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# SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

December 21, 1979

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City Council of the  
City of Sacramento  
915 I Street  
Sacramento, CA 95814

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Honorable Members in Session:

**SUBJECT:** Feasibility of Establishing a Redevelopment Project Along Stockton Blvd. (Item No. 32B, Meeting of October 16, 1979)

COUNCIL DIRECTIVE

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Explore the need and feasibility for creating a Redevelopment Project along Stockton Blvd. from Sacramento Medical Center to approximately 22nd Avenue.

EXISTING CONDITIONS

**EXECUTIVE DIRECTOR**

WILLIAM G. SELINE

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630 I STREET  
SACRAMENTO, CA 95814  
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Along Stockton Blvd. between 2nd Avenue to 22nd Avenue, there are a number of vacant buildings. However, most of these structures have a reasonably good appearance considering their age. A few appear in need of rehabilitation.

A great number of vacant lots along the boulevard tend to cause a depressing effect, yet they are reasonably clean and not cluttered with debris or bottles, with one obvious exception at the corner of Rosevelt Avenue and Stockton Blvd. (County area) where large quantities of junk has accumulated, perhaps placed there by the Ornamental Iron Works, Co. located across the Street.

Many of the small shops and businesses within this area have poor signing, some of which is illegal and could be corrected through enforcement of the City's Sign Ordinance. Some have unattractive exterior paint and no landscaping; however, these are not considered substantial blighting conditions. The businesses do provide useful and necessary services to the neighborhood.

**FILED**

By the City Council

Office of the City Clerk

*Referred to  
P&CD Committee*

JAN 2 1979

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Two converted service stations still have "island support struts" standing which should be removed for visual improvement. This could perhaps be accomplished through the existing "abandoned service station" ordinance.

Almost all of the residential structures in this area appear to be in average condition.

The Stockton Blvd. commercial strip is like many other commercial strips in the City, such as Franklin Blvd., Del Paso Blvd., Marysville Blvd. and Rio Linda Blvd., all of which are more in need of beautification than major improvements.

## EXISTING PROJECT AND CITY-COUNTY JURISDICTIONS

The area from the East boundary line of Sacramento Medical Center to 14th Avenue on both sides of the street is already included in the Oak Park Redevelopment Project.

Fourteenth Avenue to 23rd Avenue on the West side of Stockton Blvd. lies within the County, not the City.

Fourteenth Avenue to 22nd Avenue on the East side of Stockton Blvd. is within the City. (See attached map) Where a proposed project lies within two jurisdictions, the Community Redevelopment Law allows one jurisdiction to carry out the project with the consent of the other.

## POSSIBLE ACTIVITIES

- a) A Paint & Beautification Program for commercial structures, including landscaping and improved signing;
- b) Provision of rehabilitation loans or grants under a special program for facade improvements for a limited number of commercial structures;
- c) Assistance to property owners by arranging contacts with Small Business Administration, banks, real estate investors, State Office of Economic Development, etc.;
- d) Spot acquisition if required.

## PLANNING OPTIONS AND FUNDING SOURCES

There appear to be three (3) approaches to accomplishing the above activities:

- 1) Area from 2nd Avenue to 14th Avenue: as this area lies within the Oak Park Redevelopment and C.D. area, any

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desired activities can be carried out through the provision of C.D. funds or Oak Park Tax Increments (very limited at this time). Support of the Project Area Committee would be important to the rehabilitation efforts. Stockton Blvd. activities shall be included in the PAC's list of priorities for any given year.

- 2) Area from 14th Avenue to 22nd Avenue, east side: could be designated as a Community Development Area. City Council could then appropriate C.D. funds to carry out desired activities. Voluntary acquisition is permitted but not condemnation.
- 3) Area from 14th Avenue to 22nd Avenue, east side: could alternatively be designated as a Redevelopment Survey Area, with planning to follow to determine if a Redevelopment Project is feasible. This designation may or may not lead to preparation of a Preliminary and a Final Redevelopment Plan. Spot acquisition could be accomplished even by condemnation. Funds for any planning or acquisition would have to come from C.D. or City General Funds.

## SUMMARY

There appears to be no justification for the Agency to acquire vacant parcels as there is evidently no demand for these parcels by private enterprise. The exception to this might be the need to acquire a vacant parcel and an adjacent vacant building should there be a valid reason for assembling a larger site for development purposes. However, this is pure conjecture at this time. If there were such a need, a private developer could probably purchase and assemble the same parcels.

Expanding commercial development along Stockton Blvd. also does not seem appropriate at this time as a neighborhood Shopping Center Development has been planned for Oak Park at Sacramento Blvd. and Broadway for several years. No money has been made available to begin acquisition of that site so it is unlikely that funds would be provided on Stockton Blvd. for a competing center. The Sacramento Blvd. site is more centrally located, will benefit more people and thus commands a higher priority for funds.

## RECOMMENDATION

Since the area from 14th Avenue to 22nd Avenue does not appear sufficiently blighted to warrant a Redevelopment Plan being prepared

# SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

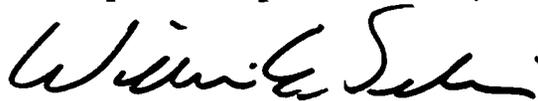
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at considerable expense; and further considering that funds to implement a Redevelopment Plan would have to come from C.D. funds anyway, the logical and less costly approach would be to designate the area as a Community Development area. Improvements could then be accomplished in the same manner as in the 2nd Avenue to 14th Avenue area, as funds are made available. If this concept is adopted, the County could then be approached to extend its Fruitridge Pocket C.D. Boundary from 44th Street to Stockton Blvd.

The only disadvantage in not creating a Redevelopment Project is that tax increments could not be used to carry out public improvements within the project. However, since very little new development would likely be created, there would be very minimal tax increments produced anyway.

