

National City blaze forces evacuations

S.D.
Union
5/23/87

By Mike Burge
Staff Writer

NATIONAL CITY — A stubborn, smoldering fire in a 50-foot-high pile of scrap metal at an auto-wrecking yard spewed potentially toxic smoke toward this South Bay city's residential areas yesterday, forcing evacuation of more than 2,000 people from nearby homes, businesses and three schools.

Tests later showed the smoke's toxicity to be minimal, county experts said.

Thirteen people, including two National City police officers, were treated at area hospitals for smoke inhalation and related symptoms.

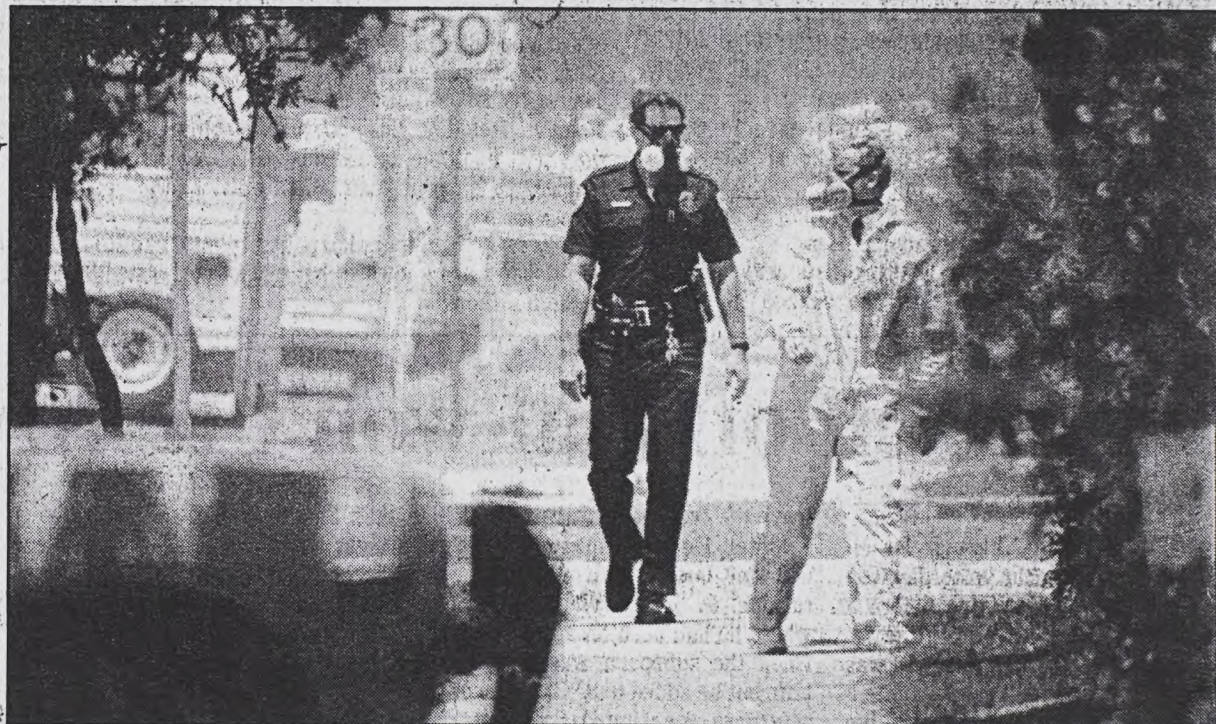
The fire broke out at about 10 p.m. Thursday at Pacific Steel Inc. at 1700 Cleveland Avenue, west of Interstate

5, the only major recycler of scrapped automobiles and other heavy equipment in the county. By 4 a.m., flames were leaping high into the air, some neighborhood residents said, and by first light the smoke could be seen from miles away.

County hazardous materials specialists feared that plastics containing cyanide may have been buried in the huge mound of automobile scrap, and at about 10 a.m. began ordering residents and workers from Cleveland Avenue to Hoover Avenue, and between Civic Center Drive and 18th Street, to evacuate.

People began returning to their homes and businesses about 4:30 p.m. when the fire was nearly extin-

See BLAZE on Page A-3



Health and police officers wearing protective filter masks check to see that residents

The San Diego Union/James Skovmand
have left the area of National City exposed to smoke from a possibly toxic fire.

O'Connor and her six sisters, known then as the Swimming O'Connors.

NOTEPAD: East/West Network, which publishes airline magazines, has put the PSA staff on notice. Their last day of work is Oct. 31. The PSA magazine's final issue will be out in December; after that it's all USAir. ... Woodward and McDowell is the San Francisco-based consulting firm that handled the successful Prop. 51 campaign for insurance companies. (It limits the amount of damages in liability injury lawsuits.) Attorneys lost but learned; the California Trial Lawyers Assn. has hired the firm to handle its P.R. ... There's a black market in panda pins among zoo keepers. Bird keeper Errol Kilke's chest is full of them. He traded away his feather collection.

BACK TO SCHOOL: At Cal Western Law School, required student supplies include a small, portable exerciser for relieving stress. Dr. Ernie Vandeweghe, team physician for the Lakers, came in to talk up exercise: "My stress level was pretty high when I was your age. I was in medical school at Columbia, playing basketball for the New York Knickerbockers and dating 1952's Miss America." He eventually married her — Coleen Kay Hutchens. ... There's been no summer vacation for Kevin Osgood, an 8th-grader at the O'Farrell School for Creative and Performing Arts. He's done national TV spots for Ford and a pilot for a possible teen magazine TV series. ... Among alums who'll gather for the 50th reunion of San Diego High's Class of '38: Ed Self, Todd Ghio and Elena Cota.

Alison DaRosa assists with the Neil Morgan column.

by man alleging Mexico kidnap

By William Polk
Tribune Staff Writer

A judge has dismissed a \$110 million civil rights suit brought by accused marijuana-trafficker Rene Martin Verdugo, who alleged that he was kidnapped in Mexico at the request of U.S. agents and turned over to authorities here.

Verdugo filed the suit in February 1986, alleging that six Mexican citizens abducted him from his car on a street in San Felipe, Baja California, on Jan. 24, 1986, and shoved him through a hole in the border fence near Calexico, where he was arrested by U.S. federal marshals and narcotics agents.

Please see SUIT, B-2

as Edgemoor s

By Susan Duerksen
Tribune Health Writer

County officials have decided against buying a vacant nursing home in El Cajon to replace Edgemoor Geriatric Hospital and instead will continue to seek money to build a new hospital, said Paul Simms, deputy director of physical-health services.

The builder of the Valley House nursing home, AmeriCal General Corp., had offered in February to sell the three-story structure to the county for about \$13 million. While the home was being built for a national health-care company this year, the company was sold.

After spending about \$10,000 to inspect and study the building, Simms said, county administrators have de-

cided suitably. Edgemoor has the million to the said before. The has b state. Sin House cause has t two, l trativ urban Pleas

National City resident heading criticism of evacuation process

By Laura Preble
Tribune Staff Writer

A National City resident, as well as the city's police and fire departments, are questioning the evacuation process that has been used to clear residents from the west side after two fires at Pacific Steel Inc.

More Metro South news on B-4

David Avalos, a resident, criticized the evacuation procedures used Aug. 16, when a fire broke out at the Pacific Steel auto recycling yard on Cleveland Avenue. Although Avalos does not live on the west side, his parents do, and he said they were not notified of the evacuation until after he saw it on an 11 p.m. television newscast.

"Another neighbor of my parents

was never notified or evacuated at all," he stated in a letter dated Saturday, which was addressed to City Manager Tom McCabe. "This is also the case with another resident at 18th and Cleveland who was not evacuated. Consider this a formal request for you to investigate the National City Police Department's inability to carry out an evacuation. ..."

McCabe said he has not received any other complaints on the evacuation procedure from residents.

Avalos said he drove to 24th Street Aug. 16, where he encountered a police blockade. He said Officer Coley Davis treated him rudely when he asked if he could check to see if his parents were safe.

Despite specific problems with the behavior of the officer, Avalos said the main thrust of his complaint is the evacuations, the one in August

Please see EVACUATION, B-4

Chief Terry Hart

Backing up tough cops

By Ellen B. Holzman
Staff Writer

"Don't go to National City because those guys won't give you an inch."

That's the reputation National City cops have among criminals, and that's the way Police Chief Terry Hart wants to keep it.

"I know there are segments of the community that are fearful," Hart said. "I don't mind. It gives us more control. Generally, law-abiding people don't feel that way. Officers have the resolve to see the problem through, even if it means the lawful use of force. That's a positive reputation."

Hart, 44, has been in police work for 23 years. He backs his officers' tough reputation. The chief of police in National City for six years, Hart doesn't expect the need for a tough reputation to change.

Hart was raised in Southern California, and after high school he worked in the construction industry for a few years. He is married with two children.

In 1962, during a depression in the industry, Hart decided he needed a job that offered roots, and applied for work with the El

Cajon police department.

His first mentor, a sergeant to whom he was assigned as a rookie cop coached little league and started a teen dance. He also taught Hart to "think and take the initiative. He taught me to get off your butt and do something," and Hart wants his officers to make the same kinds of contributions to the community.

Hart expected some adventure, some glamour and some boredom, and, said Hart, that's what he got.

One call sent him rushing to the aid of a woman who was under attack by "an exotic animal." Since the woman lived in a new development in a semi-rural area, Hart said, "I was thinking snake and *big* snake. We were hauling butt code 3. The woman was on the porch holding a kid above her and screaming."

Hart entered the house, asked where the threat to human life was and was directed to the kitchen, where he confronted a large, fuzzy caterpillar.

A young male neighbor resolved the problem.

"He was 215 pounds. A very thick guy. He took it off the wall and smashed it," Hart said, grin-

ding his foot into the carpet in his office. "That was the call."

Soon after he joined the department, Hart enrolled at San Diego State University, and by 1978 he had earned his bachelor's and master's degrees in public administration.

"One of my instructors in college was (Chula Vista Director of Public Safety) Bill Winters. I was newly appointed as a sergeant. I was so much impressed with his attitude, his openness.

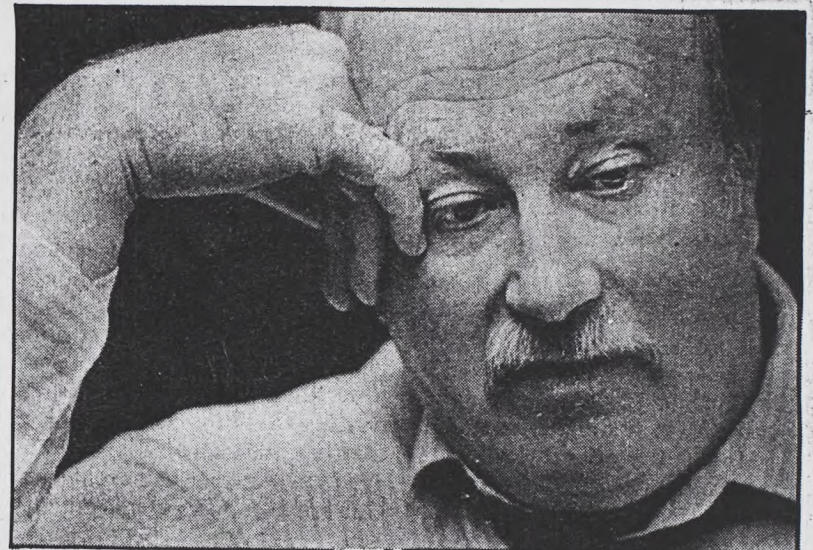
"In the 1960s, police were seen as very militaristic, and most administrators were fairly assertive. The style was very formal. He was informal, low key, soft spoken."

Hart spent 17 years with the El Cajon police department, leaving as a captain.

The change to National City was more than just geographic.

"I was coming in from a small crime, politically stable community to one that was volatile, with higher crime.

"There was a panic in the community, a feeling that there was nobody in control. People were losing faith. I didn't solve that problem. A lot of people solved that problem. It was not a police



Staff photo

National City Police Chief Terry Hart

problem; it was a community problem."

Hart said today the city still has some serious crime problems, but from 1980 to 1985 the crime rate dropped more than in any other city in the county.

"National City has the lowest economic level, the youngest (average) age (24 years old), the highest transiency rate and a significant racial mixture. If there is not an effective police presence, criminality will rise unless there is a significant social change," Hart said.

"Here officers must be more demonstrative. The community sees the need for that. The city of El Cajon doesn't have the same kinds of problems. They won't

let officers do things I demand officers do."

