed officers to mark the box for statistical reasons, but last week it rescinded the practice and told officers to disregard the boxes.

"I think this is a new era," said Burgreen, who compared the change in policy to "severing that umbilical cord" with the Border Patrol.

"We did allow our officers to detain and to inquire about citizenship," he said. "We have reflected and decided that it's not appropriate for officers in San Diego in 1986 to do either. We have plenty to do without trying to do INS's job."

He said the department also wanted to drop the detainment policy to avoid the appearance of discriminating against Latinos.

Herman Baca, chairman of the Committee on Chicano Rights, said Friday that the policy change is a major victory for Latinos.

"Of all of the police departments, Kolender has gotten the most political heat, and that has been the reason for moving away from a no-win policy," Baca said. "As for all this sensitivity stuff, that's like sticking a knife in your back and

Please see IMMIGRANTS, Page 4

V.A. TWS  
6/23/86

# IMMIGRANTS: S.D. Police Rescind Detention Policy

**Continued from Page 1**

pulling it out three inches.

"The issue now from our perspective will be directed at other departments, such as the sheriff's, who will continue to carry out what the SDPD has now said is a policy of harassment directed at persons of Mexican ancestry."

The San Diego County Sheriff's Department and police departments in Chula Vista, Escondido, Oceanside and El Cajon will contin-

ue to hold suspected illegal aliens for the Border Patrol if federal agents are available and if police do not have other calls to handle, officials in each jurisdiction said.

Police Capt. Norman Ames of the La Mesa Police Department said his department is reviewing its policy in the wake of the San Diego department decision.

"They're sort of the trend-setter, and we don't want people going from jurisdiction to jurisdiction not knowing what to expect from law

enforcement," Ames said.

Kolender announced the policy shift in a videotape—a medium he frequently uses to make major announcements—to be shown to all officers Friday and today.

Burgreen said that another police practice—in which San Diego officers, like other citizens, contact the Border Patrol to report the whereabouts of suspected illegal aliens—is also being reviewed.

The announcement Friday will not affect the operation of the

Border Crime Prevention Unit, a special team of six San Diego officers and six Border Patrol agents that monitors the canyons along the border for crime, much of it against aliens entering the country illegally.

The relationship with that task force will remain cordial, officials said.

"We are available to cooperate with them any way we can," said Williams of the Border Patrol. "We still like each other."

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September 4, 1986

Mr. Gregory Marshall  
Legal Director, San Diego Chapter  
ACLU Foundation of Southern California  
444 West "C" Street, Suite 230  
San Diego, CA 92101

Dear Mr. Marshall:

In response to your letter of August 25, 1986 regarding the ARJIS-8 Form, I submit the following information:

The ARJIS Management Committee held a meeting on August 20, 1986. Representatives from the Harborview Community Council, American GI Forum, American Immigration Lawyers' Association, and the Chicano Community gave a presentation on the subject of undocumented aliens and the use of this term on the ARJIS-8 Form. After the presentations and discussion, the ARJIS Management Committee agreed that each law enforcement agency should decide whether to retain or discontinue use of the "undocumented person" information on police reports.

Sincerely,

A handwritten signature in black ink, appearing to read "CM Rice".

C. M. Rice, Deputy Chief  
ARJIS Management Committee Chairman

CMR/NA/n11

# Waiting and Watching

*San Diego's Hispanic community remains wary of Chief Kolender's new policy on illegal aliens*

THE SAN DIEGO Police Department's new policy toward suspected undocumented aliens is not being met with heartfelt gratitude by local Hispanic groups. Before they sing the praises of Chief Bill Kolender's August decision not to detain those aliens for the Border Patrol, Hispanic leaders want to be certain the new policy is actually enforced.

Kolender's directive put an end to the long-standing department practice of holding for the Border Patrol, for up to 20 minutes, any person *thought* to be in the country illegally, even if the detainee committed no offense worse than jaywalking. The chief said his decision came after department officials recently realized that city police officers were spending too much time on immigration work rather than on crime fighting.

Kolender's policy directive followed closely his decision to rescind a controversial memo ordering his officers to determine the nationality of all persons they apprehend for suspected crimes. That information was to be marked on an arrest form distributed to all the police officers countywide and used to gather statistics on the effect of illegal immigration on local crime. Kolender has said the memo was issued simply to clarify a misprint on the forms.

