1976

Danny Trevino Investigation file

Kathryn Blackmer

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TO PROTEST THE KILLING OF
DANNY TREVINO

MARCH ON
CITY HALL
FEB 17

TUESDAY

MASS RALLY AT ST. JAMES PARK
5:00PM. 1ST & ST. JAMES STREETS
MARCH BEGINS AT 6:30 PM.

COMMITTEE FOR PUBLIC SAFETY FOR FURTHER INFO: 259-8651
**Investigation of the Death of Danny Trevino**

January 22, 1976 – San José, CA
Confederacion de la Raza Unida

Archive of Dr. José D. Villa
Committee on Public Safety, Committee Co-Chairperson

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Item #4:

On the July 20, 1974, Officer Craig Smith arrested my twelve year old daughter in Eastridge Shopping
Center. He stated this was because she had a poor attitude. My daughter was held for 26 hours before I
found out where she was. And even then I didn’t get that information from the police department.

Lt. Fred Adbram said he had talked to the two officers and as far as he was concerned the case was
closed, and if I didn’t like it I could get me a lawyer and file a lawsuit. Yet when Lt. Adbram’s son was
picked up for possession of marijuana he was not locked up and his father was notified immediately that
he was at the police station.

I don’t think he was better than my daughter even if he is white and my daughter happens to be black.

Since Office Smith is now a murderer I think its about time the law dealt with him.

Helen G. Grumbach
**Item #11:**

March 30, 1976

Speakers at Guadalupe Church

1. _____ Candelaria – Monitors
2. Henry Howell – AIM
3. Pat Orozco
4. Henry Dominguez – Monitors

St. James Park

1. Jose Villa – COPS
2. Bert Corona, Founder – CASA
3. Bea Robinson – COPS
4. Rev. Cecil Williams – Glide Church, SF
5. Tony Estremera – San Jose Activist
6. Dennis Banks – AIM
7. Larry Trujillo – Director Chicano Studies UC Berkeley
8. Flor Del Pueblo
9. Corky Gonzales
10. Ed Mirch Valley Coalition
11. John Turrell
12. Bill Tolliver – Delancey Street, SF
13. Christina Vasquez – Mission Childcare Consortium
14. Leh Brightman
15. Angela Davis message by Sammi Madison
16. Al Hernandez – State Vice Chairman GI Forum
17. Mattie Shepard – Tyrone Gyton’s mother
18. Dr. Ernesto Galarza – San Jose

**Item #13:**

February 4, 1976

COPS Coordinate task groups

1. Community Desk – Info – phone #
2. Organize
   a. Resources
   b. Materials
   c. Staff
3. Newsletter
4. Publicity
5. Emergency - _____ and then talk
6. Evaluation Unit
a. Value of info
b. Consistency factor
7. Finance – fund raising for independent investigation
1. Process – Dealing with a problem on an ongoing basis – Oppression
2. Organize – Focus – police killings
3. Procedures – Steps
   i. Understand – why?
   ii. How?
   iii. What?
   iv. Who will do it?
   v. Timewise – when

Goal: Safe Community

Objective: stop Policy Killing

1. Activities – Specific
   a. Angel Rios open
   b. Agenda – Henry Gage
      i. Co Chair report, Villa and Gage

2. Petition – Sofia – attendance sheets
3. Security
4. Tables at all entries – Mariana
5. Friends – Ben, Henry Gage, Eloy.

Item #26:
Page two of memo, marked out sentence (original highlighted).

The issue on a weapons policy has been whether a Police Officer should be allowed to fire his weapon only when either his life or that of another person is in danger or whether the Police Officer can fire his weapon in the apprehension of a person committing a felony either by force or by threat of force. The latter is present Departmental policy and the former is the recommendation of the Ad Hoc Committee. After due consideration f this matter, the Chief of Police has recommended the adoption of the policy proposed by the Ad Hoc Committee on this matter. A report including an appropriate insertion in the Police Department Administrative Manual implementing this proposal is shown in Attachment C to this report.

Item #43:
Don’t Morn, Organize??
A few weeks ago, a Chicano brother, Danny Trevino, was murdered by a San Jose policy agent in cold blood. The same ___ occurred in the policy slaying of a Black brother, John Henry Smith a couple of years ago. This sort of police terrorism has become ______ as apple pie.
The local Chicano community along with progressive Blacks and whites are presently attempting to gain mass support in order to take certain necessary steps to minimize this sort of viciousness. The creation of a citizen police review board is one way of attempting to keep San Jose police agents in check and perhaps may prevent the senseless murder of other citizens.

Many of us confined here in the Santa Clara County Jail, perhaps better than anyone else, recognize the dire necessity for our keepers to be held accountable for their arbitrary and capricious actions. In an effort to show our support and solidarity with those who are protesting against such gross injustices atop join spirits with you in this rallying cry to bring about community control of the san Jose police force.

The political conscious prisoners her are fervently urging all inmates to participate in a mass food boycott the entire day of Saturday February 28th in righteous protest of the police murder of Danny Trevino and John Henry Smith. This is the very least we as prisoners can do. The next victim could be your sister, brother, mother, father, or.... you.

We also ask that concerned community organizations, groups, and individuals join hands with us in obtaining the lest of legitimate` prisoner demands submitted to the Santa Clara County Board of Supervisors (date?) – unsigned.

Item #56, page 115

939.9 A Grand Jury shall make no report, declaration, or recommendation on any to be Based on Direct matter except on the basis of its own investigation of the matter made by the Investigation Grand Jury. A Grand Jury shall not adopt as its own the recommendation of another Grand Jury unless the Grand Jury adopting the recommendation does so after its own investigation of the matter as to which the recommendation is made, as required by this section. Remainder of document unreadable.

Item #57:

David Ledesma
Walt Davila
Jon DuBose – Autoworkers Ford & GM
Rocky Diaz
Sam Sepulveda
Ron Rocha
Glenda Horton
Art Cadili
Eli - MACSA/Casa Libre
Rich Stuart
Clara Olguin - MACSA
Ernie Abeytia – GI Forum
Steven Iversion – SJS Student Coalition
Against Racism
Maria Elena Vallez
Isela Teso

Bob Kunckey
Bob Grace
Valentina Pena
Roger Rudenstien
Fidel Rodriguez
Jesus Garza
Ray Ramirez
Eloy Campos
Willie Regaldo
Jose Gonzales
Sra. Sosa
Bernardo Arce
Sam Garcia
Elisa Maria Alimen
Nicolas Duran
Alexandria Ledesma

Erinca Bullomini
Paul Bullomini
Frances C. Lopez
Peggy Hernandez
Raul Cardenas
Rosa Cardenas
Ray Gonzales
Herman Vasquez
Marianna Rodriguez
Aztecaz Mayas
Mike Lopez
Frank Reza
Joyce Brody
Herman M. Vasquez
Julie Duenas
Marc Jablons
Item #66:

February 16, 1976

Meeting at the Family Services Agency of groups and orgs supporting COPS

Jack
__Wachter
Mary Raw
David Golt
J Friedman
Robert Garcia
Sofia Mendoza
John Cunningham
Craig ____
Ed M
Richard Curtis

Ray Grott
Rollie Smith
___
Paul Johnston
Eloy____
Re Suchirlain Moriarty
Manuel Tobim
Julian Frederick
Gayle Southworth
Ed Mirch

Item #68:

Janet Gray Hayes
Mayor San Jose
City Hall
191 N. 1st St.
San Jose, Ca

Dear Mayor Hayes,

I request that the Grand Jury conduct open hearings into the killing of Danny Trevino by 2 San Jose police officers.

There is much anger, distrust, and suspicion on a cover-up surrounding this killing. I believe that the public interest requires that an open hearing be conducted so that we may be assured that a full and fair hearing is being carried out. The public’s right to know and the accountability of the police agencies to the public override that potential danger of pretrial publicity.

As ____ have learned in recent years, secret hearings do not meet the requirement of the public’s right to a full and unbiased hearing.

Respectfully,

Heide Kelly
March 26, 1976

Mr. Anton Peterson, Foreman  
Santa Clara County Grand Jury  
190 North Market Street  
San Jose, California 95113

Re: Grand Jury investigation into the death of Danny Trevino

Dear Mr. Peterson:

The purpose of this letter is to make available the results of the investigation by the Committee on Public Safety into the killing of Danny Trevino. Despite an almost complete lack of cooperation by the police, the District Attorney's office and other governmental agencies, we have been able to assemble a small amount of evidence which has not as yet been made public. Even this small amount of evidence raises serious questions as to the accuracy and credibility of the police version of the events which resulted in Danny Trevino's death.

It has become necessary for us to write this letter because we have so far been unable to meet with you and the other members of the Grand Jury to discuss the Trevino case. We requested such a meeting in a letter dated February 23, 1976, and other than a brief note from you indicating that our letter had been received, we have received no response to our request.

Numerous governmental bodies and community organizations have urged that the Grand Jury hearings in the Trevino case be open to the public as provided in Section 939.1 of the Penal Code. We assume from the fact that no public hearings have been announced as of this late date that none will be held.

Because we have grave doubts about the impartiality
of the District Attorney's investigation of this matter and are fearful that the facts of the case will not be presented fully and fairly to the Grand Jury by the District Attorney, we have consistently urged that the Grand Jury exercise its statutory power to conduct a truly independent inquiry. Your unwillingness to meet with our committee or to authorize open Grand Jury hearings can only lead us to wonder whether such an independent inquiry will take place. We are left with no choice other than to make our limited information public, because we believe that the public is entitled to know as much as possible about the circumstances of this highly sensitive case.

The following items are enclosed herewith for your consideration:

1. Coroner's report re Danny Trevino dated January 22, 1976;
4. Letter of Theodore G. Smith on behalf of Committee on Public Safety to Presiding Judge Longinotti and members of the Grand Jury;
5. Copy of citizen complaint against Officer Craig Smith;
6. Letter from Jose Villa, Committee on Public Safety, to Anton Peterson, Foreman of Grand Jury, requesting meeting between Committee and members of Grand Jury, dated February 23, 1976;

We have had access to several additional items during the course of our investigation which we believe might be very helpful to your investigation, and we urge that these items be subpoenaed by the Grand Jury if they are not presented by the District Attorney. These include:

1. Pictures of the Trevino vehicle taken by an investigator for attorney Everett Rowe shortly after the shooting. These pictures would appear to be relevant to many of the questions raised in Mr. Smith's letter to the Grand Jury.

2. News film from television channels 4, 5, 7, and 11 showing the incident scene and witness interviews. The views of the scene are quite important in that they show the bullet hole in the driver's side window of the Trevino
vehicle. As discussed below, this window has since been destroyed and is no longer available as evidence of the bullet’s trajectory. The filmed interviews show eyewitness accounts of the incident recorded within hours of its occurrence.

3. Results of independent autopsy made by pathologist in San Bernardino, California. Significant among the findings of this second autopsy of Danny Trevino’s body are the fact that several small sections of the body were missing (in areas at or near where bullets are said to have been found) and the blood alcohol content of .27, .05 higher than the .22 found by the official County autopsy.

Because of the lack of cooperation of the police, the District Attorney and others with our committee noted earlier, there are obviously many critical items of evidence that we neither have in our possession nor to which we have had access. These items will be brought to light only if the District Attorney chooses to present them or the Grand Jury, acting independently, requires their production by subpoena. We urge the Grand Jury, as strongly as we possibly can, to obtain and examine carefully the following:

1. Reports of independent ballistics and criminalistics experts with respect to the shooting. There appear to be serious discrepancies between the available ballistics evidence and the police account of the shooting. According to the police, the fatal shot was fired from the passenger side of the car and entered Danny Trevino’s body in the lower right front of the neck. This bullet lodged in Danny Trevino’s body. A second bullet apparently was fired from the driver's side, both according to the police account and as evidenced by the bullet hole in the driver's window, and according to the Coroner, this bullet grazed the back of the right side of Danny’s head.

However, there were both bullet fragments and fragments of scalp found on the central part of the dashboard of the Trevino vehicle immediately after the shooting. There is no apparent explanation as to how these fragments could have been propelled to that spot by either of the bullets if the police account is to be accepted. Whatever help could have been provided by the placement of the bullet hole in the driver’s window is no longer available, since for some reason unknown to us, the entire window has been destroyed since the incident.

In light of these discrepancies, we believe that independent ballistics and criminalistics analyses are appropriate and necessary. We would be willing to help bear the cost of such analyses should the Grand Jury so desire.
2. Police incident report and report of blood analysis. These reports should contain the official account of the shooting by the officers involved. It should be borne in mind that these reports probably were not prepared until after the officers had had a lengthy consultation with their attorney and had had an opportunity to review the statements made by the citizen eyewitnesses. The blood alcohol report is significant in that we believe it will show that Danny Trevino was heavily intoxicated at the time of the incident, in fact so intoxicated that his state was likely readily apparent to the officers. The discrepancy of .05 in the blood/alcohol content of the body between the County Coroner's report and the report of the independent pathologist should also be investigated.

3. Testimony of eyewitnesses Maria Duarte, Maria Galan, Arcelia Martinez, Helene Ochoa and Magdalena Azdar. To varying degrees, these citizens observed the entire sequence of events which led up to and followed the shooting. We believe that the Grand Jury should obtain their direct testimony as well as reviewing the statements taken from them by the police after the incident and their statements to television reporters.

4. Tapes of telephone calls made to the police by citizens immediately prior to the shooting, and tapes of inter-police communications prior to and immediately after the shooting. If standard operating procedure was followed, the entire sequence of citizen and inter-police calls and communications concerning the Trevino incident were taped by the San Jose Police Department on the night of the shooting. These tapes of telephone and radio messages are of obvious relevance: the tone of the citizen calls, the directions given by the officers to each other and the attitudes of the officers while responding to the citizen calls all may be of help in recreating accurately the circumstances surrounding the shooting.

5. Photographs of the scene, the Trevino vehicle and the body made by the San Jose Police Department and/or the District Attorney's office on the morning following the incident. Like the photographs made by attorney Rowe's investigator to which we have had access, these photographs may be relevant to a number of questions previously raised by Mr. Smith's letter to the Grand Jury.

6. Results of sobriety tests, if any, made on the police officers involved in the incident. We have learned that some cities, such as San Francisco, regularly test the sobriety of any officer involved in a police homicide as soon as possible after the incident. If such a test was made in this case, the results would be extremely significant in assessing the officers' actions.
7. **Results of background investigation, if any, with respect to the officers involved in the shooting.**

We are not aware if any investigation has been conducted into the background of Lt. Edwards or Officer Smith since the Trevino incident. We would expect the District Attorney to offer some evidence to the effect that these officers were competent, experienced members of the San Jose Police Department. We believe, however, that a number of questions should be asked:

a) If no investigation of the officers' background was made, why was such investigation not made?

b) If such investigation was made, by whom was it made?

c) If such investigation was made, did it discover any evidence of past incidents of proven or alleged violence or other misconduct by either of the two officers, of citizen complaints against either of the officers, of a history of alcohol or other drug problems on the part of either of the officers, of any disciplinary measures taken against either of the officers, or of membership by either of the officers in any racially exclusive organization?

We are sincerely hopeful that the items which we have enclosed will be of help in the Grand Jury's investigation of the Trevino case, and that the suggestions contained in this letter will be implemented toward the end of an impartial and independent Grand Jury investigation.

Respectfully,

COMMITTEE ON PUBLIC SAFETY

Co-Chairperson

Co-Chairperson

cc: Presiding Judge
    Members of Grand Jury
    District Attorney
    News media
P. S. The Committee on Public Safety will be happy to answer any questions you may have about the attached letter and enclosures on Monday, March 29, 1976, at 11:00 A.M. at the offices of the Mexican-American Community Services Agency, 332 North 2nd Street, San Jose, California.
Commission on Social Justice - San Jose Interim Meeting
Thursday, February 5, 1976, at Noon
Sacred Heart Rectory, San Jose

**PRESENT:** Jose Medina, Fr. Cuchulain Moriarty, Sylvia de Trinidad and Jack Ahern, Fr. Bill Leininger, Mary Mirch, Bea Woodard, Elaine Ney, Ray Roman, Cipriano Montoya, Daniel Morales, Jaime Gallardo, Mike Johnston, Antonio Estremera, Sofia Mendoza, Inez Gomez, Janet Montelongo, Fr. Jack Isaacs

**Commission on Social Justice**
**Catholic Council for Social Justice of Santa Clara County**
**Bishops' Bicentennial**
**Indian Center of San Jose**
**American Indian Movement**
**Opportunities Industrial Center and Committee on Affirmative Action in Education, Santa Clara County**
**Cannery Workers Committee**
**San Jose Family Service**
**Chicano Affairs Office, Santa Clara**
**Women's Prison Work**
**Sacred Heart Parish**

**DENNIS BANKS:** Bea Woodard, Elaine Ney and Ray Roman asked for the Community's support in efforts to keep Dennis Banks from being extradited to South Dakota or Oregon where his life is threatened should he return. Organizations are asked to write to Governor Brown, with a blind copy to John Thorne, 510 N. Third St., San Jose 95112. The Indian representatives also announced a Dennis Banks Bicentennial Legal Offense Coalition. Contributions can be sent to this Coalition, P.O. Box #601, Oakland 94606.

**SACRED BURIAL SITE:** The Indian Center representatives reported that there is continued abuse of the sacred burial site on Camden in San Jose. People have been taking skeletons and various articles from the burial site. The latest possible abuse is the intent to build a bike-path over the grounds. Community support is requested in the form of letters to the San Jose City Council, calling attention to past abuses of the sacred burial site and objections to putting a bicycle path over the grounds.

**INDIAN SYMBOL AT STANFORD:** Bea Woodard, who also represents the Indian Center at Stanford, advised that there are 60 Indian students at Stanford and they are grateful to Fr. Moriarty for having been one of those instrumental in helping prevent the Indian being brought back as a symbol at Stanford. Bea also reported that there will be a talk by Sam Eaglestaff at the Tressiter Student-Union at Stanford on Feb. 12 at 8:00 P.M. and another talk on Feb. 23. She further reported that KPFA has initiated a regular broadcast on Indian affairs.

**OPPORTUNITIES INDUSTRIAL CENTER:** Cipriano Montoya, Job Developer for OIC, reported that a recent check revealed that the majority of people placed in affirmative action jobs in grocery and drug chains have been released within 30 days, the inference being the hiring has taken place with no intention to continue people in employment beyond short periods of time, or possibly to use them as window dressing for store openings and then let them go. Concerning the Albertson's chain and the continuing efforts to negotiate with management and the use of the boycott at grand openings to encourage negotiation, Cipriano reported that the boycotting had been successful in getting to the Albertson people, but since the contact there had been no feedback until the other day when the district officer
Al Kasner was contacted and agreed to a meeting on Friday, Feb. 13, at 2 P.M. The Commission on Social Justice and the Catholic Council for Social Justice of Santa Clara County offered to write letters to Al Kasner, letting him know we are aware of the impending meeting and hope that meaningful negotiations will take place.

CANNERY WORKERS COMMITTEE: Daniel Morales reported that eight points in a grievance paper had been presented at a hearing concerning the injustice of the recent election for leadership people. The grievance was based on the fact that more than 95% of the workers are not eligible to run for office, which means that only 60 workers of the 12,000 worker union would be eligible to run for office. The grievances also included cheating in electioneering, the fact that information concerning the election was not printed in Spanish (80% of the local union is Spanish speaking). Mike Johnston reported that they were heard and that the continuation of the hearing has been re-set for a month from now. Antonio Estremera reported as a separate action the Cannery Workers Committee has complained to the Dept. of Labor, asking for investigative action relative to the election. The Cannery Workers Committee Report did not request action from the Commission on Social Justice or the Catholic Council for Social Justice - it was primarily an update.

DANNY TREVINO: Sofia Mendoza reported that for the past two weeks the City Council has been packed with people asking for an open Grand Jury hearing and an independent investigation of the murder of Danny Trevino. Community demands include jailing the two police officers and having the District Attorney prosecute them for murder, payment of damages to Danny Trevino’s widow and family, independent autopsy and blood analysis, review of police training, and a police review board. They are also asking the City Council to remove any biased persons from the Jury which includes Tanner, Barton Collins, and Sam Della Maggiore who have been on the police force. Action requested: letters to the County Board of Supervisors, supporting the community demands and to the City Council, asking them to appropriate the money for an independent investigation. Community meetings will continue every Friday night at Guadalupe Church. Anyone wanting further information can call The Monitors at 251-6814 or the Confederacion at 259-8651.

INEZ GOMEZ: Inex Gomez advised that there are five Chilean families in the Bay Area who were released from prison by the junta and accepted as refugees by the U.S. State Dept. as part of a refugee resettlement program that is supposed to accept 400 Chileans. Both Chile and the State Dept. have been dragging their feet in the program and to date less than 30 people have been processed. Those who have arrived in the United States have been poorly received and have an undefined status which makes it difficult to secure employment and to integrate into our society. An Evening of Solidarity with the Chilean Working People will be held Saturday, February 7, at 8 P.M. at Sacred Heart's Hardeman Hall. One of the Chilean refugees will speak, as will Bert Corona and Abe Feinglass. A cultural program will include Kemy y Mario, Teatro de la Gente, Los Lupenos, Flor del Pueblo, a Chilean Prisoner, Poetry and a Poster and Batik Exhibit. The admission is $1.

FOLLOW-THROUGH: Janet Montelongo of Parents’ Liaisons (help parents and children get dental and medical treatment, etc. It is a federally funded program under Titles I & II for preschool to junior high school children.) reported that one of the parent liaisons had been fired without reason and without due process and that a group of parent liaisons were beginning to picket the school. No action was requested, but subsequently the Commission was asked to write to Celso Rodriguez, asking that the dismissal be reconsidered. Janet Montelongo also reported that she knew of an inmate in Tracy who is having trouble or feels threatened by a prison gang. Cipriano explained something of the dynamics of gangs in prison and the need for education in the community concerning the gangs. He offered to look into this situation and to confer with Janet after the meeting.

OVERFELT SCHOOL: Fr. Moriarty reported that the students and parents did not want to testify or to attend the meeting with the principal at Overfelt School - at our last meeting it
had been reported that there were some Spanish speaking students who because they did not have English were put into a class for the mentally retarded; at that meeting it was decided that Fr. Moriarty would get together with some of the students and parents for some information before meeting with the school authorities. Fr. Moriarty reported that not much could be done as far as seeing the school authorities unless the parents and students wanted to speak up and that this did not seem likely because they seemed fearful of doing so. Mary Mirch reported that there was some possibility that the educatable mentally retarded program might be dropped because of both White and Chicano protests. Mary Mirch and Mike Johnston volunteered to look into the matter.

SAN JOSE IMMIGRATION CENTER: Fr. Moriarty announced that the Archbishop of San Francisco had put up $10,000. and the Zellerbach Foundation $5,000. to staff an Immigration Center in San Jose to help people without documents who formerly had to go to San Francisco for such assistance. The new office is expected to be open the first of March.

LABOR/COMMUNITY ORGANIZING COMMITTEE: Mike Johnston reported on the classes in steward skills, occupational health & safety, unemployment law, community organizing, etc. being sponsored by the Organizing Committee, a small informal group of people who are committed to grassroots organizing in the labor movement or in the community in San Jose. They have come together to sponsor these classes and workshops in the hope that they will lead to something much bigger in terms of organizing the community. The classes are being given at Sacred Heart School. For further information, call 292-4269 in the evenings.

CETA: Mike Johnston reported that there is $500,000. left in CETA funds (Comprehensive Educational Training Act) and that community groups should try to get job slots; hopefully, job slots can be arranged for occupational health work, childcare and community organizing.

NEXT INTERIM MEETING: THURSDAY, MARCH 4, 1976, NOON, SACRED HEART CHURCH.
ENDORSEMENTS AND SUPPORT FOR THE COMMITTEE ON PUBLIC SAFETY (COPS)

February 17, 1976

ENDORSEMENTS

CORRECTIONAL REFORM AND CRIMINAL JUSTICE COMMITTEE, SANTA CLARA COUNTY BAR ASSOCIATION

VALLEY COALITION

UNITED AUTO WORKERS, LOCAL 560

THE FAIR PRACTICES-ANTI DISCRIMINATION COUNCIL OF U.A.W. NORTHERN REGION SIX

CITIZENS INTERESTED IN A GRAND JURY ASSOCIATION

COMMISSION ON SOCIAL JUSTICE, ARCHDIOCESE OF SAN FRANCISCO

N.A.A.C.P., SAN JOSE BRANCH

MINORITY AND FEMALE COALITION, COALICION DE BORICUAS

AMERICAN INDIAN MOVEMENT

MOVIMINTO ESTUDIANTRE DE AZTLAN (MECHA) S.J.S.U.