Hart said that if he were police chief in another city he would be, "basically the same person with a different approach."

"We do allow officers to use more hostile and direct language if necessary. I would rather have an officer be more forceful in attitude to deter an arrest. Some departments call that unprofessional.

"I was taught an officer never says anything hostile or uses a curse word, but there are times when you need to. If it's racial or sexual, they (officers) are going to be in deep shit because that overshadows everything."

The San Diego Union

Tuesday, August 18, 1987

Neighbors are worried after scrapyards fire

By Steve LaRue
Staff Writer

NATIONAL CITY — Six-month-old Francisco Hinojosa noticed the smoke first and began to gasp for air as smoke from the burning material of automobile interiors drifted through the 49-unit City Apartments Sunday night, one block from the Pacific Steel auto recycling yard.

"We had all the windows open and Francisco began to act as though he couldn't breathe," his mother, Francisca Hinojosa, said yesterday.

Her 1½-year-old daughter, Leticia, also began to cough, but it was Francisco who scared his mother the most, she said.

When he was three months old he also had had trouble breathing the last time the smoke drifted through the two-story complex from another fire last May at the wrecking yard. That fire broke out in a pile of scrap metal and forced the evac-



The San Diego Union/Humberto Ramirez

Francisca Hinojosa holds son Francisco, whose health has been affected by fumes from a National City salvage yard.

See **Scrapyard** on Page B-2

Scrapyard: Neighbors worry after fire, evacuation

Continued from B-1

uation of 2,000 people.

"That time, I had to take my baby to the emergency room," Mrs. Hinojosa said. "I'm afraid that my children will breathe the smoke and get sick."

The baby quickly recovered after being driven with the family to an uncle's house, just as he had been treated and released by hospital officials after the last fire, his mother said.

It was the children who smelled the smoke first Sunday night at the McKinley Avenue complex across the street from Interstate 5, and it was the children their parents thought of first.

"They should have taken care of this last time," said Angelica Blea, who had to arouse her 2-year-old grandson as police officers pounded on doors, announcing the evacuation as police helicopters hovered overhead. Officials said about 40 to 50 people were evacuated for about two hours after the fire broke out

about 9:30 p.m. Sunday.

The neighborhood residents say they are upset and angry that they have had to be evacuated from their homes twice in three months. They also are uncertain about the possible health hazards of breathing the smoke from the recent fires.

Samples of smoke taken by the county Hazardous Materials Management unit did not reveal evidence of dangerously toxic materials. "Any time you have smoke, there is a certain amount of toxicity associated with it," said Larry Aker, director.

He said the fire was in a pile of newly arrived auto fluff — a combination of shredded plastics, upholstery, seat padding, non-ferrous metals and other automobile inwards left behind by the electromagnets that seek out scrap steel.

High levels of lead and other heavy metals define the fluff as a hazardous waste, according to the state Department of Health Ser-

vices.

The pile that burned did not contain cancer-causing polychlorinated biphenyls, (PCBs) Aker said, but the fluff still may have produced "minor amounts of carcinogens" when it burned.

Pacific Steel suspects the fire was caused by arson, but Fire Chief Randy Kimble said the fire was not of suspicious origin, despite early reports that it was caused by an explosion.

"It was a standard routine shredder waste fire," Kimble said.

Mrs Hinojosa said she has lived in the complex for two years, but she, her husband and six children are thinking about moving.

"The first time, I thought it was just an accident," she said. "Now, we are looking for a place further away."

Staff Writer Mike Burge contributed to this story.

PSI fire forces short evacuation of residents

The Star-News, Thursday, August 20, 1987

By George McCrory
Staff Writer

Approximately 60 people were forced from their homes Sunday night when fire broke out in a fluff pile at the Pacific Steel scrap yard. This was the second fire within three months that has caused officials to evacuate residents.

Maria Alatorre, manager of the City Apartments, said the evacuation was orderly among her tenants. She said the evacuations have caused several residents to consider moving. Most of the residents have low incomes, and many receive welfare or Social Security.

One resident, Francisca Brieno, said her baby son, Francisco, spent three hours in a hospital following the May 22 fire and experienced difficulty breathing Sunday. She said she plans to move her family from the apartments.

"I felt scared," Brieno said in Spanish, with her nephew translating. "I am comfortable here, but it's important to move for the baby's health.

"We didn't realize there was a fire until the baby started coughing," she said. "If the pile stays, we will move. If it is moved, then we will stay."

Brieno said she has lived in the apartments for two years. Eight others live with her.

Officials said the fire began about 9:30 p.m. in a pile of fluff — a by-product of shredded plastic and upholstery from cars — at the scrap metal recycling firm on Cleveland Avenue.

When firemen arrived, flames were erupting from a 100 square foot area and large quantities of potentially toxic smoke was visible.

"It was a nuisance fire more than anything," said Fire Chief Randy Kimble. "If they would have been sprinkling down the pile, we wouldn't have to put out a fire."

He said Pacific Steel workers regularly water down the fluff piles to reduce the chances of fire starting, but added new material was being added to the pile where the fire started, making it difficult to continuously douse.

In the past, Pacific Steel has reported 18 fires a year the magnitude of Sunday's blaze, but their track record has improved lately. In 1986, the company reported only six such fires.

Kimble said that the evacuation may not have been necessary, but that it was a precaution taken by all the cooperative agencies involved. "Everyone is trying hard to do the right thing and sometimes there's some overreaction."

National City Police evacuated the area from 17th and McKinley to Las Palmas Park because of the potential for danger. Officers Cliff Breeden and Dennis Leach said everything went smoothly — better than the evacuation of nearly 2,000 people during a May 22 fire at Pacific Steel — and that several area streets were closed.

Firefighters extinguished the blaze quickly, within 90 minutes, but smoke continued to cause problems, fire department records said. Residents were allowed to return to their homes shortly after midnight, but firefighters stayed on the scene until approximately 4 a.m.

Several agencies were called to assist, including the San Diego Fire Department Hazardous Materials Unit, National City Public Works and Red Cross.

Ben Hancock of the Air Pollution Control District said a \$30,000 fine for open burning violations was placed on Pacific Steel after the May 22 fire, but no money has been collected.

Pacific Steel lawyers and District Attorney Jo Kiernan met in a pre-trial hearing Tuesday to discuss charges of illegal storing of hazardous materials, which were filed after an investigation by the Hazardous Materials Management Unit of the county Health Department.

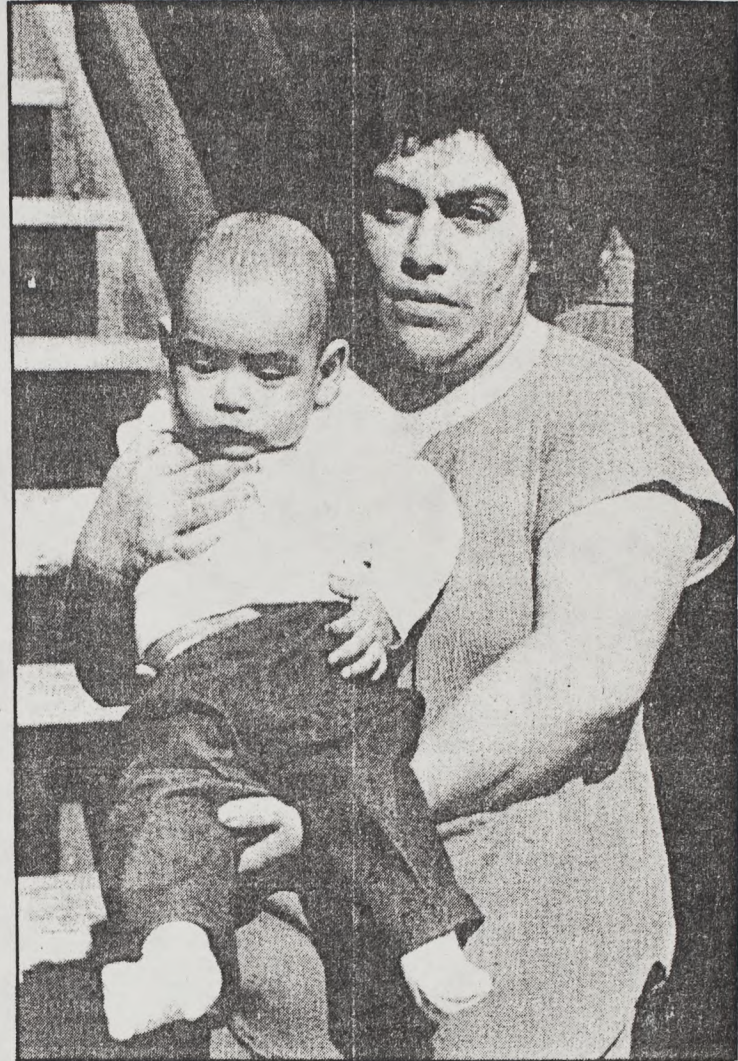


Photo by George McCrory

Francisca Brieno said her son, Francisco, was affected by the smoke from both fires at Pacific Steel during the last three months. She is considering moving because of the fires.

Fire

Continued from Page A1

said are not in danger of explosions or fire.

"I honestly think they (the neighbors) shouldn't have any real concerns."

Firefighters responded to the scene about 10 p.m. Thursday night, continuing to fight the recurring small fires in the pile of scrap. Two National City units and two Chula Vista units responded to the fire, along with one paramedic unit, according to Capt. Ken Kilacky of the National City Fire Department.

"We just keep throwing water in it and it keeps flaming up," he said.

By late morning wind blew smoke back over the city. A command center was setup at Hartson's Ambulance at 22nd and Tideland Avenue to coordinate efforts among the city, county and federal officials.

Chenelle was in charge of evacuation efforts, aided by the Sheriff's Astrea helicopter and several Spanish-speaking employees of the city Public Works Department.

"I was a little dizzy at first, then we moved the command post about a block away," said Chenelle. He said police were more concerned early on Friday because they weren't sure what chemicals the towering plume of smoke contained.

"We're policemen, not chemists," he said, and therefore

the evacuation area was expanded several times around mid-day. "I'm pretty proud of our guys, they worked the first hour without masks."

Chenelle said he was "thrilled to see" the cooperation between police, firefighters and the school district. He said the operation's smooth functioning could be credited to training received by officials in disaster preparedness.

Kimball, Otis, and National City Junior High schools were evacuated by 11:30 a.m. National School District spokesman Max Branscomb said students at Kimball School were taken by bus to Las Palmas Park. Smoke drifted into the area and students were then moved by bus to El Toyon Park. Students from the junior high were taken to Chula Vista High School.

At Las Palmas Park, children and teachers seemed in high spirits as they ate lunch provided by the district's food services department.

"It was pretty bad," said Kimball 5th grade teacher Francisco Sevilla, said of the smoke. The school is located four blocks directly east of Pacific Steel.

"We didn't notice it (the smoke) at first, because we were in the library," said Sevilla. "Then the principal came in and said the school was being evacuated."

He said some children complained of headaches and nausea, but none required hospital treat-

ment. He expressed concern about the proximity of the auto wrecking yard to his school, which has the only auto-shredding machine in San Diego County.

"(It's) just a bomb, waiting to go off," said Sevilla.

"You should make a complaint because they're burning tires," said Lucy Garci, 12, a Kimball sixth-grader. She said "my head hurt" in the morning, just before students were removed from the smoke-plagued school.

Environmental Protection Agency spokesman Gary Stephanie said air samples were taken to determine if the smoke was toxic. While conclusive test results were not in by yesterday morning, officials were able to rule out the presence of cyanide in the smoke, which had been their fear. Small amounts of cyanide are often contained in plastics.

Sheriff's Department Astrea helicopter hovered over a five block area on the west side, at first warning those who didn't want to leave to shut their windows and turn off air conditioners.

Later, said Chenelle, residents were told they had to leave their homes.

Patrick Stalnaker, spokesman for the county's Department of Health Services, said bulldozers were used to clear debris to help water reach the burning material.

STAR NEWS
e/12/1/87

Fire sends plume across NC; no cyanide in smoke

By George McCrory
Staff Writer

A smoldering fire in an auto wrecking yard on National City's west side, buried 50 feet deep in a pile of auto debris, sent a plume of smoke across the city which forced the evacuation of over 2,000 people from schools, businesses and homes Friday.

At least 13 people were treated at local hospitals as a result of Friday's fire at Pacific Steel Inc. on Cleveland Avenue, said police, and all but one were released shortly after treatment.