Roberto Martinez, chairman of the Coalition for Law and Justice, is angry that police officials are taking credit for discovering the amount of police manpower misspent on immigration. "I've been telling them this for three years," he says, "and all of a sudden it's a problem."

During those three years, Martinez says he repeatedly told senior police officials that officers were going beyond the scope of the department's alien-detention policy by stopping Hispanics without cause and holding them for hours instead of minutes for immigration agents. Some-

times, Martinez says, city officers left their patrol sectors to drive the suspected aliens to Border Patrol Headquarters in San Ysidro.

Martinez says he has watched local police officers take immigration matters into their own hands too many times to be hopeful about the department's new policy. "I'm real skeptical," he says. "From what I've seen in the last five years, I have to take a watch-and-see attitude."

Committee for Chicano Rights leader Herman Baca remains equally skeptical. "We've heard this all before," he says, pointing out that San Diego-area police agencies received federal warnings that they had no jurisdiction in immigration matters as early as 1973. That point also was made clear in an opinion issued by then-U.S. Attorney General Griffin Bell in 1978. The year before, a similar opinion was issued by then-California Attorney General Evelle Younger.

Both Martinez and Baca were outraged by Kolender's order to ascertain a suspect's citizenship. Martinez calls the memo a "slap in the face" and a breach of the good faith with which he has negotiated with department officials for three years. Baca, who called for Kolender's firing after revealing the existence of the memo, considers the short-lived directive a violation of local and federal codes.

"Our position is that Kolender was working in violation of the city charter and all the federal memos issued on this, and that the order was basically unconstitutional," Baca says. "This is something that is not being addressed by the mayor or the city manager."

Baca also is worried that the form Kolender's memo referred to, and which is still being used by other San Diego County police agencies, will be misused. Findings from a similar study in Los Angeles in 1977 were dismissed because

police officers admitted they tended to conclude anyone who was Hispanic was in the country illegally.

"Such a study requires sound scientific principles," Baca says. "To use a Ouija board like Kolender tried to do, and like Sheriff John Duffy and the other jurisdictions are doing, is something else. Heaven knows what Duffy is doing with that form."

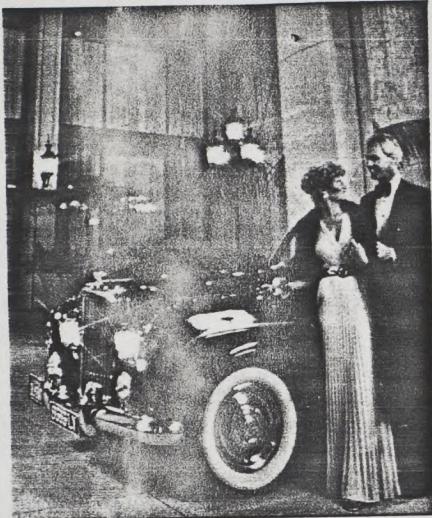
Kolender's decisions came in the wake of a San Diego Magazine investigative series into legal and physical abuses committed by Border Patrol agents and Immigration and Naturalization Service (INS) officers ("The Thin Line," June and July 1986). A portion of that series reported that local police agencies were involved in immigration work despite having no authority to do so.

The two-part story also questioned the validity of claims by Kolender and Duffy that illegal immigration was responsible for a 5 percent countywide increase in crime, and that illegal aliens made up 20 percent of the inmate population at some county jails. Following the publication of San Diego Magazine's story, an INS survey found only 14 percent of the county's jail population was "foreign born," with no information available on the citizenship or residency status of those inmates. The annual FBI National Crime Index, released in August, indicated the county's crime increase was part of a nationwide 5 percent rise in crime.

The series also described how Border Patrol agents rousted Hispanics—often citizens and lawful foreign residents—from city buses and demanded identification. Following its publication, San Diego Transit General Manager Roger Snoble ordered city bus drivers to cease cooperating with immigration officers.

—MARTIN HILL

# In Style At The Westgate



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correct possessive pronoun would be "its aid organizations."

Hill dismissively refers to INS agents' "great pride in their ability to spot undocumented aliens even in a crowd." Spotting illegal aliens in a crowd is more a matter of common sense than undue pride. Faced daily with waves of illegal entrants, anyone would learn the tricks to detect the more flagrant offenders. This point is not given sufficient space to be explained in the article, though; a quick scan of the article shows INS detractors quoted more frequently than INS officials by a margin of four to one.