Respectfully submitted,



WILLIAM G. SELINE  
EXECUTIVE DIRECTOR

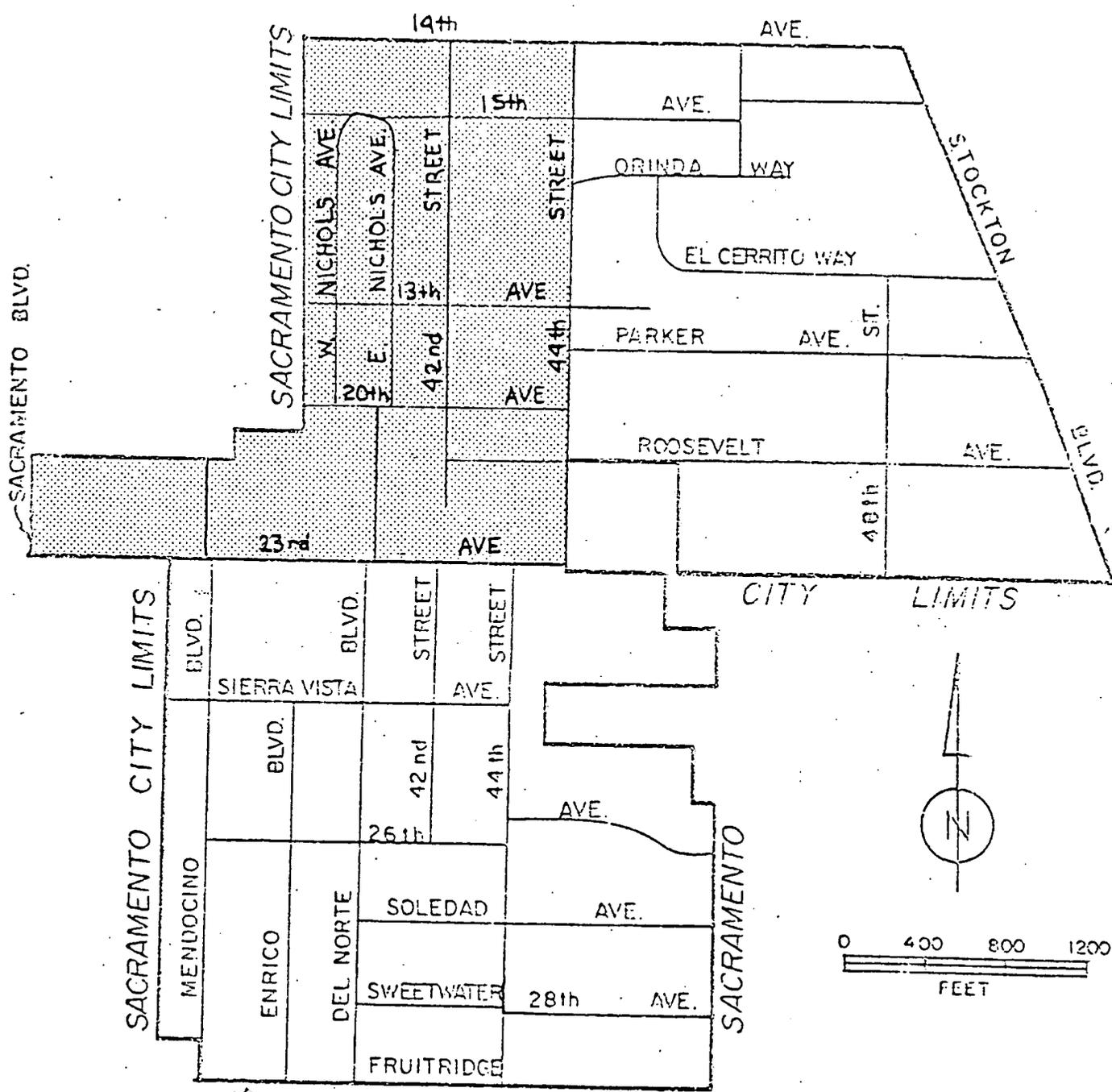
TRANSMITTAL TO COUNCIL:

  
\_\_\_\_\_  
WALTER J. SIPE  
City Manager

Contact Person: Robert E. Roche

# SOUTH SACRAMENTO COMMUNITY DEVELOPMENT BLOCK GRANT TARGET AREA 1980-81

## FRUITRIDGE-POCKET COUNTY AREA



★ \*10 PEDESTRIAN SIGNAL

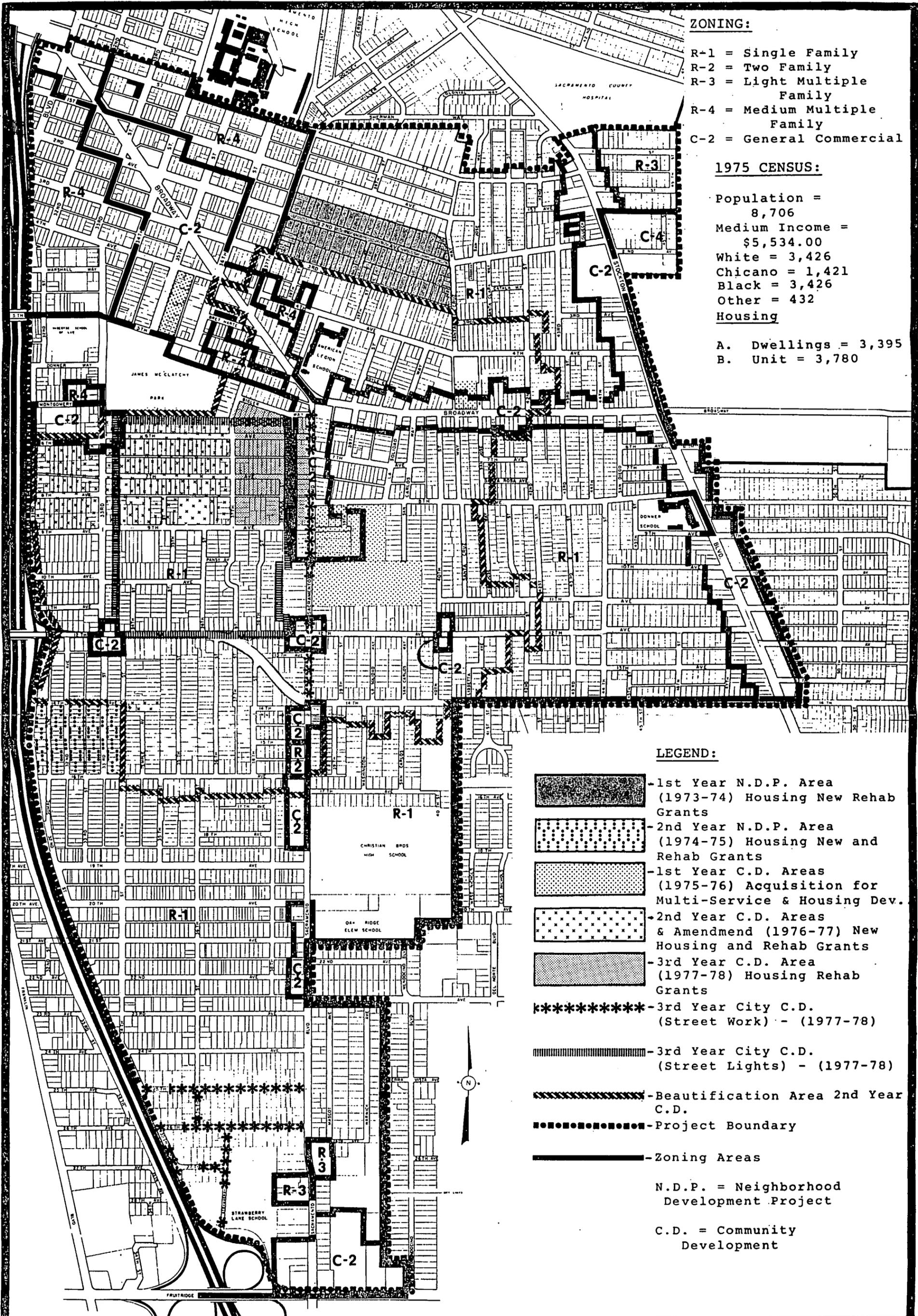
▨ \*9 CLASS "A" STREETS  
FRUITRIDGE STREET PHASE II