CHICANO BUSINESS STUDENTS

STUDENT COALITION AGAINST RACISM

UNION WOMEN'S ALLIANCE TO GAIN EQUALITY (W.A.G.E. SANTA CLARA COUNTY CHAPTER)

WORKER STUDENT ALLIANCE-SAN JOSE CITY COLLEGE

WOMA-WOMEN'S ALLIANCE

COMMUNITY MONITORS

MEXICAN AMERICAN COMMUNITY SERVICES AGENCY, INC

COALICION CHRISTIANA

CONFEDERACION DE LA RAZA UNIDA
CHURCH OF PHILADELPHIA

MINISTERS COMMUNITY HOT LINE

AMERICAN G.I. FORUM-SANTA CLARA CHAPTER

ANTIOCH BAPTIST CHURCH

FIRST MISSIONARY BAPTIST CHURCH

CATHOLIC COUNCIL FOR SOCIAL JUSTICE

CHICANO EMPLOYMENT COMMITTEE

SANTA CLARA COUNTY BI-CENTENNIAL COMMITTEE ARCHDIOCESE OF SAN FRANCISCO

SANTA CLARA COUNTY BLACK CAUCUS

BLACK BERETS POR LA JUSTICIA
On the July 20, 1974, Officer Craig Smith arrested my twelve year old daughter in Eastridge Shopping Center. He stated this was because she had a poor attitude. My daughter was held for 26 hours before I found out where she was. And even then I didn't get that information from the police department.

If Fred Abraham said he had talked to the two officers and as far as he was concerned the case was closed and if I didn't like it I could get me a lawyer and file a lawsuit. Yet when Fred Abraham's son was picked up for possession of marijuana, he was not locked up and his father was notified immediately that he was at the police station.
I don't think he was better than my daughter even if he is white. I need my daughter happen to be black.

Since Off. Smith is now a murderer, I think it's about time the law dealt with him.

Helen F. Haublack
COUNTY OF SANTA CLARA
OFFICE OF THE MEDICAL EXAMINER-CORONER

REPORT OF AUTOPSY

Decedent: Daniel Trevino aka Danny Trevino

Date and Time of Autopsy: January 22, 1976 at 9:30 A.M.

Autopsy at: Santa Clara Valley Medical Center Morgue

Prosector: Chan H. Lee, M.D.

Present at Autopsy: John Hewitt, Morgue Attendant

Witnesses: Sgts. Howard Lail and Aubrey Parrott, San Jose Police Department

Photographs by: William Hoffman, County Photographer

EXTERNAL EXAMINATION:

When first examined, the body is clothed as follows: tan-white checkered jacket, tan-white checkered pants with belt, gold colored sweater, white shorts, black socks, two-tone brown shoes.

The body is that of a medium-built, fairly nourished Caucasian male that measures 66 inches in length, weighs 149 pounds and appears consistent with the age stated as 26 years. The scalp hair is black. The irides are brown and the pupils are equal, measuring 0.4 cm. each. The mouth contains natural teeth. No foreign material is present in the mouth cavity. At the left side of the cheek is a scar measuring 4 by 1/4 inch. There is a moustache and beard. At the front of the left shoulder are three scars measuring 1/2 to 3-1/2 inches in length and ranging to 1/4 inch in width. Below these scars are several small scars ranging to 1/4 inch in diameter. At the lateral aspect of the upper part of the right arm is a tattoo of the initials, "D.T." The external genitalia are those of an adult male with no abnormalities, except long foreskin. At the medial aspect of the left knee is a scar measuring 2 by 1/2 inch. At the back of the left knee is a scar measuring 1/2 inch. At the back of the left hand, just medial to the base of the thumb, is an unidentifiable tattoo measuring 1/2 inch and medial to the tattoo is a scar measuring 1/2 inch. The jaw and neck show rigor mortis. The upper extremities are moderately rigid. The lower extremities are slightly rigid. There are patchy areas of dorsal lividity.

EXTERNAL EVIDENCE OF RECENT INJURIES:

At the lower right front neck, just above the middle portion of the clavicle, is an oval-shaped perforating wound having slightly grey abraded margins. The perforating wound measures 3/4 by 1/2 inch and the center of this wound is located 10-1/2 inches from the top of the head and 3 inches right of midline and is labelled wound #1.
EXTERNAL EVIDENCE OF RECENT INJURIES (continued):

At the right side of the back of the head is an abrasion of the scalp measuring 1-1/4 by 1/2 inch. This wound is located 2 inches from the top of the head and 3 inches right of midline and labelled wound #2. The wound is slightly oblique with front end higher than back end in 10° angle with transverse plane. The front half is wider and darker. The surrounding hairs have been cut showing a strip of visible bare scalp measuring 3 by 1 inch.

At the right side of the cheek are seven small abrasions ranging to 1/4 inch in diameter.

At the upper medial aspect of the right upper arm are three small contusions ranging to 1/2 inch in diameter. At the upper front chest are five small contusions measuring 1/2 to 3/4 inch.

At the posterior aspect of the right side of the neck are seven minute abrasions ranging to 1/8 inch in diameter.

INTERNAL EXAMINATION:

Head: The scalp injury has been described and there is an area of subscalp hemorrhage under the abrasion of scalp wound #2, measuring 3/4 inch. The calvarium and base of the skull have no abnormalities or evidence of injury. The meninges are smooth. The spinal fluid is clear. The brain weighs 1,310 grams. The inspection, palpation and multiple coronal sections show no abnormalities. The cerebral arteries at the base of the brain are unremarkable.

Neck: There is a missile track at the lower portion of the neck. The track begins at the right lower front portion of the neck, wound #1, with soft tissue injuries, then to the central portion of the neck showing fractured 6th and 7th cervical vertebrae with destruction of the intervertebral disc and adjacent vertebral body. The left transverse processes of these vertebrae are fractured with laceration of vertebral artery at this level. Some of the fractured bone fragments of these vertebral bodies are displaced toward the cervical canal with penetration of the meninges and adjacent spinal cord. A Copper-colored metal having the appearance of the jacket of a bullet is recovered from the fractured vertebra. A piece of grey metal, having the appearance of deformed bullet, is recovered from the soft tissue at the left posterior aspect of the lower neck just in front of the trapezius muscles. Three small fragments of metal are also recovered around the track. The hyoid, larynx, trachea have no evidence of injuries. The airway contains no foreign material. The carotid and subclavian arteries are intact.

Body Cavities: The pericardial, peritoneal, right and left pleural cavities are unremarkable.

Cardiovascular System: The heart weighs 310 grams. The left ventricle measures 1.0 cm.; the right ventricle, 0.2 cm. in thickness. The cardiac valves are unremarkable. The coronary arteries have no abnormalities. The myocardium is unremarkable. The aorta has several small atheromatous plaques. The superior and inferior vena cava are unremarkable.
Respiratory Tract: The right lung weighs 390 grams; the left lung, 360 grams. The surface is smooth. The parenchyma has a spongy appearance. The bronchi are unremarkable. The pulmonary arteries have no abnormalities.

Liver: This organ weighs 1,680 grams. The surface is smooth. The parenchyma has no abnormalities. The gallbladder and bile ducts are unremarkable.

Spleen: This organ weighs 130 grams. The capsule is intact. The parenchyma has no abnormalities.

Pancreas: This organ is unremarkable.

Endocrine System: The pituitary, thyroid and adrenals are unremarkable.

Genito Urinary Tract: The right kidney weighs 140 grams; the left kidney, 130 grams. The capsules strip with ease and the surface is smooth. The sections show the usual parenchyma. The ureters are unremarkable. The urinary bladder contains about 20 cc. of clear urine. The bladder mucosa has no abnormalities. The prostate and seminal vesicles are unremarkable.

Gastro-Intestinal Tract: The esophagus is unremarkable. The stomach contains about 10 cc. of mucoid material. The appendix and intestines are unremarkable.

Musculo-Skeletal System: The muscles are unremarkable except those at the lower part of the neck, which have been described previously, showing lacerations and hemorrhage. The injuries of the cervical spine have been described, and the thoracic and lumbar spine are unremarkable. The bones of the extremities have no evidence of recent fractures. The midportion of the right clavicle is fractured.

Cause and Direction of Wounds: The wound of the neck is caused by a bullet fired from the right to left in a direction 40° backward with the coronal plane and 5° upward with the transverse plane. The bullet enters body at wound #1 and fractures the cervical spine and injured the adjacent spinal cord. The fragments of the bullet are recovered having the appearance of .357 caliber.

The wound #2 of scalp of the back of the right side of head is consistent with a grazed wound from a bullet. The direction of the wound is 10° with transverse plane and 45° with coronal plane.

MICROSCOPIC STUDIES:

Lung (5 H&E): Unremarkable.

Heart (2 H&E): Unremarkable.

Liver (2 H&E): Vacuolated liver cells at central portion of lobules, few lymphocytes at portal area.

Kidney (2 H&E): Unremarkable.

Pancreas (1 H&E): Foci of autolysis.
MICROSCOPIC STUDIES (continued):

**Spleen** (1 H&E): Unremarkable.

**Adrenal** (1 H&E): Unremarkable.

**Esophagus** (1 H&E): Few foci of lymphocytes in submucosa.

**Stomach** (1 H&E): Unremarkable.

**Aorta** (1 H&E): Minimal thickening of intima.

**Thyroid** (1 H&E): Unremarkable.

**Urinary Bladder** (1 H&E): Unremarkable.

**Prostate** (1 H&E): Unremarkable.

**Brain** (8 H&E): Unremarkable.

**Cervical Spinal cord with Meninges** (2 H&E): Lacerations, foci of hemorrhages and scattered bone particles.

**Vein of Arm** (1 H&E): Unremarkable.

**Scalp** (1 H&E): Foci of loss of epithelium, scattered foreign particles and fragments of hair and few coagulated squamous cells at surface.

**Skin of Neck** (3 H&E): Disruption of epithelium, hemorrhage in dermis and few bone particles.

**Skin** (3 H&E): Few foci of hemorrhages without evidence leukocytic reactions.

**Bone of Cervical Spine** (1 H&E): Laceration intervertebral disc, fractured bones, unremarkable hematologic cells of the bone marrow.

LABORATORY STUDIES:

**Analysis of Blood:**
- Alcohol - 0.22%
- Schedule A Drug Screen - Negative
- Carbon Monoxide --- 10% saturation (approximate)

**Analysis of Urine:** Opiate-Narcotic System - Negative

**Blood Type:**
- ABO Group - O
- MN Group - N
Daniel Trevino AKA Danny Trevino  -5-  CA76-92

**DIAGNOSES:**

1. Gunshot wound of the neck (entrance, right lower front; bullet, recovered), with:
   a. Fractured right clavicle;
   b. Fractured 6th and 7th cervical vertebrae;
   c. Laceration of cervical spinal cord.

2. Abrasion of scalp.

**CAUSE OF DEATH:** Gunshot Wound of the Neck.

Chan H. Lee, M.D.  
Assistant Medical Examiner-Coroner

dyd.
Decedent's Height: 66 inches

Name: Daniel Trevino AKA Danny Trevino
Examiner: Chan H. Lee, M.D.
Date: January 22, 1976

NOT TO SCALE
**COUNTY OF SANTA CLARA, Office of the Medical Examiner-Coroner**
751 South Bascom Avenue, San Jose, California 95128

**Case No. C 76-177**

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**REPORT OF INVESTIGATION BY MEDICAL EXAMINER-CORONER INVESTIGATOR**

<table>
<thead>
<tr>
<th>Decedent</th>
<th>Daniel Trevino</th>
<th>Age 26</th>
<th>Sex m</th>
<th>Race c</th>
</tr>
</thead>
</table>

**Address:** 2775 Tanglewood Dr, San Jose, Tel. No. 923-7093

**Occupation:** Death at Work

**SSN:** n/avail

**DOB:** 2/4/49

**Reported by:** Radio

**Date & Time:** 1-22-76, 4:15

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**TYPE OF DEATH:** Apparent Natural

**Violent:** X

**GSW:** Neck/Homicide

**Driver:** Passenger

**Accident:** miles from residence.

---

**LOCATION**

<table>
<thead>
<tr>
<th>Injury or Illness</th>
<th>DATE &amp; TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auzerais Ave &amp; Gregory St., S.J.</td>
<td>1-22-76 before 3:00a</td>
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</table>

**Death**

<table>
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<tr>
<th>LOCATION</th>
<th>DATE &amp; TIME</th>
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<tr>
<td>Auzerais Ave &amp; Gregory St., S.J.</td>
<td>1-22-76 before 3:00a</td>
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</table>

**Viewing of Body**

<table>
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<tr>
<th>LOCATION</th>
<th>DATE &amp; TIME</th>
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<tbody>
<tr>
<td>Auzerais Ave &amp; Gregory St., S.J.</td>
<td>4:35a</td>
</tr>
</tbody>
</table>

**Identified by:** Personal papers

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**CIRCUMSTANCES OF DEATH:**

**Death pronounced by:** Lt. Terry

**Found dead by:**

**Last seen alive by:**

**Witness #1:**

**Witness #2:**

**Physician:**

---

**PROPERTY RECEIPT #:** 26975

**OTHER AGENCY INVESTIGATING:** SJPD

**Rep.:** Whitman

**DEATH NOTIFICATION:** By Williams

**Date & Time:** 1-22-76

**Means:** Person

**Relative:** Rebecca Trevino

**Relationship:** Wife

**Address and Tel. No.:** 51A 923-7093

---

**DISPOSITION:**

**Coroner's Case:** Brought in

**No Case:**

**Moved by:** MS

**Mortuary Requested:** Lima Family

**Date:** 1-22-76

---

Medical Examiner-Coroner Investigator
D is seated behind the steering wheel of a Lincoln, Lic.# 195 GVC. The body is slumped against the door, the window on the driver's side bears what appears to be a bullet hole, the glass is shattered. The door of the passenger's side is open. The body is clad in pants, shirt, jacket and shoes, the shirt bears what appears to be a bullet hole at the neck line on the right side. The body bears what appears to be a bullet hole at the base of the neck, on the right side. The clothing is covered with blood on the front, the vehicle's seat and floor bear a large amount of blood on the driver's side. One police vehicle is behind the vehicle, another is in front.

Police report two units responded to a disturbance at location. Upon their arrival a female opened the passenger door and fled, screaming. D made a motion which appeared to police as if he was attempting to retrieve something from under the seat of his vehicle. Both officers fired at the vehicle, one officer from each side. It appears the bullet which killed D came from the right side of the vehicle, which had the open fragment door. The other bullet/which shattered the driver's side glass, along with some fragments of hair, were found on top of the dashboard at the base of the windshield, approx in the center of the dashboard.

At this writing police are interrogating three females who are involved, one of which stated D no longer lives at the address found in his papers. The papers bear identification of what appears to be D's wife; the females, as yet un-identified, state that one of them has D's phone number at home but does not know it by heart. Police expect to terminate their interrogation approx 9:00a; no further information is available at this writing.

Body tagged and moved to Co. morgue, placed in lock box.

Date: 1-22-76

Medical Examiner-Coroner Investigator
February 3, 1976

TO:          The Honorable Judge Longinotti, Presiding Judge
            of the Superior Court
            Mr. Anton F. Peterson, Foreman of the Grand Jury

FROM:      Theodore G. Smith, Counsel
            Committee for Public Safety

SUBJECT:     Grand Jury investigation of the death of
              Danny Trevino, January 22, 1976


It is obvious from events of the past two weeks that there
is serious concern in the community that a fair and impartial
investigation be conducted regarding the killing of Danny Trevino
by San Jose police officers Don Edwards and Craig Smith. I
have been asked to serve as counsel for a coalition of community
groups concerned about this tragedy. The coalition has asked
me to conduct a preliminary investigation into the circumstances
surrounding this killing, since there is widespread doubt--
particularly among Mexican-Americans and Blacks--as to whether
either the Internal Affairs Unit of the San Jose Police Depart-
ment or the district attorney, who must work on an ongoing basis
with the San Jose Police Department, can do a truly impartial
job in determining the facts of the case.

The experience of the past several years with respect to
homicides committed by police officers, particularly where the
victims have been members of the minority community, has left
depth wounds and smoldering resentments. The situation can only
become worse if people perceive the official response to the
killing of Danny Trevino as merely another "cover-up".

THEODORE G. SMITH
KAREN JOHNSON
JEREMY D. FOGEL
ALAN RAMO
With this perspective in mind, and on the basis of the brief preliminary investigation which has been conducted by the coalition which I represent, I would respectfully offer the following suggestions regarding the conduct of this case:

1. **Open Grand Jury Hearings**

   I would strongly urge that, pursuant to the provisions of Section 939.1 of the Penal Code, all Grand Jury hearings concerning the Trevino case be open to the public. The community groups which I represent feel quite strongly about this issue, and the San Jose City Council has given the idea its unanimous support. The purpose of this proposal is simply to remove the shroud of secrecy from the Grand Jury proceedings to the end of allaying and minimizing community distrust and suspicion of the Grand Jury process.

2. **Investigation by the Grand Jury**

   Section 917 of the Penal Code authorizes the Grand Jury to initiate its own investigation of public offenses committed within its jurisdiction, and in this regard the Grand Jury is not limited to a consideration only of that evidence presented to it by the district attorney or other public agencies. As noted earlier in this letter, there is considerable concern in the community that because of his need to maintain a close and cooperative relationship with the San Jose Police Department, the district attorney may not be able to conduct a thorough and unbiased investigation in this matter. I have been asked to request formally that the Grand Jury institute its own investigation of the Trevino killing as soon as possible, and that close scrutiny be given in such investigation to the following questions:

   a. What was the time, content and tone of the original telephone calls to the police which resulted in officers Edwards and Smith becoming involved in this incident? (I believe that these telephone calls were taped by the police.)

   b. Which officer was the first to respond and at what time did he respond?

   c. Upon his arrival at the scene of the incident, was the first officer to arrive told that the situation which was the subject of the telephone calls had calmed down? Did the officer inquire of anyone as to whether Trevino had a weapon? Did he enter either of the residences at 432 and 436 Gregory Street, and if so, why?
d. Did the first officer to arrive proceed to check the scene and the car in which Trevino and his companion, Maria Duarte, were sitting?

e. Did said officer subsequently radio to the dispatcher at police headquarters and request assistance? If so, what was the time, content and tone of such radio message, as reflected by the tape?

f. Which officer(s) was (were) next to arrive at the scene of the incident and at what time did they arrive (as reflected by the radio dispatch and the police incident reports)?

g. What was the placement of the police squad cars with respect to the Trevino vehicle immediately after the arrival of the second officer or officers? Was escape by the Trevino vehicle possible or likely?

h. Did Trevino appear to be passed out or unconscious at any time during the incident? What was his blood alcohol content as found by the autopsy? Was there any evidence of drugs in his body?

i. To what extent was the scene of the incident illuminated by street lighting? Did any of the officers use their flashlights in assessing the scene? Were the roof-top spotlights or high-beam headlights on any of the squad cars turned on at any time during the incident?

j. What was the placement of Trevino and Duarte in Trevino's vehicle during the incident? Was an argument or fight between them apparent to any of the officers at any time? Was there any movement or audible speech by either Trevino or Duarte at any time prior to the shooting? What attempt, if any was made to get either occupant of the vehicle to exit, and what was the precise nature of such attempt? Was there any indication from observation of Trevino and Duarte in the vehicle that Duarte was in any physical danger from Trevino? Did any of the officers present ask Duarte if she was O.K.? If so what was her response?
k. What prompted the officers to open fire? What do the citizen witnesses to the incident say? What do the police witnesses say? Which officer fired the first shot? How many shots did each officer fire? In what order were the shots fired? From what position with respect to the Trevino vehicle was each shot fired? What was the trajectory of each shot? Was there any broken glass, and if so, where were the fragments found after the shooting? What does the ballistics evidence indicate as to the origin of each shot? Could one of the officers misconstrued the origin of the first shot (i.e., could the second officer to fire have reasonably believed that the first shot was fired by Trevino)?

l. Where was Maria Duarte immediately before the commencement of the shooting? Was she still in the car? Where was she immediately after the shooting? What precautions, if any, were taken to insure her safety when the shooting began? If none were taken, why not? In what position was Trevino immediately after the shooting? Did he move or show any signs of apparent life immediately after the shots were fired? Where on his body did each bullet enter? What was the precise cause of death? What is the estimated time of death? On what is such estimate of the time of death based? How long did Trevino remain in the car after the shooting? Who made the determination that Trevino was dead, and was that person authorized and competent to make such determination? Might Trevino's life have been saved by prompt medical attention?

m. Who called the ambulance which arrived at the scene shortly after the shooting? When did the ambulance arrive? Why were several citizen witnesses placed in the ambulance while Trevino was left at the scene? Why did Trevino or his body remain at the scene for one and one half hours after the shooting? Why was Trevino's family not notified of his death until many hours after the shooting?

n. Were all citizen witnesses to the incident taken to police headquarters for questioning? Under what conditions were they taken? Were all citizen witnesses questioned before the officers involved in the incident prepared their official incident reports? Before they submitted to questioning? How thorough are the statements and reports made by the participating officers? Does it appear that they have been amended or altered in any respect?
o. Were any of the officers involved in the incident fearful for their safety at any point during the incident, and if so, when did they first become fearful? Were the officers' fears, if any, reasonable under the circumstances?

p. Did the officers at any point during the incident consider alternative courses of action to the course of action they ultimately followed? If so, what were these courses of action, and why were they rejected?

q. Did the officers involved in the shooting at any point thereafter personally examine the body of Trevino? When did they do this and what did they find or conclude?

r. Were officers Smith and Edwards or any other participating officers coached or given advice or instructions with respect to their testimony?

s. What is the background of the participating officers? Have they been involved in similar incidents in the past? Have complaints been filed against them concerning alleged brutality or mistreatment of citizens? Have they ever been disciplined by the department for misconduct toward citizens?

t. What is the background of Danny Trevino? Does anything in Trevino's background shed light on the circumstances of this case?

Thank you for your prompt and careful attention to the above suggestions and requests.

Respectfully submitted,

Theodore G. Smith

cc: Judges of the Superior Court
    Grand Jury Members
    District Attorney
At approximately 2:30 a.m., on January 22, 1976, the San Jose Police Department received a call for assistance at 436 Gregory. Lt. Don Edwards was one of several field supervisors who heard the call being broadcast. He began to move in the same direction of the call as he was aware that there were very few officers in service at that time. He, in fact, arrived first on Gregory and went to the address at 436.

There he was contacted by two females who ran up to the police vehicle and talked to the lieutenant. One was emotionally concerned about the safety of her niece and stated that her niece had been taken in a car and pointed out a car that was parked at the intersection of Auzerais and Gregory. One of the females had a cut and was bleeding and the lieutenant was informed that the man had cut her hand with a bottle. The lieutenant then drove down to the corner of Auzerais and Gregory and stopped his police car behind the vehicle that was occupied by Mr. Trevino and his companion.

He activated his red lights and exited his police vehicle. The lieutenant asked the subject in a loud voice two or three times, to exit the vehicle. The subject opened his window and yelled at the officer. The lieutenant then returned to his vehicle to ascertain if he was going to receive assistance from other officers and to advise Radio what was occurring at the scene. Within a few minutes, two other police units arrived, one of which was Officer Craig Smith.

