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SEARCH

Criminal Justice News and Analysis

Published by The San Diego Regional Criminal Justice Planning Board

Room 268—County Administration Center—San Diego—California 92101—Phone No. 239-7711, Ext. 1200

Issue #6 February, 1972

IS CONSOLIDATED CRIMINAL JUSTICE PLANNING POSSIBLE?

How do you evaluate the collective efforts of twenty-four agencies with twenty-four distinct functions cutting across city, county, state and federal boundaries, and of which local agencies alone spend over $60 million per year in San Diego County? This is the task before the San Diego Regional Criminal Justice Planning Board. San Diego, one of twenty-one regions in California, has been designated "Region U" by the California Council on Criminal Justice (CCCJ). These regional planning units report to CCCJ, which then has the job of evaluating criminal justice statewide and allocating some $30 million in federal funds to the local areas for programs to better coordinate local resources and at the same time, respond to overall state needs.

The basic instrument in this process is the annual regional criminal justice plan. This document must include three elements:

1. A description of the nature and extent of crime in the respective regions and of the existing efforts by agencies to deal with it.

2. An analysis of issues, problems and needs in the administration and implementation of the justice system, and a ranking of the problems according to their seriousness.

3. A comprehensive, integrated plan to deal with the problems, using specific programs designed and operated by local agencies and community organizations. It must also include a one-year plan plus projections of needs and plans over the succeeding four-year period.

San Diego is now in the final stages of development of its preliminary 1972 plan which is scheduled for consideration in Sacramento during June of this year. Deputy Coordinator Lantz Lewis reports that the two initial elements of the plan, Existing Systems and Problem Analysis, have been completed. The multi-year action plan is scheduled for completion during the month of March. Prior to the June submission to CCCJ, the comprehensive plan is to be reviewed by the Regional Planning Board, the Comprehensive Planning Organization, and other local organizations.

WYATT EARP IMAGE REDUCED BY SDPD

Recently the San Diego Police instituted a change in the design of gun holster for uniformed officers. The old holster was of the swivel-type, while officers now may choose between the "high-rise," or the "cross-draw" variety.

The department sees several advantages in this change. First, officers will be less vulnerable to being disarmed since they can readily clamp an arm against the new holster type. Second, they can reduce the complaint that "he threatened to pull a gun on me," caused by officers resting a hand on the low-slung gun butt. Finally, the modern design is less reminiscent of the old gunslinger image of frontier days which has for years been a negative factor in police/community relations.

CRIMINAL JUSTICE INSTITUTE CONTINUES AT STATE COLLEGE

Dr. Thomas Gitchoff of San Diego State's School of Public Administration has announced the 1972 schedule for the continuing Criminal Justice Institute Series. The series carries one semester unit of college credit for each weekend session at a cost of $25 per session. The dates and topics planned are as follows:

Feb. 25-26 - Obscenity and the Law: Censorship or Free Choice?
Apr. 28-29 - Juvenile Delinquency and the Schools
July 7-8 - Political Crimes, Militancy and Radicalism in a Democratic Society
Sep. 29-30 - The Sexual Offender and the Psychopath
Nov. 17-18 - Victimless Crimes: Legislative Implications
Jan. 12-13 (1973) - From Prohibition to Pot: The Legalization of Marijuana or the Criminalization of Society

The February, April, and July sessions will be held in the Community Center of the College Grove Shopping Center, Highway 94 and College Avenue. Mr. Ray Johnson is Instructor/Coordinator for the program; he can be reached at 286-6209 for information.

NEW ILLEGAL ALIEN LAWS UNDER FIRE

The perennial Southwestern problem of illegal Latin American aliens has come into a new focus recently as a result of a proposed modification of the California Labor Code providing penalties for those who knowingly employ aliens residing illegally in this country. Before the measure could take effect, Judge Charles H. Church of the Los Angeles Superior Court ruled the measure unconstitutional and ordered an injunction to prevent its enforcement.