**ZONING:**

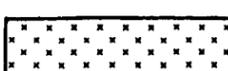
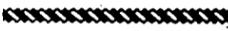
- R-1 = Single Family
- R-2 = Two Family
- R-3 = Light Multiple Family
- R-4 = Medium Multiple Family
- C-2 = General Commercial

**1975 CENSUS:**

Population = 8,706  
 Medium Income = \$5,534.00  
 White = 3,426  
 Chicano = 1,421  
 Black = 3,426  
 Other = 432  
**Housing**  
 A. Dwellings = 3,395  
 B. Unit = 3,780



**LEGEND:**

-  - 1st Year N.D.P. Area (1973-74) Housing New Rehab Grants
  -  - 2nd Year N.D.P. Area (1974-75) Housing New and Rehab Grants
  -  - 1st Year C.D. Areas (1975-76) Acquisition for Multi-Service & Housing Dev.
  -  - 2nd Year C.D. Areas & Amendmend (1976-77) New Housing and Rehab Grants
  -  - 3rd Year C.D. Area (1977-78) Housing Rehab Grants
  -  - 3rd Year City C.D. (Street Work) - (1977-78)
  -  - 3rd Year City C.D. (Street Lights) - (1977-78)
  -  - Beautification Area 2nd Year C.D.
  -  - Project Boundary
  -  - Zoning Areas
- N.D.P. = Neighborhood Development Project  
 C.D. = Community Development

**NOTE:**

2nd Year Scattered Sites Acquisition (1977-78)  
 There are approximately 1300 acres within the Oak Park Project Boundary.

Sacramento Housing and Redevelopment Agency

**Oak Park Development**

revised: 3-17-77

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HUMAN RIGHTS COMMISSION HUMAN RIGHTS COMMISSION HUMAN RIGHTS COMMISSION



December 13, 1979

To: All Human Rights Commissioners
Subject: Staff Preliminary Investigation of the Alleged Police Harassment on Franklin Blvd.

Commissioners

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BACKGROUND INFORMATION

The Human Rights Commission, at its regular meeting of November 28, 1979, heard the South Sacramento Watch and Action Group, represented by Mr. Phil Goldvarg and several hundred supporters, alleged that the Sacramento City Police Department has been harassing the Mexican-Americans that frequent the Franklin Boulevard area, particularly "low-riders".

STAFF REPORT

In response to the Commission's directive, the investigation took on a twofold purpose:

- 1. Present the facts relating to the specific incident of October 27, 1979, in which five Mexican-Americans were arrested at the Food City parking lot on Franklin Boulevard; and
2. present the facts relating to the allegations made at the November 1979 Commission meeting regarding the harassment of Mexican-Americans, that frequent the Franklin Boulevard area, by Sacramento City Police Officers.

FILED By the City Council Office of the City Clerk

JAN 2 1979



Incident of October 27, 1979

Police Departments Representation:

Deputy Chief Jerry Finney, was approached, regarding the specific incident, he indicated that he could not discuss the case because it is pending in Court. He stated that the defense attorney may be willing to disclose the arrest report, but that he could not. As such, the representations of this incident, by the Police Department comes from a copy of the arrest report that was obtained from Mark Merin, the defense counsel for the individuals arrested during this incident. The police report states the following:

At 10:21 on October 27, 1979, Officers Lee and Lem responded to the Food City parking lot to check for juveniles drinking alcoholic beverages.

Upon arrival, they observed a group of 6 individuals standing around several vehicles. All of the subjects looked very young:

The officers then contacted all of the members of the group, who each had a Budweiser beer in their hands, and obtained their I.D.'s. The individuals in the group became verbally hostile.

A warrant check was run on R. Holguin and R. Perez. The officers were advised that both had warrants for violation of C.V.C. 40508 (willful failure to pay traffic fine.):

Officer Lee informed R. Holguin that he would have to be taken to jail. R. Holguin responded, that he did not have a warrant and that he would not go anywhere.

Officer Lem then applied a wrist lock to R. Holguin's right arm. When Holguin resisted, Officer Lee grabbed the left arm. Holguin then broke loose and struck officer Lee on the face with his hand.

As the officers attempted to regain control of Holguin, R. Perez, M. Lopez, L. Goldvarg and P. Aguilera proceeded to pull the officers away from Holguin. One of the subjects, unknown which one, struck Officer Lem on the back with a bottle.

Then Holguin took a "fighting stance". Officer Lee responded by spraying mace into the face of Holguin. Holguin then started to run away, with officer Lee in pursuit.