The lieutenant then asked the subject in a loud voice, two or three times, to get out of the car and the subject, Mr. Trevino, refused. The lieutenant then approached the passenger side of the subject's vehicle and could observe and hear the girl inside the vehicle crying. The subject leaned over the girl and locked the passenger door refusing to cooperate with the lieutenant's requests. At this point, the lieutenant's concern for the safety of the girl was accelerated. The subject again was told two or three times to keep his hands in sight and the lieutenant told the girl to get out of the vehicle. Then, Mr. Trevino ordered the girl not to do this. The girl unlocked the door and exited the vehicle quickly. As she did, Mr. Trevino quickly leaned forward and reached underneath the car seat and then lifted his arm in an outstretched motion toward the lieutenant and swiveled in his seat with his back toward the driver's door. The lieutenant thought the subject was pointing a gun at him and crouched down and fired one round. At this time, Officer Smith could see Mr. Trevino with his right arm pointed out toward Lt. Edwards at shoulder height and elbow locked. Officer Smith had observed the subject refuse to respond to Lt. Edwards's requests as well as his erratic behavior inside the vehicle. At this point, Officer Smith felt Mr. Trevino was in the process of shooting Lt. Edwards. Officer Smith fired at the suspect through the closed window, believing that Lt. Edwards was being shot at that time.
After the shooting, an ambulance was called as well as other officers, to the scene. Witnesses were taken to the Police Administration Building where they were interviewed by Homicide Detectives of the San Jose Police Department. At approximately 3 a.m., the Internal Investigations Unit was notified and responded to the scene as well as an investigator from the Santa Clara County District Attorney's Office. None of the police vehicles, Mr. Trevino's vehicle, nor Mr. Trevino's body, were removed until approximately 4:30 a.m. A search of the vehicle did not indicate a weapon or anything accessible under the front seat for Mr. Trevino. This allowed for investigators to examine all the physical evidence at the scene as well as at a later time, comparing that physical evidence to what the various witnesses stated when they talked to the investigators at the Police Administrative Building.

Marie Duarte was interviewed at the Police Administration Building by a Homicide Detective and she explained her relationship to Mr. Trevino. She further explained that she had gone into the vehicle with him because she was afraid of him. She recalled that Mr. Trevino was reaching down with his right arm as she began to exit the car and lost sight of him. She recalled Mr. Trevino told her "Don't go". At this time she was looking at Lt. Edwards. As she was exiting the vehicle, she heard the shot and thought maybe she was going to get shot and she ran, without looking at Mr. Trevino, from the car, alongside a fence, and began screaming.

Physical evidence, such as bullet trajectories in the vehicle, and the body of Mr. Trevino, will be checked against witness and officer statements. The Crime Lab evidence will be checked (e.g., blood alcohol).
February 23, 1976

Mr. Anton Peterson, Foreman
Santa Clara County Grand Jury
191 North First Street
San Jose, California 95113

Dear Mr. Peterson:

I have been instructed by the Committee On Public Safety (COPS) to seek a meeting between the Grand Jury as a whole and our committee. The purpose for such a meeting would be to present you with our reasons for seeking an open Grand Jury investigation into the Danny Trevino killing. This incident has reached such proportions that it is now adversely affecting the total community of Santa Clara County.

I am attaching a partial listing of groups and organizations which have endorsed and are supporting our efforts. We are all confident that you, as a body, will set an early date for this important meeting.

Thank you for your careful consideration in this important matter.

Sincerely,

Jose Villa,
Co-chairperson

JV:da
cc: Presiding Judge
    Grand Jury members
    County District Attorney
    C.O.P.S. Committee

Attachment
March 25, 1976

TO WHOM IT MAY CONCERN:

My husband and I are writing this letter on behalf of Danny Trevino, his wife and children. We were both deeply saddened with the news of his tragic death.

We knew Danny for approximately two years. During this time he proved to be a good friend. When my husband needed someone at his place of business or at home, Danny was always willing to pitch in and help in whatever way possible. Anyone who knew him well can attest to the fact that he was generous and kind to a fault.

We sincerely hope this short letter will give you a small insight into the Danny Trevino we knew.

Cordially yours,

Andrew & Josie Lopez
Owners, Club Casa Blanca
The meeting was called to order at 12:15, Tuesday, February 10, by acting chairperson, Dale Hill. Suzie Cohen was acting secretary.

After brief introductory remarks, Ms. Hill introduced the steering committee and then opened the floor to discussion of purpose for this association. Ms. Hill suggested some purposes which we might consider were to support and enhance the grand jury system; to serve a public education function; and perhaps to lobby in Sacramento for legislative change to improve the grand jury system.

Mr. Mort Levine suggested maybe what we're about is grand jury reform and if it is we should clearly say so in our statement of purpose. José Carrasco stated that he felt the function of the association would consist of people assisting each other, adding expertise to grand jurors' own knowledge and to the information grand jurors receive from the District Attorney and the county counsel. Mary Raw added that the continuum of information from one grand jury to the next and from the grand jury to the public was a key role for the association to play. Tom Ferrito stated that objectivity is lost when the grand jury is being used by the D.A. or anyone else and this organization might be able to return some level of objectivity to the process. José Villa added that he saw the over-all goal of the organization to be that of making the public more aware of what the grand jury is all about and what its legal mandate is in terms of serving the community. He also recommends that the association be a lobbying force to get more responsiveness from elected officials. He concluded that we must use the experience of grand jurors to help other grand jurors and the public in general. Betsy Bryant noted that we will develop a broader base of membership if we plan to both educate and lobby rather than do either one alone.

Natalie Goetz introduced the following resolution: Be it resolved, that it is the sense of this meeting that an organization shall be formed for the purpose of enhancing the effectiveness of the Santa Clara County Grand Jury and increasing public awareness of the Grand Jury System. The resolution was seconded by Gardner Holmes who pointed out that "enhancing" could not be done without lobbying or studying the legislative function so no specific wording re: lobbying is necessary. Bill Gloege asked if it were the sense of the resolution to include federal grand jurors who have the same general problems as local grand jurors? It was agreed that was the sense of it and the resolution was amended to read: Be it resolved that it is the sense of this meeting that an organization shall be formed for the purpose of enhancing the effectiveness of grand juries and increasing public awareness of the Grand Jury System. The resolution was unanimously adopted as amended.

Betsy Bryant was nominated as temporary chairperson until a nomination committee can select a permanent candidate slate. She was elected by unanimous assent.

Sherry Burns was nominated as temporary secretary and was elected by acclaim.

Mort Levine proposed that a statement of purpose be drafted and sent
to all present and to those others who may be interested in the association. The suggested statement would contain the following purposes: 1) to educate new grand jurors and the community and to assist in identifying potential grand jurors
2) to work for reform of state and federal laws re: a) selection process b) independent advice c) uniform treatment 3) indentify and work to cut abuses of power, conflicts of interest and misuse of grand juries.

Mr. Wilburn suggested that the statement of purposes ought to be polished up some in committee and then presented for approval of the full body. This was unanimously agreed to, and Mort Levine is to chair the committee to do the above.

Mary Raw proposed that, as a first project of this association, an inexpensively planned, in county, public workshop to begin our work of public enlightenment be planned immediately. Sign ups were taken to work on this and other committees.

Tom Ferrito moved and William Wilburn seconded the motion that a letter be sent to all members of the current grand jury, to the Superior Court Bench, and to the District Attorney stating this association's strong feeling that the Danny Trevino shooting by two San Jose Policemen should be investigated in open grand jury session under the provision of Penal Code Section 939.1. Suzie Cohen is to draft the letter for Betsy Bryant's signature. The motion was carried unanimously with all present members of the 1975-76 Grand Jury abstaining.

It was requested that future meetings be held in the late afternoon rather than at noon, and the next meeting will be at the call of the chair, but within the next month. Mary Raw was named to chair the project committee; Mort Levine will help Betsy with publicity; Betsy, Mr. Wilburn and Ms. Hill will draft By-Laws.

Natalie Goetz asked that the 1974-75 Grand Jury Manual be made a priority of this association. Lorrie Barnes suggested we as an association adopt the manual as an official document. Mort moved that the necessary steps be taken by Lorrie Barnes to implement and formalize use of the Grand Jury manual by Grand Juries in the future. Mr. Baker seconded and the motion was unanimously carried.

The meeting was adjourned at 1:50 p.m.

Suzie Cohen
Temporary Acting Secretary
March 30, 1970

Speakers at Guadalupe Church

1. Al Candelaria - Monitors
2. Henry Howell - A.I.M.
3. Pat Orozco
4. Henry Dominguez - Monitors

St. James Park

1. Jose Villa - C.O.P.S.
2. Bert Corona - Founder - C.A.S.A.
3. Leo Robinson - C.O.P.S.
4. Rev. Cecil Williams - Glide Church, S.F.
5. Tony Estremera - San Jose Activist
6. Dennis Banks - A.I.M.
7. Larry Trujillo - Dir. Chicano Studies, Berkeley
8. Ful de Pueblo - Porky Gonzales
9. Ed Mirisch - Valley Coalition
10. Bill Tolliver - Delancy Street - S.F.
11. Christina Vasquez - Mission Childcare Consortium
12. Angela Davis message by Sammi Madison
13. Al Hernandez - State Vice Chairman G.I. for
14. Mattie Shepard - Ickeone Dytons' Mother
15 Dr. Ernesto Salarza - San Jose
Jose Villa opened the meeting after we returned from the fiasco with the City Council committee and suggested that we now have four basic tasks:

1. Create a model board of governance
2. Organize neighborhood councils
3. Set up a parallel structure of government with the goal of demonstrating how democracy can work to achieve a safe community
4. Reach out to a broad range of other community groups to aid in these tasks -- the groups suggested and the contact people for these groups:
   a. All the women's groups -- Bea
   b. Valley Coalition -- Jim (annual convention: 3/2/)
   c. All the unions & Central Labor Council -- Eloy
   d. Church groups: council of churches etc. -- Jim
   e. Students: from all campuses -- Bea, Henry G & D
   f. Human Relations Commission -- Henry G & D
   g. Legal groups -- Jose
   h. NCCJ -- Jose
   i. Out of town support

Each of these groups should be asked to send a representative to tonight's meeting at Guadalupe and to take back any decision from tonight's meeting to their respective groups.

Jose stressed that we need consistency with our approach to each of these groups to avoid foul-ups. He and Henry G. will write a report of our progress and lack thereof to present at tonight's meeting.

We talked about our task as a coordinating committee for the community and went over the two page hand-out dealing with various tasks.

We talked about how to do fundraising to pay for the independent investigation and to pay for a $500.00 retainer for Ted. Bea, Eloy and Henry G. are on the fundraising task force. It was agreed that we need strict safeguards in this effort and only those who are formally authorized to do so will conduct the fundraising. We will suggest to the Committee of forty tonight at 6:30 that an account be opened at Banco de San Jose for this purpose and that people might be urged to send money directly to that account. $71.00 was raised to start it with from our group.

TODAY'S MEETING AT GUADALUPE

1. It is an open meeting
2. We will prepare and circulate petitions entitled: STOP POLICE KILLINGS. It will say "We support the demands of the Committee of Public Safety and list all of the demands. It should get the widest possible circulation.
3. Structure
a. 6:30 meeting with the Committee of 40 --
go over our proposals with them and give
progress report
b. Ask Angel to open the meeting at Guadalupe
c. Jose and Henry G. give progress report
d. Task groups -- we should coordinate all
task groups. They should be made up of
people from the committee of 40 and perhaps
others who volunteer. We decided to send
around a sign up sheet tonight but then to
go over it later and screen it.

We shall re-group tonight after the open meeting to plan for
Tuesday night at the City Council, incorporating what comes
out of the meeting tonight.

Ted will contact the private investigator to see if he can come
down either tonight after the meeting or meet with him Sunday night
at 8:00 P.M.
2-4-76

COPS Coordinate task groups.
1. Community Week - Info - plan #

2. Organize
   a. Resources
   b. Materials
   c. Staff

3. Newsletter

4. Publicity

5. Emergency - Soup & then talk.

6. Evaluation Unit -
   a. Value of info.
   b. Consistency factor.

7. Finance - fund raising for independent investigation

1. Process - dealing with a problem on an ongoing basis - Operation

2. Organize - Focus - police killings

3. Procedures - Steps:
   1. Understand - Why?
   2. How?
   3. What?
   4. Who will do it?
   5. TIMELINE - When
   6.
Goal: Safe County
Objective: Stop Police Killings

1. Activities Specific
   a. Angel Rios open
   b. Agenda - H. Gage

   1. Cochairman report. Villa & Gage
   2. Petition - Sofian - attendance elected
   3. Security
   4. Table at all Entries - Mariana
   5. Funds - Ben, Henry Gage, Elly.
SECOND REPORT ON TREVINO INCIDENT
Covering Week of March 15-19, 1976
INDEX

1. Chronology of events following the death of Danny Trevino
2. Fact Sheet
3. Attachments
PARTIAL LISTINGS OF CONTACTS AND MEETINGS KNOWN TO OFFICE OF
COMMUNITY RELATIONS

Week of March 15-19, 1976

March 15, 1976, Monday:

8:30 A.M. - Meeting between Rosen, Perez and Rodriguez to finalize answers on questions of the Committee on Public Safety and to discuss the format and assembly of the packets for City Council.

11:00 A.M. - (same meeting referred to above.) Assembled and determined distribution of report for Council. Packets completed by Ombudsman's Staff approximately 3:00 P.M.

12:00 Noon - Ombudsman's Staff received Reverend Carl Hudson's statements from Reverend Henry Rountree.

1:00 P.M. - Placed call to Reverend Carl Hudson at his office in San Francisco.

1:30 P.M. - Ombudsman's Staff made home visit to the residence of Lydia Balderas. (Complainant at City Council meeting of 3/9/76.)

3:00 P.M. - Samuel Lujan came in and filed complaint with Internal Investigations Division of the Police Department.

4:45 P.M. - Phone call from Robert Perez to Jose Villa for purpose of discussing what time the Committee on Public Safety would appear on the Tuesday Council agenda. Mr. Villa was advised that the Mayor was polling Council members to determine if it would be possible to have the Committee on Public Safety appear at approximately 7:00 P.M.

5:00 P.M. - Packet delivered by Joseph Rodriguez to Jose Villa at MACSA. At the same time Mr. Rodriguez received a packet from the Committee on Public Safety.

March 16, Tuesday:

9:00 A.M. - At Agenda Review meeting -- The Committee on Public Safety to be heard under Oral Petitions that date.
March 16, 1976 (Cont'd)

10:00 A.M. - Ombudsman's Staff placed phone call to Jose Villa at MACSA and left message that the Committee on Public Safety would appear on Council agenda under Oral Petitions at approximately 7:15 P.M. Follow-up phone call made during lunch hour to confirm that that information had been transmitted to Mr. Villa.

2:00 P.M. - Ombudsman's Staff made phone call to Reverend Rountree regarding Hudson case.

3:00 P.M. - Ombudsman's Staff met with Lt. Leonard regarding the Reverend Hudson case.

4:00 P.M. - Letter was sent to Reverend Carl Hudson.

City Council Meeting -- Committee on Public Safety made presentation to Council. The four items covered were:

1. The magazine article, Guns and Ammo.
2. Bea Robinson -- Funeral expenses incurred by Trevino family.
3. The complaints that David Ledesma brought (Waltine Patterson).
4. Comments by Jose Villa, who requested a "march" permit.

David Ledesma presentation to Council on complaint of Waltine Patterson.

March 17, Wednesday:

9:00 A.M. - Phone call made by Ombudsman's Staff to Waltine Patterson.

1:00 P.M. - Ombudsman's Staff spoke with Reverend Rountree by phone.

1:00 P.M. - Robert Perez made follow-up phone call to Don Edwards' office regarding Mayor's March 1st letter to Stanley Pottinger, Department of Justice.

Phone call made by Ombudsman's Staff to Council Member Wilson regarding Bea Robinson's request concerning the funeral expenses and follow-up report requested by Jose Villa.

3:30 P.M. - Ombudsman's Staff met with Harold Rosen, staff of Policy Research and staff of Organizational Development to discuss progress of Citizen Complaint Mechanism Report and to develop more contacts with other jurisdictions regarding their complaint mechanisms. (See attachments.)
March 17, 1976 (Cont'd)

5:00 P.M. - Phone conversation with Jose Villa relayed the information from Council member Wilson.

March 18, Thursday:

Robert Perez called Mayor's office to see if she had received any response from Stanley Pottinger on her March 1st letter.

March 19, Friday:

10:00 A.M. - Ombudsman's Staff called Chief Murphy's office regarding status of parade permit.

3:00 P.M. - Meeting between Harold Rosen, Robert Perez and Joseph Rodriguez to review progress.

Memo from Assistant City Manager Knofler requesting follow through on the Patterson incident.

7:00 P.M. - Committee on Public Safety meeting attended by Rudy Belluomini and John Spalding (held at Guadalupe Parish).

March 22, 1976, Monday

8:15 A.M. - Meeting between Rosen, Perez and Rodriguez to review progress.

9:00 A.M. - Call to Chief Murphy's office regarding status of parade permit. Permit application has been processed and approved. The Ombudsman's Staff will personally deliver the permit to Mr. Jose Villa, Chairperson of the Committee on Public Safety.

The march will originate at Guadalupe Church, 2020 San Antonio Road, at 12 Noon on March 27th. The route of the march will be San Antonio Road west to King Road, north to Santa Clara Street, west on Santa Clara Street to First, north on First Street to St. James Park.
FACT SHEET

INVESTIGATION BY THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Action Taken

1. No official response at this date.

INVESTIGATION BY THE CIVIL RIGHTS DIVISION, UNITED STATES DEPARTMENT OF JUSTICE

Action Taken

1. March 17, Wednesday - Phone call from Robert Perez to Don Edwards' office inquiring whether they had received any official response from the Mayor's letter dated March 1st requesting investigation of the Trevino matter. Mrs. Weber, Edwards' Staff Aide, indicated they had not received a response to either the Mayor's March 1st letter or Mr. Edwards' letter dated March 3, 1976, to Mr. Pottinger requesting an investigation into the Trevino matter.

2. March 18, Thursday - Phone call by Perez to Mayor's office to check on whether an official response had been received from Pottinger's office. No response at this time has been received.

REVEREND CARL HUDSON MATTER

Action Taken


2. March 15, Monday, 1:00 P.M. - A phone call was made by Ombudsman's Staff to Reverend Hudson's office in San Francisco. He was out of the office and message was left.

3. Letter was sent by Ombudsman's Staff to Reverend Hudson requesting clarification as to specific allegations. Attached to the letter was a Consent Form for Release of Information to the Committee on Public Safety.

4. March 16, Tuesday, 2:00 P.M. - In conversation between Ombudsman's Staff and Reverend Rountree, the latter inquired about Reverend Hudson's loss of pay for Saturday. He was informed that these matters are not handled through the Office of the Ombudsman.

5. Ombudsman's Staff met with Lt. Leonard of IID and discussed the Hudson case. Lt. Leonard advised that he had just spoken with Reverend Hudson and Reverend Rountree by phone and that he had gotten fairly squared away regarding Reverend Hudson.
Fact Sheet (Cont'd)

6. March 16, Tuesday, 4:30 P.M. - Conversation between Ombudsman's Staff and Lt. Leonard established that a letter would be sent to Reverend Hudson which would include a paragraph apologizing for any inconvenience that he had incurred, also explaining the process to be followed for clearing of the records.

7. March 16, Tuesday, 4:45 P.M. - In phone conversation with Reverend Rountree and Ombudsman's Staff, the Reverend Rountree requested a copy of letter of clarification to Reverend Hudson. This was complied with by sending copy of such letter to Reverend Rountree.

LOREDO, LUJAN, RAMIREZ, ET AL

Action Taken

1. March 15, 1976, Monday, 1:30 P.M. - Home visit by Ombudsman's Staff to Complainant Lydia Balderez. Address given appeared to be an abandoned duplex. No one was present. Calling card was left in mail box.

2. March 15, Monday, 3:00 P.M. - Samuel Lujan filed a complaint with IID. Due to complainant's statement of not desiring to file a complaint with the Ombudsman's Office, this case will be closed and letter to this effect mailed to them.

WALTINE PATTERSON COMPLAINT - PRESENTED AT COUNCIL MEETING 3/16/76.

1. March 17, 1976, Wednesday, 1:10 P.M. - Telephone call made to Complainant Patterson. Statement was reviewed. It seems that Complainant Patterson's grievance appears to be directed at the District Attorney; however, she does raise some questions regarding San Jose Police Department procedures, which will be followed up by Ombudsman's Office.

QUESTIONS RAISED BY BEA ROBINSON REGARDING FUNERAL EXPENSES OF DANIEL TREVINO FAMILY

1. March 17, 1976, P.M. - Phone call by Ombudsman's Office with Council member Wilson, who indicated she had spoken to Don Lima of the Lima Funeral Home regarding the expenses. Mr. Lima had indicated that he had been contacted by the Trevino family's attorney and that a Creditor's Claim had been requested. Mr. Lima promised Mrs. Wilson that he would not bill Mrs. Trevino at this time. Mrs. Wilson indicated she would like this information relayed to Jose Villa and the Committee on Public Safety.

2. March 17, 5:00 P.M. - Telephone call was made to Jose Villa giving him the above information.
The Office of Community Relations is continuing to follow up on this project with letters and telephone calls.

On March 17, 1976, Staff met with staff of both Policy Research and Organizational Development to coordinate our efforts on this endeavor. The survey of California cities is in the process of being completed.
Telephone and direct discussions with Stanford Research Institute staff provided the following list of contacts and items of information.

1. Institute staffers with professional or project experience in criminal justice-law enforcement (all may be contacted on 326-6200, at indicated extension):

   a. Referred by Eric Duckstad, Director, Urban Systems -

<table>
<thead>
<tr>
<th>Name</th>
<th>Extension</th>
<th>Affiliation</th>
</tr>
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<tbody>
<tr>
<td>Ted Lyman</td>
<td>4179</td>
<td>(Public Administration)</td>
</tr>
<tr>
<td>John Judasi</td>
<td>5091</td>
<td>(IACP)</td>
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<tr>
<td>Bernie Greenberg</td>
<td>2762</td>
<td>(Public Safety Program)</td>
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<tr>
<td>Dwight Hunter</td>
<td>2852</td>
<td>(Oregon)</td>
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<tr>
<td>John Isaacs</td>
<td>4260</td>
<td>(Ohio)</td>
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<tr>
<td>Bob Campana</td>
<td>4178</td>
<td>(Sociologist, SFPD)</td>
</tr>
<tr>
<td>Pam Halton</td>
<td>3132</td>
<td>(Santa Clara County)</td>
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</tbody>
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   Eric also suggested discussion with -

   Dr. Barry Checkoway, Berkeley, 849-2152.

   b. Pam Halton introduced Dick Martin, who had worked on an LEAA project in Omaha. Dick suggested contact with -

   Dr. Hubert Lake, Dean, College of Arts and Sciences
   University of Washington, Seattle, (206) 543-5340

   and

   Dr. Arkin, Project Leader, who teaches Police-Community Relations at San Jose State University.

   Dick also acquainted me with Lois Kraft, who had worked on the Berkeley project (Police Review Board). She says that the Police Chief accommodated to the Board, which had high credibility among blacks and students. Board members were appointed by Council people.

   c. Reese Wilson, 2376, headed an SRI project team in San Diego. He suggests contact with Inspector Ryerson, San Diego Police Department, and Dave Knapp and Ken Fabrigatori of the City (714) 236-6060. San Diego's system includes a complaint procedure, selective law enforcement in the "victimless crime" area, and riot control procedures. There is a strong Police-Community orientation, with emphasis on Police-School relations-building.

ROBERT L. JOHNSON
Organization & Methods Supv.
As requested, the following is information for your report to the City Council on our investigation of cities with effective police complaint and/or community relations methods:

The Office of Policy Research and the Division of Organization and Methods used ongoing policy communication networks to do a national phone search for the purpose of finding and selecting cities throughout the country reputed to have effective police complaint or community relations methods.

Through the Technology Agents of San Diego and Evanston, Illinois information or evaluations of San Diego, Berkeley, Washington, D.C., Rochester, New York City, New York, Minneapolis and York, Pennsylvania were received. Of particular interest was the San Diego complaint system including the citizens form indicating complaint options and the 48 hour response time.

The International Association of Chiefs of Police, the National League of Cities, the California League of Cities, the Police Officer Standards and Training, the Santa Clara County Regional Criminal Justice Office and Dr. James Moore, Professor and San Jose State University, were also called for information. The cities recommended for further investigation through these contacts were San Diego, Denver (and suburb Lakewood), Sacramento, St. Louis, Missouri, Los Angeles, Santa Ana, Portsmouth, Virginio, and Albuquerque, New Mexico.