By 4:30 p.m. Friday, police had removed barricades which closed streets and allowed people to re-enter their homes in a six-block area that was evacuated. Fire officials said they left the scene with the fire extinguished at about 7 p.m., 21 hours after they first arrived to put it out.

National City police Officer

Ken Henderson was kept overnight at Paradise Valley Hospital for observation, said police Sgt. Frank Chenelle, and released yesterday.

Also among those treated for smoke inhalation was police Officer Tim Drum, who was not hospitalized.

Edward Gurria, president of Pacific Steel, said he thought the fire started after an explosion in a pile of scrap material, probably from a gas tank left in the pile.

"To be absolutely candid with you, we could have prevented this by checking each (crushed) car" for gas tanks, Gurria said yesterday. "We'll check every car from now on."

"I have been here a year and a half, and this is the only time we've had this kind of situation," he said. As for those who live near Pacific Steel, Gurria they

Please see Fire: A4

7/8/75
STANLEY



Staff photo by Ken Shipley

The smoky fire at Pacific Steel Inc. which forced the evacuation of over 2,000 people from National City's west side on Friday.

David Avalos
708 "D" Avenue
National City CA 92050

August 26, 1987

Tom McCabe
City Manager
City of National City
1243 National City Boulevard
National City CA 92050

Mr. McCabe:

I am writing this letter on behalf of myself (a National City resident), my immediate family members who live on the west side of Interstate 5, and other residents of that same area.

This letter is concerned with events that occurred on Sunday night, August 16, 1987, as a result of yet another fire at the Pacific Steel auto recycling yard. I am writing to:

- a. protest the actions of NCPD Officer C. Davis
- b. request an investigation of the evacuation plan of the NCPD
- c. request that the City of National City immediately close the Pacific Steel auto recycling yard

On Sunday, August 16, 1987, I was watching the local 11p.m. newscast when it was reported that residents in the vicinity of the PSI scrapyard were being evacuated. Because my telephone was out of order, I decided to drive immediately to the home of my parents who live on 22nd street west of I-5 to see if I could be of any assistance to them. Figuring that Civic Center Drive and 18th Street would be blockaded, I drove to 24th Street, where the road was blockaded by NCPD Officer C. Davis and an Officer McLaughlin of the CHP.

I stopped my car, exited and approached Davis, explaining to him that my parents lived on 22nd and requested that I be allowed to enter the area. He denied my request and when I began asking questions of him, he threatened to take me to jail. I asked if the area in which my family lives had been evacuated and if my family had indeed left. He told me I was "interfering with an investigation." At one point he wrote down the address of my parents home in a pad he was carrying. I asked him that since I couldn't go in, would he at least check to see if they were O.K. He told me to leave and call them on the phone and again threatened me with jail. I asked for the name of his supervisor. At that

point, he grabbed my throat with his left hand, and my left arm with his right hand and began pushing me backward. Since my main concern was to determine the well-being of my family, I did not respond physically in self defense, but left the area to contact my family from a nearby pay phone. Consider this a formal complaint against Officer C. Davis.

Davis' lack of good judgement, self-control, discipline, and professionalism seems almost insignificant when compared to the gross incompetence and dereliction of duty of the entire NCPD during the so-called evacuation of Old Town National City.

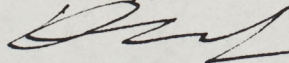
In a telephone conversation I had with a NCFD official on August 21, 1987, I was told that at 11:20p.m. on August 16, NCPD Lt. M. Davis reported to the Fire Incident Commander that everyone in the evacuation area had been evacuated. I was told that the evacuation area at that time included Cleveland Avenue from the PSI scrapyard south to 24th Street on the west side of I-5.

In fact, members of my immediate family were not even notified of the evacuation until after my encounter with NCPD Officer Davis at approximately 11:20p.m. One of my family's neighbors was not aware of the evacuation until the 11p.m. newscast. According to his son, he walked to the 24th Street barricade and asked the officer there what was happening. Only then was he told to evacuate. Another neighbor of my parents was never notified and never evacuated at all. This is also the case of another resident (18th and Cleveland) who was not evacuated. Consider this a formal request for you to investigate the NCPD's inability to carry out an evacuation and the subsequent making of a false report to cover up their incompetence.

Finally, since the PSI scrapyard is known to catch fire with regularity and since the NCPD seems incapable of protecting those most immediately exposed to the environmental threats of PSI's criminal activities, I formally request the the City of National City stop all PSI operations immediately.

This letter raises many questions. I await your response and your answers.

Sincerely,



David Avalos

Phone during business hours: 235-6135

cc:

Committee on Chicano Rights
News Media



Committee on Chicano Rights, Inc

August 27, 1987

Tom McCabe
City Manager
City of National City

Enclosed is a complaint from a National City resident Mr. David Avalos on behalf of himself, his family and Westside residents. The Committee on Chicano Rights (CCR) is deeply concern over the serious charges raised by Mr. Avalos against the National City Police Department and the City in regards to protecting the safety and general welefare of residents of the Westside who have once again been victimized by another fire at the Pacific Steel Scrap yard.

Because the accusations raised by Mr. Avalos against the police department and the city involves failure to carry out their official duties and responsibility our organization is requesting that your office iniате an immediate investigation of Mr. Avalos charges and resolvement of the following concerns:

- (1) The falsifying of the report to the Fire Incident Commander by the N.C.P.D. that all persons had been evacuated.
- (2) The abusive harrassment of Mr. David Avalos by officer C. Davis.
- (3) City Plans for the closure of the Pacific Steel Scrap yard.

We await your response and results of our request for an immediate and thorough investigation into this serious concern.

Awaiting,

Herman Baca
Herman Baca, President

C.C. D. Avalos
News Media



Committee on Chicano Rights, Inc.

Attention: National City Mayor George Waters

A month ago (approximately 30 days ago) our organization requested an investigation from the National City Manager's Office (based on a complaint from a National City resident) involving the following:

- a) The falsifying of a report by the National City Police Department to the fire incident commander that all persons on the west side have been evacuated from a fire at the Pacific Steel Scrap Yard
- b) The "abusive harrassment" of Mr. David Avalos by National City Police Officer Coley Davis

To this date, our office has yet to receive a report on the requested investigation from the city manager's office. While we wait for the city manager's report, we have read with great interest various news accounts that three National City police vehicles were involved in a wrong way chase on a hi-speed freeway pursuing a suspected car thief, with National City Police Officer Coley Davis leading the chase. This is the same officer that was accused in the "August" incident with Mr. Avalos of not using good judgment, self-control, discipline, and professionalism. The chase resulted in an innocent motorist's life being endangered, an officer injury and a city vehicle and the motorist's truck being destroyed.

This latest incident, besides being irresponsible, raises some very serious issues that obviously your office, the city council and administration have conveniently chosen to ignore issues like:

- 1) Who is the National City Police Department and Chief of Police Hart responsible and accountable to?
- 2) How long does it take for a citizen investigation to be completed?
- 3) Who overviews the training, policies and discipline of the Police Department?

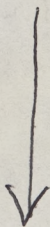
It is quite apparent with this latest "Duke of Hazard, Keystone Cop Caper" that involves the county viewing the National City Police Department as the laughing stock, destruction of city property, possible lawsuits that the answer is that no one is in control and that the Police Department and Chief of Police Hart are accountable to no one in City Hall! This incident along with all of the past charges which have been made against the Police Department by other Police Departments, the District Attorney's office and countless citizens manifest that you as mayor, along with city council and administration have an extremely "serious problem" on your hands. A problem that no resolution, white washes by city administration or covering up by Chief of Police Hart of his men can no longer hide what every thinking person in San Diego knows--that the National City Police Department is a "Rogue" agency because of inadequate policies, procedures, and lack of accountability to either the elected political representatives or the citizens of National City. We expect to hear from your office on this serious matter or rest assured that you will hear from us.

Awaiting your reply,

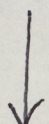
THAT PROBLEM BEING

1837 Highland Avenue, National City, CA 92050 (619) 474-8195
Herman Baca, President

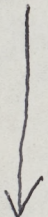
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Campaign NO on O
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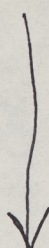
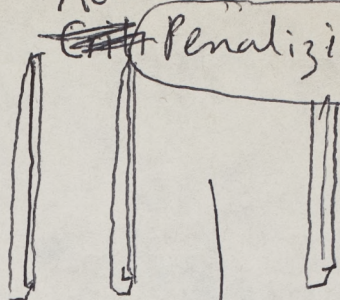
Public Initiation of Campaign
< Defined as Referendum on Police >
Hart's Uncontrollability



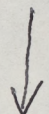
City Council Mtng.

- 1. Asked for an investigation by McCabe - Hart subverted that YES/NO
- 2. Police Department out of Control YES/NO
- 3. Demand closing of PSI YES/NO
- 4.
- 5.
- 6.

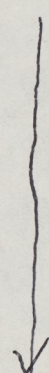
Removal of PSI
Admission of non-evacuation
~~City~~ Penalizing Davis



Civilian Report of Investigation

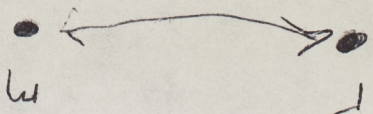


Testimony to Civilian Investigators
as group in meeting



City Council Mtng.

- 1. The Mayor's Commitment that ~~there be~~ the investigation proceed





Committee on Chicano Rights, Inc

10/7/87

Leslie:
City Manager Office
Re: Agenda Item

Our Organization wishes to request time on the City Council agenda to discuss action on the enclosed letter. Please contact us at the number below if we can be placed on tuesday's (10/13/87) agenda. Thank, you in advance.

Herman Baca
Herman Baca, President

VIDEO MONITORING SERVICES OF AMERICA, INC.



330 WEST 42ND STREET, NEW YORK, NEW YORK 10036	(212) 736-2010
2301 WEST THIRD STREET LOS ANGELES, CA 90057	(213) 380-5011
212 WEST SUPERIOR STREET, CHICAGO, ILL 60610	(312) 649-1131
577 HOWARD STREET, SAN FRANCISCO, CA 94105	(415) 543-3361
715 BOYLSTON STREET, BOSTON, MA 02116	(617) 266-2121
1066 NATIONAL PRESS BUILDING, WASHINGTON, DC 20045	(202) 393-7110
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2125 BISCAYNE BOULEVARD, MIAMI, FL 33137	(305) 576-3581

A **BURRELLE'S** Affiliate

TRANSCRIPT

DATE September 20, 1987
 TIME 6:30-7:00PM (PST)
 STATION KFMB-TV(CBS) Channel Eight
 LOCATION San Diego
 PROGRAM News Eight

Mitch Duncan, anchor:

A high-speed chase on a San Diego freeway. It ends in an accident. Now, it's the focus of new questions concerning police procedures. As News Eight's Lena Nozizwe reports, the police were chasing the suspect the wrong way on a one-way ramp.

Lena Nozizwe reporting:

The robbery suspect was going the wrong way and so were the five cars pursuing him from the National City and Chula Vista Police Departments. Driver Michael Powell who just happened to be in the area was the only one going the right way when he:

Sgt. Richard Mehtens (California Highway Patrol): Saw the lights, heard the sirens, tried to swerve out of the way and lost control and struck the wall, spun around and took the bumper off one of the National City Police units and then the - the citizen's truck rolled over and landed on top of another National City PD unit.

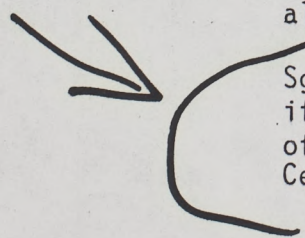
Nozizwe: Investigators say Powell was only slightly injured. The suspect managed to get away briefly, but he was taken into custody by the San Diego Police Department. The chase started in Chula Vista and before it was through, it reached speeds of eighty to ninety miles an hour with the suspect shredding a tire as he started up the wrong way on a transition ramp between westbound ninety-four and northbound five. A CHP investigation will determine if the officers should have followed.

(Visuals: Still photos of accident scene; cleared accident scene; San Diego freeways)

Mehtens: Just out of hand, I would say that going the wrong way on the freeway is - is not exactly the appropriate thing to do. However, I wasn't there and we're trying to apprehend someone who's wanted for robbery and auto theft and he'd been driving pretty crazy all the time prior to that.

Sgt. Frank Chenelle (National City Police): And we may think that if we can get him off the road - whether it's - whether we push him off or go to whatever extremes we have to, to get him off the road. Certainly, that concern is for the safety of others.

POLICY?!?