Officer Lem was attempting to control the others involved by using his baton. R. Perez, M. Lopez, L. Goldvarg and P. Aguilera grabbed officer Lem's hand to prevent him from radioing for help. Officer Lem was successful in radioing.

By now, Officer Lee had caught Holguin and was attempting to place him under control. Holguin swung at the officer and the officer then proceeded to use a "reasonable amount of force to effect the arrest."

A short while later other officers arrived and assisted in the handcuffing of the suspects.

Felony blood samples were taken and then all were booked into the County Jail.

It should be noted at this time that Officer Lee's report states that there were warrants outstanding for both R. Holguin and R. Perez, yet the officers only attempted to arrest R. Holguin.

This representation of the incident is substantially supported by another report that was submitted by Officer Ware who had responded to Officer Lem's call for assistance. The only apparent inconsistency between Officer Ware's report and that of Officer's Lee and Lem, is that Officer Ware claims to have seen Officer Lee pursue Holguin on foot and subdue him, yet Officer Lee's report states that "a short while later" (after Holguin was subdued) Officer Ware and other officers arrived and assisted.

Officer Ware's report also states that one of the female Mexican-American adults stated that she worked for an attorney and demanded the officers badge numbers. Due to the hostile nature of the crowd, Officer Ware stated that she would have to contact the Police Department for the information. The female Mexican-American then began to incite others. Officer Ware had to threaten arrest if she did not discontinue her conduct. She complied.

Officer Ware's report concludes by stating that the Food City parking lot is frequented by juveniles and on weekends is a source of "misconduct and juvenile delinquency."

The five defendants have been charged with the following crimes:

R. Holguin (age 20) P.C. 243 - willfully, unlawfully and feloniously using force and violence upon the person of Officer Lee;

Ron Perez (age 19) Linda Goldvarg (age 20), and Margaret Lopez (age 28), P.C. 148 - a misdemeanor, resist, delay or obstruct a Police Officer;

Patricia Aguilera (age 18) P.C. 241 - willfully, unlawfully and feloniously attempt to commit a violent injury on the person of Officer Lee.

Patricia Aguilera (continued)

P.C. 243 - Willfully, unlawfully and feloniously use force and violence upon the person of Officer Lee.

P.C. 148 - willfully, unlawfully resist, delay and obstruct police officers Lee and Lem.

P.C. 405A - By use of force and violence acting together with R. Perez, L. Goldvang and M. Lopez, attempt to commit the crime of lynching by attempting to take R. Holguin from the custody of officers Lee and Lem.

### Accused's Representations

The following is a representation of the incident, as presented in interviews with R. Perez, L. Goldvang, P. Aguilera and R. Holguin.

At approximately 10:00 P.M. on October 27, 1979, R. Perez, his wife Elizabeth and B. Del Real met R. Holguin, Patricia Aguilera and Linda Goldvang at the Food City parking lot so they could follow each other to a party they had been invited to.

After being in the lot approximately, 10 minutes, Officer Lee pulled up in a squad car and stated that he had told them several times not to loiter there. Each of the accused denied ever having any dealings with Officer Lee prior to this incident.

Then Officer Lee ordered R. Holguin to pick up bottles that were on the ground. He also ordered M. Lopez to empty her can of beer. M. Lopez, the only member of the group that was drinking, complied. R. Holguin refused to comply because the bottles were not placed there by him. The Officer Lee picked up a bag of empty beer bottles and placed them in R. Perez's automobile, believing it to be R. Holguin's auto.

Next Officer Lee asked for everyone's identification. R. Holguin went to his auto to get it. Officer Lee refused to allow R. Holguin to close the door to his automobile. R. Holguin tried to shut the door and Officer Lee forced the door open. Then Officer Lee asked R. Holguin if he wanted to fight, Holguin's response was "no". Officer Lee then entered the automobile and began to search in spite of the protests of R. Holguin. Officer Lee even emptied the purses of M. Lopez and L. Goldvang. Next, Officer Lee went into R. Perez's automobile and searched it, including the emptying of the two purses that were in this automobile.

Then Officer Lem ran warrant checks on R. Perez and R. Holguin. Officer Lem said "We got one of them, the one in the light blue shirt, R. Holguin." No warrants were found on R. Perez. R. Holguin was not informed of what the outstanding warrant was for.

At this time R. Holguin was informed that he was under arrest and he began to walk slowly toward the squad car. Then Officer Lee grabbed R. Holguin's arm and twisted, R. Holguin leaned forward quickly to avoid the pain. Officer Lee interpreted this to mean that R. Holguin was trying to escape, whereupon he sprayed mace into R. Holguin's face. R. Holguin's reaction was to rub his eyes. At this time, Officer Lee began to beat R. Holguin for resisting arrest.

By this time, Officer Lem was restraining the crowd with his baton. Officer Lem also told Officer Lee to quit beating upon R. Holguin. Officer Lee continued to choke and beat R. Holguin, some say he was joking about it while he was doing it.

The accused were yelling and screaming for the Officer to stop. At no time did they physically interfere with the officers.

Several bottles were thrown at the Officers, but they were thrown from the opposite side of the fracas, towards the accused, not from them.

At no time did R. Holguin attempt to run away.

R. Holguin was handcuffed and placed in a squad car at which time a caucasian officer shoved his baton into R. Holguin's ribs.

At this point, Officer Lee began pointing at individuals in the crowd, telling them to stand by the squad car.

R. Holguin suffered several bruises, a black eye and a few broken teeth.

L. Goldvarg then stated that an officer had her up against a wall and while swinging his baton, he threatened her, "move so I can fuck you up".

All of the accused were grabbed by their hair when they were handcuffed.

R. Perez and R. Holguin were placed in the same squad car. Both stated that Officer Lee said he was "going to take them for a ride" and he began to drive south on Franklin Boulevard in the right hand lane. This would be in a direction opposite that of the County Jail. Then suddenly the officer turned sharply to the left and took the freeway to the jail.

Once at the jail parking lot, R. Holguin was laid on the asphalt, shackled and carried into the jail. One caucasian officer then pulled a handful of hair from R. Holguin's beard.

R. Perez states that twice R. Holguin was asked to get face down on the ground and when he reacted slowly he was knocked down. R. Holguin does not remember this. Both of the accused stated they felt safer once they had been placed in a cell.