In general, Hill refuses to comprehend the spirit of the INS and particularly of the Border Patrol. Agents do not want to waste their time documenting thousands of illegal aliens any more than the aliens want to be detained or sent home. Border Patrol efforts are directed at making the main avenues of illegal entry more difficult and breaking up alien-smuggling rings. These rings are notorious for the abuses—to more than just civil rights—they inflict on unwary illegals. Raids such as the one with which Hill opens his story usually attempt to close down these treacherous smuggling syndicates.

Anyone reading this letter is bound to be familiar with the litany of economic arguments about the negative impact that large-scale illegal immigration has on our national finances. The point does not diminish with repetition; illegals cost this country untraceable millions of dollars a year in jobs taken from citizens and ill-gotten welfare benefits taken from taxpayers. Border Patrol agents have been given some extraordinary law-enforcement powers, but the assertion that these are not monitored all the more strictly is unfounded. To make matters even more perplexing for INS agents, their critics run the gamut from illegal aliens' rights activists (such as Hill) to those who desire some Berlin Wall or Maginot line south of San Diego.

I have been an intern with the Border Patrol for two summer recesses, both at the central office in Washington, D.C. and at the western regional office in San Pedro. The agents I have come to know manage to walk their thin constitutional line quite well. When the occasional abuse does occur, the service takes swift and effective action. My impression of a Border Patrol agent is not that of a brown-shirt in a green uniform but of a qualified law enforcer who manages to keep a commendable level of compassion—and even idealism—in the face of an absurd situation.

Regardless of my impression of the Border Patrol, Martin Hill's article is a testament to partiality, inaccuracy and general journalistic sloppiness. Perhaps such writing should be clearly labeled as commentary. Perhaps it should be avoided altogether.

JAMES W. WALSH  
Newport Beach, CA

*Martin Hill replies:* Walsh tries to carry both the mantle of journalism critic and immigration expert. While he properly quotes the immigration code, he fails to point out that the courts have determined it to be quite reasonable for an alien worker to keep his alien registration card in a

nearby vehicle or building to prevent losing it or soiling it as he performs his labors. Conversely, it may amount to improper detention if an immigration agent does not promptly allow an alien to produce his or her identification from safekeeping.

Walsh also questions a news investigation that takes into consideration "responses from groups outside the service." How else would one conduct such an investigation? To review only the INS' side of the controversy would create the sort of one-sided story Walsh accuses me of writing. When attempting to determine the propriety of an organization's action, it is only logical and *mandatory* that a reporter interview that organization's critics. Investigations of the INS by Congress and the U.S. Civil Rights Commission included interviews with similar sources.

Walsh seems to ignore that among my other sources for this series were private lawyers, current and former federal attorneys, government officials and INS personnel. He also ignores the thousands of pages of court documents and federal government reports used in preparing these articles.

I might agree with Walsh's contention that "faced daily with waves of illegal entrants, anyone would learn the tricks to detect the more flagrant offenders" if all the examples I cited in my story occurred on the U.S.-Mexico border. But Chicago? Washington state?

Granted, alien-smuggling rings are notoriously brutal. However, the community raid in Sanger did not break up any smuggling ring. That was not the aim of the raid or any of the other community raids described. Moreover, Walsh's assertion that INS activities are closely monitored and that the INS takes "swift and effective action" against any abusive officer is wrong. Had he read the first installment of my article, he would know the INS internal affairs division is understaffed and overworked, and constantly frustrated by INS officials seeking to block internal investigations. That is not my opinion. That is information acquired through an internal affairs source and official reports prepared by the Department of Justice and the U.S. General Accounting Office.

Walsh describes me as a social critic and aliens' rights activist. I am neither. I am just a reporter.

## CLARIFICATION

In the first installment of "No Place to Land" in September, we reported that more than 16 airliners take off from Lindbergh Field each night despite an 11:30 p.m.-to-7 a.m. prohibition against such departures. An airport consultant's report estimated that many departures occur each night between 10 and 7 a.m. Airport-noise advisory reports estimate a somewhat smaller number of takeoffs during the same hours. Airport Manager Bud McDonald, however, points out that most, if not all, of those flights take off in the 90-minute period preceding the night restriction. He adds that airlines that violate the takeoff ban are sternly reprimanded rather than fined.

## FEARFUL FOLLY

Congratulations and thanks for Martin Hill's "The Folly of Lindbergh Field" (September). San Diego is one of the great city sites of the world, with immense potential at the intersection of the eastern rim of the Pacific basin and the border between North America and Latin America, at the dawn of the Pacific Century. Yet we seem to be a city almost incapable of indignation in what we suffer to be done to our city and ourselves by Lindbergh Field.