As a result of combining and reviewing the evaluations from all the communication network sources and also the information received by the Community Relations Office to date, more in-depth research will be done on San Diego, Denver, Berkeley, Seattle, Phoenix, Kansas City and Omaha.
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1. Chronology of events following the death of Danny Trevino

2. Fact Sheet

3. Responses to Questions raised from Committee on Public Safety with Administration on February 26, 1976

4. Affirmative Action Status Report

5. Summary of Affirmative Action Plan and training programs (Police Department)

6. Analysis of San Jose Police Department Ride-Along Program
Partial Listings of meetings known to Office of Community Relations

Week of February 9-13, 1976

February 10, Wednesday, 7:00 P.M. - City Council meeting. Jose Villa reiterated the demands by the Committee on Public Safety. In addition, questions were raised about the procedures for acquisition of parade permits as to the February 17th march and rally.

February 11, Wednesday, A.M. - In a conversation between Chief Murphy, Jose Villa, Robert Perez, Joseph Rodriguez, Mr. Villa was informed that the parade permit would be granted.

February 13, Friday, 7:00 P.M. - Committee on Public Safety meeting at Guadalupe Parish. Present were Councilman Garza, Robert Perez and Joseph Rodriguez.

Week of February 16-20, 1976

February 16, Monday, A.M. - Meeting with the City Manager, Chief Murphy and members of the Committee on Public Safety.

February 16, Monday, P.M. - Meeting. Present were Councilman Garza, Jose Villa, members of the Committee on Public Safety, community members, Robert Perez and Joseph Rodriguez. The discussion focused on increased communications between the community and the City.

February 17, Tuesday, A.M. - In a telephone call to Jose Villa, Joseph Rodriguez inquired as to the possibility of speakers at the Council meeting who would speak Spanish only. The purpose of the inquiry was to establish the necessity for translation.

February 17, Tuesday, P.M. - March from St. James Park to Council Chambers. A presentation was made by the Committee for Public Safety reiterating their demands. Reverend Carl Hudson related his recent experience with the police. Councilwoman Wilson related that she had contacted Phil Montez, Director, Western Regional Office, United States Commission on Civil Rights, and that he would be available for a meeting on Friday, February 20. (Motions attached)

February 18, Wednesday, P.M. - Telephone call from Reverend Henry Roundtree concerning the Reverend Carl Hudson matter.

February 20, Wednesday, P.M. - Meeting at City Hall with Phil Montez. (Attached is a partial listing of those present.) Mr. Montez stated that his office could offer no help in the investigation of Danny Trevino's death. However, he stated that he could conduct a more general investigation into problems between the Chicano community and local government.

February 20, Wednesday, 7:00 P.M. - Committee on Public Safety meeting at Guadalupe Parish. Present were Councilman Colla and Councilwoman Wilson, Robert Perez and Joseph Rodriguez.
Week of February 23-27, 1976

February 24, Tuesday, P.M. – City Council afternoon session. City Council motions passed regarding relationships between Police, Administration and the community, role of the Ombudsman, and affirmative action (see attached). A presentation by Dr. John De Heras was made on the creation of a police commission.

February 24, Tuesday, P.M. – Santa Clara County Board of Supervisors meeting. In response to the letter from Mayor Hayes, the Board requested an open Grand Jury hearing into the death of Danny Trevino.

February 24, Tuesday, P.M. – City Council evening session. The City Council formally requested that the Civil Rights Division of the United States Department of Justice conduct an investigation into the death of Danny Trevino. The City Council also requested that the United States Civil Rights Commission conduct an investigation of the problems of minority residents in the City.

February 26, Thursday, P.M. – Meeting between Committee on Public Safety, City Manager, Assistant City Manager, Deputy City Manager and Robert Perez. The Committee on Public Safety presented the Administration with 17 questions dealing with police, community and City administrative matters. Reference was made to a Michael Silva case. Ombudsman staff made a follow-up call to Rachel Silva (mother).

February 27, Friday, A.M. – Office of the Ombudsman received memorandum from the City Manager requesting follow-up on the Hudson matter. Meeting between Harold Rosen and Robert Perez to coordinate the responsibility for answering the 17 questions raised by the Committee on Public Safety.

February 27, Friday, P.M. – Committee on Public Safety meeting at Guadalupe Parish.

Week of March 1-5, 1976

March 1, Monday, A.M. – Meeting between Mayor Hayes, Robert Perez, Joseph Rodriguez. Mayor received briefing on Trevino matter. Letters to Phil Montez of the U.S. Commission on Civil Rights and Stanley Pottinger of the Civil Rights Division, Department of Justice, were approved and signed by the Mayor. Letters distributed to Council members.

March 2, Tuesday, 7:00 P.M. – City Council meeting. Ray Gonzales of the Committee on Public Safety advised the Council that another mass march would be held. Date and time would be forthcoming.

March 3, Wednesday, A.M. – Office of the Ombudsman received copy of the Internal Investigations Detail’s closing letter to Reverend Hudson.

3/15/76
March 3, Wednesday, 5:30 P.M. - Meeting between Committee on Public Safety and Robert Perez at MACSA. Mr. Perez informed the Committee of the status of the 17 questions. Copies of letters of 3/1/76 sent to Department of Justice and Civil Rights Commission presented to Committee. A subcommittee of COPS met to discuss plans for the mass march and rally.

March 4, Thursday, A.M. - Ombudsman requested by Councilwoman Wilson to make the arrangements for trip to Phoenix, Arizona.

March 5, Friday, 7:00 P.M. - Committee on Public Safety meeting at Guadalupe Parish. The date for the mass march and rally was set for March 27th.

Week of March 8-12, 1976

March 8, Monday, A.M. - Ombudsman received telephone call from Councilwoman Wilson who stated that the trip to Phoenix was cancelled. Ombudsman spoke by telephone with Angel Alderete, Department of Justice, Community Relations, to inform him of the cancellation of the trip.

March 8, Monday, P.M. - Request made to Jim King to inquiry through his network for information as to cities with successful police community relations programs.

March 9, Tuesday, A.M. - Meeting between Councilwoman Wilson, Assistant Chief Propst and Jose Villa arranged by the Ombudsman.

March 9, Tuesday, 4:00 P.M. - Meeting between Harold Rosen, Robert Perez and Joseph Rodriguez. A compilation of a fact sheet was discussed.

March 9, Tuesday, 7:00 P.M. - City Council meeting. Committee on Public Safety presentation with request by Jose Villa on status of 17 questions and status of Hudson matter. Four complainants related their experiences with the police.

March 10, Wednesday, 9:30 A.M. - Meeting between Harold Rosen and Robert Perez to discuss the City Council meeting of the previous evening. Discussion was held as to a follow-up on the four cases and the coordination of the activities of the Office of Community Relations and the Administration.

March 10, Wednesday, 12:00 Noon - Meeting between Mayor Hayes, Councilwoman Wilson, Peter Stone, Jay Propst, Frank Knofler, Harold Rosen and Robert Perez. The Administration agreed to provide a weekly fact sheet on action taken regarding the Trevino case to the City Council. Further, that all information compiled would be coordinated and distributed by Harold Rosen to all concerned members.
March 10, Wednesday, P.M. - In a telephone call from Robert Perez to Jay Propst, it was agreed that the police would route the Reverend Hudson report to all Council members.

March 11, Thursday - Phone call by Robert Perez with Phil Montez, U. S. Civil Rights Commission.

Mr. Montez indicated that his office had not received any list or request from the community and reiterated his position that it would be difficult for his office to conduct an investigation without community support.

March 11, Thursday, 2:00 P.M. - Meeting between Harold Rosen, Jose Villa and Robert Perez. Jose Villa was informed that a fact sheet would be sent to the City Council and would be available to the Committee on Public Safety. Mr. Villa agreed to share the minutes of the Committee on Public Safety. Harold Rosen would be coordinator for the City. Also discussed was the March 27th route and time and that there would be no problems in the issuance of the permit. Mr. Villa advised of U. S. Civil Rights Commission's action status.

March 12, Friday, 9:30 A.M. - Meeting between Harold Rosen, Robert Perez and Joseph Rodriguez to review progress of the Committee on Public Safety questions (see attachment).

March 12, Friday - Committee on Public Safety meeting at Guadalupe Parish, attended by Joseph Rodriguez and John Spalding. Committee on Public Safety's Report #2 distributed.
FACT SHEET

INVESTIGATION BY THE UNITED STATES COMMISSION ON CIVIL RIGHTS

Action Taken

1. March 1, 1976, letter to Philip Montez, United States Commission on Civil Rights from Mayor Hayes requesting an investigation.

2. March 11, 1976 telephone call from Robert Perez to Philip Montez who stated that the Mayor's letter would be presented to the State Advisory Committee in the week of March 15th. His staff will present the letter and inform the Advisory Committee on the situation in San Jose. There will be no recommendation at this time to conduct an investigation. Mr. Montez indicated that he had not received any request from the community in particular, the Chicano community, to conduct an investigation.

3. March 11, 1976 Robert Perez advised Jose Villa of this matter. Mr. Villa was encouraged to have the C.O.P.S. respond to Montez's request.

INVESTIGATION BY THE CIVIL RIGHTS DIVISION, UNITED STATES DEPARTMENT OF JUSTICE

Action Taken

1. March 1, 1976 letter to Stanley Pottinger, Assistant Attorney General, from Mayor Hayes requesting a formal investigation into the Danny Trevino homicide.

2. No response at this date.

REVEREND CARL HUDSON MATTER

Action Taken

1. February 17, 1976 complaint filed with Internal Investigations.

2. February 17, 1976 presentation by Reverend Hudson to the City Council.

3. February 18, 1976 — Reverend Roundtree contacted the Ombudsman Office about the Reverend Hudson matter. Reverend Roundtree was informed that a direct statement from Reverend Hudson was necessary but that the Office would be glad to meet with the Reverend at his convenience. Reverend Roundtree inquired about a written statement sent through the mail. The Office assured him that it would be sufficient if it included an address or phone number where Reverend Hudson could be reached. No statement was received or submitted by the Reverend. Since IID was conducting an investigation, the Office of the Ombudsman awaited response.

4. February 27, 1976, Friday, 4:00 p.m. the Office of the Ombudsman received memorandum from the City Manager requesting a follow-up on the Hudson case.

6. March 3, 1976, Wednesday — Copy of IID closing letter dated February 25 was received by the Ombudsman.

7. March 3, 1976, Wednesday — Ombudsman requested a copy of the police report which was received on March 8, 1976, Monday.


9. March 10, 1976, Wednesday — Ombudsman called Reverend Hudson's home in the morning. A message was left with the Reverend's son requesting that the Reverend call back. No response on Wednesday.

10. March 10, 1976, Wednesday — Ombudsman placed a phone call to Reverend Hudson's San Francisco Office and left message. No response on that day.

11. March 11, 1976, Thursday — Ombudsman spoke to Reverend Hudson at his Office and set up an appointment for 7:00 p.m. for that evening for the purpose of taking a statement. At 5:20 p.m. Reverend Hudson's secretary called and cancelled the appointment. A message was left for the Reverend to call back at his convenience to reschedule the appointment.

FIVE COMPLAINTS PRESENTED AT THE CITY COUNCIL MEETING OF MARCH 9, 1976, TUESDAY

Action Taken

1. March 10, 1976, Wednesday — A bilingual staff member of the Office of the Ombudsman called one of the complainants. The complainant denied going before the City Council and had no complaint against the Police Department. Staff spoke to the mother of the complainant who stated that she did not go before the Council to file a complaint but only to inform them of what the police are doing. An appointment was made for March 11, 1976, Thursday, at the complainant's home.


3. March 12, 1976, Friday — Ombudsman staff made a home visit and the complainant did not want to file a complaint and never intended to do so. Complainant did not wish to talk about the matter and informed staff that she was advised to do so by her attorney.

4. The third complainant (with no telephone) will be visited by staff on March 15, 1976, Monday.

5. March 10, 1976, Wednesday — The fourth complainant was not in and a message was left with the spouse to return staff's call. No response was received. On March 12, staff called again. Complainant was not in and spouse stated that she had relayed the message to him. However, no response was received.
6. March 10, 1976, Wednesday — Ombudsman staff placed a call to the fifth complainant who was not in. Staff left message with sister to have call returned. No response was received by staff. March 12, 1976, staff again called the fifth complainant's residence and the sister related that the complainant received the message however, did not respond to her.

7. Follow up on complaints presented at the Council meeting.
1. Locker room talk against minority officers within department.

Conversation with Ray Mendiola (President of Latino Police Officers) No knowledge of talk against minority officers within Department that he has heard of - has not happened to him personally - May be the subject of disciplinary action, but there are substantial problems of proof. If it occurs, the remedy is attitudinal and will take long-term training solutions.

2. Public statements by Police Officers on Trevino.

Chief Propst has not heard of any, Ray Mendiola hadn't either. Felt it would take an unusually stupid person to do this knowing the community tensions. Councilperson Wilson stated she would address the question when she met with Chief Propst and Jose Villa when they meet on March 9, 1976.

3. Can we establish legally a citizens' group with regular meetings with the Police Chief?

No legal problems in setting up such an advisory group - per Royce Fincher, City Attorney's office.

4. What legal powers does the Manager have over Police Chief?

SECTION 801. DIRECTION BY CITY MANAGER

Except as otherwise provided elsewhere in this Charter, all offices, departments and agencies established by, or pursuant to, the provisions of this Article, shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager.

Thus, the City Manager may be said to have plenary legal power over the Police Chief and the Police Department, in terms of personnel, organization, administration and internal departmental processes, subject only to certain stated provisions of State law imposing obligations or duties on chiefs of police or granting decisional authority to them. For example, the City Manager may not direct arrest of an individual, nor action violative of employees' statutory bargaining rights.

5. What changes will be recommended in the current complaint on Ombudsman Procedure?

Recommendations on Ombudsman's Office will be made when the report on other Cities' complaint mechanism is completed.
6. Review the role of the City Human Relations Commission, its membership and how they are selected.

See ATTACHMENT #1

7. What is the authority and role of the East Side Advisory Committee (Mayfair Substation)?

The role of the Advisory Committee is unclear. In the past, it has been used primarily for the dissemination of information. The group seems to be looking for ways to become more involved. Meetings are held on a monthly basis, attendance has been very poor. If a copy of the founding documents, if any, can be located, they will be forwarded.

8. Can an advisory board or commission be established for the Police Department with a role including relationships in a specific geographic area, such as East Side?

No legal problems. How viable this would be might be questionable as policies/procedures are city-wide and not restricted to special geographical areas.

9. Can the advisory committee be involved in the review and recommendation on Police Department training programs?

Yes, they could be involved if one were established with that specific responsibility designated.

10. Is Hal Ratliff on city time on POA work, excluding Meet and Confer?

No, Sgt. Ratliff is a Patrol Sergeant working midnight shift from 10:00 p.m. to 8:00 a.m.

11. How can the committee get the names of all police officers?

An ad hoc committee, like members of the public generally, is entitled to know what persons the City is employing for the discharge of the public's business in all City departments.

12. How is the internal affairs unit staffed; how are the officers selected; and, what happens when they complete their tours of duty in internal affairs?

See attached response from Chief Murphy to Ted Tedesco
ATTACHMENT # 2
What kinds of information can be relayed to an officially established Advisory Police Commission, or other officially established citizens' board? Does the California Public Records Act forbid the release of reports?

The City Council may establish and grant functions, powers and duties to boards and commissions it deems advisable, including temporary committees "to render counsel and advice to the Council." Section 1002, Charter of the City of San Jose. An advisory police committee so appointed would become an official part of City government, distinguished from an ad hoc committee whose status would be nothing more than that of interested citizens. If authorized by Council, confidential information of the City, not otherwise legally accessible to the public, could be made accessible to the advisory committee, subject to rights of individual privacy.

What kinds of information does the California Public Records Act prohibit from becoming public?

The California Public Records Act, Chapter 3.5, "Inspection of Public Records," Sections 6250-6260, California Government Code, does not prohibit release of any information to the public. In enacting the Act, the Legislature declared its intent that access to information concerning the conduct of the people's business be a fundamental and necessary right. Although the Legislature is "mindful of the right of individuals to privacy," its apparent philosophy is that all government records be open to the public unless falling within a permissible exception. Section 6250, California Government Code. Cf. Section 6255.

What kinds of information are discretionary with the City Council?

In that the California Public Records Act permits but does not require confidentiality of certain information, the City Council has discretionary authority to release various kinds of information held by the City. The City Council is responsible for matters of policy generally (Section 400, City Charter) including what kinds of information are to be made public.

It is likely that the City Council would wish to retain confidential those records enumerated in Section 6254 of the Act which it is permitted not to disclose. Included among the exemptions from disclosure are records pertaining to pending litigation (subsection b) and personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (subsection c). In addition to the exemptions expressly stated in Section 6254, Section 6255 provides for nondisclosure of any record by demonstrating "that on the facts of a particular case, the public interest served by not making the record
public clearly outweighs the public interest served by disclosure of the record." This is similar to the privilege under Section 1040 of the California Evidence Code for a public entity to refuse to disclose official information acquired in confidence, if disclosure would be "against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice."

14. Review the Amparo System and compare to the Ombudsman Current system for potential modification.

Attempts have been made to reach Dr. Galarza to discuss with him his understanding of the Amparo System. We will continue to attempt to make contact.

15. What is the budget and staffing for the Human Relations funds of the Ombudsman's office?

Money budgeted to the Office of the Ombudsman for the fiscal year 1975-76: $71,100.00

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<td>Ombudsman</td>
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Non-Personal: $1900.00

16. Can the Affirmative Action Advisory Committee be used as the review mechanism for the Affirmative Action Program in the event an external organization, such as EEOC or FEPC is not available or acceptable?

Yes, a work plan is currently being prepared to utilize the Affirmative Action Advisory Committee to audit the progress, accomplishments and problems involved in the City's Affirmative Action Program.

17. What is the record of recommendations of the Civil Rights Division of the Justice Department in killings which they have investigated?

It is our understanding that the committee, through their own resources, will be reviewing this issue.
The Human Relations Commission is a Council-created commission. The role and scope is to a great extent determined by its ordinance. Commissioners on an annual basis determine their goals for a given program year.

Membership is determined by the Personnel Committee of the City Council, as openings materialize. The Personnel Committee utilizes the City's affirmative action policy in making appointments to all commissions.

History

Composition
The Commission consists of eleven (11) members serving three year terms. This change was effected October 28, 1975.

Function

(a) To foster mutual understanding, respect and good will among the sexes, among sexual preference groups, and among all racial, religious and nationality groups in the City of San Jose.

(b) To discourage and prevent discriminatory practices against either sex or among or against racial, religious, nationality and sexual preference groups, and any of their members, in the City of San Jose;

(c) To cooperate with governmental and nongovernmental agencies and organizations having like or kindred functions;

(d) To investigate and study the problems of prejudice, discrimination and disorder occasioned thereby in any field of human relations as in the judgment of the Commission will aid in effectuating its general purpose;

(e) To work together with federal, state, county, city and other governmental agencies in developing educational programs and techniques in achieving harmonious intergroup relations within the City of San Jose;

(e) To work together with federal, state, county, city and other governmental agencies in developing educational programs and techniques in achieving harmonious intergroup relations within the City of San Jose.
(f) To initiate and investigate complaints, and to initiate its own investigations, of (1) racial, religious, sexual and nationality group tensions, prejudices, and disorder occasioned thereby in the City of San Jose, and (2) racial, religious, sexual or nationality discrimination against any person, group of persons, organization or corporation in the City of San Jose whether practiced by private persons, associations, corporations or, provided the Commission first consults with the City Manager, by City officials, or City agencies, except that all instances of such discrimination within the jurisdiction of any federal or state commission or agency against discrimination shall be referred to such commission or agency.

(h) To hold hearings, and take the testimony of any person under oath or otherwise, relating to any matter under investigation or in question before the Commission. At any hearing before the Commission a witness shall have the right to be advised by counsel present at such hearing;

(i) To make recommendations to persons specifically interested therein respecting the settlement or solution of any complaints or problems involving prejudice or discrimination because of race, color, creed, national origin, sexual preference, sex or ancestry;

(j) To make and issue reports respecting studies, research, investigations and other activities;

(k) To render to the City Council, not less than once each fiscal year, a full report of its activities;

(l) To recommend to the City Council legislation which the Commission should find to be necessary to carry out the purpose of this topic;

(m) To prepare and adopt, subject to the approval of the City Council, rules and regulations, not inconsistent with the provisions of this topic, for the conduct of its meetings, studies, investigations, and other activities.

(n) To prepare and submit, annually, to the City Manager a proposed budget covering its proposed activities for the following fiscal year;

(o) To expend, for the purpose of carrying out its functions, powers and duties, monies appropriated therefor by the City Council, subject to applicable laws and ordinances;

(p) To undertake and carry out such other duties as, from time to time, shall be assigned to the Human Relations Commission by the City Council.
The following facts have been assembled in response to the Citizen Committee inquiries regarding actions taken by the Police Department and the Coroner's Office subsequent to the discharge of firearms by Lt. Edwards and Officer Smith.

Officer Kerry Smith, already present at the scene, entered the vehicle within seconds of the shots being fired. His purpose was twofold; first to secure any weapons in the vehicle, and secondly, to ascertain the condition of the victim. At this time Officer Smith observed the victim to be slumped over, making no sounds, eyes glazed, with death apparently being either present or imminent. This concurs with the opinion of Dr. Chan Lee of the Coroner's Office, who stated after the post-mortem examination, that death was either immediate or within two minutes. The ambulance and paramedic personnel subsequently arrived and determined the victim was, in fact, dead. The official pronouncement of death was by Lt. Terry at 3:00 a.m. This pronouncement may legally be made by any competent layperson, according to the Office of the Medical Examiner-Coroner.

Identification of the body at the scene was accomplished by personal papers, and by statements of people at the scene who knew Mr. Trevino. Subsequently, scars and tattoos were compared with existing official documents, as was a fingerprint of the deceased.

At approximately 10:00 a.m. on January 22, 1976, Coroner's Investigator, Hubert Williams, notified Mrs. Becky Trevino at her residence as to the death of her husband. This notification process has fallen to the hands of the Coroner, in this County and throughout the State, as an operating procedure although no requirement exists for this policy in written law. The only time the Police Department involves itself in the notification procedure is as a resource to locate next-of-kin when the Coroner's Office is unable to do so.

At approximately 0440 hours, roughly two hours after the death of Mr. Trevino, the Coroner's Removal Service removed the body of the victim. This was subsequent to the arrival of the Homicide Investigation Team who did a thorough investigation of the incident scene. This activity is pursuant to Section 27491.3 of the Government Code which specifically authorizes this activity.

Immediately after the incident, three officers and four civilian witnesses were interviewed. The four civilian witnesses were Marie Duarte, Maria Galan, Arcelia Martinez and Helene Ochoa.
The following facts have been assembled in response to your request for additional information concerning first aid measures and crime scene investigation.

Dr. Chan Lee of the County Coroner's Office stated that the projectile and resulting bone fragments caused damage to the cervical spine and spinal column, said damage impairing the motor response systems of the body. If death was not instantaneous, it was in a very short period of time. This damage was irreversible, and once inflicted, first aid measures would have been futile. This concurs with observations made by Officer K. Smith at the scene.

Once sufficient officers had arrived at the scene and the victim had been examined by paramedics and his death confirmed, the scene was sealed off to all persons. Due to the late hours, the relatively remote area, and the extreme cold, there was little problem with onlookers. Additionally, the victim was still in his vehicle, out of public view, making containment and control of the incident scene relatively simple.

For these reasons, coupled with a desire not to contaminate any possible physical evidence, the scene was left precisely intact until evidence technicians had completed their investigation and the body removed by the Coroner's removal service.
In response to your query as to selection methods and length of service of Internal Investigations Unit personnel, the following information is provided.

The Lieutenant and two Sergeants chosen for this assignment must have demonstrated exceptional ability and the highest standards of professionalism. They must be able to make objective and impartial decisions, although they may be unpopular, while maintaining a rapport with departmental personnel. This balance is extremely difficult to maintain, and for this reason extreme care is used in the selection of Internal Investigations Unit personnel.