This story is substantially supported by B. Del Real, E. Perez and J. Flores. Also of importance is that J. Flores' son, Robert (6 years old) was with his father when they observed the incident. His father now states that his son is fearful when he sees police squad cars and asks his father if it is the "chinese cop". and is he going to hurt him and his father?

It should also be noted that the accused were all occupants of "low-riders".

It should also be noted that the City of Sacramento does have a curfew of 10:00 P.M. for persons under 18 years of age. At the time of this incident only one was under the age of 18 and only one was over the legal drinking age of 21.

#### Staff Recommendation

Based on the above information, the following factors should be given consideration:

1. the incident is now before the courts and will ultimately be decided there;
2. the Sacramento Police Department was unable to discuss the specifics of this case;
3. the representations by the officers, in their arrest report are reliable and will probably not vary in court;
4. three individuals corroborate the accused's representations. Thus, staff has spoken with 7 individuals who basically give the same story. Staff has been unable to contact three more individuals who allegedly will also corroborate the story.

Based upon the aforementioned and the fact that great tension has been created between the Police Department and segments of the Mexican-American community the staff recommends that a letter should be written to express the Commission's concerns for the provocative manner that Officer Lee initiated his contact with the accused and that the Sacramento City Police conduct an internal investigation into the incident and reassign Officer Lee, pending the outcome of the investigation. A grand jury probe should also be demanded.

Concern With Alleged Police Harassment on Franklin Boulevard

Police Departments Representation

Deputy Chief Jerry Finney related the following information to staff, with regards to the City of Sacramento's law enforcement efforts on Franklin Boulevard:

During the 1978 year, the Police Department was receiving increased complaints of littering, vandalism and burglary from the merchants in the Food City area. Mr. Finney also stated there had been many fights resulting in assaults and batteries. He stated that the major problem was that the kids go to this area "to get loaded" and then the problems increase in number and severity. He specifically recalled an incident where a Mexican-American youth was stabbed three times while walking through a crowd of other Mexican-Americans, yet no one saw anyone do the stabbing.

At the beginning of the 1979 year, the Sacramento Police Department increased its manpower in the area. The reason for this was because the Police Department had instituted a similar effort on J street the previous year and the result was less crime in that area. Currently 2 two man squad cars and one motorcycle unit are assigned to the Franklin Boulevard area. The J Street area is assigned 3 walking officers, 2 squad cars and 3 motorcycle units.

Deputy Chief Finney stated that the increased enforcement must be continued on a regular basis or the same problems will return. He also stated that the increased manpower requires time to become effective and that although they have seen some improvement, more is anticipated.

He also stated that, "low-riders" have more attention paid to them because they are easily recognizable. Since low-riders are modified automobiles they have a greater tendency to be unsafe and may be pulled over for safety checks. He also stated that low-riders that have their hydraulic systems in operation are cited for reckless driving.

Deputy Chief Finney stated that to his knowledge, no police harassment has occurred on Franklin Blvd. But that if it does the only manner in which it will be brought to his attention is by having the parties involved file complaints with the Police Department. He stated that if a complaint is filed, or if numerous complaints are received about a particular officer, then a full investigation is conducted. The result of such an investigation could be:

1. To sustain the allegations;
2. not sustain the allegations;
3. exonerate the officers conduct; or

4. consider the allegations unfounded in fact.

He stated that beginning December 7, 1979, many of the merchants will post "no trespassing" signs and give written authorization to the police to enforce the signs.

He also stated that the problem has improved in the area since the increase in manpower and the involvement of the South Sacramento Watch and Action Group.

Also, statistics that Deputy Chief Finney released to staff, indicate that during the time period between June 1, 1978, and May 31, 1979, the crime on the Franklin Blvd area was 42% of that of J Street area. The arrest rate for that same period of time in the Franklin Blvd area was 28% that of the J street area.

Deputy Chief Finney also stated that heavy enforcement in this area may not solve the problem because the Mexican-American youths will move elsewhere to do the same thing.

#### South Sacramento Watch and Action Group's Representation

This group of parents and concerned citizens was organized by Mr. and Mrs. Goldvarg to help mitigate the nature of the problem that they perceived to exist on Franklin Blvd.

Mr. Goldvarg stated that the group had heard of so many incidents of harassment that their own presence on Franklin Blvd would eliminate rumors and reduce the tension. This group basically makes its presence known to "insure fair play". This group has informed Deputy Chief Finney of their purpose. His response was that if they see any wrong doings, they are to get the officers badge number and report it.

Mr. Goldvarg related to staff that the youths are afraid to file complaints for fear of retribution by police officers.

One specific incident that has been observed by this group was as follows:

Two police officers stopped a Mexican-American youth. One officer accused him of drinking, the other officer stated that he had not seen the youth drinking. The youth was given a ticket, handcuffed and placed in the squad car pending a warrant check. When it was determined that no warrants existed, the youth was let go.

Mr. Goldvarg also stated that one officer was overheard saying "low-riders look stupid". When this was brought to Deputy Chief Finney's attention, he told the officer that it was not a joking matter and that he should keep such remarks to himself.

### Specific Incidents

J. Flores related the following 2 stories to staff:

1. That he is 32 years old. That he has been detained by police officers on two separate occasions after leaving a liquor store. Both times he asked the officers what was wrong. Both times the officers stated, "nothing yet". Both times they checked his identification and presumably went back to their squad cars for warrant checks. After no outstanding warrants were found, they said they were sorry and let him go.
2. Officer Lee detained two individuals and attempted to cite them for double parking. Because his radio warrant check was taking too long, he placed one of the individuals in the squad car and drove him to a phone booth to call for the warrant check. When no warrants were found, both individuals were allowed to go.

Staff has the names of several others who allegedly have witnessed similar situations but as of yet, have been unable to contact them.

J. Kennedy related the following information to staff:

1. That in a one month period, he received 40 vehicle violation tickets on his low-rider for such things as: having his windshield wipers too low; having faulty wiring because his radio wires extended below his dashboard; steering wheel too small; no rear license plate light and for driving too slow, obstructing traffic. He alleges that he would not have been singled out for such treatment if he had not been driving a low-rider; subsequently a judge has dismissed all 40 violations.
2. he alleges that he has been detained for up to 3 hours for safety checks and warrant checks;
3. he also alleges that Officer Lee has threatened to kill him.