One would think a mid-city airport would be seen as an impossible contradiction in terms, but the word airport must have a compelling legitimacy in its power to suggest a safe harbor, drawn from the idea of a seaport, often well-placed within a city, with great vessels moving slowly and silently over the water. If they lose power or suffer another failure, they usually continue to float on the water, anchored or moored for repair or a tow. Even then, there is the occasional disaster in a seaport.

But an airport means a concentration of vessels, laden with fuel, freight and lives, hurtling at high speeds through thin air, with loud noise and at far greater risks of human or mechanical failure or of hostile weather. To manage the placement of this overhead, above the center of a city, is just what you say it is—folly.

And we are fools to accept it, for in San Diego this folly endangers us, blights our finest land and limits the growth of a necessary regional airport to far less than we shall need in the future by the constraints of its mid-city location. I look forward to October's installation, *Is Lindbergh Field unsafe? and Can a safer site be found?*

There have been some pretty solid statements on the safety question. I quote some here, with supporting papers. Considering what happened in North Park on September 25, 1978, those antecedent to that date show a chilling prescience.

"The hospital is in direct line with the principal runway at Lindbergh Field, and directly under the final approach path. Four-engined jets pass directly over the hospital at low altitudes with great frequency. The composite noise rating ranges as high as 115. The San Diego newspapers

recently reported the opinion of an experienced commercial jet pilot that the approach to this field was perhaps the most difficult of any in the United States and that it is only a matter of time until a major accident during landing occurs."—Presentation by commanding officer, U.S. Naval Hospital, San Diego, to health planning agency, July 2, 1973.

"A distinct disadvantage to the Balboa Park location is its proximity to San Diego International Airport (Lindbergh Field). While the GAO [General Accounting Office] states that Lindbergh Field flight operations are safe—the Navy would certainly acknowledge that such would be true at a major international airport serving some of the largest aircraft in use commercially—this does not reduce the specter of an aircraft disaster at the Balboa Park site, which is directly beneath the primary approach zone to the airport."—Navy comments on GAO report, letter of Department of Defense to GAO, March 26, 1976.

"[Rear Admiral] Arentzen also stated that although he does not consider aircraft noise a problem, he does consider aircraft safety a significant problem, and that [the Department of Defense's] policy is to *not* build hospitals under flight paths."—Commanding Officer, Naval Regional Medical Center, to Chamber of Commerce, *A Chamber Report*, May 3, 1976.

"**147 DIE IN SAN DIEGO AIR COLLISION/Jet Falls on Homes, Starts Fires.** The worst air disaster in the nation's history ... just east of Balboa Park."—Los Angeles Times, September 26, 1978.

HAMILTON MARSTON

## A POINT WELL TAKEN

I have been buying San Diego Magazine since being in San Diego. I have enjoyed it very much, but I'm sorry to say I'm a bit disappointed. I would think that with an 8 percent black population in San Diego, you would at least show that they exist. In the Pictorial Dining Out section of your August Restaurant and Nightlife issue, not one black is shown. We also eat in fine restaurants.

DAVID B. TUCKER

*As San Diego's city magazine for more than 38 years, we are well aware of the black community, and have endeavored to cover it regularly. Our Pictorial Dining Out guide is primarily an advertising-related section, with copy and photos supplied by those restaurants who wish to participate. We will spread the word to them, but, ultimately, the restaurant owners decide who will appear in the photos.—Ed.*

## THE CREDIT GOES TO CAPRICCIO

In September's fashion section on couture gowns, "A Night at the Opera," we neglected to credit Capriccio Beauty Works with styling San Diego Opera Association chairman Dorene Whitney's hair and applying her makeup. We apologize for this oversight.

## DIS-MANTLING THE SOCIAL CRITIC

The mantle of social critic brings popularity and distinction to the person who wears it well. The able wearer of that mantle deserves all the spoils he or she might receive, because a good social critic—compassionate, yet impartial—is a rare find. Martin Hill, in his article "The Thin Line" from San Diego Magazine of July, aims at the popularity of social criticism by affecting a veneer of compassion. Unfortunately for all parties involved, the man's partiality and lack of insightful empathy stopped him far short of his goal.