The normal duration of assignment is one to two years, unless promoted out of the assignment. On occasion, a career development opportunity may arise, although Internal Investigations is considered one of the most desirable positions in the police department.

Although Internal Investigations personnel investigate actions of officers which may be distasteful to the department as a whole, the role of the Internal Investigations Unit and its requirements of integrity and objectivity are apparent to department personnel. Internal Investigations Unit members realize that their impartiality serves in the long run to benefit the integrity and professional image of the department as a whole. Members who have worked in the Internal Investigations Unit in the past have been welcomed back into line and investigative units within the department and we know of no instance where members of the Internal Investigations Unit, upon returning to a line unit, have suffered negative peer pressure because of having worked Internal Investigations.

Their experiences in the Internal Investigations Unit have improved their ability to relate the necessity, reliability and integrity of the unit to other divisions within the department and to assist other members of the department to better understand the operation of the Office of Chief of Police.
As per your request, the following are activities now in process in the Office of Affirmative Action.

As you will recall, previously I proposed that the Affirmative Action Advisory Committee conduct the review of the Affirmative Action Program, as the EEOC and FEPC were not available. The Committee will meet on March 17, 1976, at which time it will be proposed that this review include, but not be limited to, the following:

1. A review of the City-wide Ethnic progress since the inception of the report.

2. A review of each Department's efforts in meeting their Affirmative Action goals and timetables.

3. A review of the progress that has been made for minorities and women in all occupational levels.


5. A review of the amount of budget and activities directed to the Career Development Program as it affects the implementation of the Affirmative Action Plan.

6. A review of the role of the Affirmative Action Program in respect to its relationship with the community.

The Chairman of the Committee, Alberto Carrillo, is agreeable to conducting the review and will present this as a proposal to the Affirmative Action Committee at their meeting of March 17, 1976. Subsequent progress reports will be submitted to the Council.

The position of Women's Coordinator has been filled, and she will begin her duties on March 22, 1976. Patty Baggese has been selected for this position. Mrs. Baggese has been a City employee for three and a half years, assigned as a staff member to the Human Relations section of the Office of Community Relations. Her primary duties will include areas of responsibility that will improve the equal employment opportunities for women.
The Ethnic Survey is in the process of being compiled. This is the Annual Survey, which will show the City's Affirmative efforts in the areas of ethnic and women placements city-wide, by departments, and by occupational levels. A full report will be forthcoming to the Council within two weeks.

The discrimination complaint procedure is being implemented. This procedure affords City employees an opportunity to register a discrimination complaint if the employees feel they have been discriminated against in any selection procedure because of their race, color, religion, sex, national origin, age, or physical handicap. Orientation of the procedure is now being conducted to administrative and line supervisors of the different departments.

The Affirmative Action Office prepared a position paper on the validity of granting Veterans Preference Points in entry level examinations. It is the position of this Office and Committee that Veterans Points as a preference to employment are non-job related, and may be discriminatory against minorities and women. A presentation was made before the Civil Service Commission on March 4, 1976 proposing that Veterans Preference Points be eliminated on all entry level examinations. After due deliberations the Civil Service Commission denied the request.

Due to the possibility of pending layoffs, an ad-hoc committee has been formulated to determine what impact layoffs would have on Affirmative Action. The Committee is composed of Clinton Hilliard, Director of Personnel; Daniel Campos, City Affirmative Action Officer; Robert Perez, Director of Community Relations; Frank LeSueur, Employee Relations Officer; and Luis Saenz, newly appointed as the Labor Relations Attorney for the City. Although we recognize that layoffs are guided by meet and confer contractual agreements, we still find it within our obligations to find what impact layoffs would have on minorities and women. Meetings are now in process and reports will be forthcoming.

This is a summary of the major activities, and subsequent reports will be forthcoming to the City Council on a weekly basis, or at their request.

HAROLD ROSEN
Deputy City Manager

HR:DC:mdh
The City Council, while in general session, requested that the Equal Employment Opportunity Commission or the Fair Employment Practices Commission do a review of the City's Affirmative Action Program to measure its progress and its effectiveness since implementation. The Equal Employment Opportunity Commission and the Fair Employment Practices Commission have both indicated that they can't do a review on that basis, and are limited to reviews only when there is a complaint on file or an investigation being conducted. The Deputy City Manager, Harold Rosen, subsequently addressed the City Council to advise them that the EEOC and the FEPC were not available for a review of the program. It was further proposed by Mr. Rosen that this review be done by the City Affirmative Action Advisory Committee. The City Council agreed and adopted this concept. It is, therefore, proposed that this review include, but not be limited to, the following:

1. A review of the City-wide Ethnic progress since the inception of the report.

2. A review of each Department's efforts in meeting their Affirmative Action goals and timetables.

3. A review of the progress that has been made for minorities and women in all occupational levels.


5. A review of the amount of budget and activities directed to the Career Development Program as it affects the implementation of the Affirmative Action Plan.

6. A review of the role of the Affirmative Action Program in respect to its relationship with the community.

The Chairman of the Committee, Alberto Carrillo, has consented to conduct this review. In order to develop guidelines, it will be proposed that a subcommittee be established to present a review proposal to the entire Committee at a future date. At this point all we are proposing is the perimeters of jurisdiction, and that within these perimeters guidelines be developed as to how the Committee intends to review the program. It is, therefore, essential that you attend this meeting and come to some conclusion as to how the Committee intends to review the Affirmative Action Program.

Daniel Campos  
City Affirmative Action Officer
TO Mayor Janet Gray Hayes, and City Council
FROM Robert B. Murphy

SUBJECT SUMMARY OF AFFIRMATIVE ACTION PLAN AND TRAINING PROGRAMS
DATE March 12, 1976

This is per request of Mayor's Office for this information relative to the Police Department's Affirmative Action Plan and Training Programs.

It should be noted that we are progressing well toward reaching parity with the Spanish surname group which reflects the greatest need for parity.

The Training Programs include some of the very best education courses for police officers anywhere in the nation.

Robert B. Murphy
Chief of Police

RBM:mld
RESTRICTURE OF CITY COMPLAINT MECHANISM

November 19, 1975
INTRODUCTION

The Human Relations Commission finds in its duty to bring about mutual understanding and respect among all groups and agencies in the City of San Jose, and as a mediating commission to alleviate prejudice, racism, discrimination and disorder occasioned thereby, that it should assume that role now carried out by the Office of the Ombudsman.

It is apparent to the Commission that an inherent conflict of interest exists. The investigation of an institution by an agency it controls seldom leads to objective conclusions.

It is with this thought that a city complaint mechanism should be totally independent of the executive branch of government that this initial proposal is respectfully submitted.

I. ROUTINE COMPLAINT MECHANISM

A. CRITERIA: A routine complaint shall be one in which there is no great bodily injury, no use of a weapon, no discharge of a firearm, and no substantial community interest.

B. FILING: A complaint against a police officer shall be filed with the City Council, the Human Relations Commission (staff or commissioner) or the Police Department.

C. INVESTIGATION: There will be two investigatory bodies involved in the acquisition of facts in a routine complaint. They will be the Internal Affairs Department of the Police Department and the Police Community Relations Subcommittee and necessary staff of the Human Relations Commission. Depending upon which body received the complaint, the body receiving said complaint shall notify the other investigatory body and place at its disposal all necessary information required to conduct a sound investigation.
The purpose of the investigatory bodies is to acquire all necessary factual materials upon which a determination of fact can be based.

All findings of fact by the Police Community Relations Subcommittee relevant to a given case shall be forwarded to the Human Relations Commission.

D. RECOMMENDATIONS: The Human Relations Commission, sitting as a whole, shall make recommendations on the validity of the complaint based upon all factual information at its disposal. Final recommendations shall be forwarded to the Chief of Police.

E. DISCIPLINARY DETERMINATION: Upon receipt of final recommendations from both the Human Relations Commission and the Police Bureau Commander, the Chief of Police shall make a disciplinary determination on the officer involved in the complaint. After fifteen (15) days the Chief of Police shall report his determination with an explanation to the Human Relations Commission.

F. FINAL REVIEW: If upon receipt of the disciplinary determination from the Chief of Police, the Human Relations Commission differs in its judgment based upon an examination of all the facts, the Human Relations Commission shall appeal to the City Council to resolve the discrepancy.

The City Council's review and subsequent determination shall be the final judgment in the case.

II. NON-ROUTINE COMPLAINT

A. CRITERIA: A non-routine complaint shall be one in which there is great bodily injury, use of a weapon, discharge of a firearm, or a substantial community interest as determined by the Human Relations Commission.

B. FILING: A complaint against a police officer shall be filed in the same manner as a routine complaint shall be filed.
C. INVESTIGATION: The investigatory structure for a non-routine complaint shall be the same as that utilized for a routine complaint.

D. RECOMMENDATIONS: In a non-routine complaint situation recommendations shall be made by a community panel acting in conjunction with the Human Relations Commission. The community panel shall be made up of twelve (12) members, one member chosen from each of the twelve (12) city planning areas. Panel members will be selected annually by the City Council from a list of names submitted by interested parties. Each community panel member shall reside in the district he or she is selected from and represents, and shall be responsive to the people in the district. The recommendations of these two bodies sitting as a whole shall be forwarded to the Chief of Police.

E. DISCIPLINARY DETERMINATION: Disciplinary determination in a non-routine complaint will be handled in exactly the same manner as in a routine complaint.

F. FINAL REVIEW: Final review in a non-routine complaint will be handled in exactly the same manner as in a routine complaint.

OUTREACH

To supplement the aforementioned complaint mechanism a substantive outreach program must be initiated to encourage valid complaints against improper police behavior. Such a program, which should be a joint effort of the Human Relations Commission and the Police Department, is essential to establish confidence in the Commission, in the complaint mechanism, and in the Police Department as a whole.

OBJECTIVE

The objective of this recommendation is to encourage a responsive Police Department which has the support of an involved community.
A police department can function effectively only with the support of the community it serves. Community support grows from community involvement. A forum to air grievances, to bring together factions now polarized, is a means to tie new bonds between the residents of San Jose and their police department.

To be viable, a mechanism designed to handle citizen complaints against police must develop and maintain credibility, in the community and among the rank and file of the police department. The citizen must have confidence in the mechanism and feel free from any fear of consequences or he will not initiate the process or involve himself in it. Equally, the police officer must have confidence in the process. He must believe the process to be tempered with justice and rationality and to afford him protections against vindictive and unsubstantiated attacks. An effective citizen complaint mechanism must be actively supported by the majority of police personnel. Ultimately, individual police officers should look to such a mechanism for guidance as to the wishes of the community and should be willing sources of information for investigations into citizen complaints.
To assist the City Council in its assessment of the progress towards implementation of the Ad Hoc Committee recommendations, the Police Department has prepared a status report on the subject which is shown on Attachment A to this report. The summary to this attachment indicates that of a total of 43 Ad Hoc Committee recommendations, 15, or 35 per cent, have been implemented. Another 16 recommendations, or 37 per cent, have been partially implemented leaving only 12 recommendations, or 28 per cent, which have not been implemented. Attachment A also includes narrative statements relative to the status of each individual Ad Hoc Committee recommendation.

At its Committee of the Whole meeting on May 17, 1973, the City Council approved the concept of the MacKenzie Plan, requested recommended means for providing citizen input for the MacKenzie Plan, and requested a proposal from the Administration for a pilot Community Service Center.

The proposed 1973-74 Budget contains an allocation for one Sergeant and sixteen Police Officers required to implement the basic patrol element of the MacKenzie Plan during fiscal 1973-74. This level of staffing modifies the basic patrol element of the plan to provide relief on an area basis rather than a beat-by-beat basis.

Citizen involvement is inherent in the MacKenzie Plan, particularly at the citizen contact level in the organizational structure and at the most significant point. Officers are to be assigned for a minimum of 24 months to a particular beat. Officers will not change from area to area on a day-to-day basis and will therefore become knowledgeable of the citizens in a particular beat and the citizens in turn will begin to recognize the officers as belonging to a particular neighborhood. At the next level in the organization there will be a District Sergeant in charge of five or six beats. This Sergeant will also be assigned to a particular district for a minimum of 24 months and will be accessible to the citizens. The next level in the organizational chain provides for a Lieutenant or Area Commander in charge of two districts who will also be accessible to the citizenry.

The MacKenzie Plan therefore has built-in mechanisms for establishing responsibility and accountability for Police service to a particular area and also provides the necessary structure for direct citizen involvement.

The Police Department has prepared a proposal for a pilot Community Service Center to be located in the former Mayfair Substation building. That proposal is intended to provide community-oriented Police programs to the East Side area, to provide a criminal justice structure responsive to neighborhood concerns, and to build a positive relationship between the neighborhood residents and local
government. The Center would be staffed with Police Officers and Police Community Aides under the direction of a District Sergeant and would also include a number of County social workers from specialties of Juvenile and Adult Probation, Welfare, and Health. The first-year cost of this pilot program is estimated at $162,000. Details of this pilot program are shown on Attachment B to this report.

At this same meeting, the City Council also requested the City Manager to provide comments with respect to the Ad Hoc Committee recommendations on the weapons policy, citizen complaint mechanism, and establishment of a Police Advisory Committee.

The issue of weapons policy is whether a Police Officer should be allowed to fire his weapon only when either his life or that of another person is in danger or whether the Police Officer can fire his weapon in the apprehension of a person committing a felony either by force or by threat of force. The latter is present Departmental policy and the former is the recommendation of the Ad Hoc Committee. After due consideration of this matter, the Chief of Police has recommended the adoption of the policy proposed by the Ad Hoc Committee on this matter. A report including an appropriate insertion in the Police Department Administrative Manual implementing this proposal is shown in Attachment C to this report.

Attachment D to this report is an approach to the citizen complaint mechanism which is an alternative to that recommended by the Ad Hoc Committee. This alternative proposes that a procedure be adopted whereby the non-Police element in the complaint investigation process would be provided by the Ombudsman. This would be accomplished through monitoring of the investigations process by the Ombudsman at key points to insure the thoroughness and relevance of the investigation. This alternative would avoid duplicate investigations by the Ombudsman in cases where the Internal Investigations staff is involved and would also provide that should the Chief of Police determine that investigation of a particular case by the Internal Investigation staff is not merited the Ombudsman may, at his discretion, conduct his own investigation.

In my view, the contributions of the Ad Hoc Committee have been both extensive and valuable and I would recommend a procedure for the submission of periodic progress reports to the City Council regarding the on-going implementation of the recommendations of the Ad Hoc Committee. While periodic in-depth reviews of this sort are of value, I do not recommend at this time the establishment of an on-going Police Advisory Committee.
Pursuant to your request to obtain copies of new Police Department policy governing the use of deadly force, I contacted Pat Dwyer of the Research and Development Unit within the Department.

According to Pat, no formal policy has yet been issued which is binding on members of the Department. Approximately five drafts of a proposed revision had been completed and information regarding these drafts has circulated throughout the Department informally. Much negative reaction has occurred among the rank and file.

Dwyer informed me that attempts to apply the policy recommended by the Ad Hoc Committee to actual situations revealed many problems. Following reviews of Berkeley's attempts to apply this policy statement, members of the Department and of the Ad Hoc Committee agreed that the proposed policy was not workable, Dwyer told me.

Deputy Chief MacKenzie is presently working on a final revision of this policy. A staff meeting will be held next Wednesday and Dwyer will inform me of the outcome. He was not able to predict when a policy would be signed by the Chief and become formal departmental policy.
TO Mayor and City Council

SUBJECT Information for May 31, 1973, COW Meeting on Ad Hoc Committee Recommendations

FROM TED TEDESCO

DATE May 30, 1973

Page 3

The problems of the Department at the present time are the implementation of the Ad Hoc Committee recommendations which the City Council has judged to be valuable. The periodic status reports will speak to this implementation process. In addition, the establishment of a citizen complaint mechanism with the continuous involvement and input of the Ombudsman will, in my opinion, provide a necessary device for ongoing citizen input.

It is clear that substantial progress has already been made towards implementation of at least the intent of a majority of the Ad Hoc Committee recommendations. With City Council approval, this effort will continue in the future.

Respectfully submitted,

TED TEDESCO
City Manager

Attachments
OVERVIEW - USE OF DEADLY FORCE POLICY

Generally the Department agrees with the following Ad Hoc Committee recommendation relating to the use of deadly force and presently maintains formal policy which largely conforms to this recommendation.

B. RECOMMENDATION

THE USE OF DEADLY FORCE IS JUSTIFIABLE ONLY AS A MEANS OF PRESERVING LIFE.

The discharge of firearms is never justifiable solely for the purposes of apprehension. Specifically, the Committee recommends:

1. Section 3111.1(a), items 1 through 4, of the San Jose Police Manual should be retained as is.

2. Item 5 of Section 3111.1(a) of the Manual should be revised to state "firearms may be discharged in the performance of a police duty when all other reasonable means have failed, to apprehend a KNOWN felon, when the officer has reasonable cause to believe he may be armed and may be an immediate threat to life."

3. Policy should be established that firearms not be discharged under the following circumstances:

   a. as a warning.
   b. at a person known or believed by the officer to be under the age of 18 years, unless necessary in the defense of the officer's life or another person's life when all other reasonable means have failed.
   c. in a misdemeanor case.
   d. from a moving vehicle or at a fleeing vehicle.

4. Policy should be established that officers not display any firearms in an enforcement operation unnecessarily.

The present "Firearms Regulations" policy of the San Jose Police Department is stated as follows:

3111.1. Firearm Regulations.

   a. When Firearms May be Discharged. Firearms may be discharged in the performance of a police duty only under the circumstances listed below.

      If, in the opinion of the officer involved, he can safely accomplish the ends described in (3), (4) and (5) by firing a warning shot or shots, he may do so.
(1) At an approved range.

(2) When killing seriously wounded or dangerous animals when other disposition is impractical.

(3) When necessary in the defense of his own life when all other reasonable means have failed.

(4) When necessary in the defense of another person's life when all other reasonable means have failed.

(5) When necessary to effect the capture of, or prevent the escape or rescue of a person whom the member has reasonable cause to believe has committed a felony involving the use or a threat to use deadly force, when all other reasonable means have failed.

b. When Firearms Will Not be Discharged. Firearms will not be discharged under the following circumstances:

(1) At misdemeanants.

(2) To effect the capture or prevent the escape or rescue of a person whom the member has reasonable cause to believe has committed a felony which did not involve the use or a threat to use deadly force.

(3) At moving or fleeing vehicles involved in violations of the Vehicle Code (including felony violations such as 20001, 10851, 23105) unless necessary to defend the life of the officer or another person.

A significant change in Departmental policy relating to the discharge of firearms will occur immediately upon issuance of the attached order by the Chief of Police. Upon issuance of this order, Departmental policy will be even more closely aligned with the Ad Hoc Committee recommendation.

The Department presently has no specific policy relating to the use of deadly force against minors, and although the Department has no formal proscription against the display of a weapon in an enforcement situation, present policy, training and supervision have served to regulate this area.

Although these minor points of disagreement exist, the basic philosophies and goals of the Ad Hoc Committee and the Police Department are closely aligned regarding the use of deadly force—that is that deadly force is justifiable, only as a means of preserving life, not solely for purposes of apprehension. The Department feels that the attached policy provides the highest level of protection and service to the community while ensuring maximum safety for officers.
BACKGROUND AND PURPOSE

After evaluating the policies of major departments throughout the State of California and considering the safety and well being of both citizens and officers the following revision is made to the San Jose Police Manual, eliminating the use of warning shots by members of this Department.

ORDERS

(VOLUME I)

3111.1. Firearm Regulations.

a. When Firearms May be Discharged. Firearms may be discharged in the performance of a police duty only under the circumstances listed below.

(1) At an approved range.

(2) When killing seriously wounded or dangerous animals when other disposition is impractical.

(3) When necessary in the defense of his own life when all other reasonable means have failed.

(4) When necessary in the defense of another person's life when all other reasonable means have failed.

(5) When all other reasonable means have failed, to apprehend a KNOWN felon, when the officer has reasonable cause to believe he may be armed and may be an immediate threat to life.

b. When Firearms Will Not be Discharged. Firearms will not be discharged under the following circumstances:

(1) At misdemeanants.

(2) To effect the capture or prevent the escape or rescue of a person whom the member has reasonable cause to believe has committed a felony which did not involve the use or a threat to use deadly force.

(3) At moving or fleeing vehicles involved in violations of the Vehicle Code (including felony violations such as 20001, 10851, 23105) unless necessary to defend the life of the officer or another person.
INITIATIVE PROCESS FOR THE FOLLOWING

1. Police Review Commission
2. Districting
3. Tenant-Landlord
4. Salary Increase for Councilmembers

(a) INITIATIVE. To initiate proceedings for the exercise of the power of initiative, either of the following provisions shall apply as is applicable:

(1) If the petition is signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, and contains a request that the proposed ordinance be submitted immediately to a vote of the people at a special election, the Council shall either pass the proposed ordinance for publication, without alteration, at the regular meeting at which it is presented or immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the City.

(2) If the petition is signed by duly qualified electors of the City equal in number to at least five percent (5%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not adopted without alteration by the Council, then the proposed ordinance, without alteration, shall be submitted by the Council to the voters at the next general municipal election.

In the event that a petition is submitted in accordance with the provisions of either sub-paragraphs (1) or (2) of this subsection (a), and the Council submits said proposed ordinance to a vote of the voters of the City, the Council may not at the same time submit an alternative ordinance.

WHAT IT TAKES

1. If we are looking at a June 8th initiative it would take.
   (a)  5% = 10,938 valid signatures
   (b)  8% = 17,501 valid signatures

   This figure is taken from the last general municipal election which was the Nov. 5, 1974 Hayes-Collins run-off with a registered voter count of 218,754
2. If we go for a November 2nd general election (which would assure us of a larger voter turnout) we have the following problems.
   (a) To get an initiative on this ballot would demand forcing a run-off situation in the June 8 election which would force the city to put their municipal election run-off on the general election ballot. This means we have to run candidates on either the Self, Wilson or Naylor open seat ballots which would cause no one candidate to receive a majority vote.
   (b) Filing information for candidacy
      (i) March 12th (noon) final filing if incumbent files
      (ii) March 17th (noon) final filing if incumbent does not file.
      (iii) Candidate must be registered voter in San Jose and resident for at least one year.
      (iv) 50 valid signatures are required and petition is not to exceed 60 signatures.
      (v) No filing fee. If statement is desired on ballot cost is $400 for English only and $800 for bi-lingual ballot.
   (c) The number of required signatures may or may not decrease/increase depending upon how many new registered voters are on for the June 8th election. An increase would be dependent upon registration efforts of candidates such as those we would run, those already running and also Delgado and McQuorquadrade and Vigil whose election is also for June 8th.

**DON'T REINVENT THE WHEEL**

1. The language and academics of the initiatives has been basically (modification would be needed but probably only minimally) worked out in the past. Refer to CAP Districting Plan (1972-1973), Berkley Police Review Commission Ordinance (1973), Committee of 1000 (re: salary increase) and existing Tenant-Landlord project.

2. Massive coalition is required. Possibly the creation of a New Progressive Committee would be desirable. Such an effort was done in the 1930's by Alden Campen, Ruffo, et. al. which resulted in the city-manager, weak mayor form of government we now have. This group was called the Progressive Committee (refer to Appendix 1 for brief summary of Progressive Era Reform)
REMOVAL OF THE CITY MANAGER

1. Section 702: REMOVAL BY COUNCIL. The Council may remove the City Manager from office at any time.
   (a) Section 602. COUNCIL ACTION, VOTE REQUIRED. Except as otherwise provided elsewhere in this Charter, no ordinance, resolution or motion shall be passed, adopted, or become effective unless it receives the affirmative vote of at least four (4) members of the Council.

2. Section 703. REMOVAL BY PEOPLE. The City Manager may be removed from office by the People of the City pursuant and subject to the provisions of Section 1604 of this Charter.
   (a) Section 1604. REMOVAL OF CITY MANAGER. The electors of the City do hereby reserve the power to remove from his office the person holding the position of City Manager. The provisions of the Elections Code of the State of California governing the recall of holders of elective offices of cities, as they now exist or may hereafter be amended, shall be applicable, insofar as the same are not in conflict with this Charter, to the removal from his office of the person holding the position of City Manager, the same as if the position of City Manager were an elective office; provided, however, that:
   1. to initiate proceedings for the exercise of said power, the petition shall be signed by duly qualified electors of the City equal in number to at least the same percentage of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition as is required for recall petitions under the provisions of sub-section (c) of Section 1603 of this Charter.