On December 11, 1979, M. Sanchez filed a civil suit against the City of Sacramento and four of its police officers alleging false arrest on May 19, 1979 on Franklin Boulevard. His suit alleges that the arrest was "willful, wanton, malicious and oppressive".

### Merchant's Representations

The following facts are attributable to conversations staff has had with 3 merchants on Franklin Blvd, Ray Gin, Manager of Food City; Paul Long, Proprietor of Vienna Shoe Repair; and Manager of Farmers Market.

All 3 establishments now have signs which state "No Trespassing after Business Hours, Violators Will Be Prosecuted P.C. 602". These signs were put up on December 7, 1979. All 3 concur that this appears to be the best weekend since the problem existed. It was also concurred that the major problems were littering, vandalism, and burglary. They were also cautious to state the problem was solved. The attitude was, that only time will tell.

Mr. Long, who has been in the same location for 18 years, stated that the problem only began last summer and that for the past 3 weekends, the problem seems to have improved dramatically.

They attribute the improvement to:

1. No trespassing signs;
2. increased police manpower; and
3. parent involvement.

#### Personal Observations

On December 1, 1979, a staff member of the Commission observed the Franklin Blvd area from 10:30 P.M. - 12:00 P.M., from his own car. The following is a description of what was observed:

1. 7 Squad cars in a 4 block area. Deputy Chief Finney stated that one possible explanation for so many squad cars could be that they had been called in for assistance. But it appeared that this was not the case, because at any one time 4 or 5 squad cars were parked throughout the 4 block area, while the remaining 2 or 3 squad cars were citing persons for traffic violations. No other explanation was offered for the doubling of squad cars in the area.

On the same evening, staff observed the J Street area where there were 2 or 3 times as many youths parked and "cruising". Yet, staff only observed 1 squad car and 1 motorcycle unit. Deputy Chief Finney states that 3 foot patrol officers were there as well as 2 other units that staff had not observed.

From outward appearance, it seems that what was going on on J Street was very similar to what was going on on Franklin Blvd; drinking, cruising, and congregating. The only differentiating factor appears to be that the individuals on J Street are caucasian, while those on Franklin Blvd are Mexican-American.

Yet, the law enforcement manpower on Franklin Blvd seems to be disproportionately high. This in itself seemed to create a tension and suspect attitude on behalf of the Mexican-American youths who frequent the area.

2. Two Mexican-American youths were detained while driving low-riders for traffic violations. Both were detained from 20 to 30 minutes while officers were making radio communications. Deputy Chief Finney stated that other circumstances may have been discovered once the suspect was pulled over. This is one explanation, but a recent California Supreme Court Case People v. McGaughan (25 CAL. 3d. 577) (Nov. 13, 1979) stated that it was an illegal detention for an officer to detain an automobile driver for a warrant check if it would exceed the amount of time normally required by an officer to discharge his duties. The case held that 10 minutes was too long of a period of time. Based on the 2 incidents staff observed, and the ones that have been brought to staff's attention, it is suspect as to whether or not this law is being followed.

#### Staff Recommendations

Allegations of police harassment toward specific racial groups creates disharmony and unrest within a community. This is what has occurred on Franklin Blvd. The result being that segments of Sacramento's Mexican-American Community and low-riders have become resentful and hateful towards police officers.

This condition is potentially explosive. This fact is only one of many concerns which exist. Other concerns are:

1. Seemingly disproportionate number of officers in the Franklin Blvd area;
2. possible violations of individuals constitutional rights by being illegally detained;
3. frequency of alleged reports of police harassment.

Based on the aforementioned concerns, the staff is recommending that the Commission request the District Attorney and Grand Jury investigate possible constitutional violations of the Mexican-Americans who frequent the Franklin Blvd area. The staff is also recommending that the Commission request that the City Council, City Police Department, South Sacramento Watch and Action Group, and the Human Rights Commission work in concert to develop an independent Police Review Board that has the power to resolve matters such as these without having to resort to the judicial process.

The staff is also recommending that the Sacramento City Police work in conjunction with the Human Rights Commission in an effort to develop more open channels of communications between the Mexican-American, "low-rider" community and the City Police Department.

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CITY OF SACRAMENTO  
CALIFORNIA

OFFICE OF THE  
CITY MANAGER

December 20, 1979

CITY HALL  
915 I STREET - 95814  
(916) 449-5704

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Human Rights Commission Request

SUMMARY

The City-County Human Rights Commission is investigating the charges brought by parents surrounding the arrest of five young people on Franklin Boulevard. The Commission has requested the City to conduct an investigation and consider establishing an independent body to review complaints against the Police Department. (Attached is a letter from Executive Director Claudel Kennix and the Commission's minutes of November 28, 1979.)

BACKGROUND INFORMATION

The City Manager was asked to have Police Department representatives present at the Commission's meeting of December 19, 1979 to discuss the charges of alleged police harassment on Franklin Boulevard. After consulting the City Attorney, I concluded this was inappropriate since the case is still pending adjudication in the courts. Each of the defendants has the right to due process of the law. To publicly discuss any particulars of the pending case before it goes to trial could very well be prejudicial to their interests.

It is necessary at this point to describe the process of initiating an internal investigation. It should be noted that none of the five defendants has contacted the Police Department's Internal Investigation Section with regard to the incident. The father of one of the defendants did write a letter of complaint to Councilmember Thompson on November 6, 1979. The Internal Investigation Section contacted the father on November 7, 1979. The father indicated he would wait until a final disposition was made in criminal court before filing a complaint.

For the Internal Investigations Section to conduct an investigation into the alleged police brutality and harassment, it is necessary that the complainants and/or witnesses come forward to make statements. This provides the initial basis to commence an investigation. If any of the five defendants wish to make a complaint, they can do so and the Department will conduct a thorough investigation when their case is adjudicated.