Nozizwe: The sergeant driving this car was injured severely enough to be off work for at least a week and as he recovers, the National City Police Department will conduct an investigation of its own. Lena Nozizwe, News Eight, National City.

(Visual: police unit involved in accident)

###

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Sgt. Frank Chenelle (National City Police): And we may think that if we can get him off the road - whether it's - whether we push him off or go to whatever extremes we have to, to get him off the road. Certainly, that concern is for the safety of others.

Nozizwe: The sergeant driving this car was injured severely enough to be off work for at least a week and as he recovers, the National City Police Department will conduct an investigation of its own. Lena Nozizwe, News Eight, National City.

(Visual: police unit involved in accident)

###

The San Diego Union

Monday, September 21, 1987

Truck flips onto cruiser in police chase

By Tom Burgess
Staff Writer

A pickup confronted by five police cars traveling the wrong way on a freeway transition road swerved and rolled on top of a National City police car just before dawn yesterday, the California Highway Patrol reported.

Investigators said the pickup driver, who received moderate injuries, was moving from State 94 to Interstate 5 when he found himself in the middle of a police chase.

Michael G. Powell, 43, of Spring Valley, swerved his pickup, skidded, clipped the bumper of the lead police car, hit a center divider, then rolled and landed right-side up on top of a second police car.

No one was seriously hurt, but the object of the police chase — a car-thief suspect — escaped onto another I-5 onramp at F Street, driving on three wheels.

See **Chase** on Page B-5



CHP photo by Richard Mehtens

The driver of this pickup lost control of his vehicle when he was confronted by five police cars moving the wrong way on a freeway transition road. Injuries were not serious.

Chase: Truck flips on wrong-way cruiser

Continued from B-1

Arrested later by San Diego police on suspicion of being the driver of the fleeing car was David Andre Mitchell, 20, of San Diego. He was apprehended on foot as he walked along Edgemont Street, near 30th Street, in San Diego.

The crash, however, is under investigation by the CHP.

"We really have to check this one," said Sgt. Richard Mehrtens, a CHP spokesman in San Diego. "We have to find whether there was sufficient justification to warrant five police cars traveling on a high-speed freeway transition road in the wrong direction to chase a car thief."

National City and Chula Vista police indicated they also will investigate the incident, which caused injuries to one police officer.

Three National City police vehicles led two Chula Vista patrol cars in the chase up the one-way connector in pursuit of the fleeing car, the CHP said.

Chula Vista police said Mitchell is being held on suspicion of car theft, strong-arm robbery and failure to yield.

An officer not involved in the chase said, "National City police were trying to catch a bad guy, but they screwed this one up."

In the lead was National City police officer Coley Davis, whose bumper was ripped off by Powell's

truck as Powell swerved to avoid a head-on collision, according to the CHP's Mehrtens. Behind Davis was another National City police officer, Sgt. Don Berstler, who drove the patrol car that Powell's truck landed on. Berstler was treated for minor injuries at the Paradise Valley Hospital.

"They shouldn't have been there. It was barely light," said Powell, who was driving to his Naval Reserve job.

Powell suffered a cut on his head that required seven stitches and bruises on his shoulder. Treated and released by a naval medical clinic at the 32nd Street Naval Station, he was excused from his reserve drill yesterday.

Powell had decided to drive early to his Naval Reserve job on the submarine repair ship McKee, based at Point Loma. "Sometimes it's hard getting on base," he said.

In his full-time civilian occupation, Powell operates Mike's Mobile Repair, a vehicle-repair service, from his 1970 Ford pickup — which Powell said was a "total loss" after the crash.

As Powell was preparing to leave for work, the beginning of this drama unfolded in Chula Vista.

At 5:55 a.m., said Chula Vista police Lt. Don Partch, a man allegedly got into a red pickup parked in a bank parking lot on Third Avenue.

The truck's owner, M.J. Kovar of Chula Vista, who had stopped to use the bank's 24-hour automatic teller machine, demanded that the intruder get out of his truck.

Instead the intruder struck Kovar and sped away, according to a Chula Vista police report.

Seconds later, Chula Vista police officer Jerry Hoffmeyer drove up and Kovar sent him after his vehicle. Chula Vista officer Mike Cuellar followed Hoffmeyer.

Both patrol cars chased the vehicle into National City on northbound I-5, where National City police officer Davis and two other units took the lead in the pursuit, passing Hoffmeyer and Cuellar.

Past 28th Street the stolen pickup blew a tire and but continued on, grinding the steel rim down and sending a shower of sparks into the early morning haze. "Then he spun around and stopped on the interstate," said Mehrtens.

Police, on foot and in patrol cars, slowly approached the driver of the stolen truck, who appeared ready to surrender. Suddenly the pickup screeched toward the police, and officers leaped away from the truck.

The pickup headed down the wrong way onto the State 94 connector, with police pursuing. The driver sped down the F Street onramp, while the police, who apparently didn't see him exit, continued onto State 94, where they met Powell, driving his pickup.

As he rounded the connector that leads to northbound I-5, Powell said, he was traveling at 55 mph, the legal speed.

In the gray of early dawn, he said, "all I could see were police car lights, it looked like 1,000 of them. They should use their radio for high-speed chases. That's what a radio is for, to call in other units."

He said he wants the National City police to replace his truck.



Photo by Keven Smith

THREE-CAR PILE-UP FOLLOWS WRONG-WAY CHASE

Two people were injured in the collision involving two police cars and a pickup truck

Police car-truck pileup injures 2 on freeway

The driver of a pickup truck and a National City police officer were injured yesterday after the truck collided with two of five police cars that were chasing a stolen car the wrong way on a freeway transition road.

Chula Vista and National City police were involved in the chase, which started about 6:15 a.m. when a Ford Ranger, reported stolen, was spotted going north on Interstate 5 in National City, a Chula Vista police spokeswoman said.

At one point during the pursuit, the

truck spun and went the wrong way on a road that links Route 94 and I-5, traveling against oncoming traffic. Five police cars followed, a California Highway Patrol dispatcher said.

A motorist at the Route 94 ramp to I-5 swerved in trying to evade the wrong-way truck and police cars, rolled side-over-side after hitting one police car and landed on top of another National City unit, the dispatcher said.

The Ranger fled the accident scene and was abandoned in Golden

Hill, but San Diego police chased the driver on foot.

Captured in the 1300 block of Edgemont Street and booked into County Jail on charges of robbery, vehicle theft and evading police was David Andre Mitchell, 20, of Chula Vista.

The motorist who hit the police cars, Michael G. Powell, 43, of Spring Valley, received minor injuries and was treated at the scene. National City Sgt. Don Berstler also sustained minor injuries.

THE TRIBUNE

San Diego, California, Tuesday, September 22, 1987

Police mull action after ramp crash

*National City
awaits CHP data*

By Richard Core
Tribune Staff Writer

National City Police Chief Terry Hart says he expects to determine in a couple of days whether officers involved in a chase acted properly by driving their cars against the flow of traffic on a freeway ramp, taking an action that led to a collision with an oncoming motorist.

The driver of a pickup truck and a National City police officer suffered minor injuries about 6:15 a.m. Sunday when the truck collided with two of five police cars that were chasing a stolen vehicle the wrong way on a ramp leading from state Route 94 to Interstate 5 in Southeast San Diego.

Chula Vista and National City police were involved in the chase, which began in Chula Vista. Only National City cars were involved in the crash.

Hart said yesterday that he was collecting information from the officers involved and awaiting a report from the California Highway Patrol, which investigated the accident.

Hart said that "when we have that information we'll compare it to our policies and procedures" to determine whether officers acted properly.

"We're obviously concerned, but we don't have a flat policy against driving against traffic," he said. "Considering the time of day and the day of the week, the officers may have thought it was safer. I can't say.

"They also might have seen that there weren't any cars coming, but I don't know at this time what their reasons were."

Highway Patrol spokesman Lloyd

Needham said the CHP's report on the accident was expected to be completed today.

The chase began when a Ford Ranger pickup that had been reported stolen was seen by Chula Vista police in the 600 block of H Street and turned north onto I-5, a Chula Vista police spokeswoman said. National City police joined the pursuit as it continued north on I-5.

Hart said police stopped the Ranger at the base of the ramp that links Route 94 to I-5, but when officers got out of their cars and approached the vehicle it sped away up the ramp against oncoming traffic.

A pickup truck leaving Route 94, its driver attempting to evade the wrong-way Ranger and police cars, swerved and collided with one National City unit and then rolled over onto another, a Highway Patrol dispatcher said.

The Ranger fled the accident scene and was abandoned in Golden Hill, but San Diego police chased the driver on foot.

David Andre Mitchell, 20, of Chula Vista, was arrested in the 1300 block of Edgemont Street and booked into the County Jail on charges of robbery, vehicle theft and evading police.

The motorist whose truck collided with the police cars, Michael G. Powell, 43, of Spring Valley, was treated at the scene. National City Sgt. Don Berstler also sustained minor injuries.

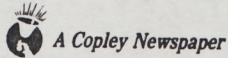
Chula Vista Police Chief William Winters said that because none of his department's officers was involved in the accident he was not conducting an investigation. He said, however, that he was cooperating with Hart's review by providing information about his department's involvement.

"Our officers are saying that they stopped at the bottom of the ramp," Winters said. "I don't have all the information, but that's what they're saying.

"We're going to give their statements to National City, and National City will put that together with the information their investigator has."

THE TRIBUNE

HELEN K. COPLEY, *Publisher and Chairman, Editorial Board*



NEIL MORGAN, *Editor*

ROBERT M. WITTY, *Deputy Editor*

GEORGE W. DISSINGER, *Managing Editor*

JOE HOLLEY, *Editorial Page Editor*

San Diego, California, Tuesday, September 22, 1987

Telephone 299-3131

Page B-6

Wrong-way police pursuits too risky

WHY DO MANY police officers seem to turn off their good judgment whenever they turn on their cars' red lights and sirens?

That question arises periodically, whenever police officers ignore their own safety and the safety of innocent civilians during high-speed or wrong-way chases. The latest example occurred early Sunday morning, when a San Diego man and a National City police officer suffered minor injuries in a collision between the man's pickup truck and two National City police cars driving the wrong way on a freeway on-ramp.

At the time of the accident, five police cars — three from National City and two from Chula Vista — were pursuing a stolen car that drove the wrong way on a transition road between Interstate 5 and State Route 94. All five ignored the obvious danger to themselves and others and continued the pursuit onto the transition road.

Although no one was hurt seriously, the resulting accident just as easily could have ended in tragedy. And for what purpose? The suspected car thief was

apprehended a few minutes later, despite the inability of the officers in the five cars to continue their ill-fated pursuit.

Law enforcement agencies in San Diego County have a uniform pursuit policy that encourages the apprehension of violators, but cautions that "it is not expected that a person be pursued to the point where the life of the officer, the violator or others is placed in jeopardy." But when the adrenalin begins to flow during a chase, officers sometimes forget that common-sense admonition.

Police are expected to pursue and to apprehend criminals whenever possible. We know that. And we know that Monday-morning quarterbacking is easier than making split-second decisions over whether to continue or to break off a chase.

Nevertheless, police have been trained to make those decisions and have a common-sense policy to guide them. Although the uniform pursuit policy isn't explicit on the subject, it should be clear to any officer that wrong-way chases are rarely, if ever, justified. The risk is just too great.

The San Diego Union

Wednesday, September 23, 1987

City/ County

... in brief

Probe blames officer

NATIONAL CITY — An accident on a freeway transition road early Sunday was caused by a police officer going the wrong way in pursuit of a fleeing felon, a California Highway Patrol investigation has determined.

However, the officer is exempt from criminal charges in the case because there is no section of the California Vehicle Code that applies to an emergency vehicle operating with lights and siren on, according to CHP spokesman Lloyd Needham.

Three police cars from National City and two from Chula Vista were in pursuit of a pickup truck stolen moments before in Chula Vista when a pickup driven by Michael G. Powell, 43, of Spring Valley, moving from State 94 to Interstate 5, clipped the bumper of the first police car, driven by National City officer Coley Davis.

Powell's truck then hit the center divider, flipped over and landed on top of a National City cruiser driven by Sgt. Don Berstler.

Berstler and Powell were treated for injuries and released from local hospitals. Berstler's squad car was a total loss, according to National City traffic Sgt. Joe Coyle.

Coyle said last night that he could not comment on the CHP report because his department had not seen it. The department is conducting its own internal affairs investigation, Coyle said.

Powell said after the crash that his 1970 Ford pickup, from which he operates Mike's Mobile Repair, a vehicle-repair service, was a total loss.