While the proposed legislation has drawn charges of racism and discrimination, the issue is not one which has polarized opinion along liberal/conservative lines, at least not in California's Mexican community. Herman Baca, of La Raza Unida (the aspiring Mexican-American political party), strongly supports Judge Church's injunction and is seeking similar action outside the Los Angeles Court's local jurisdiction. Baca's argument is that the measure discriminates against all people of Mexican descent, whether they be aliens, naturalized American citizens, or were born here of Mexican parents or grandparents.

Peter Chacon, Democratic State Assemblyman from San Diego, on the other hand, expressed disappointment at the ruling. He had supported the bill as a means of combatting the problem of illegal aliens taking jobs from domestic workers, the original intent expressed by the bill's sponsor, Republican Assemblyman Dixon Arnett.

Perhaps the best measure of divided Chicano opinion comes from the San Diego's Chicano Federation. Director Richard Gonzales reports that their official position is in opposition to the measure on grounds it "singles out one ethnic group for sanction." But this position was arrived at only after a heated, emotional debate with the range of disagreement as wide as the spectrum of opinion represented by the federation's thirty-five affiliate organizations.

In the broader context, the Arnett Bill controversy symbolizes issues which have historically caused friction in the U. S./Mexican Border Region, and which have cross-cultural, even international ramifications. The struggle to resolve these issues will continue to influence race relations in our community, the most obvious impact coming from the inevitable involvement with our criminal justice system.

WHAT'S THE PROGNOSIS FOR CAPITAL PUNISHMENT?

Developments:

1. On Feb. 18, 1972, in connection with the case of People Vs. Anderson, the California Supreme Court abolishes the use of capital punishment in this state as a modern form of "cruel and unusual punishment", which is expressly forbidden by the United States Constitution.

2. Governor Reagan immediately announces a campaign to protest the State Supreme Court's action and to get the death penalty reinstated.

3. State Attorney General Evelle Younger announces plans to appeal the court decision all the way to the U.S. Supreme Court if necessary, partially on grounds that the State Court should not be involved in an issue which is pending before the U.S. Supreme Court.

4. State Senator George Deukmejian proposes an amendment to the State Constitution which would reverse the State Court decision, thereby taking the question "to the people."

5. The 104 inmates on California's death row whose death sentences were commuted will not be affected whatever the result of the numerous challenges to abolition. Younger's determination is that they can never be returned to death row.

6. The abolition decision is widely praised by civil rights and humanitarian groups around the nation, such as the American Civil Liberties Union, the California Trial Lawyers Association, the United Prisoners Union, the American Lawyers Guild, and others.

7. Several cases are pending before the U.S. Supreme Court this session which most authorities agree will produce a national decision on capital punishment.

Analysis:

Proponents and opponents of abolition will continue the public debate with arguments ranging from doom to salvation. But sometime this year, the U.S. Supreme Court will cast its judgement and may resolve the debate in one of two ways. It can proclaim capital punishment to be in violation of the Eighth Amendment to the United States Constitution. If this occurs, all such provisions in all state statutes throughout the land will immediately become null and void.

On the other hand, should the court find that capital punishment per se is not in conflict with the constitution, the states will then retain their existing discretion to determine whether to maintain capital punishment as the ultimate weapon in their penal systems.

VIEJAS CLASSIFICATION CENTER CONVERTED TO CAMP

Honor Camp Assistant Director Gus Wood tells SEARCH that the Viejas Classification Center, formerly a sorting and dispersion point for the County Honor Camps System, has been converted to a full fledged honor camp now called Camp Descanso.

Descanso will be used for clients with specialized problems which would normally preclude their assignment at other facilities in the Honor Camps System.

Wood described the main examples as:

1. Clients with medical problems or physical disabilities severe enough to cause them difficulties working on road gangs and other routine kinds of activities.