   (b) SECTION 1603 (c) RECALL. To initiate proceedings for the exercise of the power of recall, the petition shall be signed by duly qualified electors of the City equal in number to at least twelve percent (12%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition.

WHAT IT TAKES

1. It takes four (4) bold councilpersons to initiate Section 602

2. A recall takes 26,250 valid signatures - 12%. We would still have the same problem as regards general municipal elections vs. general elections
LEGISLATIVE PROCESS - COUNCIL INITIATED ORDINANCE

1. City Council can take action to adopt its own ordinance and it would require council action of at least four (4) members as outlined in SECTION 601.

2. SECTION 603. ORDINANCES, REQUISITES OF. Every proposed ordinance shall be introduced in writing. The enacting clause shall be "Be it Ordained by the Council of the City of San Jose." Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance. No section of any ordinance or of any code shall be amended unless the whole section to be amended is set forth as amended.

3. SECTION 604. ORDINANCES, PROCEDURE FOR ADOPTION. Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, no ordinance shall be adopted unless (a) it is first passed for publication of title, (b) the title of the ordinance is published as hereinafter provided in this Section, and (c) at least six (6) days have elapsed between the date it was passed for publication of title and the date it is adopted.

The title of an ordinance shall be deemed to have been "published" as said term is hereinabove used in this Section if such title is printed in a newspaper of general circulation in the City no later than the third day immediately preceding the date of its adoption. No part of any ordinance, or proposed ordinance, other than its title, need be published.

Ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, may be adopted without compliance with the above provisions of this section.

4. SECTION 605. ORDINANCES; EFFECTIVE DATE. Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

The following ordinances shall take effect immediately upon adoption (d) An ordinance adopted as and declared by the Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety, containing a statement of the facts constituting such urgency, if adopted by the affirmative votes of at least five (5) members of the Council;

WHAT IT TAKES

1. Whereas it is conceivable that Police Review Commission could be initiated by action of Council as outlined in SECTION 1002 (OTHER BOARDS AND COMMISSIONS) - other action such as Districting, Salary would require a Charter Revision which must go to the voters. The Charter Review Process is moving now and soon the Council will be appointing a 15 person Charter Review
The rise of Federal, State, and Local bureaucracies indicates the change of legislative functions. These bureaucracies make social policy and locally have been controlled by City Managers who are not elected officials. Bureaucratic institutions have consequently consistently remained targets since even the best piece of legislation is administered through these bodies who's subsequent impact is direct. If we are to turn around Washington D.C. or Sacramento let alone General Motors and Chase Manhattan Bank a good initial start is San Jose.

To get a handle on city government is is desirable to understand a little about early 1900's big business led municipal reform movements in cities throughout the nation.

As cities became centers for finance and industry, the business community found that it had a large interest in the planning and design of urban political economics. Business leaders felt city government could not organize the economy as well as they could. Corporate dominance was at best a difficult venture considering the ward system and political machinery that played to parochial interests.

While the ward system was not a democratic model there was some relevancy to labor class concerns. Even a few socialist mayors were known to have sneaked thru.

Business framed it's reform movements as an attachment on graft and corruption of political machinery. Business was not opposed to graft per se but was instead concerned with the expensive process of creating their own counter political machines.

Running out and finding some liberal do-gooders (hereinafter the definition of which is people who believe the problem is not structure but only a lack of well intended people in positions of illusionary power) progressive reform was implemented which did three (3) substantial things;
(a) Established city commission and city manager government through non-partisan at large elections.
(b) created city planning
(c) annexed bordering jurisdictions.

City wide elections are expensive. Non-partisan elections do not allow for party political machinery. New forms of city government reduced the number of elected officials and replaced them with "professionals" who are corporate model trained and handle the day to day affairs of business goes on as usual.
Planning became the watchwords of tactics to stall, subvert, confuse and take politicians off the political hot seat.

Local government has become insulated from neighborhoods. It is time to recapture local government. Districting is the first step. Charter revision is the next followed by a strong mayor form of government with mayor as chief executive.

The charter of the City of San Jose indicates this dilemma under Article IV (The Council); Section 411 (Interference with Administrative Matters) which states:

"Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his powers and duties nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining of the appointment and removal of such officers and employees."
I own a business at Parkmore and Lincoln and have always received the best response and services from the San Jose Police. I want to express my support for the Officers involved in the shooting at 215AM January 22 76 and anything I can do to support them I will.

Ernest E Filmore
701 Lincoln Avenue San Jose California 95126
23:35 EST

MAYOR JANET HAYES
CITY HALL
SAN JOSE CA 95125

Jan 30 11:03 AM 76
February 12, 1976

Janet Gray Hayes, Mayor
City of San Jose
801 North First Street
San Jose, California 95110

Dear Mayor Hayes,

The Coalicion Cristiana, a coalition of religious oriented groups working with the Spanish speaking population of Santa Clara County, strongly supports the requests of the Committee on Public Safety and calls upon you and the members of the City Council to cooperate with them in the implementation of these requests.

We especially call upon you at this time to work for a completely independent investigation of the Trevino killing and the accessibility of the Police reports at least to the Committee on Public Safety.

We are interested in Peace and Justice for all people in this community. We feel that your cooperation with the Committee on Public Safety and the Chicano community can help to bring this about.

Very sincerely,

(Rev.) Richard Garcia
President

cc: Committee on Public Safety
February 24, 1976

Mayor's Office
201 Mission
San Jose, California
95110

Dear Mrs. Hayes:

Being a resident of San Jose, in the County of Santa Clara, I am in complete agreement with the decisions of the San Jose Police Department in the Trevino Case.

I have the deepest sympathy for the Trevino family, as I am sure all do. The loss of any loved one is a tragic thing to face. I am sure that if their son would have been in the officers place, his actions would have been the same.

Unfortunately, our society has made it very difficult for any Police Department to perform without utmost caution.

Again, you have my complete support in all decisions.

Sincerely,

Mike Sianali
10272 Denison Ave
Cupertino, Calif.
Dear Mayor Hayes,

This is to urge that you exercise the power and influence of your office to help the Committee on Public Safety in their efforts to secure justice for the family and friends of Danny Trevino. For this to happen, I feel strongly that two things are necessary. One of them is an open grand jury hearing. The other is an independent investigation of precisely what transpired that night. The need for this investigation to be independent has been fully shown by the events surrounding the Watergate cover-ups engineered by Mitchell, Haldeman and Erlichman.

Let me close by repeating that I feel quite strongly about this matter. Too many people have been killed by police in this town. As a citizen, a father, and a voter I am determined to help put a stop to these killings. Please help us.

Gayle Southworth
429 S. 13th Street
San Jose, Ca. 95112

cc. the Committee For Public Safety
1711-C McKee Road
San Jose, CA 95116
February 10, 1976

Janet Gray Hayes, Mayor
City of San Jose
San Jose City Hall
San Jose, California

Dear Mayor Hayes:

Members of San Jose GI Forum, at our membership meeting, voted unanimously to express our concern over your handling of the recent killing of Danny Trevino by officers of the San Jose Police Force.

We noted that it seems to be always Chicanos or Blacks being blasted to death by officers paid to protect and serve us.

We are sure that you are aware that the Chicano community has no trust whatsoever in the capability, nor the willingness, of the County Grand Jury, to give this matter an unbiased investigation.

We have been conned, lied to, and deceived too often in the past, and believe that the same thing may be transpiring in your handling of the Danny Trevino matter.

We never want our society to get to the point where killing is taken too lightly. We do not believe that the Police can unbiasedly investigate themselves. We do not think that this matter should be ignored by your office, and lastly, we do not think that Councilman Alfredo Garza, merely because he speaks Spanish, should be used as a "buffer" between the Chicano community and City Hall.

Mayor, we WANT to respect your office and the employees of the City of San Jose. We hope your handling of this matter will lead us to conclude that a thorough investigation has been conducted, the facts made public, and those responsible brought to justice.

Very sincerely,

Richard Rubi, Chairman
San Jose GI Forum

"EDUCATION IS OUR FREEDOM AND FREEDOM SHOULD BE EVERYBODY'S BUSINESS"
February 20, 1976

The Honorable
Janet Gray Hayes, Mayor
and City Council
City of San Jose
801 North First Street
San Jose, California 95110

Madame Mayor and City Council:

The UAW Local 1364 Executive Board at its regular meeting, February 18, 1976, went on record deploring the action of the San Jose Police Department and condemned the inaction of the San Jose City Council in dealing with the shooting death of Danny Trevino.

If this were the first case of over-reaction by members of the San Jose Police Department, we would not be greatly alarmed, but this instant case is merely one of many cases of over-reaction by San Jose policemen.

One good example in recent years is the John Henry Smith case. In that case, the Mayor and City Council appointed a blue ribbon investigative committee known as "The Ad Hoc Committee" to investigate and report the procedures of the San Jose Police Department.
Dear Mrs. Hayes:

I am a voting resident of the City of San Jose and have been for fifteen years. I am also a concerned law-abiding citizen who is greatly disturbed that you as my elected representatives have taken it upon yourselves the task of forming a committee to investigate the recent Trevino case and, in the process, denied all backing to our law enforcement agencies upon whom our very lives and the future of our community depend.

The committee that you formed has all the earmarks of an old-fashioned vigilante group. First, even before the committee convened, the majority of the members announced its decision and, in fact, demanded action from you on that basis. Secondly, one of the members of this "unbiased committee" is the announced lawyer for the victim's widow. Third, this committee has no basis in law and should never have been formed.

It is discouraging to watch a group of 250 people, some of which are not even United States citizens or voting residents of San Jose, so sway a City Council that that Council gives into their demands by forming a biased, unjust investigative body, whose meetings are to be kept secret, and even considers publicly financing it.

I realize that you as a group and as individuals are pressured constantly by different factions in our city, but I plead with you, for the sake of all law-abiding citizens, not to be taken in by a mob, but to remember that those who elected you are depending on you to use fairness and common sense in all your judgments.

Very sincerely yours,

Nancy L. Liden
March 1, 1976

Mr. Jose Villa
MACSA
332 North 2nd Street
San Jose, CA

Re: Danny Trevino

Dear Mr. Villa:

This office will present evidence with respect to the death of Danny Trevino to the Santa Clara County Grand Jury beginning at 7:30 p.m., March 30, 1976.

I understand that you may have an interest in this case and may have taken statements from witnesses concerning the case. As you know, it is important that the Grand Jury hear all relevant evidence with respect to this matter. Therefore, if you have obtained any evidence or statements from witnesses, I would appreciate receiving copies of these statements as soon as possible so that the Grand Jury may receive all relevant evidence at the scheduled hearing.

Relevant evidence, of course, is not limited to that possessed by eye witnesses, but may also consist of evidence relating to prior acts of violence, if any, on the part of Mr. Trevino or Officers Smith or Edwards. Also, evidence of good reputation with respect to violence with respect to any of the three principals could be relevant.

Sincerely,

WILLIAM P. HOFFMAN
Chief Assistant District Attorney

WPH: nas
To our knowledge, very little, if any, of the recommendations of that final eighty-one (81) page report has ever been implemented. Enclosed is page thirty-two (32) of that recommendation regarding a weapons policy.

We, of Local 1364 UAW, support the demands of the Confederation De La Raza Unida, and the UAW Fair Practices - Anti Discrimination Council of the Northern Region 6.

We appeal to you to look at this case not as politicians but as human beings of kind heart and make a concerted effort to resolve this issue in a just manner.

EQUAL JUSTICE FOR ALL!

Sincerely,

George Nelson
Recording Secretary
UNITED AUTO WORKERS
Local 1364

Enclosure
DON'T MEET ORGANIZE!!

A few weeks ago a Chicano brother, Danny Trevino, was murdered by a San Jose police agent—in cold blood. The same crime occurred in the police slaying of a Black brother, John Henry, just a couple of years ago. This sort of police terrorism has become as mundane in America as apple pie.

The local Chicano community along with progressive Blacks and whites are presently attempting to gain mass support in order to take certain necessary steps to minimize this sort of viciousness. The creation of a citizen police review board is one way of attempting to keep San Jose police agents in check and perhaps may prevent the senseless murder of other citizens.

Many of us confined here in the Santa Clara County Jail, perhaps better than anyone else, recognize the dire necessity for our keepers to be held accountable for their arbitrary and capricious actions. In an effort to show our support and solidarity with those who are protesting against such gross injustices we join spirits with you in this rallying cry to bring about community control of the San Jose police force.

The political conscious prisoners here are fervently urging all inmates to participate in a mass jail boycott the entire day of Saturday, February 28th in righteous protest of the police murder of Danny Trevino and John Henry Smith. This is the very least we as prisoners can do. The next victim could be your sister, brother, mother, father or—YOU!

We also ask that concerned community organizations, groups and individuals join hands with us in obtaining the list of legitimate prisoner demands submitted to the Santa Clara County Board of Supervisors (date?)
February 26, 1976

Mr. Robert Perez  
Director of Community Relations  
City Hall  
801 North 1st Street  
San Jose, California  95110

Dear Mr. Perez:

I was astounded to read in the February 25, 1976 issue of the Sun's City that:

"Villa introduced a prepared parade of speakers, and as city Human Relations Office Director Bob Perez explained later, things went pretty much according to plan.

Perez had met with Villa the day before to lay down the ground rules, and discuss the council's planned response."

I did not at any time discuss to any degree the activities described by Ms. Pearlman. I strongly feel that any responsible administrator would exercise professional discretion in speaking to the press.

The truth of the matter is that I spoke to council members, Mr. Tedesco, and Chief Murphy regarding this issue, and I did it in the company of other community representatives. The serious nature of this issue requires that communications be direct and honest with persons most responsible in the city governmental and administrative structure. Your office has not been an important part of this process from the community's standpoint.

Cordially,

Jose Villa  
Co-Chairperson  
JV:yb
February 11, 1976

Mr. William P. Hoffman
Chief Assistant District Attorney
Office of the District Attorney
234 East Gish Road
San Jose, California 95112

RE: Danny Trevino

Dear Mr. Hoffman;

This will acknowledge receipt of your letter dated February 9, 1976. I was very surprised to read in your letter the charge that "your office has interfered with our ability to investigate this case". The only contact I have had with your office were telephonic conversations with Mr. Flores, a member of your investigation staff. He requested the right to talk to Mrs. Trevino and members of the Trevino family regarding "violent propensities of Danny Trevino". I pointed out to him that Mrs. Trevino was still in a state of shock over the violent death of her husband and that she is not in any condition to discuss the case. I pointed out that any "violent propensities" of Danny Trevino were not relevant in this case at the time he was shot to death by the police officers. The facts of the case clearly demonstrate that at the time he was shot he was seated in an automobile, behind the steering wheel and that the officers had blocked his vehicle by placing one car in front and another in the back of his car. The facts, as related by Chief Murphy at a conference I attended in his office also indicate that two officers had Danny Trevino under their close scrutiny with flashlights and drawn guns, spotlights flooding the car. At that time one officer was alongside the driver's window and the other officer was looking into the car from the right side with the door open on that side. Chief Murphy also stated that at the time Danny Trevino was shot and killed that the girl had left the car.

It is difficult to determine why any history regarding the personality of the deceased could excuse the conduct of the officers at the time they opened fire on Danny Trevino.
I appreciate your kind offer of allowing us to photograph the car and have it examined. I will call you on Thursday concerning the arrangements.

I also appreciate your directive that all items mentioned in my letter of February 3rd be retained and not destroyed.

Very truly yours,

BOSTWICK & ROWE, INC.
A Professional Corporation

Everett P. Rowe

CC: City Attorney

CC: Jose Villa
Confederacion De La Raza Unida

EPR/mh
February 18, 1976

Mr. Everett P. Rowe
Attorney at Law
Bostwick and Rowe
111 West St. John Street
San Jose, CA 95113

Re: Danny Trevino

Dear Mr. Rowe:

I have your letter of February 11, 1976, concerning the above subject.

With respect to the second paragraph of your letter, you may be interested in California Evidence Code Section 1103 and Johnson v. Superior Court (1975), 15 Cal.3d 248.

Sincerely,

WILLIAM P. HOFFMAN
Chief Assistant District Attorney

cc: City Attorney
Jose Villa, Confederacion de la Raza Unida
February 21, 1976

TO THE CITY COUNCIL OF SAN JOSE:

The San Jose chapter of the Women's International League for Peace and Freedom voted unanimously at its meeting of Thursday, February 20, to support the nine demands of the Committee on Public Safety. We call upon you, the City Council of San Jose, to act more responsibly and actively on these much-needed proposals.

The Women's International League for Peace and Freedom was among the many groups which called for action some years ago following the police killing of John Henry Smith. At that time the City Council refused to set up a police review board, although the proposal for a board had come from the community at large and from a "fact-finding" committee appointed by the Council. The actions of the present Council, at the meeting of Tuesday, February 16, were a transparent attempt to evade its responsibility to do now what should have been done long ago—to set up a review board with majority representation from the Brown and Black communities.

In taking part in many struggles to get City Council action on police abuses, we in the W.I.L.P.F. have observed a pattern in the way in which the City Council has responded. First, the Council tries to treat each shocking case of police killing as if it were a separate and isolated event. So the Council sets up committees and delays action and talks about "getting the facts."

Of course we need to get the facts—especially the facts about the individual police officers who commit these crimes against the community. But the basic facts are already clear—we do not need any fact-finding committee to know these acts are not isolated events, but instead are part of a pattern. This pattern includes harassment of people of color, mostly especially young people, harassment of poor people, and sometimes of people who are nonconformist in dress or manner. This pattern includes police use of insulting language and provocative actions, resulting in tragic escalation of what otherwise could be peaceful and minor transactions. Above all, this pattern which has been demonstrated so often involves the use of unnecessary and brutalizing force. The police, who are supposed to be our protectors, have become those from whom we must be protected.

It is the responsibility of the City Council to take off its blinders, to see both the forest and the trees. It is this pattern of police abuse which was described nationally after Watts and New Jersey in the national report of the President's Commission on Civil Disorders. It is this pattern which must be dealt with by a complete overhaul of police methods and training.

The second pattern we in W.I.L.P.F. have observed over the past years is the consistent attempt of the City Council to evade its responsibilities by
claiming it has no power over the police. If that were true, it would mean that the police could function as a government above the people and without any democratic control. We in the United States have had enough of governments which place themselves above control by the people whom they serve.

The police of San Jose are responsible to the people of San Jose through the people’s elected body: the City Council. You, the Council, appoint the City Manager and he appoints the Police Chief. You, the Council, are responsible for what the police do. When the police kill, the blood is on your hands.

We are in a crisis of public confidence, in the police and in the institutions of government, here in San Jose and in our country. We hope you will break the pattern of City Council evasion and inaction. We hope you will reverse your stand and begin the long, hard job of rebuilding the confidence of the people of San Jose in their elected officials.

THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE & FREEDOM, OF SAN JOSE

BY Billie Wachter
February 9, 1976

Santa Clara County Board of Supervisors  
70 W. Hedding  
San Jose, CA 95110

Dear Supervisors:

For the past two weeks the Commission on Social Justice of the San Francisco Archdiocese has been observing and participating in community meetings of outrage and concern over the killing of Danny Trevino.

The Commission supports the action demands of The Monitors and the Confederacion and, most particularly, urges the Board of Supervisors to insist on an open Grand Jury Hearing.

Sincerely yours,

Msgr. James B. Flynn

The Commission on Social Justice is made up of priests, religious and lay persons from the four counties in the Archdiocese of San Francisco -- Santa Clara, San Mateo, San Francisco and Marin. Appointed by Archbishop Joseph T. McGucken, the Commission acts on its own initiative and conscience in the study of issues, taking actions and formulating education and advocacy programs for social justice.

bcc: Sofia Mendoza, San Jose Family Service  
Fr. Cuchulain Moriarty
February 10, 1976

Mr. Anton Peterson, Foreman
Santa Clara County Grand Jury
191 N. First Street
San Jose, California 95113

Dear Mr. Peterson;

As the acting chairperson of a group of citizens who are in the process of establishing an association concerned with the well-being of the grand jury system, I am writing to inform you of our concern over the investigation into the shooting death of Danny Trevino. A resolution was moved and passed unanimously by those at our meeting today, in the main past members of the Santa Clara Grand Jury, stating that we strongly recommend an open and public investigation in the Trevino case under the provision of Penal Code Section 939.1. (Be it noted that any members of the current Grand Jury who were present did abstain from voting on this matter.)

We, as ex-grand jurors and citizens interested in enhancing the effectiveness of the grand jury system, urge you to implement P.C. 939.1 in order to conduct the people's business in public. There is case law (see Samis v. Superior Court of Sacramento), public sentiment and the necessity to convince the public that justice is being done in support of the open investigation. We hope you will not disappoint the people whom you serve.

Cordially,

Elizabeth Bryant
Acting Chairperson
Citizens interested in a Grand Jury Association
19001 Monte Vista Drive
Saratoga, California 95070

(354-8921)

CC: All members of the grand jury
    The Superior Court Bench
    The District Attorney's Office
On January 22, 1976 a young man, Danny Trevino, lost his life in tragic circumstances involving two San José City Police Officers. Although the facts have not been made public, the incident, to many people, seemed not isolated, but part of a systematic pattern of oppression.

On Friday, February 6, 1976, I attended a public meeting in room 114 at San Jose City Hall. The occasion was the fourth meeting between the Committee on Public Safety, composed of private citizens, and a group of San Jose City Council Members.

While the unfortunate events which occurred at that meeting were accurately reported in your Saturday, February 7, 1976 issue, one aspect of the meeting warrants further comment.

The City Council members, Susanne B. Wilson, Laurence Pegram and Alfredo Garza, the Chairman, behaved with evasiveness in addressing the concerns of the Citizens' Group. I was surprised by their disregard for the feelings of the citizens, whom they elected to serve, and their lack of sensitivity to the potential consequences from deteriorating public confidence in the City Police and City Administration.

They were met with a group of responsible members of the community who had presented a set of fairly moderate proposals for consideration. Regardless of their positions on specific issues, had real enthusiasm and concern for resolving this tragic situation been evidenced by any of them, the dialogue might have continued and it might have helped.

Instead, the case for police reform will be discussed in other forums and perhaps, with enough official apathy, will be tried in the streets.

Jeffrey B. Bryant

February 9, 1976
6 February 1976

City Council
City Hall
801 N. 1st Street
San Jose, CA

Attention: Al Garza

We at this time wish to notify your office that the unwarranted slaughter of minority people must stop. After 200 years of persecution of minorities, this country's citizens haven't learned a thing - denial of civil rights for convenience still continues. If past history is any example of justice in cases of this magnitude, then justice is blind toward minority people. If we as American citizens are expected to abide by the laws of this land, then it will only be maintained through our belief that the law of the land is meant to protect us too!

Criminals are those that the law must remove from society. The actions of these two policemen and other policemen who have committed these atrocities are in reality no better than criminals. The release from duty and even perhaps dismissal from the police force is not justice. These criminals will only move somewhere else to feed off of minorities in some other place.

We again urge your office not to hide behind some mockery of justice, not to hide or suppress the truth, not to think that all will be forgotten or forgiven. Yours is an elected position and all of your actions are to be in our best interests. Don't let us down now!

We are prepared to offer one of our members, Mr. Jorge Pineiro, to sit on any review board you may select.

José Terraza
Chairperson
Minority and Female Coalition
February 4, 1976

Mr. Anton Peterson, Chairman
Santa Clara County Grand Jury
c/o Superior Court
191 North First Street
San Jose CA 95113

Dear Mr. Peterson:

At the City Council meeting on January 27, the matter of the Daniel Trevino issue was heard. A delegation of community representatives requested that the City Council consider various proposals. One proposal, which the City Council adopted unanimously, was to request that the Grand Jury, when investigating, considering and reviewing this case, conduct the hearing in an open manner as provided by Section 939.2 of the Penal Code.

The City Council wishes to express its willingness to assist in any way and urges the Office of the District Attorney and the Grand Jury to deal with this matter in an expeditious way.