Hill misreads both the letter of the immigration law and the spirit of the Immigration and Naturalization Service. The first of these two sorts of errors is more easily discussed because it happens more frequently and more explicitly. Perhaps Hill's most blatant attempt to solicit sympathy and blur facts comes in his line, "Although he possessed a 'green card,' this man was arrested in San Joaquin Valley. He was taken to his car to find the card and detained by Fresno INS agents just because he did not have the green card on his person."

Such a statement betrays the author's ignorance of the United States Immigration Code. Section 8 USC 1304 (e) states directly: "Failure of an alien to have in his personal possession and carry with him an alien registration receipt card or certificate of alien registration [will result in] imprisonment for not more than thirty days, or a fine of not more than one-hundred dollars, or both."

At any time, for an alien not to have his green card on his person is against the law. The agents involved were completely correct to detain the man; they were lenient to allow him the opportunity to return to his car and get the card. Time does not allow a more complete pursuit of all such egregious inaccuracies.

Hill might be excused for unwittingly blundering into issues of INS agents' behavior, but what is one to make of his confusing lapses in logic? "A three-month investigation into INS activities by this magazine found a growing number of immigration service critics developing outside the migrant community and their aid organizations." What does a study of INS activities have to do with responses from groups outside the service? Surely Hill made a poor choice of words rather than intentionally trying to misrepresent precisely what had been studied and what had been discovered. He must have meant to say "a study of critical reaction to INS activities. . ." On a smaller note, "community" is a collective noun, therefore, it is syntactically singular; the

578 ORANGE AVENUE  
CORONADO, CA 92118  
(619) 522-7350

JERRY BOYD  
DIRECTOR OF POLICE SERVICES  
CHIEF OF POLICE

POLICE DEPARTMENT  
CITY OF CORONADO  
CALIFORNIA

September 9, 1986

RECEIVED SEP 12 1986

Mr. Gregory Marshall  
Legal Director, San Diego Chapter  
ACLU Foundation of Southern California  
444 W. "C" St., Suite 230  
San Diego, CA. 92101

Mr. Marshall,

I am in receipt of your August 25, 1986 letter to the ARJIS Management Committee and Deputy Chief Rice's September 4, 1986 response to you concerning the inclusion of information on the ARJIS-8 form relative to undocumented persons.

The purpose of this letter is to inform you of two points. First, this Department intends to continue the lawful practice of gathering statistical data relative to the involvement of undocumented persons in criminal activity. Second this Department, regardless of the position of other agencies in the County, intends to continue lawfully detaining undocumented persons in the field in those instances where the Border Patrol is able to respond in a timely fashion and initiate an arrest under federal statutes.

The term "undocumented person" is a generic term. It neither implies nor states any specific nationality, race, or ethnic origin. It simply refers to a class of persons not lawfully in the United States. Such a reference can hardly be termed discriminatory in any sense, legal or otherwise. It's a simple statement of fact, and the term is used and statistics compiled only when the Border Patrol has confirmed the fact in each specific case.

Whether you are aware of it or not United States citizens and lawful resident aliens are being victimized in increasing numbers by undocumented persons. Unlike the "illegal aliens" of the past who came to the country for economic reasons, increasing numbers of today's "illegal aliens" are involved in serious crime (murder, rape, robbery, grand theft, burglary, and auto theft). In fact, it has been our experience this year that organized groups of undocumented persons are entering the United States for the specific purpose of criminal conduct.

The "rough estimate" of undocumented alien involvement in crimes in San Diego County ranges from 15 - 35 percent depending upon the area and type of crime. The sole purpose of capturing data on the involvement of undocumented persons is so that our "rough estimate" can give way to hard data. Recording those numbers through ARJIS would have given us that data and, frankly, I'm sorry that some have bent to misdirected pressure and have ceased gathering necessary, important and otherwise legal data.

This country, and this County in particular, whether you wish to admit it or not, is faced with a growing, severe illegal alien crime problem. The statistical data that the ARJIS form was intended to capture could have been used to impress the many Federal legislators who are ignorant of the problem. Perhaps Congressmen and Senators knowledgeable of the scope and impact of this problem could be persuaded to enact meaningful and effective immigration laws. Those same legislators, perhaps impressed with the fact that "illegals" are no longer restricted to numbers of relatively harmless "braceros" but include hard core criminals, might finally act to shore up our wide open borders. In the process it might be possible to cut down on the influx of not only criminals and terrorists from literally dozens (if not hundreds) of foreign countries, but the influx of hard narcotics as well. Perhaps those same legislators, armed with facts, and not misled by naive and myopic groups and individuals might restore to law enforcement at all levels the authority necessary to protect those lawfully in the United States from those here unlawfully and for criminal purposes.