2. Clients with unusual behavior problems making them unsuitable for most minimum security camp facilities. These clients in the past have simply been returned to the maximum security setting of County Jail.

To prepare them to work with this second kind of client, the entire staff of Camp Descanso has recently undergone intensive training orienting them toward a "therapeutic community" treatment model. Initially, they will be working with up to twenty clients. As staff gains experience and confidence with the new techniques and as ongoing evaluation will determine, the number of clients will be increased in planned increments up to a maximum of sixty people. No increase in staff is anticipated at this time.

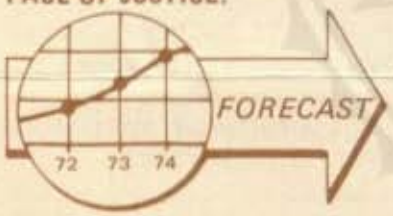
POLICE AMBULANCE SERVICE INCREASED

Two more police ambulance units will shortly be added to the existing fleet of sixteen vehicles, according to Inspector William Schenck of the San Diego Police Department. One will be to cover the Lake Murray area, the other is to be assigned in Encanto-Paradise Hills.

As a result of recommendations by the County Emergency Medical Care Committee, the new units will be experimental in one respect. Instead of the traditional Ford station wagon, they will be Ford Econoline vans. The high roof of the van allows the ambulance attendant more room for emergency treatment on the way to the hospital.

The vans do present one problem, however. The police have some trouble visualizing the bulky Econolines pursuing a hot Corvette for a speeding violation.

A COLUMN ON THE EVER-CHANGING FACE OF JUSTICE.



You've heard the arguments about capital punishment a hundred times. -- It deters premeditated murder. It never did and never will. Well, it's hard to prove whether it does or it doesn't, but just in case it does ... Human life is sacred; the state has no right under any circumstances to take a life. Well, tell that to the murderers! And so on.

So why should you read it all again? Okay, let me try to coax you a bit.

When the recent decision to scuttle the death penalty in California came down, it seemed like a logical subject for SEARCH. But from what angle? Somebody suggested interviewing some San Diego officials on what effect they thought the decision will have. Frankly, we had a "Ho-hum" attitude about re-hashing the perennial pros and cons of the subject. But we did it anyway, and the experience turned out to be fascinating.

Our sample consisted of two police chiefs -- one from a large urban setting, one from an outlying area; three men from the courts system -- a criminal defense lawyer, a prosecutor, and a judge; two corrections officials -- the Honor Camps Director, and the Sheriff's Detention Bureau Chief; and two informed people from the community. All but the judge are on the Criminal Justice Planning Advisory Committee.

They were asked to respond to this question:

IF THE DECISION TO ABOLISH CAPITAL PUNISHMENT IS UPHELD, WHAT EFFECTS WILL IT HAVE ON: a. THE CRIMINAL JUSTICE SYSTEM? b. THE COMMUNITY AS A WHOLE?

The question called for a forecast of the impact of the abolition decision. As you will see, the responses did just that. But they did more. Yes, they represented most of the time-worn arguments,but with some interesting refinements, some new subtleties, and perhaps some signs of a changing public sentiment.

To read or discuss the pros and cons of the death penalty in the abstract is one thing. To hear them face to face from people who administer the justice system carries the sobering stamp of reality. Here's how a police chief, a lawyer, a judge, a D.A. feel. And, we are told, people's attitudes in large measure govern how they act.

SAN DIEGO POLICE CHIEF RAY HOOBLER: There will need to be a revamping of our criminal justice statutes, particularly those concerning 1st and 2nd degree murder. The cost of processing 1st degree defendants will go down because there won't be the old two-phase trials (guilt phase and penalty phase), and there won't be the endless, costly appeals of the past. But it will cost more to maintain people in custody for years who used to be executed.

Correctional personnel's work load will go up since "life sentence without parole" will become a fact, especially for certain heinous crimes. But a review of the laws on capital crimes should produce change. For example trainwrecking might be reclassified as something less than a capital offense.