David Andre Mitchell, 20, of San Diego, was arrested later Sunday by San Diego police on suspicion of driving the stolen pickup.

The San Diego Union

Col. Ira C. Copley, 1864-1947
James S. Copley, 1916-1973

Editorials/Opinion

Helen K. Copley, Publisher
Gerald L. Warren, Editor

Page B-6



A Copley Newspaper

Wednesday, September 23, 1987

Wrong-way, wrong-headed

The National City and Chula Vista police departments are fortunate that injuries were slight and damage limited to vehicles after their wrong-headed, wrong-way freeway chase last weekend. Three National City police vehicles and two Chula Vista patrol cars were chasing a car-thief suspect in the early dawn hours on a one-way connector road between Interstate 5 and State 94 when they confronted a Spring Valley motorist in a pickup traveling in the right direction.

An alert swerve by the driver of the pickup prevented catastrophe. But his truck and two patrol

cars, not to mention police department egos, took beatings. Equally embarrassing for officers involved was the subsequent knowledge that the suspect had exited a freeway on-ramp, undetected, in a vehicle with a flat tire. (He later was apprehended on foot.)

Scenes like this one initially may elicit a chuckle over the morning cup of coffee. For one thing, they vividly show that demolition-derby type police chases are not limited to TV's "Hill Street Blues."

It will be no laughing matter, however, if local police don't

learn from this mistake. High-speed chases pose great risks for the police, innocent motorists, and bystanders. Establishing and adhering to a safe and sensible hot-pursuit policy is easier said than done; police have little time to debate procedures before responding in life-or-death situations.

Police do have other hot-pursuit options, such as the assistance of the California Highway Patrol in freeway chases. So, before there are any more wrong-way, multi-car chases and crashes, let's be a little more careful out there.



City of National City Office of the City Manager

1243 National City Blvd., National City, CA 92050-4397 (619) 336-4240
Tom G. McCabe—City Manager

October 9, 1987

Mr. David Avalos
708 "D" Ave.
National City, CA 92050

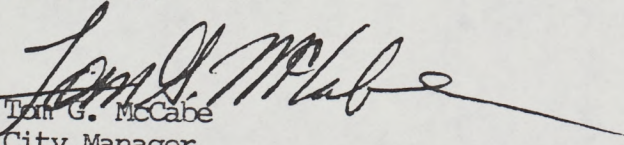
Dear Mr. Avalos:

This is in response to your letter of August 26, 1987 regarding the fire at Pacific Steel Inc. (PSI) on August 16, 1987. An investigation of two of the allegations has been conducted and is now completed with the findings forwarded to you on September 30, 1987 (see attachment). As I had indicated to you earlier, this office attempted to arrange a meeting with you to discuss the City's findings on Friday, October 2nd but you evidently were unable to arrange your schedule as you did not call back to establish a convenient time for the meeting. I want to assure you that if you still desire to meet with me I am available.

In addition to reviewing the summary statement sent to you pertaining to the conduct of Officer C. Davis and the evacuation procedure, I have reviewed the details of the fire with both the Police Chief and the Fire Chief. The investigation and resulting report appears to accurately reflect the activities of the Police Department in the fire scene area. Specifically, that the officer's actions were appropriate under the given conditions, and that the report given to the Fire Incident Commander was based on the best information available at the time under the existing emergency conditions.

Your third request asks that the City of National City immediately close the Pacific Steel auto recycling yard. PSI operates its business as a part of the private enterprise system and is not at present, to the best of the City's knowledge, in violation of any Municipal Codes. Most of its actual operation is under the controlling provisions of the California Health and Safety Code administered by the San Diego County Department of Environmental Health Services, Division of Hazardous Materials Management. This agency has recently taken enforcement action through the Municipal Court Judicial system to regulate the specific operation of PSI. The City is working closely with the San Diego County Department of Environmental Health Services to monitor PSI's compliance with federal, state and local laws.

Sincerely,


Tom G. McCabe
City Manager

TGM:ks

Enclosures: Letter dated September 30, 1987 to Mr. Avalos
Letter dated August 26, 1987 to City Manager



City of National City Police Department

1200 "A" Ave., National City, CA 92050-4594
Phone: (619) 336-4400

September 30, 1987

Mr. David Avalos
708 "D" Avenue
National City, CA 92050

Mr. Avalos:

We have completed our investigation into two allegations in your letter of 8-26-87; (1) the conduct of Officer C. Davis and (2) our evacuation procedures. The other issue you raised--immediate closing of Pacific Steel--is not within the police purview.

In regards to Officer C. Davis' conduct with you on August 16, 1987, we have reviewed all aspects of this situation and have talked with the three parties involved (you, Officer Davis and CHP Sergeant McLaughlin). In general, our conclusions are:

1. You persisted in attempting to enter an evacuation area against the lawful orders of Officer Davis.
2. Officer Davis offered you several alternative methods to check on the welfare of your parents; you refused to accept them.
3. Officer Davis obtained the name and address of your parents from you and dispatched a police unit to check on their welfare.
4. Officer Davis used a minimal and reasonable amount of force to force you back to your car when he became convinced that you would not obey him and that you still persisted in entering a restricted area.
5. You left the area. You were not injured in any way. Officer Davis was able to return to his primary function--keeping people out of a restricted area.

It is our conclusion that Officer Davis' actions were proper and necessary. You raise the issue that he threatened you with arrest if you persisted in your actions. Officer Davis admits to this. Such comments by an officer in a situation such as this are truthful, proper and professional. You would have been arrested if you tried to enter a restricted area. Whether we would

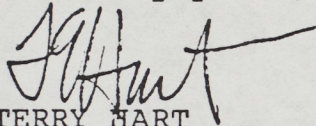
have actively sought prosecution of you given what your motivation was, is a different matter. However, Officer Davis could not allow you to enter a restricted area and, therefore, increase the potential danger and complexity of the whole operation.

In regards to our evacuation procedures, we admit that evacuations of a large area is difficult to accomplish and that in many cases, minor difficulties arise. We have reviewed our actions and conclude that our process was successful--no one was injured, no one was lost, thefts and vandalism did not occur.

We used all practical resources and methods in attempting to orderly evacuate the area, including officers walking door-to-door, helicopter fly-overs broadcasting evacuation orders in Spanish and English, and radio and television broadcasts.

All city departments will continue to work together to improve our abilities in emergency operations.

Sincerely yours,



TERRY HART
Chief of Police

TH:er

cc: City Manager ✓



City of National City Office of the City Manager

1243 National City Blvd., National City, CA 92050-4397 (619) 336-4240
Tom G. McCabe—City Manager

October 9, 1987

Mr. Herman Baca, President
Committee on Chicano Rights, Inc.
710 East 3rd St.
National City, CA 92050

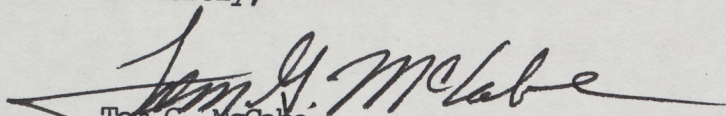
Dear Mr. Baca:

This is in reply to your letter of August 27, 1987 about Mr. David Avalos and his letter to this office dated August 26, 1987 regarding the fire at Pacific Steel Inc. (PSI) which occurred on August 16, 1987. An investigation has been conducted and is now complete. I have reviewed the summary report sent to Mr. Avalos pertaining to the conduct of the police officer involved and the evacuation procedures. I have also reviewed the details of the fire with both the Police Chief and Fire Chief.

Your letter raises three concerns as depicted in the attached copy. Response to your concerns is as follows:

- 1) The report given to the Fire Incident Commander was based on the best information available at the time under the existing emergency conditions. No report either written or verbal was intentionally falsified by either the Police or Fire Departments.
- 2) A response by the Police Chief and this office has been sent to Mr. Avalos. The investigation and resulting report appears to accurately reflect the activities of the Police Department in the fire scene area.
- 3) PSI operates its business as a part of the private enterprise system and is not at present, to the best of the City's knowledge, in violation of any Municipal Codes. Most of its actual operation is under the controlling provisions of the California Health and Safety Code administered by the San Diego County Department of Environmental Health Services, Division of Hazardous Materials Management. This agency has recently taken enforcement action through the Municipal Court Judicial system to regulate the specific operation of PSI. The City is working closely with the San Diego County Department of Environmental Health Services to monitor PSI's compliance with federal, state and local laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom G. McCabe", with a long horizontal flourish extending to the right.

Tom G. McCabe
City Manager

TGM:ks

Enclosure: Letter dated August 27, 1987 to City Manager

Continued from A-1

The initial request to close PSI came in August from Chicano Rights member David Avalos. He filed a complaint with the city alleging improper conduct by officer Coley Davis and a cited a need to review the city's evacuation plan.

In a letter to Avalos, Tom McCabe said Fire Chief Randy Kimble and Police Chief Terry Hart were consulted during an investigation of his claim, and agreed the report accurately reflected activities of the police department in the fire scene area. "Specifically, (Davis') actions were appropriate under the con-

ditions and that the report given to the fire incident commander was based on the best information available at the time under the existing emergency conditions," McCabe said.

Avalos said he was not pleased with the way the investigation was conducted, maintaining that neighbors of his parents were not evacuated although his parents were asked to leave — but only after Avalos had the confrontation with Davis.

"I don't see how anyone could say the process was successful," he said.

Ruben Rubio, who has lived at his Cleveland Avenue home for 50 years, described the situation Aug. 16 as confusing, adding it was not clear who was supposed to leave and who was supposed to remain in their homes. Dalla said he was satisfied with the city's handling of the situa-

tion. "If everyone rushed down to check on their parents, that would defeat the process of evacuation. I don't know if there will ever be a process that everyone will be totally satisfied with."

Other council members, however, said the evacuation plan may need to be improved.

"We need an evacuation plan to get those people out of there," said Councilman Marion Cooper.

"There is always some room for improvement of our evacuation and emergency procedures," added Pruitt.

"The residents came to us asking for a thorough investigation, which did not occur," Baca said. "Our concern is the safety of those people who have no political representation."

Civil rights group seeks PSI closure

Evacuation procedures need further review, group says

Members of a Chicano rights organization told city councilmembers Tuesday that Pacific Steel presented a dangerous situation to National City and called for it to be closed.

Group members also sought further administrative action on revising the city's evacuation plan.

"We're not talking about an abstract health problem. We're talking about real families and real children who live in the area," said Mary Avalos Gotschalk. "A real possibility is to close PSI and eliminate the threat to our children. We can't say we're going to turn our backs on it. You need to take a strong stand on it."

Councilman Mike Dalla said the group, led by Committee on Chicano Rights president Herman Baca, is asking for the impossible to have PSI closed. "A lot of people have some valid concerns," he said, but "it doesn't mean if we close them down we won't have the same concerns," he said.

After the meeting, Mayor George Waters said PSI must be given a chance to conform with court orders to cleanup the scrapyards, but said if further laws are broken the city will consider court action to close PSI.

Councilman Fred Pruitt said the city has pushed county and state agencies to help resolve the PSI problem, and has not allowed the firm to expand their scrap piles to extra land. The San Diego Port Authority has also ordered them to clean up a pile of scrap from a dockside warehouse.

City Manager Tom McCabe said PSI is not currently in violation of any municipal codes. Most of their operation is regulated by the state Health and Safety Code, administered by the San Diego County Department of Environmental Health Services, Division of Hazardous Materials Management.

Following a county investigation into one of two fires at the facility, a San Diego Municipal Court judge fined PSI \$85,000 for illegally storing hazardous materials at its Cleveland Avenue scrapyard.

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SMANAKLS

Suspensions urged for 2 policemen

510-57107
10/2/87

By Carol J. Castañeda
Staff Writer

NATIONAL CITY — Mayor George H. Waters said yesterday that an internal police department review has recommended suspending a city police sergeant and officer for chasing a suspect the wrong way on a freeway.

Earlier this week, review board member Sgt. Joe Coyle said he was forbidden by the department to disclose any part of the recommendation that dealt with discipline. But he did say that the board had determined the crash was preventable.

Based on the amount of damage to the patrol cars, Waters said the board's recommendation called for a suspension without pay of 56 hours for Sgt. Don Berstler and 18 hours for officer Coley Davis. The car Berstler was driving during the Sept. 20 incident was destroyed.

If Police Chief Terry Hart concurs with his department's internal review board, the officers stand to lose. See **Police** on Page B-4

Police: Suspensions urged for pair

Continued from B-1

salary for time suspended.