Once again I find your organization's failure to reflect the best interests of our citizens and your tendency to champion causes of questionable repute regrettable, but not surprising.

Jerry Boyd  
Director of Police Services  
Chief of Police

JB/dt

cc: Deputy Chief C.M.Rice, SDPD  
Police Chiefs  
Sheriff  
INS - San Diego

# HARBORVIEW COMMUNITY COUNCIL

2168 LOGAN AVE., SAN DIEGO, CALIFORNIA 92113  
Tel. (619) 239-1388

## STEERING COMMITTEE

Al Ducheny - Chairman  
Dolores Magdaleno - Vice-Chairperson  
Denise Moreno Ducheny, Esq. - Counsel  
John Glenn - Treasurer  
Eduardo Johnston - Sargent-At-Arms  
Kathy Lopez  
Harry Snyder  
Arthur Venzor

September 15, 1986

Jerry Boyd  
Chief of Police  
City of Coronado  
578 Orange Ave.  
Coronado, CA 92118

Re: Coronado Police use of "Undocumented Person Yes ( )" box on  
ARJIS-8 arrest forms

Chief Boyd:

I have received a copy of your Sept. 9 correspondance to ACLU attorney Gregory Marshall and the letter has been reviewed by our membership. We are disturbed by your plans to continue the gathering of false information on undocumented persons through the use the ARJIS-8 arrest form's "Undocumented Person Yes ( )" box.

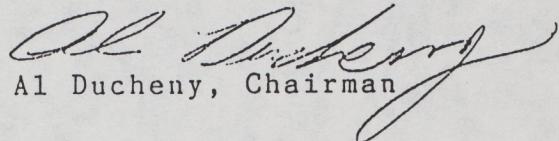
We are also upset by your use of false and unsubstantiated statistical figures to support your racially biased attitude toward undocumented workers in this county. You have no information whatsoever to back the preposterous statement that 15% to 35% of county crimes are being committed by undocumented persons.

It is clear that the purpose of ordering your officers to arbitrarily label persons whom they detain as undocumented is to statistically justify your own preconceived views on undocumented alien crime. But the statistics taken from such arbitrary "on the spot" determinations by unqualified officers will not constitute the hard data you claim to seek any more than your "rough estimates".

Your letter has served to strengthen our commitment to pursue this matter until the "Undocumented Person Yes ( )" box is removed from the ARJIS-8 and all other similar county forms. The citizens of our county will not allow an ethnic group to be scapegoated in order to cover-up the failure of county government and law enforcement to adequately deal with the growing crime and

violence in our communities.

We commend the ACLU and other groups and individuals in their efforts to protect the civil rights of all persons living in this country. We will be assisting them as they begin the legal process that will remove this offensive false information gathering devise from the ARJIS-8 arrest reports.

  
Al Ducheny, Chairman

cc: Gregory Marshall, ACLU  
S.D.P.D. Deputy Chief Rice, ARJIS Management Committee  
Coronado City Council  
American G.I. Forum  
News Media

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Arthur Venzor

SEPTEMBER 16, 1986

## MEDIA RELEASE

RE: CORONADO POLICE CONTINUED USE OF "UNDOCUMENTED PERSON YES  
( )" BOX ON ARJIS-8 ARREST FORMS.

THE HARBORVIEW COMMUNITY COUNCIL (HCC) TODAY EXPRESSED DEEP CONCERN OVER CORONADO POLICE CHIEF JERRY BOYD'S DECISION TO CONTINUE USING THE "UNDOCUMENTED PERSON YES ( )" BOX ON ARJIS-8 ARREST FORMS. IN A LETTER RECENTLY SENT TO AMERICAN CIVIL LIBERTIES UNION ATTORNEY GREGORY MARSHALL AND MADE AVAILABLE TO THE HCC, CHIEF BOYD BLAMED UNDOCUMENTED PERSONS FOR COMMITTING 15% TO 35% OF COUNTY CRIMES AND SAID HE WOULD CONTINUE TO USE THE FORMS IN ORDER TO GET "HARD DATA" ON ALIEN CRIME.