Studies show that the community will suffer as convicted murderers are released on parole "only to kill again." The "silent majority" will become more vocal, and will resort to more violent means to protect their homes and properties.

GILBERT HARELSON, PRESIDING JUDGE, CRIMINAL SECTION, SUPERIOR COURT: "The death penalty was and is a deterrent," so first degree murders will increase. While it really can't be shown conclusively whether it deters violent crimes or not, we should retain capital punishment as long as we feel it might deter.

Taxpayers' money will be saved because two-phase trials will be eliminated. But in the short run, those 104 convicted murderers now on California's Death Row might demand and get new trials on the basis that prospective jurors in their cases were screened out because of anti capital punishment philosophies. Therefore, those groups traditionally opposed to the death penalty -- Democrats, Jews, racial minorities, young people -- have largely been kept off first degree murder juries.

The public will be further endangered as convicted first degree murderers are released on parole after as little as seven years in prison.

MS. GRACIA MOLINA DE PICK, COMMUNITY REPRESENTATIVE: Perhaps we will now begin to look seriously and with more imagination at rehabilitating people. Capital punishment, punishment in general has been the system's reaction to the violent symptoms displayed by minorities and the poor. It has also been used as a political weapon to exterminate radicals and dissenters such as labor agitators, civil rights activists; the Rosenburgs make just one prominent example. Maybe now we can focus on the underlying societal conditions out of which these symptoms grew.

The violent attitudes of young minorities can be traced directly to persistent pressure, often violent pressure from whites. The result (symptom) is to strike out violently in defense. This reactive violence in turn brings minorities in contact with the criminal justice system, where they have been handled with far greater severity than the majority offenders. The hugely disproportionate number of minorities in jails, prisons, and execution chambers in this country has been a major factor in discrimination and racism throughout America's history.

"I hope the Anderson decision will focus renewed energy upon this fundamental injustice which so blatantly violates the precepts upon which our country was founded."

ERNEST SABLE, DETENTION BUREAU COMMANDER (COUNTY JAIL): "Armed robbers would now be foolish not to kill their victims." They'd have nothing to lose and everything to gain from killing witnesses to their crimes.

If a prison inmate wants to murder a guard or another inmate, he'll find a way. So no security measures can prevent it. Now he hasn't even got the deterrent of the death penalty to worry about, so there'll be a big rise in killings of guards.

Increased violence and murder will mean a bigger workload on the jails, courts and prisons.

There will be more applications for weapons and greater traffic in illegal weapons.

CLIFF BLEVINS, COMMUNITY REPRESENTATIVE: There will be cries of outrage from the public, law enforcement, and from criminal prosecuting attorneys. But once they see the disasters they predicted aren't coming to pass, positive changes will occur. There will be a flood of proposals initiated by the community aimed at correcting the inequities of the system and promoting effective, humane ways of truely rehabilitating the convicted class.

WARD RADCLIFF, CHIEF, OCEANSIDE POLICE DEPT.: Law enforcement will suffer. "There'll be more killings of policemen than ever, and it's tough enough already out there." This will make police recruiting harder. Wives will be reluctant to let their husbands take police positions. The whole community will suffer as the quality of police officers deteriorates because of recruitment problems.

Also, "What's to keep these people from getting out and commiting these crimes over and over." There'll be no fear of punishment when criminals can just serve a few years and get paroled.

"Nobody forces these people to commit crimes."

HONOR CAMPS DIRECTOR FRANK WOODSON: There is little impact that can be predicted. The "fear reaction" [increased homocides, etc.] of many of the justice system people cannot be substantiated by statistics or other historical evidence.

There will be significant impact on prison officials. New alternatives must be provided for inmates other than just rotting away in maximum security cells.