The California penal code mandates that each police agency provide a procedure for investigating complaints against its personnel. The Sacramento Police Department's Internal Investigation Section (IIS) has been performing this function under the direct control of the Chief of Police. Two officers - a lieutenant and a sergeant - are assigned full time to investigate complaints made by citizens. Each and every case is investigated thoroughly and when an investigation reveals that an officer's conduct is improper, appropriate action is taken, which ranges from a reprimand to termination. The Chief of Police, with the support of the City Manager, is committed to maintaining a high standard of ethical conduct. The most recent case of a police officer being dismissed from the force was based on using excessive force in an incident involving young people. The process established to handle citizen complaints does, in fact, work.

The last area of concern expressed by the Human Rights Commission is that the Council consider establishing a committee or commission to investigate complaints brought against the Police Department. The operation of the Police Department is under the immediate supervision of the Chief of Police who, like all City Department heads, is appointed directly by the City Manager. Thus, the City Manager is ultimately responsible for the department's conduct and performance of its duties. Attached is a memorandum from the Chief setting forth his views.

In considering establishing an independent body to investigate the conduct of a City department, it should be noted that Section 34 of the City Charter clearly reserves to the City Council itself or a committee of its members the power to subpoena witnesses. Establishing an independent review board to perform this role would require a charter amendment. I would strongly recommend against such a course of action. At the same time the City Manager and the Chief of Police are prepared to work with the Human Rights Commission to develop programs aimed at fostering harmony and understanding in the community.

We have also discussed organizational changes within the Police Department to improve effectiveness in dealing with community concerns. Two years ago the department was restructured from four offices into three (Operations, Investigations and Administrative Services). At that time Community Relations and Crime Prevention were merged into one section and placed under the Office of Administrative Services. These two units have a strong similarity of functions and day-to-day interaction with the community. A primary reason for this move was to reduce administrative overhead and integrate tasks thereby creating a more cohesive unit to coordinate programs. While the section has been productive in many areas, improvement is still necessary. We intend to move the section into the Office of the Chief to establish a more direct reporting responsibility. It is anticipated this move will permit the Section to better integrate its activities and have more success with community programs. There are no cost factors associated with this organizational shift.

RECOMMENDATION

I would recommend that the City Council:

1. Await the outcome of the case involving the five young people prior to requesting any public report concerning the incident;
2. Instruct the City Manager to have the Police Department communicate to the Human Rights Commission an explanation of how an internal investigation is initiated and describe the process of how it is pursued; and
3. Be advised that the Community Resources Section is being moved to the Office of the Chief in an effort to improve its effectiveness.

Respectfully submitted,



Walter J. Slipe  
City Manager

cc: Claudel Kennix, Executive Director  
Human Rights Commission

# Human Rights Commission

# Human Rights Commission

# Human Rights Commission



December 5, 1979

Mr. Walter Slipe  
City Manager  
915 'I' Street  
Sacramento, CA 95814

CITY MANAGER'S OFFICE  
**RECEIVED**  
DEC 6 1979

## Commissioners

Daniel Polakoff  
Chair

Benton W. Horn  
Vice-Chair

Tina Marie Miranda  
Secretary

Gary Miller  
Treasurer

Ed Anderson

Linda D. Birner

Theodore A. Carthen

Katherine Crowder

Samuel J. Cullers

Denelle L. Ellison

Harold P. Machen

Sylvia Newberry

Bruce Ogden

Rev. Romeo J. Pimentel

Chamayo Yniquez

Claudel Kennix  
Executive Director

Dear Walt:

The Human Rights Commissioners, at its regular Commission meeting of November 28, 1979, heard testimony of alleged Police brutality and harassment against young Mexican-Americans in Sacramento. Especially protested by the Mexican-American Group, was the incident of October 27, 1979, which resulted in the arrest of five young residents of the area.

After much discussion, the Human Rights Commissioners agreed that a letter should be sent to the City Managers Office, requesting an investigation into the arrest of Robert Holguin, Ron Perez, Linda Aguilera Goldvarg, Margaret Aguilera Lopez and Patty Aguilera.

We are asking that such an investigation take place because this kind of incident disturbs the inter-group relationship of our Community and breeds duplicity.

The Human Rights Commission feels an investigation is necessary to restore confidence and harmony to the Sacramento Community.

Also, in conjunction with this matter, the Commissioners have questioned the feasibility of developing a Commission or Committee which would be established separate from the Police Department to investigate complaints brought against the Police Department, rather than have the Sacramento Police Department investigate themselves.





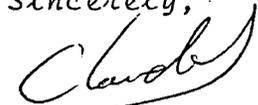
Page Two

Mr. Walter Slipe

It is the Commissioners wish that these two matters be referred to the City Council with a timely response.

Your cooperation in the above matter is greatly appreciated.

Sincerely,



Claudel Kennix,  
Executive Director

CK:cc

cc: All Commissioners

THE HUMAN RIGHTS COMMISSION

Regular Commission Meeting  
November 28, 1979  
City Hall, 915 I. Street  
City Council Chambers  
7:00 P.M.

\*\*\*\*\*

I. Call To Order: 7:00 P.M.

II. Roll Call:

Commissioners Present:

Horn  
Miller  
Birner  
King  
Greene  
Budd  
White  
Eckstrom  
Brooks

Commissioners Absent:

Anderson  
Green  
Speer

III. Approval of Minutes:

It was moved, Miller, and seconded, Brooks, to approve the minutes as submitted. The Motion carried.

\*\*\*\*\*

IV. Special Item:

Mr. Phil Goldvarg, representative of the South Sacramento Watch and Action Group, related his concerns about the arrest of three young Mexican-American women and two men. Mr. Goldvarg is alleging unjustifiable arrest and Police brutality.

Mr. Goldvarg feels this is an example of insensitivity on the part of some police officers in their relations with the Mexican-American Community. Mr. Goldvarg feels this is not an isolated incident; it has been happening for sometime. It happens on Franklin Blvd; Oak Park; Del Paso Heights and a number of other communities.

Mr. Goldvarg wants the Commission to be aware of what is happening; what the Committee is doing and he would like to communicate with the Commission on regular basis. He is asking the Commission's participation in an investigation being handled by the Police Department's Internal Affairs.