*> NOT even SENT TO AL!*

IN A LETTER TO CORONADO POLICE, HCC CHAIRMAN AL DUCHENY ACCUSED CHIEF BOYD OF HOLDING A RACIALLY BIASED ATTITUDE TOWARD MEXICAN UNDOCUMENTED WORKERS. "IT IS CLEAR THAT THE PURPOSE OF ORDERING YOUR OFFICERS TO ARBITRARILY LABEL PERSONS WHOM THEY DETAIN AS 'UNDOCUMENTED' IS TO STATISTICALLY JUSTIFY YOUR OWN PRECONCEIVED VIEWS ON ALIEN CRIME. BUT THE STATISTICS TAKEN FROM SUCH ARBITRARY ON THE SPOT DETERMINATIONS BY UNQUALIFIED OFFICERS WILL NOT CONSTITUTE THE HARD DATA YOU CLAIM TO SEEK ANY MORE THAN YOUR 'ROUGH ESTIMATES', " SAID DUCHENY.

THE HCC ALSO BRANDED AS PREPOSTEROUS THE CHIEF'S STATISTICS THAT 15% TO 35% OF COUNTY CRIMES WERE COMMITTED BY UNDOCUMENTED PERSONS.

"CHIEF BOYD HAS JOINED A NUMBER OF LOCAL POLITICIANS WHO ARE TRYING TO BLAME OUR ETHNIC MINORITIES FOR THE CURRENT RISE IN AREA CRIME. THESE INCLUDE COUNTY SUPERVISOR SUSAN GOLDING WHO RECENTLY ACCUSED ALIENS OF COMMITTING 61% OF COUNTY RAPES AND SAN DIEGO MAYOR MAUREEN O'CONNOR WHO EARLIER THIS YEAR BLAMED THE CUBAN COMMUNITY FOR THE CITY'S RISING DRUG PROBLEM. WE WILL NOT ALLOW ANY ETHNIC GROUP TO BE SCAPEGOATED TO COVER-UP THE FAILURE OF COUNTY AND LOCAL GOVERNMENT AGENCIES TO STEM THE GROWING CRIME AND VIOLENCE IN OUR COMMUNITIES," CONCLUDED DUCHENY.

PRESENTLY THE HCC IS WORKING TOGETHER WITH THE ACLU AND OTHER GROUPS AND INDIVIDUALS TO BRING LEGAL ACTION AGAINST COUNTY LAW ENFORCEMENT AGENCIES TO REMOVE THE "UNDOCUMENTED PERSON YES ( )" BOX FROM THE ARJIS-8 ARREST REPORT AND OTHER SIMILAR COUNTY FORMS.

*now  
going  
To  
rep.  
everybody*

FOR MORE INFORMATION PLEASE CALL 239-1388



THE CITY OF  
**SAN DIEGO**

MAUREEN O'CONNOR  
MAYOR

September 17, 1986

Mr. Herman Baca  
Chairman of the Board  
Committee of Chicano Rights, Inc.  
1837 Highland Avenue  
National City, CA 92050

Dear Mr. Baca:

Thank you for your letter dated August 14, 1986, regarding the Committee on Chicano Rights' position relative to the alleged actions of Police Chief William Kolender.

City Manager Sylvester Murray also received your letter, and has answered your specific concerns in his letter to you dated August 26, 1986.

Thank you for taking the time to provide me with information on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Maureen".

Maureen O'Connor  
Mayor

MOC/RVC:rdr

C-1.1

# Waiting and Watching

*San Diego's Hispanic community remains wary of Chief Kolender's new policy on illegal aliens*

THE SAN DIEGO Police Department's new policy toward suspected undocumented aliens is not being met with heartfelt gratitude by local Hispanic groups. Before they sing the praises of Chief Bill Kolender's August decision not to detain those aliens for the Border Patrol, Hispanic leaders want to be certain the new policy is actually enforced.

Kolender's directive put an end to the long-standing department practice of holding for the Border Patrol, for up to 20 minutes, any person *thought* to be in the country illegally, even if the detainee committed no offense worse than jaywalking. The chief said his decision came after department officials recently realized that city police officers were spending too much time on immigration work rather than on crime fighting.

Kolender's policy directive followed closely his decision to rescind a controversial memo ordering his officers to determine the nationality of all persons they apprehend for suspected crimes. That information was to be marked on an arrest form distributed to all the police officers countywide and used to gather statistics on the effect of illegal immigration on local crime. Kolender has said the memo was issued simply to clarify a misprint on the forms.