The majority of Honor Camps, Youth Authority, and other treatment oriented people will favor the abolition decision. Apart from the moral question of the sanctity of human life, "I've never seen anything to show that it deters violent crime."

KEVIN MIDLAM, CRIMINAL LAWYER: (Note: Midlam was the last defense attorney to defend in a capital case in California prior to the February'72 abolition decision.)

There will be reduced court costs. Studies have always shown that capital cases cost the taxpayer more than "life sentence" cases. The cost of initial trials average around $50,000. Then appeals numbering three to seven or more, often going to the U.S. Supreme Court, make cost astronomical, not to mention the overload on courts and related systems.

The public will react in fear, focusing on such spectacular and exceptional case as the Sirhans and the Mansons. They don't realize that, even under current law, these notorious offenders are not "turned loose on the public", but nearly always serve true life sentences, or close to it. Leopold and Loeb is a case in point.

There will be no appreciable change in the violent crime rate. Studies done comparing states (and nations) which have abolished the death penalty with those which have retained it consistently show no significant change in any category of crime.

In the Hart Committee (Calif.) Senate hearings of the early 1960's, long-time warden of San Quentin Clinton Duffy, testified that of literally thousands of convicted murderers he had personally interviewed over the years, not a single one said he weighed the risk of capital punishment prior to the killing. Furthermore, felons who used fake or unloaded weapons in carrying out their crimes said they did so not because they feared execution, but because they didn't want to injure anyone.

So, state-inflicted death serves no moral or practical purpose for society; in fact it does the reverse. Death by torture, burning, gasing, hanging, and the rest only encourage the legitimization of violence by decreasing man's reverence for human life.

PETER LEHMAN, ASST. DISTRICT ATTORNEY: Violent crime rates will go up because a major deterrent has been removed. The California Supreme Court ignored the many cases which specifically showed that fear of execution stopped people from killing. For example, the Love case (56 Cal 2d 720) cites fifteen court cases in which defendants claimed they would have killed their victims if the death penalty were not hanging over their heads.

If the decision (abolition) is confirmed we will need new statutes and procedures to provide effective alternatives to the death penalty such as life sentences without possibility of parole.

As to the "sanctity of life" argument, that kind of discussion is purely conjectural and philosophical, therefore has no practical application in considering the question of capital punishment. We cannot measure whether or not the taking of a life under the sanction of our legal system influences the public's attitude toward violence.

Admittedly, the efficacy of the death penalty as a deterrent is virtually impossible to prove or disprove but as long as one life is saved because somebody thinks about the existence of the death penalty, then the death penalty is good.

"As far as I'm concerned, I would be willing to personally drop the pill [potassium cyanide pill which emits toxic gas in the gas chamber] on everybody in death row right now to save the life of that one victim."

POLICE COOPERATE AS CONVENTION PROTEST BEGINS

The Royal Inn at the Wharf, headquarters for the August Republican Convention, saw San Diego's first overt sign of the protests to face the convention. Nearly 200 farm workers and supporters of Cesar Chavez's United Farm Workers Union marched quietly in front of the hotel complex most of the day on March 16th. The pickets' objective was to protest the policies of the Nixon Administration toward farm workers, and to foretell further demonstrations they plan for the August convention.

According to both the march leaders and police officials, the relationship between demonstrators and police was cordial and cooperative. Communication remained good throughout the day, as police and hotel management praised the orderliness and dignity of the marchers, and expressed hope that future demonstrations by this group and others would remain as peaceful.

LOCAL ATTORNEY MAKES JUDICIAL COUNSEL

The Board of Governors of the State Bar Association announced the appointment of William B. Enright to the prestigious California Judicial Council. Enright, a member of the American College of Trial Lawyers, was president of the San Diego County Bar Association from 1967 to 1970.

TO SUBMIT NEWS OR COMMENTS TO SEARCH, CALL JEFF GHELARDI, CRIMINAL JUSTICE PLANNING – 239-7711, EXT. 1200.

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