Anything you can do to assist in this matter would be greatly appreciated.

Sincerely,

Janet Gray Hayes
Mayor

cc: Louis P. Bergna, District Attorney
February 4, 1976

Mr. Dan McCorquodale, Chairman
Board of Supervisors
70 West Hedding Street
San Jose CA 95110

Dear Dan:

Enclosed are copies of letters the City Council has directed to the Santa Clara County Grand Jury and the District Attorney regarding holding an open hearing into the Trevino shooting.

On Tuesday, the City Council adopted a resolution asking the Santa Clara County Board of Supervisors to go on record requesting the Grand Jury and the District Attorney to hold an open hearing as provided in Section 939.2 of the California Penal Code.

I look forward to your early response on this request.

Sincerely,

Janet Gray Hayes
Mayor

JGH:kt
January 28, 1976

Mr. Louis P. Bergna
Santa Clara County
District Attorney
County of Santa Clara
234 Gish Road
San Jose CA 95112

Dear Mr. Bergna:

At the City Council meeting on January 27, the matter of the Daniel Trevino issue was heard. A delegation of community representatives requested that the City Council consider various proposals. One proposal, which the City Council adopted unanimously, was to request that the Grand Jury, when investigating, considering and reviewing this case, conduct the hearing in an open manner as provided by Section 939.2 of the Penal Code.

The City Council wishes to express its willingness to assist in any way and urges the Office of the District Attorney and the Grand Jury to deal with this matter in an expeditious way.

Anything you can do to assist in this matter would be greatly appreciated.

Sincerely,

ROY B. NAYLOR
Vice Mayor

RBN: cw

cc: Mr. Anton Peterson, Chairman
Santa Clara County Grand Jury
Dear Sophia:

I have sent the enclosed letter to Ray Gonzales, also, along with the signatures on the petition. I sent all of this to his home address. I hope this will be helpful.

I saw Juan the other day. He suggests that he thinks it would be very helpful toward galvanizing support in the Bay Area if one person from the Committee on Public Safety could come to Berkeley and Oakland for a day. He and others would arrange for this person, representing the Committee, to meet with community activists, and trade union people in the area. He said this would make a very big difference in the magnitude of the effort to gather support for the San Jose action. If this is possible, Juan can be reached at the PW or at home. The PW telephone number is: 848-1373. His home number is: 88 843-6149. (I wasn't sure whether you had it because it's a new number). Another possibility would be to get in touch with Dodie Lindsay, also in Berkeley at 843-8305. Dodie is a close friend of Juan, and is excited about working on this demonstration. She is bi-lingual, and has many important ties in the community in the Bay Area.

Much love, & Power!

Bettina
Dear Brother Ray Gonzales & Sister Sophia Mendoza:

The Communist Party of Santa Clara County, and the Northern California District, wishes to express its full support for the proposed demonstration in San Jose on the 27th of March to protest the police killing of Danny Trevino.

The Communist Party agrees with the demands that have been put forth by the Committee on Public Safety, and intends to follow your leadership in building for this demonstration. We wish to propose that our efforts be specifically directed towards the labor movement, especially among Anglo workers, and the Black Liberation Movement where we believe we have the ability to secure organizational endorsements and political support for the march.

Our comrades in the trade union and Black liberation movements in San Francisco and Berkeley are prepared to seek widespread endorsement for the San Jose march, from as many unions and groups as possible. These will be sent to you, with letters of concern going to the San Jose City Council. Additionally, the Chairman of the Party in Northern California, Mickie Lima, is prepared to communicate with our comrades in Los Angeles and the Southwest urging them to seek support as well, with letters also being sent to the City Council.

We will also obtain Comrade Angela Davis' full and public support for the action, recognizing especially the mutual solidarity between the Chicano community in San Jose and the struggle for her freedom four years ago.

Finally, we have established a Task Force in the Bay Area to mobilize support, and we are prepared to distribute a minimum of 5,000 leaflets in the San Francisco Bay Area announcing the march and rally. These efforts, of course, are in addition to those which we will make in the Santa Clara Valley.

Our comrades in San Jose and Santa Cruz have been circulating the Committee on Public Safety's petition among fellow-workers. The enclosed four hundred signatures represents our first efforts in the last two and a half weeks.

We again express our full support and solidarity. We will do everything we can to help guarantee the success of the demonstration on March 27th.

In struggle & with warmest fraternal greetings

Joe Graham & Bettina Aptheker, on behalf of the County Committee
Communist Party, Santa Clara County
ARTICLE 4

CONDUCT OF INVESTIGATIONS

Section
939. Private sessions.
939.1 Public sessions; matters affecting general public welfare; request; court order; conduct of examination; secrecy of deliberation and voting; indictment
939.2 Subpoena of witnesses; issuance.
939.3 Self-incrimination; procedure
939.4 Foreman, authority to administer oaths.
939.5 Foreman; statement of matter to be considered and person to be charged; retirement of prejudiced juror; violation.
939.6 Reception of evidence.
939.7 Evidence for defendant, authority to exclude; weighing evidence; order for production of explanatory evidence.
939.8 Sufficiency of evidence to warrant indictment.
939.9 Report or recommendation only after own investigation.

§ 939. PRIVATE SESSIONS

No person other than those specified in Article 3 (commencing with Section 934), Chapter 3 of this title and in Section 939.1 is permitted to be present during the session of the grand jury except the members and witnesses actually under examination. No person shall be permitted to be present during the expression of the opinions of the grand jurors, or the giving of their votes upon any matter before them.

§ 939.1 PUBLIC SESSIONS; MATTERS AFFECTING GENERAL PUBLIC WELFARE; REQUEST; COURT ORDER; CONDUCT OF EXAMINATION; SECRECY OF DELIBERATION AND VOTING; INDICTMENT.

The grand jury acting through its foreman and the attorney general or the district attorney may make a joint written request for public sessions of the grand jury. The request shall be filed with the superior court. If the court, or the judge therof, finds that the subject matter of the investigation affects the general public welfare, involving the alleged corruption, misfeasance, or malfeasance in office or dereliction of duty of public officials or employees or of any person allegedly acting in conjunction or conspiracy with such officials or employees in such alleged acts, the court or judge may make an order directing the grand jury to conduct its investigation...
in a session or sessions open to the public. The order shall state the finding of the court. The grand jury shall comply with the order.

The conduct of such investigation and the examination of witnesses shall be by the members of the grand jury and the district attorney.

The deliberation of the grand jury and its voting upon such investigation shall be in private session. The grand jury may find indictments based wholly or partially upon the evidence introduced at such public session.

§ 939.2 SUBPOENA OF WITNESSES; ISSUANCE

A subpoena requiring the attendance of a witness before the grand jury may be signed and issued by the district attorney, his investigator or, upon request of the grand jury, by any judge of the superior court, for witnesses in the state, in support of the prosecution, for those witnesses whose testimony, in his opinion is material in an investigation before the grand jury, and for such other witnesses as the grand jury, upon an investigation pending before them, may direct.

§ 939.3 SELF-INCRIMINATION; PROCEDURE

In any investigation or proceeding before a grand jury for any felony offense when a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, proceedings may be had under Section 1324.

§ 939.4 FOREMAN; AUTHORITY TO ADMINISTER OATHS

The foreman may administer an oath to any witness appearing before the grand jury.

§ 939.5 FOREMAN; STATEMENT OF MATTER TO BE CONSIDERED AND PERSON TO BE CHARGED; RETIREMENT OF PREJUDICED JUROR; VIOLATION

Before considering a charge against any person, the foreman of the grand jury shall state to those present the matter to be considered and the person to be charged with an offense in connection therewith. He shall direct any member of the grand jury
who has a state of mind in reference to the case or to either party which will prevent him from acting impartially and without prejudice to the substantial rights of the party to retire. Any violation of this section by the foreman or any member of the grand jury is punishable by the court as a contempt.

§ 939.6 RECESSION OF EVIDENCE

(a) Subject to subdivision (b), in the investigation of a charge, the grand jury shall receive no other evidence than such as is:

(1) Given by witnesses produced and sworn before the grand jury;

(2) Furnished by writings, material objects, or other things presented to the senses; or

(3) Contained in a deposition that is admissible under subdivision 3 of Section 686.

(b) The grand jury shall receive none but evidence that would be admissible over objection at the trial of a criminal action, but the fact that evidence which would have been excluded at trial was received by the grand jury does not render the indictment void where sufficient competent evidence to support the indictment was received by the grand jury.

§ 939.7 EVIDENCE FOR DEFENDANT, AUTHORITY TO EXCLUDE; WEIGHING EVIDENCE; ORDER FOR PRODUCTION OF EXPLANATORY EVIDENCE

The grand jury is not required to hear evidence for the defendant, but it shall weigh all the evidence submitted to it, and when it has reason to believe that other evidence within its reach will explain away the charge, it shall order the evidence to be produced, and for that purpose may require the district attorney to issue process for the witnesses.

§ 939.8 SUFFICIENCY OF EVIDENCE TO WARRANT INDICTMENT

The grand jury shall find an indictment when all the evidence before it, taken together, if unexplained or uncontradicted, would, in its judgment, warrant a conviction by a trial jury.
A grand jury shall make no report, declaration, or recommendation on any matter except on the basis of its own investigation of the matter made by such grand jury. A grand jury shall not adopt as its own the recommendation of another grand jury unless the grand jury adopting the recommendation do so after its own investigation of the matter as to which the recommendation is made, as required by this section.
DAVID LEDESMA 253 N. 300 ST. #2 287-1092

WALT DAVILA 1239 E. SAN FERNANDO ST. 245-7000

TOM DUBOSE ON THE LINE (AUTOWORKERS FORD GM) WANT

Rocky Dilla 1147 N. 12th ST 287-506

Sam Sepulveda 1899 Panama - Speaker

Ron Roehm 1899 Panama - Publicist

Blenda Horton 6205 S. 7th ST 297-8361

ART CADILL 923 4TH A HARLISS AVE  (ARTIST)

Elie Hallib MACSA/Cultural 384 South Rd. 226-2690

RICH STUART 2664 5.22nd SAN JOSE -

Barabara MACSA 275-8506

ERNEST ABREYTA 6.1 Forum 287-8670

Steven Iverson San Jose State Student Coalition Against Racism 292-0368

Maria Elena Vallez 258-6617

Jesús Teso 2230 Lyon Dr. 933-4909

Bob Knucley 926-5184 S. J. City Coll

Bob Grace 247 McDowall Ave SJ 258-2099

Valentine Pena 1257 Dingle Par 5J 298-4782

Roger Rudenstein 183 S. 3rd ST 220 phone 991-?

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**Lino Canoavela**

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**Ray Ramírez**

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<td>15</td>
<td>Maricela Rodriguez</td>
<td>267-2818</td>
</tr>
<tr>
<td>16</td>
<td>Agostino Marks</td>
<td>293-2717</td>
</tr>
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<td>17</td>
<td>Mike Lopez</td>
<td>292-7419</td>
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<tr>
<td>18</td>
<td>Frank Reza</td>
<td>287-3495</td>
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<tr>
<td>20</td>
<td>Joyce Bledy</td>
<td>289-8730</td>
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</tbody>
</table>
The murder of 14-year old Tyrone Guyton by three Emeryville cops has angered working people of all nationalities. Since his killing on November 1, 1973, thousands have demanded that Tyrone's killers be indicted. We have fought and rallied and spread the word through our plants and communities. It is this fight that has forced open the real facts of the frame-up.

The truth is out--one of the cops has resigned after being caught lying in another case. It's been dug up that a woman has been helping him in frame-ups for years...ever since she was arrested for heroin possession and then mysteriously freed. It was on the basis of her phony testimony and that of a close friend of hers that the cops got away with Tyrone's murder.

No more cover-ups! We want these three cops indicted for murder! It's not just sick cops out there--it's this whole sick system. Whether in our communities or when we fight the companies on the lines, we see these cops are there to protect the rich and their property and keep working people down. That's why they give them license to shoot us down. We know for sure if it was us we'd rot in jail!

The case of Tyrone Guyton has become a symbol to working people all over this area. A symbol of our fight against these outrages at the hands of the cops, and against all the attacks this profit system brings down on the working class.

THEREFORE BE IT RESOLVED: That our Union goes on record demanding the indictment of the murderers of Tyrone Guyton.

MEMBERS OF THE EAST BAY DIVISION
WAREHOUSE UNION LOCAL 6, ILWU
opeu 29
afl-cio
CONFEDERACION DE LA RAZA UNIDA

Committee on Public Safety (COPS)
1711 "C" McKee Road
San Jose, California 95116

REPORTE #2
SOBRE EL ASESINATO POR LA POLICÍA
DE DANNY TREVINO

por: José Villa
Co-Presidente

Daniel Trevino, mientras desarmado, fue asesinado por dos policías de San José el día 22 de enero, 1976.

Todos somos víctimas de un sistema. Pero a qué sistema?

En el reporte #1 vimos que de las nueve demandas solo con dos podemos seguir con el concilio de San José. Estas dos demandas tienen que ver con el entrenamiento de las policías y con una comisión de ciudadanos que pueda vigilar la policía.

Los policías que mataron a Danny Trevino también son víctimas del sistema de la ciudad y de otros sistemas. Son víctimas del sistema de la ciudad porque tienen que seguir órdenes y son controlados por jefe de policía, Roberto Murphy. El jefe de policía recibe sus órdenes y es controlado por el manejador de la ciudad, Ted Tedesco.

Las demandas de encarcelamiento y fianzas para los policías legalmente caen bajo el poder del procurador, Luis Bergna. El procurador es oficial del condado y es elegido. La ciudad no tiene nada que decir como el procurador hace sus investigaciones ni como presenta casos al gran jurado.

REPORT #2
ABOUT THE POLICE KILLING OF
DANNY TREVINO

by: José Villa
Co-Chairperson

Danny Trevino, while unarmed, was killed by two San Jose City policemen on January 22, 1976.

In Report #1 we could see that of the nine demands, we can only continue speaking to the City Council on two. These two demands have to do with training of police, and with a Police Review Board.

The police who killed Danny Trevino are also victims of the city system because they have to follow orders and are controlled by Police Chief, Robert Murphy. The Chief of Police receives his orders and is controlled by the City Manager, Ted Tedesco.

The demands regarding jailing and setting of bail for the police legally falls under the power of the District Attorney, Louis Bergna. The District Attorney as an elected official of the County of Santa Clara. The City does not have any authority over the District Attorney and cannot interfere with his investigation of the Trevino case nor how he presents it to the Grand Jury. The presiding judge of the Superior Court, Judge Longenotti, waits for the decision of the Grand Jury, and acts only if there is an indictment. The judges of the Superior Court nominate the 19 members of the Grand Jury.
El juez presidente de la corte superior, el Juez Longenotti, espera la decisión del gran jurado. Los jueces de la corte superior nombran a los 19 miembros del gran jurado. Los jueces son elegidos pero casi nunca tienen oposición para su oficina.

También los siete miembros del concilio de la ciudad son elegidos. Ellos, por limites legales, no pueden meterse en asuntos administrativos del manejaror, como desocupar al jefe de policía. Pero legalmente el concilio puede emplear y desemplear al manejaror de la ciudad.

Judges are elected, but generally are unopposed for their office.

The seven City Council members are also elected. Due to legal limitations they cannot interfere with the City Administration by the manager, such as firing of the Chief of Police. But legally, and under provisions of Article VII, Section 702 of the City Charter, the City Council can hire and fire the City Manager.
REPORTE #3
SOBRE EL ASESINATO POR LA POLICÍA DE DANNY TREVINO

por: José Villa
Presidente

Daniel Treviño Mientras desarma-do, fue asesinado por dos policías de San José el día 22 de enero, 1976.

Cuando el procurador, Louis Bergna presenta un caso de homicidio por un policía, lo hace bajo los procedimientos siguientes:

1) El asistente procurador, William Hoffman, hace la presentación del caso al comité de quejas criminales del gran jurado, o al gran jurado en total.

2) Después de oír el sumario o los cargos por escrito, el presidente del gran jurado, Anton Peterson, pide que si alguna persona tiene razón de no poder oír el caso sin prejuicios, esa persona se puede descalificar y se va de la junta. Los que se quedan tienen que oír el caso en total o no pueden votar al fin del caso.

3) Las personas presentes consisten de 19 miembros del gran jurado, el procurador el asistente que presenta el caso, y el escribiente de corte.

4) La corte donde se reúne el gran jurado es cerrado y las ventanas se cubren para que todo se consuzca en secreto.

REPORT #3
ABOUT THE POLICE KILLING OF DANNY TREVINO

by: José Villa
Co-Chairperson

Danny Trevino, while unarmed, was killed by two San José City policemen on January 22, 1976.

When the District Attorney, Louis Bergna, presents a police shooting case to the Grand Jury, he does so in the following manner:

1) The Assistant D.A., William Hoffman, presents the case to the Criminal Complaints Committee of the Grand Jury, or to the Grand Jury as a body.

2) After hearing a summary presentation, or an official charge in writing, the Foreman of the Grand Jury, Mr. Anton Peterson, asks if any person has reason to disqualify himself or herself, that person can excuse themselves from hearing the case. Those who remain must hear the total case in order to vote at the end of the case.

3) The people present in the courtroom consist of the Grand Jury members, the District Attorney, the Assistant D.A. presenting the case, and the court recorder.

4) The courtroom where the Grand Jury convenes is locked and the windows are covered so secrecy is insured.

5) The Assistant D.A., William Hoffman, presents all witnesses, one by one, and all evidence his office gathers as a result of an investigation by his office. Witness are all sworn to
5) El asistente procurador, William Hoffman, presenta a los testigos uno por uno, y toda la evidencia resultante de la investigación por su oficina. Los testigos juran que dirán la verdad.

6) Testigos que siempre presente el procurador incluyen, el Coronor, los policías envueltos en el caso, expertos de balística, y testigos que vieron lo que pasó. También otros testigos como los que llamaron a la policía, y los que recibieron la llamada.

7) Preguntas que se hacen a todos los testigos son hechas por el procurador. Miembros del gran jurado no pueden hacer preguntas directas a los testigos. El procurador determina si las preguntas relatan legalmente al caso y determina si el las hará al testigo. El testigo responde en voz alta y por microfono al cuerpo entero del gran jurado.

8) Después de la presentación por el procurador y un resumen del caso incluyendo puntos críticos, el gran jurado se reune solo para discutir el caso y en secreto toma un voto. Se requieren 12 votos para un acusación. Si no hay 12 votos muere el caso y no es presentado al juez. Pero el procurador puede llevar el caso por otra parte que se llama "preliminary hearing".

9) Hasta este punto el juez no oye nada de detalles sobre el caso y no puede legalmente hablar. Tampoco miembros del gran jurado pueden discutir el caso individualmente ni legalmente.

tell the truth.

6) Witnesses brought in by the D.A. include the coroner, police involved in the case, balistics experts, criminologists, and eye witnesses. Other witnesses may include people who called police, and police answering the call.

7) Questions which are asked of witnesses are all made by the D.A. Members of the Grand Jury cannot directly question witnesses. Questions Grand Jury members ask go to the D.A and he decides whether or not questions relate to the case and whether or not be should ask them of the witness. The witness answers so all can hear in the courtroom over a microphone.

8) After the D.A. 's presentation and a summary of the case which include critical points, the Grand Jury meets alone and in secret to discuss the case and to vote. 12 votes are required for an indictment. If there are not 12 votes the case is closed and it is not presented to the judge. However, the D.A. can take it to a preliminary hearing.

9) To this point the judge has no details on the case and cannot legally speak on the case. Also, members of the Grand Jury cannot discuss the case individually. If they do, they commit a crime and can be prosecuted.

10) Members of the Grand Jury have a right to ask for additional information or evidence if they are not satisfied with what the D.A. presents. But not being lawyers, not having expertise on points of law; and possibly not even having an understanding of their
Miembros del gran jurado tienen el derecho de pedir más información o evidencia si no están satisfechos con lo que el procurador les presentó. Pero no siendo abogados ni estando enterados en puntos de ley, y fácilmente no conociendo bien su propio papel, no se piden datos ni por testigos que facilmente puedan clarificar o dar un punto esencial.

In the final analysis, the District Attorney completely controls what the Grand Jury receives. In effect, the Grand Jury becomes an official rubber stamp for the D.A. office.

The case of Danny Treviño will be presented at the Superior Court Building on March 30, 1976, at 7:30 p.m.
CONFEDERACION DE LA RAZA UNIDA
Committee on Public Safety (COPS)
1171 "C" McKee Road
San Jose, California 95116

REPORT #4

SOBRE EL ASESINATO POR LA POLICIA
DE DANNY TREVINO

por: José Villa
Co-Presidente

Daniel Trevino mientras des-armado, fue asesinado por dos policías de San José el día 22 de enero, 1976.

La constitución de nuestra tierra garantiza igualdad a toda la gente. Los líderes y la gente que tiene el poder y deber proteger este derecho, nos oprimen.

Cómo y porque?

La policía es instrumento de los opresores. También el Gran Jurado es instrumento de los opresores. Por eso es que en el caso de Danny Treviño no habrá acusación.

El Gran Jurado por parte de la ley estatal se estableció como cuerpo independiente de la corte, y para primero ser responsable a todos los ciudadanos del Condado de Santa Clara. Pero el presidente, Anton Peterson, no nos respondió. El recibe sus órdenes del Juez Presidente Longenotti.

El Gran Jurado no respondió a nuestra petición que juntamos para presentar las razones que tenemos para que el caso de Danny Treviño se oiga abierto al público. Después de tanto apoyo público ni siquiera se empeñó a una discusión.

El Asistente Procurador, William Hoffman, presentará el caso. Este mismo señor ha dicho frente de mucha gente que Danny Treviño era más peligroso que los policías que

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REPORT #4

ABOUT THE KILLING OF
DANNY TREVINO

by: José Villa
Co-Chairperson

Danny Trevino, while unarmed, was killed by two San José City policemen on January 22, 1976.

Our nation's constitution guarantees equality to all people. The leaders, and those who have the power and duty to protect equality, oppress us.

How and why?

The police are an instrument of oppressors. The Grand Jury is also an instrument of oppressors. That is why in the case of Danny Treviño there will be no indictment.

The Grand Jury by state law was established as an independent arm of the court to first be responsible to the citizens of Santa Clara County. But the Foreman of the Grand Jury, Anton Peterson, has not responded to us. He gets his orders from the Presiding Court Judge Longenotti.

The Grand Jury did not respond to our request to meet with COPS to simply present our reasons why there should be an open grand jury hearing on the Danny Treviño case. After much public support from the broader community, they were not even willing to discuss this matter with us.

The Assistant District Attorney, William Hoffman, will present the case. This same man has stated in front of many people that Danny Trevino was more dangerous than the two policemen who killed him. He himself has established his prejudices. He has already influenced the thinking of the Grand Jury
lo mataron. El mismo estableció sus prejuicios. El mismo ya ha influido el pensamiento del Gran Jurado con esta declaración. El mismo se hizo el juez en este caso.

¿Cómo es posible que tengamos justicia con tal hombre?

with this statement. He himself has already been the judge in this case.

How is it possible for us to have justice with such a man?
STATEMENT BY TOM HAYDEN ON THE KILLING OF DANNY TREVINO:

"The killing of Danny Trevino is part of a regular pattern of official violence towards minority communities which has been ignored as frequently as it has been documented in government studies. Repeated incidents of harassment in minority communities combined with police cover-ups have resulted in a loss of confidence in law enforcement throughout the nation. The only way to redeem something positive from this tragedy and restore public confidence is to create new ways to open investigations to the community.

The proposals for open Grand Jury hearings and greater community input into police policy are vital and necessary for officials to act upon. The Grand Jury must be a shield for the community against arbitrary and secretive behavior by the authorities; instead it has become little more than a rubber stamp for prosecutors. And to the question, "who will police the police", it is not enough to answer, "the police". All professions including law enforcement, have a tendency to protect their own. This tendency can only be corrected by a public mechanism which citizens trust to process their grievances."
PRESS RELEASE

CONFEDERATION DE LA RAZA UNIDA
SAN JOSE, CALIFORNIA

DANNY TREVINO WAS KILLED BY TWO SAN JOSE CITY POLICEMEN ABOUT 3 A.M. ON THURSDAY, JANUARY 22, 1976. THIS WAS ANOTHER IN A SERIES OF POLICE SHOOTINGS OF CHICANOS AND BLACKS. IN THE PAST FIVE YEARS, EIGHT CHICANOS AND THREE BLACKS HAVE BEEN KILLED BY POLICE.