Hart said he will make no decision until Capt. Tom Deese and Lt. Craig Short can investigate all the variables leading up to the crash. One of those variables, he said, is to determine whether National City police should have taken charge of the pursuit, which originated in Chula Vista. Most likely, Hart said he would make a decision on the matter in the next three weeks.

"The circumstances based on the evaluation at this point is it's highly probable it will result in some discipline," he said.

Hart said the discipline could be more or less than what was recommended by the review board. However, he said, "I doubt it will be less."

The accident involved three police officers from National City and two from Chula Vista who were in pursuit of a suspected car thief.

When the suspect headed the wrong way onto the Highway 94 connector, National City police followed him and were met by civilian Michael G. Powell, who swerved to avoid the oncoming police. Powell clipped the bumper of the lead police car, driven by Davis. Powell then hit the center divider, flipped over and landed on top of the car driven by Berstler, authorities said.

Chula Vista police headed up the offramp only after the crash, Coyle said.

A California Highway Patrol investigation determined that the accident was caused by a police officer

going the wrong way. However, the officer is exempt from criminal charges because there is no section of the California vehicle code that applies to an emergency vehicle operating with lights and siren on, authorities said.

Officer Davis was also the subject of a complaint in August when National City resident David Avalos, an artist, filed a complaint with the city. Avalos, 40, contended that Davis had kept him from checking on his parents when fire erupted Aug. 16 at an auto scrap yard and residents were evacuated from the area.

Avalos has said his parents were not notified of the possible dangers of toxic fumes until 10 minutes before residents were allowed back into the area.

In an Aug. 26 letter to City Manager Tom McCabe, Avalos said that Davis at one point "grabbed my throat with his left hand, and my left arm with his right hand and began

pushing me backward."

Yesterday, Hart responded to the complaint.

"In essence, we found Officer Davis was assigned to a certain location for the purpose of keeping people out of the area," Hart said. "Avalos entered a restricted area" after being instructed not to, and after Officer Davis made efforts to assist Avalos in checking on the well-being of Avalos' parents.

When Avalos entered the restricted area, Hart said, "Davis got him by the shirt front and walked him to his car" and told him to leave.

In response to Hart, Avalos said Hart "doesn't have the facts in hand."

"In my letter (to McCabe) I stated Davis put my hand on my throat," Avalos said. "When the police chief states he grabbed me by my shirt, he's trying to confuse the readers."

Avalos said he will not consider this the last word on the subject until he hears from McCabe.

Dumped cars pose disposal dilemma

S-News
10/4/87

By George McCrory
Staff Writer

An increasing number of abandoned cars are being left near the Pacific Steel scrapyards on Cleveland Avenue, but no one seems to know quite what to do since the yard has stopped taking the heaps.

Residents and workers near the yard complain the cars are an ugly nuisance, with parts left on the street or grassways after they are towed away.

"We are not able to take cars, because of the fluff," said PSI Marketing Director Daniel Alaya, referring to the massive clean up operation underway to remove piles of shredded car seats and plastics.

Before a court order and fine were imposed on PSI regarding the hazardous material, Alaya said his firm took in 600 to 700 cars per day with the proper paperwork.

National City police ticket and impound the abandoned cars and Moynahan Towing takes them away. Workers at the National City Foundry across the street said Moynahan leaves parts behind and that they are expected to clean up the trash.

"The situation gets bad about once a month until they (Moynahan Towing) come and tow the cars away," said James O'Toole.

"We can't park our cars here," said another foundry employee, Joe Guzman.

Moynahan Towing has a contract with police, but Tom Moynahan said he does not get paid by the city.

"I'm not going to clean up everybody's mess. I'm not a garbage collector," he said, adding he has to pay for gas tanks to be removed from the cars. "It's just got out of hand and I want to keep the city clean. I live here, too."

Moynahan said either no one wants to report the people who are dumping the cars on the street or no one knows who is doing it.

Public Works Director Curtis Williams was not sure if his department was entirely responsible for cleaning the debris from the street. He said street sweeper machines pick up smaller materials, but operators throw larger pieces and parts on the parkways. The worker then calls another Public Works employee to dispose of it.

Williams admitted the procedure takes a long time, but did

Please see Cars: A-6

A-6^{NC}

Cars

Continued from A-1

not have a cheap overall solution. He suggested the cars be declared hazardous materials so the owners could be traced through serial numbers and be prosecuted — another lengthy and expensive process.

Deborah Canedo, who lives next to her parents, Connie and Ruben Rubio, in the 1700 block of Cleveland, said the abandoned cars line the street every week and even spill onto side streets. Seven junked cars sat on Cleveland Avenue Thursday.

"It seems me that we are

becoming the junkyard of San Diego because of PSI," she said. "It's getting worse because they are taking less cars."

City code conformance officer Lynn Walker said her authority only extends to abandoned cars on private property. She couldn't offer a solution, saying the problem is huge and extended citywide.

"It's really not PSI's fault, because they can't take the cars without the proper legal paperwork," Walker said. "We have a real problem here. We tow the cars and just the same day, they appear again."

• • • S. D. Smith
1972/87

Often it is necessary to deny requests for corrections or clarifications because they are judged to have little or no merit.

David Avalos called with one of the more interesting such requests after the appearance on Oct. 2 of a story on the recommended suspension of two National City police officers.

The story told how officer Coley Davis and another policeman drove their cruisers the wrong way up a freeway off-ramp while chasing a suspect. Then, the story went into how Davis was the subject of a complaint by Avalos after the officer had earlier stopped him from entering the area of a toxic industrial fire, preventing Avalos from checking on the safety of his parents.

Avalos complained that the Oct. 2 story had basically picked up information from a Sept. 5 story, headlined "Complaint filed on evacuation issue," by Darlene Himmelspach.

The Sept. 5 story related how fire officials reacted to Avalos' complaint that authorities failed to notify his parents during the evacuation of their neighborhood on Aug. 16 because of a fire at Pacific Steel auto recycling plant.

Avalos noted that his letter to National City Manager Tom McCabe stated that not just his parents — but several other people in the neighborhood — were overlooked in the evacuation. Himmelspach had been supplied with a copy of the letter.

Avalos argued that the decision not to include this information about other stranded residents in the two stories represented an error of omission deserving of a correction.

Actually, I think Avalos was simply trying to use the *Union* to add weight to his complaint, which called for an investigation of "NCPD's inability to carry out an evacuation and the subsequent making of a false report to cover up their incompetence." Also, we only had Avalos' report about the other residents and Himmelspach would have had to verify that information before using it.

The story by Himmelspach as well as the Oct. 2 article by Carol J. Castaneda were more than adequate in covering all the essential points of general interest. The information about other stranded residents was not essential. The newspaper does not have unlimited space. Reporters usually need to be even more concise. Many stories are overwritten.

• • •

It is the policy of The San Diego Union to correct all errors. To discuss accuracy or fairness in the news, please write Cliff Smith, readers' representative, Box 191, San Diego 92112, or telephone (619) 293-1525.

Board rules officers in chase should be suspended

By George McCrory
Staff Writer

An accident on Interstate 5 last week involving two National City police officers was preventable, but did occur under emergency conditions, a police review board ruled last week.

Mayor George Waters said the board recommended Sgt. Don Berstler be suspended for 56 duty hours without pay and Officer Coley Davis be suspended for 18 duty hours without pay — the times determined by a mathematical formula using what it will cost to repair the police cruisers.

The board's findings will be given to Chief Terry Hart for review, said Capt. Tom Deese, adding it will be Hart who must decide whether suspensions will be imposed. Hart said he will have a final decision within two weeks.

Both Davis and Berstler will be given a pre-disciplinary hearing for them to respond to the charges.

Lt. Bill Osburn and Sgts. Joe Coyle and Mike Connelly made the determination Wednesday after investigating the conditions of the accident in relation to the department rules of pursuit.

A report by Lt. Craig Short, watch commander at the time of the incident,

will be added to the board's findings. Deese said it will include radio transmissions and reasons why three National City officers joined two Chula Vista officers in pursuit of an auto theft and robbery suspect on Interstate 5.

Davis and Berstler followed the suspect the wrong way on an off-ramp leading from westbound Interstate 94 to northbound I-5. In doing so they collided with a Ford pickup driven by Michael Powell of Poway.

Waters said a section needs to be put into the police procedures policy specifically telling officers they cannot drive the wrong way on off-ramps or

streets. "As far as I'm concerned, under no circumstances should a police officer go the wrong way down a ramp or a street," he said, adding officers should radio ahead to other officers in these situations.

Waters said he wanted to schedule a meeting with Hart and City Manager Tom McCabe so he could have some input into police procedures.

"There is no expressed language saying not to drive the wrong way on the freeway," Waters said. "All officers have already been advised not to drive the wrong way except under safe procedures."

Hart said the request will "probably result in more specific language for that particular section," adding such incidents have never happened before.

In a separate incident less than one week later, Officer Howard Lasher escaped serious injury when his patrol car flipped on the Coronado Bay Bridge ramp Sept. 25. He was chasing an auto theft suspect who was caught by the next day by San Diego police.

Waters estimated the total damage from the three accidents at \$30,000, which included the cost of medical

Please see Review: A-6

Review

Continued from A-1

Hart said the cruisers involved are worth \$15,000 each, with one of the cars probably needing to be replaced.

"All these cars were going to be replaced within one or two years. They were near the end of their use," Hart said. The cars with less damage will be replaced and might be converted to non-emergency use.

Regarding an unrelated complaint about Davis filed by Committee on Chicano Rights member David Avalos, Hart said the officer acted properly during an evacuation resulting from a fire at the Pacific Steel scrapyard. Avalos contended Davis used excessive physical force when he attempted to check on the safety of his mother and father on 22nd Street. In a letter to McCabe, Avalos said Davis grabbed his throat and arm after he was not allowed to enter the barricaded evacuation area.

"Davis pushed him back by grabbing his shirt and said he should leave," Hart said.

He explained while Davis was talking to a California Highway Patrol officer about closing Interstate 5, Avalos came up to the men and inquired about his family.

"Instead of getting information from the CHP officer, Davis had to pay attention to Avalos,"

Hart said. "He was proper and assistful to the person."

Avalos said Friday he would not accept Hart's evaluation and felt McCabe has the final word concerning the complaint — which also requests an investigation of the department's evacuation plan.

"I refuse to go into the police department for the complaint procedures. The idea of police investigating themselves is not based on a system of checks and balances. I'm interested in a civilian review of complaints.

"I'm not going to be satisfied until I get a written statement from the city manager. Hart conducts an investigation with the same sloppiness in the way his officers drive his cars."

Avalos said Davis asked another police unit to check on his parents, and claimed they left their home at about the same time the fire commander called the evacuation off. He added neighbors in the area were not evacuated at all.

"Davis seems to have a lot of initiative, which is what he took when he went up that ramp," Avalos said. "Am I to understand that the evacuation was taken at the initiative of a individual officer?"

McCabe could not be reached Friday concerning the status of his investigation into the department's evacuation procedures.

Frank Chanelle

Patrol Cars 021, 059, NCPD

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956 AM

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P.L. ADAMS

Letters to the editor

S-NEWS
10/18/87

Hard to accept new position

In response to Councilman Fred Pruitt's plea for our tax dollars to finance a new police station, I find it increasingly difficult to find any real validity in his statements.

Only less than a year ago he signed an argument against this same bond issue and in that statement the reasons were completely different than what he stated were his prime reasons this time for supporting it.

I can't see how things could

have changed in less than a year to warrant someone to flip flop his decision to load this city down with what amounts to a 20 million dollar debt.

He mentions that because they have selected a new site which means that the city will have to condemn fewer peoples' houses makes him feel more comfortable with his decision. This man was elected partially on the promise he made to the people that he would not use his power of eminent domain.

I know of at least one homeowner who has stated publicly that he does not want to relocate, so it will be very interesting to see how Mr. Pruitt intends to get this person to move without breaking his

promise.

Instead of rewarding the people of National City who elected him with higher taxes, he should be focusing his attention on questions like how can councilmembers Cooper and Vandeventer even lobby for this project when they have obvious conflicts of interest on the west side of town from the properties they own or have interest in.

We the voters gave you our answer on this bond issue last year, so why don't you and the rest of the council get on with the pressing problems that were mandated by the voters.