Roberto Martinez, chairman of the Coalition for Law and Justice, is angry that police officials are taking credit for discovering the amount of police manpower misspent on immigration. "I've been telling them this for three years," he says, "and all of a sudden it's a problem."

During those three years, Martinez says he repeatedly told senior police officials that officers were going beyond the scope of the department's alien-detention policy by stopping Hispanics without cause and holding them for hours instead of minutes for immigration agents. Some-

times, Martinez says, city officers left their patrol sectors to drive the suspected aliens to Border Patrol Headquarters in San Ysidro.

Martinez says he has watched local police officers take immigration matters into their own hands too many times to be hopeful about the department's new policy. "I'm real skeptical," he says. "From what I've seen in the last five years, I have to take a watch-and-see attitude."

Committee for Chicano Rights leader Herman Baca remains equally skeptical. "We've heard this all before," he says, pointing out that San Diego-area police agencies received federal warnings that they had no jurisdiction in immigration matters as early as 1973. That point also was made clear in an opinion issued by then-U.S. Attorney General Griffin Bell in 1978. The year before, a similar opinion was issued by then-California Attorney General Evelle Younger.

Both Martinez and Baca were outraged by Kolender's order to ascertain a suspect's citizenship. Martinez calls the memo a "slap in the face" and a breach of the good faith with which he has negotiated with department officials for three years. Baca, who called for Kolender's firing after revealing the existence of the memo, considers the short-lived directive a violation of local and federal codes.

"Our position is that Kolender was working in violation of the city charter and all the federal memos issued on this, and that the order was basically unconstitutional," Baca says. "This is something that is not being addressed by the mayor or the city manager."

Baca also is worried that the form Kolender's memo referred to, and which is still being used by other San Diego County police agencies, will be misused. Findings from a similar study in Los Angeles in 1977 were dismissed because

police officers admitted they tended to conclude anyone who was Hispanic was in the country illegally.

"Such a study requires sound scientific principles," Baca says. "To use a Ouija board like Kolender tried to do, and like Sheriff John Duffy and the other jurisdictions are doing, is something else. Heaven knows what Duffy is doing with that form."

Kolender's decisions came in the wake of a San Diego Magazine investigative series into legal and physical abuses committed by Border Patrol agents and Immigration and Naturalization Service (INS) officers ("The Thin Line," June and July 1986). A portion of that series reported that local police agencies were involved in immigration work despite having no authority to do so.

The two-part story also questioned the validity of claims by Kolender and Duffy that illegal immigration was responsible for a 5 percent countywide increase in crime, and that illegal aliens made up 20 percent of the inmate population at some county jails. Following the publication of San Diego Magazine's story, an INS survey found only 14 percent of the county's jail population was "foreign born," with no information available on the citizenship or residency status of those inmates. The annual FBI National Crime Index, released in August, indicated the county's crime increase was part of a nationwide 5 percent rise in crime.

The series also described how Border Patrol agents rousted Hispanics—often citizens and lawful foreign residents—from city buses and demanded identification. Following its publication, San Diego Transit General Manager Roger Snoble ordered city bus drivers to cease cooperating with immigration officers.

—MARTIN HILL

*STARNEWS  
10/11/87*

A-2 NC

## 5-minute news briefings



### Illegal crossings lower

Apprehensions of undocumented aliens dropped 21 percent in the San Diego Sector for the fiscal year ending Sept. 30, according to statistics released last week by Immigration and Naturalization Service.

Nationwide, the figure was down by 27 percent, from 936,000 in fiscal year 1986 to 686,000 in fiscal year 1987. In San Diego Sector the decline was 630,000 to 500,000. Along the southern border, the decline hit 31 percent.

National apprehensions during the same time frame totalled 1.1 million compared to 1.6 million the preceding year. He said the reason for this was "fewer people attempted illegal entry because they believed they could not find employment." This, he said, was related to employer sanctions in the new immigration law.

He blamed the increase of illegal crossings in summer months on complaints of agriculture growers who complained of severe labor shortages because of the new law. Ezell said the complaints were found to be untrue.

"In another enforcement area," he said, "we have successfully concentrated our efforts through thousands of information visits to employers to gain their voluntary compliance not to hire illegal aliens.

"We have also demonstrated we will enforce the law fairly in the Western Region by issuing 75 warning notices to employers who have continued to employ illegal aliens even after a visit from INS officers to explain the law and provide them with printed instructions and the forms necessary for compliance."

By Ruth Lepper