**CITY OF SACRAMENTO**

**RECEIVED**  
DEC 28 1979

**DEPARTMENT OF POLICE**  
HALL OF JUSTICE  
813 - 6TH STREET

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5121

**CITY MANAGER'S OFFICE**

**JOHN P. KEARNS**  
CHIEF OF POLICE

December 24, 1979

REF: 12-46

Walter J. Slipe  
City Manager  
City Hall  
Sacramento, California

Dear Mr. Slipe:

The Human Rights Commission has made a recommendation to the City Council that they establish a civilian review board to review alleged police misconduct. The Sacramento Police Department has carefully examined the subject of civilian review board.

The Sacramento Police Department is strongly opposed to the formation of a civilian review board. The attached position paper clearly indicates that one is not needed. There are several other agencies and bodies which can provide this service.

Respectfully submitted,

  
JOHN P. KEARNS  
CHIEF OF POLICE

JPK:RCB:jt

Attachment

## SUMMARY

A question has been raised regarding the desirability of forming a civilian review board whose function would be to investigate police practices and actions. The Police Department recognizes that members of the Department must be accountable for their actions and conduct. Full accountability of police actions is presently provided both internally and externally through various investigative and regulatory bodies.

This paper carefully examines the subject of police accountability and civilian review boards. It is the Department's position that the creation of a civilian review board is unnecessary and undesirable.

## POLICE ACCOUNTABILITY

The police function is to protect life and property within the community it serves. However, in performing this duty, the members of the Police Department must also be accountable for their actions and conduct. This accountability is provided for both internally and externally through various investigative and regulatory bodies.

The internal accountability provided by the Police Department to the community is one of the most direct and thorough means available of investigating allegations of Police Officer misconduct. High professional standards and ethics of the department are compromised when an officer behaves in a manner contrary to the law or community standards. Such an employee brings disgrace to all members of the Department and jeopardizes community confidence in law enforcement. When an investigation reveals that an officer acted improperly, the Chief of Police takes appropriate disciplinary action and, if warranted, forwards the case to the District Attorney for criminal prosecution. In the same light, however, when an investigation exonerates the officer of all allegations, the Chief will support that employee to the fullest.

State law requires each City Police Department to establish a procedure to investigate citizen complaints against the personnel of that department. The Sacramento Police Department's Internal Investigation Section performs this function and as part of departmental policy, advises the complainant as soon as possible of the outcome of the investigation. Keep in mind, however, that it would be improper for the Police Department to publicly discuss a case that has yet to be adjudicated in the courts. In fact, if the defendant were later found guilty by the courts, the pre-trial discussion in which the Police Department had participated could be the basis for having the case appealed or a mistrial declared. Therefore, in those cases, the Police Department would be compelled to wait until after court adjudication before completing the investigation.

Experience indicates that defendants often allege improper Police tactics prior to trial, knowing full well that if the Police respond, it can damage the prosecution of the case. The proper place to adjudicate the case is in the courtroom and not through public accusations or name calling.

The Internal Investigations Section of the Police Department, closely supervised by the Chief of Police, seeks to quickly and completely investigate all allegations of Police misconduct. It is an inherently more rapid process than any external investigative body, utilizing trained investigators to conduct the investigations. The process for handling most incidents is less formal than external review yet insures the basic protection of individual rights. The internal affairs system uses already existing channels of communication, both formal and informal, thus encouraging a freer flow of information and insuring a more reliable end product. Most importantly, the internal investigation system reinforces the supervisory and administrative responsibilities of the staff.

When an internal investigation has been completed and following any criminal prosecution, if appropriate, the complainant will be advised of the outcome of the investigation. If dissatisfied with the results, the complainant may seek several external avenues of redress: the local prosecutor, the Grand Jury, the criminal courts, the Department of Justice, the F.B.I., and the City Manager and Council.

The Sacramento County District Attorney's Office may be contacted when a citizen feels a criminal act has been committed by a Police Department employee. The District Attorney's Office may then initiate an independent investigation of the alleged misconduct and take appropriate court action.

An alternative is to approach the Grand Jury. The Grand Jury is composed of lay members of the community who have the authority to investigate alleged public offenses, including those committed by Police Department personnel. Following the investigation, the Grand Jury may present its findings to the court in the form of an indictment.

The criminal courts are another entity which closely monitor police conduct. Some of the most common complaints received by the Police Department are those involving illegal entry, improper searches and false arrests. During the course of the defendant's trial, the officer's behavior in these areas is subject to very close scrutiny, leaving it up to the courts to rule if the officer was correct or in error in his actions or judgment.

Both the California Department of Justice and the Federal Bureau of Investigation become actively involved in the investigation of alleged acts of civil rights violations on the part of Police Officers. These are professional organizations whose goal is to provide full protection and guarantees of the law to all individuals. One of their specific functions is to examine other law enforcement agencies regarding compliance to civil rights laws. A citizen who is dissatisfied with the internal investigative findings and resultant disposition may also take his complaint to the City Manager or the City Council. The Police Department is not an independent agency, but rather is part of the city government and accountable to the City Manager and City Council. The Manager and Council may initiate a variety of actions in response to the citizen's complaint.

In reviewing recognized publications concerning police and local government (Local Government Police Management by the International City Management Association; Police by the National Advisory Commission on Criminal Justice Standards and Goals; and others), the subject of civilian review boards is discussed. It is generally concluded that civilian review boards have met with

little success. The publications indicate that the external review of police is already available through existing institutions of government (as discussed previously). Creating another review agency on a model that has usually failed is not the answer. The effective use of the many governmental agencies already empowered to review police agency activities is a better solution.

The Chief of Police has instituted numerous avenues for members of the community to express themselves. Not only does the Police Department have an Internal Investigations Section which responds to complaints against specific officers, but there are also methods by which the community can influence departmental policies and procedures. This is accomplished through the daily contact of the patrol officer with citizens and also through the Department's active community relations and crime prevention programs. In addition, the Chief of Police and his management staff meet individually with community groups, organizations, and clubs on a regular basis. It is through this total community exchange that the Department is held accountable and responsible.

#### CONCLUSION

The Sacramento Police Department is a community agency that is accountable to the citizens of the city. It is generally accepted that civilian review boards are ineffective and unsuccessful, particularly in light of the fact that there are several internal and external methods through which a citizen may express a concern or complaint. The Sacramento Police Department has active programs which encourage a healthy interchange of ideas between the police and the community. Therefore, the Police Department is strongly opposed to the implementation of a civilian review board.