DARRYL GORHAM
National City



Committee on Chicano Rights, Inc

10/29/87

CITY MANAGER
TOM G. McCABE
1243 NATIONAL CITY BLVD.
NATIONAL CITY, CA 92050

MR. McCABE

CONSIDER THIS A FORMAL COMPLAINT. DUE TO INFORMATION RECEIVED BY OUR ORGANIZATION, FROM A NATIONAL CITY VOTER, WE ARE NOW DEMANDING THAT YOUR OFFICE INIATE THE FOLLOWING ACTIONS:

- A) THAT YOU ORDER CHIEF OF POLICE TO IMMEDIATELY CEASE AND DESIST FROM POLITICING UTILIZING TAXPAYERS MONIES AND TIME FOR PASSAGE OF PROPOSITION "O".
- B) THAT YOU ISSUE CHIEF HART A LETTER OF REPRIMAND, AND DOCK HIS PAY FOR THE TIME USED WHILE POLITICING ON TAXPAYERS MONIES.
- C) THAT YOU ISSUE A MEMORANDUM INSTRUCTING ALL CITY EMPLOYEES THAT IT IS PROHITITED TO POLITIC DURING WORKING HOURS.

LET US STATE, THAT THE INFORMATION PROVIDED US OF CHIEF HART POLITICING DURING WORKING HOURS, IS IN OUR OPINION, ILLEGAL, A VIOLATION OF CITY POLICY, AND AN ACTION THAT JEOPARDIES THE INTEGRITY OF THE ELECTION PROCESS. WE WILL AWAIT YOUR ACTIONS ON THIS MATTER AND WILL WAIT FOR SOLUTIONS TO THE ISSUE OF CITY EMPLOYEE (S) POLITICING WHILE WORKING AND UTILIZING TAXPAYERS MONIES AND TIME. REST ASSURE THAT IF ACTION IS NOT FOURTH COMING THAT OUR ORGANIZATION WILL PURSUE THIS MATTER WITH THE FAIR POLITICAL PRATICE COMMISSION AND ANY OTHER APPROPRIATE AGENCIES.

AWAITING YOUR REPLY,

Herman Baca
HERMAN BACA, PRESIDENT

C.C. MAYOR GEORGE WATERS
FAIR POLITICAL COMMISSION
NEWS MEDIA

VOTE NO EN LA PROPOSICION "O"

Estimado Votante;

El Alcalde y el Ayuntamiento quieren cargarle a Usted, el contribuyente con \$20,000,000 de impuestos para construir un palacio para el Departamento de Policía de National City.

Antes de votar el 3 de Noviembre, considere lo siguiente:

El promedio de ingresos y salarios en National City es \$15,000 por año!

El salario medio de un oficial de policía de esta ciudad es de \$30,000 al año! Un principiante empieza con un salario de \$26,000 y el Jefe de Policía Terry Hart gana \$66,000 al año y vive en el Cajón!

Usted, el contribuyente pagará \$20,000,000 en el propuesto bono de \$6.5 millones de dólares por los siguientes 30 años!

El Departament de Policía de National City tiene asignado \$6.2 millones de dólares o sea una cuarta parte del presupuesto total anual de \$24,000,000!

El ex-Alcalde Kile Morgan declaró que puede construir un nuevo edificio para el Ayuntamiento sin bono."

El Jefe de Policia Terry Hart ha atentado chantajear a los votantes amenazando con renunciar junto con 30 a 40 oficiales si el bono de \$20,000,000 no es aprobado.

Las consideraciones deben ser dadas por funcionamiento profesional y responsable. El Jefe Hart y el Departamento de Policía de National City no han ganado ese respeto y reconocimiento de los ciudadanos de National City. Hay 25 litigios pendientes contra el Departamento por ciudadanos, por conducta no-profesional. El Departamento ha estado bajo investigación por el FBI, el Departamento de Policía de San Diego y el abogado de Distrito Ed Miller. Este no es un historial de un departamento de Policía del cual los ciudadanos pueden estar orgullosos y considerar un nuevo edificio.

El día 3 de Noviembre, VOTE NO!

Deje a los políticos que le carguen impuestos a su familia por los siguientes 30 años para un edificio que se puede hacer sin emitir un Bono!

Recompense a un Departamento de Policia que está atentando chantaje para influir su voto, un Departamento que ha sido incompetente e ineficaz en proporcionarle los servicios de un departamento de policía de primera clase!

Comite Contra PROP O

(Pagado por el Comité pro-derechos Chicanos C.C.R.)

VOTE NO ON PROP O

Dear National City Voter;

The Mayor and the City Council wants to tax you, the property owner, \$20,000,000 to construct a Taj Mahal building for the National City Police Department.

Before you vote on Nov. 3 Consider the following:

The average income in National City is \$15,000!

The average income for a National City Police Officer is \$30,000 per year. Rookies start at \$26,000. Police Chief Hart earns \$66,000 per year. A large number of the force do not live in National City, including the Chief.

The Police Department already gets 25% of the monies from the City budget (\$6.2 Million).

Ex-Mayor Kile Morgan vows he can build a facility without incurring a bonded indeptness!

Police Chief Hart attempted to blackmail the city if the new facility isn't built by threatening to quit and take 35-40 officers with him.

Rewards should be given for performance that is professional and responsible. Chief Hart and the National City Police department have not gained that respect and recognition from the citizens of National City. Their are 25 lawsuits pending against the Department by citizens for unprofessional conduct. The Department has been under investigation by the FBI, the San Diego Police Department, and District Attorney Ed Miller. This is not the record of a police department that the citizens should be proud of and reward with a new facility.

On November 3, **VOTE NO ON PROP O** and demand that you first have a first class police department that requires a first class facility.

On November 3, **VOTE NO ON PROP O** and don't vote yourself into bankruptcy.

TheCommitte Against PROP O

(Paid for by the Committee on Chicano Rights)



LA PRESS
10/30/57

Police bond issue seems to be losing in National City

By Carol J. Castañeda
Staff Writer

NATIONAL CITY — A \$6.5 million bond measure to build a new police headquarters in National City appeared headed for defeat last night.

Early results showed the measure, Proposition O, well behind in the balloting. Passage of a general obligation bond paid through property taxes requires a two-thirds majority to pass.

Approval of the measure would have helped clear the way to build a

new \$7.6 million police headquarters. Construction would have taken two years.

The City Council supported Proposition O.

Late last night, ballots were being counted by computer at South Bay Regional Center in Chula Vista. According to City Clerk Ione Campbell, 14,933 residents were registered to vote in National City.

She said, however, "We would be lucky to get 20 percent of the voters. A good turnout would be 50 percent.

See Police HQ on Page B-6

Police HQ: Bonds seem to be losing

Continued from B-1

It generally takes a mayor race to bring out that many."

Approval of the bond measure would have cost property owners 77 cents per \$1,000 of assessed property valuation annually, or approximately \$38.50 per \$50,000 of property value. The length of the bond would have been 30 years, city officials said.

Residents defeated a similar bond proposal last year. The final vote was 56 percent in favor of the measure, falling short of the two-thirds majority needed to win.

City officials sought the bond measure to add space for detectives, police officers, clerks and other personnel who currently work in tight quarters.

Police personnel are currently split between two buildings with a total of 19,000 square feet of space — 15,000 square feet of basement under-

neath the civic center, and a 4,000-square-foot annex across the street that the city leases for about \$80,000 a year.

City officials said the building was designed in 1963 to accommodate 33 to 35 employees and approximately 1,500 arrests a year. Now, more than 100 employees, including 73 sworn officers, handle more than 5,500 arrests a year.

A 1984 study concluded that the department requires 35,000 square feet to operate adequately.

If voters had passed the measure by the two-thirds majority, Starboard Development Corp. would have built a 43,000-square-foot complex.

The City Council selected Starboard to build the facility as a "turn-key" development — meaning Starboard would ensure that inspections were conducted, the property was secured and the building was built to

satisfaction, and then would turn the keys over to the city.

The proposed site for the police headquarters — which may still be built — is on National City Boulevard across the street from the Civic Center.

More people should get involved

5/16/81
4/15/82

Elections are over and it is time to take down the signs and our guards, shake hands, and go back to work for the betterment of our city and its citizens.

Does this sound like a campaign speech? It is. I am campaigning to give National City its proper credit among the cities in this county.

Despite its sometimes negative reputation, there are numerous, hardworking persons whose daily attempts to better the living conditions of our citizens receive little or no credit. We need the Bacas, Morgans, Pruitts and Bodes in order to achieve our goals.

But too often we get caught up in personalities, thus obscuring the issues and progress as well.

Just think, out of 15,000 registered voters, only 3,000 took the time to vote. Now, that is a sad statistic. How can we effect change with those kinds of numbers? How can we think elected officials will listen to us when they know we can't even swing an election?

Some people are under the impression that I will be running for office, others thought I was being "used."

Well, they all are wrong. I have no intention now or in the future to run for an elected office and I can only be "used" if I allow it. I love this city and I will always work to make it better, even if it means criticizing our elected officials, as well as city employees, if the occasion presents itself.

In this kind of business, if your wings are made of wax, you don't fly close to the sun. Perhaps we can turn to our state and federal representatives.

If they can get \$100 million for the Contras maybe they can get \$6 million for a police facility or perhaps they can use some confiscated drug money and in turn make the criminals pay for it.

In any event, it was a pleasure working with a group of well meaning citizens. I just wish more people would get involved, for or against. Afterall, we should be thankful that we have that option.

LUIS NATIVIDAD
National City

National City rejects police bond measure

By Laura Preble
Tribune Staff Writer

11/4/82
L.T.

National City may eventually build a new police station, but it's becoming increasingly unlikely that it will be financed directly by National City taxpayers.

For the second time in a year, National City voters rejected a \$6.5 million general obligation bond measure that city officials hoped would help finance construction of a police headquarters building. The measure, Proposition O, required a two-thirds majority for approval, but failed even to get a simple majority.

With only 3,723 of the city's 14,933 registered voters participating, Proposition O was rejected by 51.9

percent of those casting ballots.

The unofficial tally was 1,933 votes against the measure, 1,790 in favor.

The \$6.5 million was to help pay for construction of a 43,000-square-foot station to replace what city officials consider inadequate facilities for the Police Department. The Police Department is now housed in two separate buildings; part of the department occupies the basement of the Civic Center while other personnel, including Chief of Police Terry Hart, are housed across the street in leased space in the Watterson College complex.

A prototype of Proposition O was rejected last November, receiving 56 percent of the vote. That election, however, lacked the contrast of this

year's, which pitted city and police officials against a local Chicano rights organization and former National City Mayor Kile Morgan.

City officials last night seemed unsurprised that the proposition failed, and vowed to eventually build the police station, even if the project has to be scaled down.

"We'll have to look at the city's income and get together with staff to see what areas we can cut back on," said Mayor George Waters, emphasizing that the failure of the bond measure could mean cutbacks in some city services. Waters said city officials and staff will be discussing such cuts within the next few weeks.

Waters predicted a police station bond measure would not again show

up on National City ballots.

"It's the job of the city council to take care of this and not to bother the public with it anymore," he said. "But we can no longer let the police operate out of the basement and leased buildings."

Morgan, who wrote the ballot argument against the proposition, agreed with Waters as to why the measure failed. "People don't want to be taxed," Morgan said last night from his home. "And I think the (pro-Proposition O) side put on a big campaign. We didn't spend the dollars that they did, and though they spent a lot of money, it didn't do any good. They need to build this facility without bonds."

Police car accidents stir change

By Carol J. Castañeda
Staff Writer

NATIONAL CITY - Mayor George H. Waters said yesterday that he will push to establish procedures that would prohibit National City police officers from entering the wrong way on the freeway when chasing suspects.

Waters said his proposal was prompted by a weeklong chain of events that resulted in more than \$10,000 damage to three police cars, including two that officers drove the wrong way on a freeway transition road in pursuit of a suspected car thief.

"When they went on the off-ramp they had one thing in mind — to get the villain," Waters said of the Sept. 20 crash. "They didn't take into consideration ... they were endangering other people's lives."

Rather than continue their pursuit, the officers should have stopped and radioed another officer for assistance when a suspect headed the wrong way on the freeway, Waters said.

Police Chief Terry Hart also had a word on the matter yesterday.

"The mayor and I haven't spoken,

See **Police Car** on Page B-2

Police Car: Crashes stir demand for new policy

Continued from B-1

but (a new prohibition) will probably be the result, but not established by the mayor — by the police department," Hart said.

Hart said he has already begun an informal policy prohibiting officers from going the wrong way on a freeway, which he said was initiated a day or two after the crash.

"The volume of vehicles on a freeway increase the probability there will be an accident ... and a head-on," Hart said.

An internal police review board, previously scheduled to meet yesterday, has rescheduled its review of the accident for today to allow the two officers involved to speak before the board, traffic Sgt. Joe Coyle said.

The accident in question involved three police officers from National City and two from Chula Vista who were chasing a suspect. When the suspect headed the wrong way onto the State 94 connector, the officers followed him and were met by a civilian who swerved to avoid the police cars. The civilian, Michael G. Powell, clipped the bumper of the lead police car, driven by National City police officer Coley Davis. He then hit the center divider, flipped over and landed on top of the car driven by Sgt. Don Berstler, authori-

ties said.

National City police officer Howard Lasher was involved in an accident last Friday when the car he was driving rolled over on the Interstate 5 on-ramp to the Coronado Bay Bridge while he was chasing another suspected car thief. That patrol car was destroyed.

"I'm looking at roughly \$30,000 in damage," the mayor said.

Hart said, however, that the cars were nearing the end of their two- to three year life span and the loss would be closer to \$10,000. Police cars, equipped with lights and emergency equipment, cost about \$15,000 each, he said.

Hart said the Sept. 20 crash was the first time National City officers had entered a freeway off-ramp in pursuit of a suspect.

"I'm really amazed by all the concern, they're (police officers) not fools, they don't want to do that," said Hart, who said he shared the public's concern about the crash.

National City police are involved in high speed driving 10 to 15 times a month, Hart said, but no exact figures on the number of pursuits are kept.

"I'm saying we got a lot of pursuit driving that does not involve injuries or accidents," he said. "The media interest is unreal."

2/3 2/87 5 P. U. 7 107

Complaint says officer used excessive physical force

By George McCrory
Staff Writer

8/30/87
STAGNE-DS

A National City police officer used excessive physical force during an evacuation near Pacific Steel earlier this month, according to a complaint filed with the city.

The complaint, also requests an evaluation of the city's evacuation plans be conducted.

In a letter to City Manager Tom Mc-

Cabe, David Avalos of the Committee on Chicano Rights, said Officer Coley Davis "grabbed my throat with his left hand and my left arm with his right arm," on Aug. 16, in relation to the evacuation of West Side residents during a fire at Pacific Steel Co.

Police evacuated about 60 people that evening, mainly in the area of 17th and McKinley to Las Palmas Park because of the potential danger from toxic smoke. Several streets in area

were also closed.

McCabe asked Chief of Police Terry Hart to conduct an internal investigation of the incident and report back to him, which is standard procedure for complaints against the department.

Avalos said he was watching a local TV newscast at 11 p.m., when he heard residents near the PSI scrap yard were being evacuated.

"Because my telephone was out of order, I decided to drive immediately

to the home of my parents who live on 22nd Street, west of Interstate 5 to see if I could be of any assistance to them," he wrote. He drove to 24th Street, only to find the street blockaded by Davis and an Officer McLaughlin of the California Highway Patrol.

Avalos asked if he could enter the area, but said Davis denied the request. He said Davis threatened him with jail,

after he asked some questions.

"I asked if the area in which my family lives had been evacuated and if indeed my family had left. He told me I was 'interfering with an investigation.'" Avalos said.

He said Davis wrote down the address of his parents on a pad, and asked if he would check on them.

Please see Complaint: A-6

Complaint

Continued from A-1

"He told me to leave and call them on the phone and again threatened me with jail. I asked for the name of his supervisor," Avalos explained. "At that point, he grabbed my throat with his left hand and my left arm with his right hand, and began pushing me backward."

Avalos wrote he did not respond in self-defense, but left the area to telephone his family.

Acting Operations Captain Tom Deese said the procedure for an officer at a blocked off street would be to tell the individual where the evacuation center was or to call the police station. Deese did not comment further on the case, not knowing the full details of the incident.

Avalos said Sgt. Mike Iglesias questioned him regarding the incident, but offered no additional information than what was in the letter.

Davis could not be reached Fri-

day, but Deese said he would probably not be allowed to discuss the case. He is scheduled for duty Friday night, but is recovering from a wrist injury suffered during an arrest earlier in the month.

Davis was commended in April for saving the life of a woman who ran into traffic on Interstate 805.

Avalos said his main concern was regarding the evacuation procedure, saying his parents were not notified of the evacuation until after his encounter with Davis at about 11:20 p.m. He said others in the area were not notified or evacuated at all.

He requested an investigation of the department's "inability to carry out an evacuation and the subsequent making of a false report to cover up their incompetence."

McCabe said the evacuation was called for by police, with the incident commander acting as he sees fit. The police commander during the fire was Lt. Merrill

Davis. Avalos said Davis reported everyone in the area had been evacuated at 11:20 p.m.

Fire Chief Randy Kimble said he understood the evacuation started at about 10 p.m., from Civic Center Drive south to 24th Street, west of Interstate 5. He said police may have scaled down the evacuation area, and a misunderstanding may have taken place.

He said Lt. Davis could have given him the boundary of the traffic perimeter instead of the actual evacuation area.

"The plans are working perfectly well. The procedures are in place and are working as designed," Kimble said.

Avalos also asked for the city to close the PSI yard because of its regular fires and accused police of not being able to protect west side residents exposed to PSI's environmental dangers.

McCabe said the criminal charges against PSI are still awaiting court action, pressed by

District Attorney Jo Kiernan. The company is charged with illegally storing hazardous material at its Cleveland Avenue yards.

Herman Baca, president of the National City-based Committee on Chicano Rights, said Avalos came to him and asked for support on the police and PSI issues.

"This has been an on-going issue for decades and is a manifest of the city's rape and plunder of the west side of National City," he said. "It's the age-old problem. Instead of the police assisting the citizens there, they are viewing them as the enemy."

Baca said city officials have been "dragging their feet," regarding businesses he sees as dangerous to west side residents.

He noted zoning changes for during the 1970's, which encouraged industrial activity on the west side, which he saw as an attempt to push residents out.

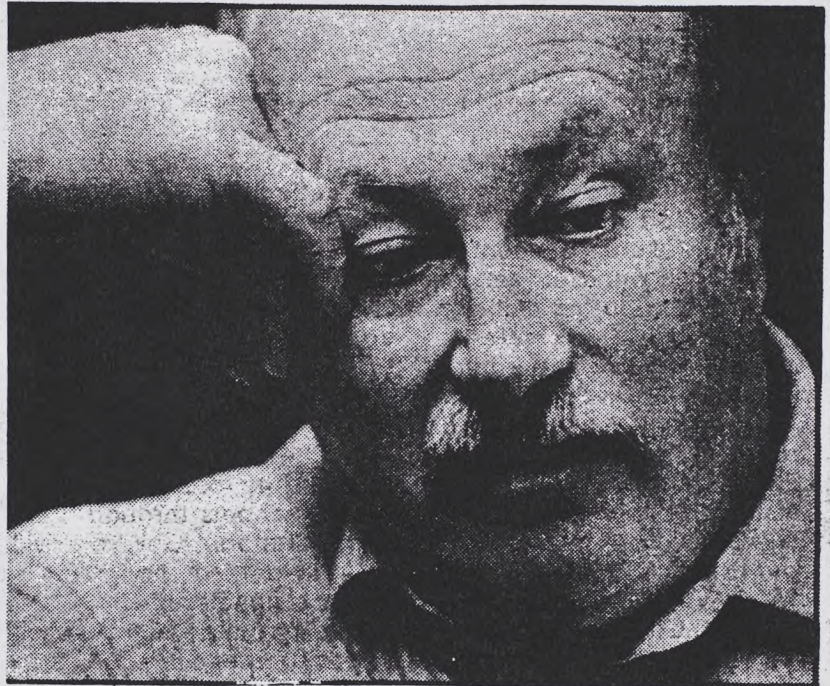
National City Group Calls for Police Chief's Firing!

C.C.R. Calls Chief of Police Incompetent

By Daniel L. Muñoz

National City — The elections have passed but the fallout over the strongly contested Proposition O in National City continues. Tuesday night's Council meeting discussed ways and means to build a police station, in spite of voter rejection of Prop. O. It has provided a forum for Herman Baca and the Committee on Chicano Rights to demand the firing of National City Police Chief Terry Hart.

"The City Council received a strong message from the voters," Herman Baca, chairman of the Committee on Chicano Rights (CCR), told the City Council. "Chief Hart has mis-administered the Police Department. He has threatened National City voters and has used his offices for political purposes."



Police Chief Hart under fire.

Baca and his organization made Prop O a referendum on the National City Police Department which has in the past been in conflict with the Committee on Chicano Rights over alleged abuse and mistreatment of the City's

Mexican residents. "We need a blue ribbon panel to investigate the police department," said Baca. "A strong look has to be taken into the Department's policies, practices and procedures. A

(See Hart Pg 4)

(Con't Fm Pg 1)

Hart Under Attack

'Civilian Review Board' composed of a cross section of the community with subpoena powers needs to be established by the City Council to investigate all citizen complaints against the Police Department. Until this is done, there can be no support for the Police Department," he said.

Police Chief Hart, at one time during the campaign for the passage of PROP O, threatened the City Council that he would resign and take 30 to 40 of his officers with him if he didn't get a new police station. If carried out, the Department would have lost over half of its personnel. The citizens and City Council took offense at the Chief's threat and forced him to retract his statements.

According to Baca, the issue

at stake was not the building of a police station but the operation of the Police Department which is perceived by the Mexican residents as a racist oppressive police force.

"Too often in the past, our civil and constitutional rights have been trampled upon by these same officers. At no time, have efforts been made to meet the community half way and seek resolutions to these problems. Chief Hart and his Department have been chastized, condemned and charged with unprofessional conduct, racism in its practices, and overzealous in the use of force against Mexicans by law enforcement professionals," pointed out Baca.

During the Council meeting, Chief Hart sat in the back of the

crowded chambers. He refused to make commets to the media after the council meeting and left quietly. Mayor George Waters and the City Council took note of the CCR's presentation but made no motion or resolution that would have indicated that they are listening to the voters of National City. City Hall sources informed *La Prensa*, that the Mayor and Council did not consider the low voter turnout a mandate to do anything about Hart and the Police Department.

"The issue was not the funding but the Police Department," said Baca. "It always has been and will be, until substantive changes are made, on how the police department does business in National City," he concluded.

N.C. Hommies took Georgie baby, the Mayor and La Placa to task Tuesday nite. **H. Baca** and troops chastized city council for moving ahead on Police station and ignoring the "message from Garcia" that the police force has to changel. Sitting, hiding in the back, taking it all in: **Chief Hart**. For sure, Hommies made the chief's black book.

Wrong-way crash is ruled avoidable

By Carol J. Castañeda
Staff Writer

NATIONAL CITY — A police review board here ruled yesterday that a collision involving city police cars traveling the wrong way on a freeway was avoidable.

"Something like this was clearly preventable; they could have made a decision not to go up the ramp," said traffic Sgt. Joe Coyle, who sits on the three-member board.

Under department procedures, the officers involved could face a temporary suspension without pay, Coyle added.

But, he said, since the review board also ruled that the accident involved unusual circumstances — a high-speed pursuit that ended in the collision of two police cars, any disciplinary action might be less severe than normal.

Coyle said it is now up to Police Chief Terry Hart to decide what, if any, discipline the officers should receive.

But Mayor George H. Waters said he and the city manager also will have a say in the matter.

The Sept. 20 chase, which originated in Chula Vista, involved three police officers from National City and two from Chula Vista who were in pursuit of a suspected car thief.

When the suspect headed the wrong way onto the State 94 connector, National City police followed him and were met by civilian driver Michael G. Powell, who swerved to avoid the oncoming police. Powell clipped the bumper of the lead police car, driven by National City police officer Coley Davis. Powell then hit the center divider, flipped over and landed on top of a car driven by Sgt. Don Berstler, authorities said.

According to Coyle, Chula Vista police headed up the off-ramp only after the crash.

A California Highway Patrol investigation determined that the accident was caused by the police cruiser going the wrong way, but noted that

See Panel on Page B-8

S.D. Jones
12/1/87

Panel: Crash ruled avoidable

Continued from B-1

the driver is exempt from criminal charges because there is no section of the California vehicle code that applies to an emergency vehicle operating with lights and siren on.

Hart said this week that he initiated an informal policy prohibiting officers from going the wrong way on a

freeway a day or two after the crash.

However, Coyle said, "Nobody knows about an unwritten policy. He (Chief Hart) might consider it an unwritten policy, but we don't know anything about that."

Under the department's pursuit policy, Coyle said, it's basically up to the officers involved whether to pursue a suspect.