AT A COMMUNITY MEETING CALLED BY THE CONFEDERACIÓN DE LA RAZA UNIDA AT GUADALUPE CHURCH IN SAN JOSE, OVER 400 PEOPLE EXPRESSED GRAVE CONCERN OVER THE MOST RECENT TRAGEDY. MEMBERS OF THE BROADER COMMUNITY, THE ELDERLY, FAMILIES AND THEIR CHILDREN, TURNED OUT TO BE HEARD.

OVER SIX HUNDRED PEOPLE SUPPORTED NINE DEMANDS PRESENTED TO THE CITY COUNCIL. THESE DEMANDS INCLUDED: (1) JAILING OF THE TWO POLICEMEN AND POSTING OF $100,000 BAIL ON EACH ONE; (2) HAVING THE DISTRICT ATTORNEY PROSECUTE THE OFFICERS FOR MURDER; (3) AN INDEPENDENT INVESTIGATION WITH ACCESSIBILITY OF EVIDENCE TO THE COMMUNITY; (4) PAYMENT OF DAMAGES TO THE TREVINO WIDOW AND FAMILY; (5) AN INDEPENDENT AUTOPSY AND BLOOD ANALYSIS; (6) REVIEW OF POLICE TRAINING; (7) OPEN GRAND JURY HEARING TO THE PUBLIC; (8) CITY COUNCIL TO TAKE OUT ANY BIASED PERSON FROM THE GRAND JURY, SUCH AS THE FORMER CHIEF OF DETECTIVES, BARTON COLLINS; (9) AN INDEPENDENT CITIZENS REVIEW BOARD.

THE COMMITTEE ON PUBLIC SAFETY ELECTED A DELEGATION OF EIGHT TO MEET WITH CITY COUNCIL MEMBERS SUSANNE WILSON, ALFREDO GARZA, LARRY PEGRAM, AND CITY ATTORNEY PETER STONE. CO-CHAIRPERSONS OF THIS CITIZEN'S DELEGATION ARE JOSÉ VILLA AND HENRY GAGE. OTHER MEMBERS INCLUDE SOFIA MENDOZA, BEA ROBINSON, JAMES MCENTEE, HENRY DOMINGUEZ, ELOY CAMPOS, AND RAY GONZALES. TED SMITH HAS BEEN RETAINED BY THE DELEGATION AS LEGAL COUNSEL.

AT THE FIRST MEETING WITH CITY COUNCIL MEMBERS AND THE CITY ATTORNEY, THE MEDIA AND CITY STAFF WERE ASKED TO LEAVE. THE PURPOSE FOR CLOSING THE MEETING WAS TO ESTABLISH GROUND RULES, FORMULATE AND AGREE ON AGENDA ITEMS, AND ATTEMPT TO REACH CONSENSUS AS TO TASKS OF THE TWO GROUPS. BOTH GROUPS SIMULTANEOUSLY MET WITH THE DISTRICT ATTORNEY, LOUIS BERGNA, AND ASSISTANT DISTRICT ATTORNEY, WILLIAM HOFFMAN. THE KILLING OF DANNY TREVINO WAS THE TOPIC OF DISCUSSION.
AT THIS TIME, THE MEETINGS ARE FOR THE PURPOSE OF OBTAINING ALL PERTINENT INFORMATION AND TO EXPEDITE DEMANDS OF THE COMMUNITY. BOTH GROUPS ARE CONCERNED THAT THE CONSTITUTIONAL RIGHTS OF ALL PARTIES INVOLVED BE PROTECTED.

A SERIES OF PUBLIC MEETINGS WILL BE HELD BY THE COMMITTEE ON PUBLIC SAFETY BEGINNING FRIDAY, FEBRUARY 6, 1976, AT GUADALUPE CHURCH AT 2020 E. SAN ANTONIO STREET, SAN JOSE, AT 7 P.M. THE PUBLIC IS INVITED.

RELEASED FOR THE COMMITTEE ON PUBLIC SAFETY

JANUARY 29, 1976
PRESS RELEASE #2
CONFEDERACIÓN DE LA RAZA UNIDA
COMMITTEE ON PUBLIC SAFETY
JOSÉ VILLA AND HENRY GAGE, CO-CHAIRPERSONS

THE COMMITTEE ON PUBLIC SAFETY (COPS) NOTIFIED THE SAN JOSE CITY COUNCIL SUBCOMMITTEE THAT CONTINUED MEETINGS ON THE DANNY TREVÎÑO KILLING WOULD BE FRUITLESS. "OUR ENERGIES WILL BE DEVOTED TO WORKING IN THE COMMUNITY," VILLA STATED.

THE COMMITTEE DECIDED TO CEASE MEETINGS WITH THE CITY COUNCIL SUBCOMMITTEE AFTER HEARING CITY ATTORNEY PETER STONE STATE THAT THE POLICE REPORT WOULD NOT BE RELEASED, AND AFTER LEARNING THAT THE CITY COUNCIL WOULD NOT AUTHORIZE FUNDS FOR A LOCAL INDEPENDENT INVESTIGATION.

THE COMMITTEE ON PUBLIC SAFETY, REFLECTING VARIOUS SEGMENTS OF THE TOTAL COMMUNITY HAS MET NUMEROUS TIMES AND LEARNED THAT INDIVIDUAL COUNCIL MEMBERS TO DATE HAVE NOT SEEN THE POLICE REPORT.

IN PARTING, THE COUNCIL WAS TOLD BY THE COMMITTEE, "WE CANNOT WORK WITH A LEADERLESS COUNCIL, WITH A GUTLESS COUNCIL. WE ARE NOT BEHOLDEN TO THE PEACE OFFICERS ASSOCIATION, AND WE WILL NOT ALLOW A POLICE STATE TO EXIST IN SAN JOSE OR IN SANTA CLARA COUNTY."

THIS ISSUE WILL BE BROUGHT TO A COMMUNITY MEETING WHICH WILL BE HELD AT GUADALUPE CHURCH, 2020 E. SAN ANTONIO ROAD IN SAN JOSE AT 7:30 P.M. ON FRIDAY, FEBRUARY 6TH.

FOR FURTHER INFORMATION, CALL CONFEDERACION OFFICES, 259-8651.

FEBRUARY 6, 1976
NOTICIERO
CONFEDERACION DE LA RAZA UNIDA
SAN JOSE, CALIFORNIA

DANIEL TREVIÑO, MIENTRAS DESARMADO, FUE ASE SINADO POR DOS POLICÍAS DE LA CIUDAD DE SAN JOSE, JUEVES, VEINTIDÓS DE ENERO, 1976, APROXIMADAMENTE A LAS TRES DE LA MAÑANA. ESTE ASE SINATO FUE OTRO EN UNA SERIE DE HOMICIDIOS DE CHICANOS Y NEGROS POR LA POLICÍA. OCHO CHICANOS Y TRES NEGROS HAN MUERTE A MANO DE LA POLICÍA LOS ÚLTIMOS CINCO AÑOS PASADOS.

CRISTIANA, SOFIA MENDOZA DEL COMITÉ DE SEGURIDAD PÚBLICA, DAVID LEDESMA DEL COMITÉ DE SEGURIDAD PÚBLICA, ELOY CAMPOS DE TRABAJADORES UNIDOS DE AUTOMÓVILES, ANITA DUARTE DE LA CONFEDERACIÓN, HERMAN VÁSQUEZ DEL COMITÉ DE EMPLEO CHICANO, ALEXANDRIA LEDESMA DE NAACP, Y HENRY GAGE, PRESIDENTE DE NAACP. UNA PRESENTACIÓN DEL MOVIMIENTO DEL INDIÑO TAMBIÉN TUVO AUDENCIA.

MÁS DE SEISCIENTAS PERSONAS DIERON SU APOYO A LAS NUEVE PETICIONES PRESENTADAS AL CONCILIO DE LA CIUDAD. ESTAS PETICIONES INCLUYERON:

1. ENCARCELAR LOS DOS POLICÍAS Y PONERLES FIANZA DE $100,000 A CADA UNO.

2. HACER AL PROCURADOR DEL DISTRITO PROSEGUIR LOS OFICIALES POR ASESINATO.

3. TENER UNA INVESTIGACIÓN INDEPENDIENTE, PROVEIENDO ACCESO DE LA EVIDENCIA PARA LA COMUNIDAD.

4. PAGO DE DAÑOS HECHOS A LA VIUDA DE TREVÍÑO Y SU FAMILIA.

5. QUE SE HAGA UNA AUTOPSIA Y ANALISIS DE LA SANGRE, INDEPENDIENTE.

6. EXAMEN CRÍTICA DE LA INSTRUCCIÓN QUE RECIBEN LOS POLICÍAS EN SUS ESTUDIOS PARA SER POLICÍA.

7. ABRIR AL PÚBLICO LA AUDENCIA DEL GRAN JURADO.

8. QUE QUITE EL CONCILIO DEL GRAN JURADO CUALQUIER PER-
SONA QUE NO PUEDA SER JUSTA EN SU DECISIÓN POR RAZONES DE PERJUICIO.

9. UNA JUNTA DE REVISTA INDEPENDIENTE COMPUESTA DE CIUDADANOS.

EL COMITÉ DE LA SEGURIDAD PÚBLICA ELIGIÓ A UNA DELEGACIÓN DE OCHO PERSONAS PARA JUNTARSE CON LOS MIEMBROS DEL CONCILIO DE LA CIUDAD, SUSANNE WILSON, ALFREDO GARZA, LARRY PEGRAN, Y EL PROCURADOR DE LA CIUDAD, PETER STONE. LOS JEFES DE ESTA DELEGACIÓN CIUDADANA SON JOSÉ VILLA Y HENRY GAGE. OTROS MIEMBROS INCLUSOS SON SOFIA MENDOZA, BEA ROBINSON, JAMES MCENTEE, HENRY DOMÍNGUEZ, ELOY CAMPOS, Y RAY GONZALES. LA DELEGACIÓN HA RETENIDO A TED SMITH PARA CONSEJERO DE ASUNTOS LEGALES.

LES PIDIERON A LOS NOTICIERS Y AL CONJUNTO DE LA CIUDAD QUE NO ESTUVIERAN PRESENTES DURANTE LA PRIMERA JUNTA. EL PROPÓSITO DE TENER JUNTA CERRADA FUE PARA ESTABLECER REGLAS FORMATIVAS PARA ESTAR EN ACUERDO TOCANTE LOS ASUNTOS QUE SE IBAN A DISCUTIR, Y PARA HACER ESFUERZO DE HACER UNA DECISIÓN TOCANTE AL TRABAJO DE LOS DOS GRUPOS. AMBOS GRUPOS SE JUNTARON AL MISMO TIEMPO CON EL PROCURADOR DEL DISTRITO, LOUIS BERGNA Y EL PROCURADOR AUXILIAR, WILLIAM HOFFMAN. EL HOMICIDIO DE DANIEL TREVIÑO FUE EL ASUNTO DEL DISCURSO.
AHORA EL PROPOSITO DE LAS JUNTAS SON PARA OBTENER INFORMACIÓN Y EXPEDIR LAS DEMANDAS DE LA COMUNIDAD. AMBOS GRUPOS SE PREOCUPAN CON EL ASUNTO DE QUE LOS DERECHOS CONSTITUCIONALES DE TODOS SEAN PROTEGIDOS.

UNA SERIE DE JUNTAS PÚBLICAS FOMENTADAS POR EL COMITÉ DE SEGURIDAD PÚBLICA SE COMENZARÁN EL VIERNES A LAS SIETE DE LA TARDE, 6 DE FEBRERO, EN LA IGLESIA DE NUESTRA SEÑORA DE GUADALUPE. LA DIRECCIÓN ES 2020 E. SAN ANTONIO STREET. EL PÚBLICO ES INVITADO.

TRASPASADO PARA EL COMITÉ DE LA SEGURIDAD PÚBLICA

20 DE ENERO, 1976
Meeting at Family Service Agency of groups and organs
support. C.O.P.S.

Name Address Phone Organiz.

Jack Morris 155 S. 17 S.J. 292-5514 AFTP #962

Mary Raw MACSA 275-8886

Dowd & Co. 145 S. 17th 288-6641 (F.

J. T. Friedow 145 S. 17th 288-6641 (F.

S. C. Mondy 797 N. King Blvd. 251-55-66 F.S.A.

John Cunningham 1413 The Ahwahnee 292-7693 E.C. D.

C. A. Allman 286-9137

R. A. S. Edmead 21592 Columbus Ave, Cupertino 257-3594

Richard Curtis 368 C Street, San Jose

Rockey Board 1475 Story Rd, San Jose 923-1430 - Cathedral

M. A. H. 715 N 1st S. S. 292-4979 715

E. H. Johnston 715 N 1st S. S. 292-4979 715

R. H. T. 1249 Mission St. 259-3612 with 500

J. T. Segura 974 Paul St. 292-0410 Santa Monica

J. F. 379 N. 2nd St. San Jose

Julian Frederick 224 Arroyo Grande Way Los Gatos FOR Rev. Ken Bell

Gene Southworth 429 S. 13th St. San Jose 928-8744

Ed Minch 292-2591

During the day 292-2591
1976 SANTA CLARA COUNTY GRAND JURY

Mr. Anton Peterson, Foreman
Mrs. Gloria L. Acranico
Vilena Aigssa
Mrs. Phyllis Austin
Dr. Jose A. Carrasco
Barton L. Collins
Mark Guerra
Mrs. Irene M. Joslin
Mike Lickwar
Ms. Arlene Morris
Byron Prouty
Lawson Sokai
Harold C. Shields
Francis C. Tanner, Jr.
Herbert T. Terrell, Jr.
Mrs. Ellen Wyman
Dear Mayor Hayes,

I request that the grand jury conduct open hearings into the killing of Danny Hinojo by 2 San Jose police officers.

There is much anger, distrust, and suspicion surrounding this killing. I believe that the public interest requires that an open hearing be conducted so that we may be assured that a full and fair hearing is being carried out. The public's right to know and the accountability of the police agencies to the public override the potential danger of extral publicity.

As we have learned in recent years, secret hearings do not meet the requirement of the public's right to a full and unbiased hearing.

Respectfully,

[Signature]

Niki [Redacted]

152 N. 15th St.
San Jose, CA 95112
1. Locker room talk against minority officers within department.

2. Public statements by Police Officers on Trevino.

3. Can we establish legally a citizens' group with regular meetings with the Police Chief?

4. What legal powers does the Manager have over Police Chief?

5. What changes will be recommended in the current complaint on Ombudsman Procedure?

6. Review the role of the City Human Relations Commission; its membership and how they are selected.

7. What is the authority and role of the East Side Advisory Committee (Mayfair Substation)

8. Can an advisory board or commission be established for the Police Department with a role including relationships in a specific geographic area, such as East Side?

9. Can the advisory committee be involved in the review and recommendation on Police Department training programs?

10. Is Hal Ratliff on city time on POA work, excluding Meet and Confer? Where is the agenda?

11. How can the committee get the names of all police officers?

12. How is the internal affairs unit staffed; how are the officers selected; and, what happens when they complete their tours of duty in internal affairs?

13. What kinds of information can be relayed to an officially established Advisory Police Commission, or other officially established citizens' board? Does the California Public Records Act forbid the release of reports?

14. Review the Amparo System and compare to the Ombudsman current system for potential modification.

15. What is the budget and staffing for the Human Relations funds of the Ombudsman's office?

16. Can the Affirmative Action Advisory Committee be used as the review mechanism for the Affirmative Action Program in the event an external organization, such as EEOC or FEPC is not available or acceptable?
17. What is the recommendation of the Civil Rights Division of the Justice Department in public interests in killings?

[Handwritten notes]

Record 7

Department in public interests killings?

It's on police harassment to Rever.

Cy to me if what council gets.

Packet of Council inks to Bob.

List of Council inks to

Request to Mayor on agenda for 7:00 pm.

Plan to talk at 7:30, no more than

Info from Mr. Jefferson

Write Phil Matthews re: investigating.

Don Edmonds: Patterson.
Notes on the City Hall meeting:  Impressions

The City Manager has no effective power over the Chief of Police or the individual policemen to take corrective and preventive action immediately.

The failure of past reviews of police violence was tacitly admitted by avoidance of this issue.

The political leverage of the police association came through quite clearly.

The stress on mechanism is greater than on that of process the former suggesting a passive and the latter a dynamic stance.

Private, off-the-record consultations do take place regarding police violence and appear to be accepted as matter of course.

Citizens have no recognized legal role in developing a process to stop violence.

The City Manager has no intention to discipline the Chief upon the commission of a killing.

The relationships between the City Manager and the Police Officers Association remained vague.

There was no response to the suggestion that if the Department of Justice intervenes that its mission be subject to negotiation with respect to the terms of reference.

Individual incidents remain shrouded in secrecy to that nothing is learned as to where the cause of continuing violence lies.

The last refuge of the City Manager is that he be trusted to "do the right thing".

There was a total evasion of the insistent question of what it will take to stop police violence immediately.

No city administration will respond until there is a political organization of the minority communities.

Federal investigators will not preempt local authority to create an effective process of citizen oversight of the police.

The weakness of the citizens with regard to the police is only a reflection of the fundamental cause - the lack of substantive organized structures in the minority community.

The shield behind which the City Manager, the City Council and the police take cover is the secrecy of public records, such as police reports.

The Treviño crisis again demonstrates the effect of the chronic weakness of the community as to continuing research, standby legal assistance,
February 20, 1976

The Honorable
Janet Gray Hayes, Mayor
and City Council
City of San Jose
801 North First Street
San Jose, California 95110

Madame Mayor and City Council:

The UAW Local 1364 Executive Board at its regular meeting, February 18, 1976, went on record deploring the action of the San Jose Police Department and condemned the inaction of the San Jose City Council in dealing with the shooting death of Danny Trevino.

If this were the first case of over-reaction by members of the San Jose Police Department, we would not be greatly alarmed, but this instant case is merely one of many cases of over-reaction by San Jose policemen.

One good example in recent years is the John Henry Smith case. In that case, the Mayor and City Council appointed a blue ribbon investigative committee known as "The Ad Hoc Committee" to investigate and report the procedures of the San Jose Police Department.
To our knowledge, very little, if any, of the recommendations of that 81-page report has ever been implemented. Enclosed is page thirty-two (32) of that recommendation regarding a weapons policy.

We, of Local 1364 UAW, support the demands of the Confederation De La Raza Unida, and the UAW Fair Practices - Anti Discrimination Council of the Northern Region 6.

We appeal to you to look at this case not as politicians but as human beings of kind heart and make a concerted effort to resolve this issue in a just manner.

EQUAL JUSTICE FOR ALL!

Sincerely,

George Nelson
Recording Secretary
UNITED AUTO WORKERS
Local 1364

Enclosure
(Please print your name and agency)


Re: Forum on Police Responsibility to the Community

Dear Friends,

Recently with the assistance of Jose Villa of MACSA, and through Project SCALE of San Jose State University, we have acquired a modest amount of money from a foundation with the stipulation that it be used "for the discussion of a community issue, by applying humanistic perspectives to the development of the issue and involving public officials connected with the issue." There is some flexibility in the format as well as in the budget which has tentatively been fixed at $200 (honoraria; radio, TV, newspaper; printing). We want these efforts to be of greatest utility, and to complement and enhance your present struggle. So your voice in the planning is needed now; please mark your preferences, suggestions, comments, and return this folder to us.

Format:  

Yes No Unsure

Forum/Symposium (suggested)  

Workshop Series, yielding "white paper" as a possible base for future action  

(Please suggest)
Goals/Topics:
Reforms in Police Training Procedures
Judicial Response to police who violate citizens' rights; research & plan
Ethnic makeup of police compared to ethnicity of population in area assigned
Comparison studies of successful community action to control police in other communities
Statistics of arrests: ethnic extraction & location
Establishment of a Citizen Police Review Board
Establishment: Civilian Police Board of Commissioners
Police killings (Treviño, Smith, others), comparisons and implications
Police response methods by community type/location

Yes No Unsure

Steering Committee Composition:
MACSA
NAACP
Guadalupe Church
Community Monitors
Confederación de la Raza Unida
Dept. of Mexican American Studies, SJSU
Graduate School of Social Work, SJSU

Yes No Unsure

(Please suggest. We apologize for oversights.)
Other Forum Participants:

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<td>Legal expert in community control of police</td>
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<td>Raza Fruitvale Coalition Against Police Crime (Oakland)</td>
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<td>Minority Studies/Criminology expert from U. Cal. Berkeley</td>
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<td>Speaker on Civil Disobedience</td>
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(Please suggest)

We want to make ourselves available to you, to serve you (within the funding source limitations) in the best way possible. We need your decisions as to how we may best do it.

Yours in this struggle,

Tom Albers
Lee Bourgoin

Graduate School of Social Work, SJSU

Phone: 272-1666/272-1646
CONFEDERACION DE LA RAZA UNIDA
COMMITTEE ON PUBLIC SAFETY (COPS)

February 19, 1976

A meeting with Phil Montes, Regional Director of U. S. Civil Rights Commission has been scheduled for February 20, 1976 at San Jose City Hall, Conference Room 110.

Listed below are some questions that can be considered for discussion at the meeting.

Can you do something right now which would ensure an immediate independent investigation using sub-poena powers?
Investigate for patterns.
Investigate for oppression.
Investigate for lack of Chicanos on Police Department.
Investigate for Police and Sheriff practices.
Investigate why the Grand Jury does not want to conduct an open Hearing.
Find out how the D.A. presents police shootings to the Grand Jury and explain this to the community.
Find out how the D.A. carries out its investigations of police shootings.
How much time, money, personnel is spent on each case?
Does the D.A. go by what police tell them or do they investigate the case themselves?
What are the working relationships and legal parameters of the D.A. Office, Police Department, Grand Jury, and the Courts in relationship to police shootings?
Investigate the level and quality of services that the City Administration provides its citizens, especially in providing protective services.
What are the written policies on protective services, administrative directives, formal and informal on providing protective services?

Investigate how effective are citizen commission/committees responding and understanding citizens needs.

What kind of staff do you have?
REPORTE #1

SOBRE EL ASESINATO POR LA POLICIA
DE DANNY TREVINO

by: José Villa
Co-Chairperson

Daniel Trevino, mientras desarmado,
fue asesinado por dos policías de
San José el día 22 de enero, 1976.

El Comité de Seguridad Pública ha tenido
una multitud de juntas para investigar y
planear cómo se puede seguir el esfuerzo
de la comunidad para resolver el problema
con los policías de San José.

La marcha y junta con presentaciones
al concilio de San José el día 17 de
febrero comprendió más de 2,000 personas.
También incluyó el apoyo y participación
de muchos grupos y organizaciones del
pueblo entero. Se demostró que el
problema de asesinatos y opresión por la
policía no solo es un problema del pueblo
mejicano, sino de la comunidad total de
San José.

El resultado de nuestros esfuerzos hasta
la fecha es: (1) El concilio de San José
se ha movido en hacer investigaciones
por parte del Departamento de Justicia de
los Estados Unidos sobre el asesinato de
Danny Trevino; (2) El concilio también
se emprestaría a una investigación por parte
de La Comisión de Derechos Civiles sobre
el conducto de la policía contra el pueblo;
(3) Establecimiento de una "agencia" de
la comunidad para vigilar y evaluar activi-
dades y servicios por el departamento
de la policía; (4) Evaluación y posiblemente
el mejoramiento de los servicios
a la comunidad por parte de la oficina
de Ombudsman; (5) Dirigieron al abogado

REPORT #1

ABOUT THE POLICE KILLING OF
DANNY TREVINO

by: José Villa
Co-Chairperson

Danny Trevino, while unarmed,
was killed by two San Jose
City policemen on January 22, 1976.

The Committee on Public Safety (C.O.P.S.)
has had a number of meetings to investigate
and plan how we can continue to resolve
the problems with police in San José.

The march and the meeting with the City
Council of San José on February 17, 1976
involved some 2,000 people. This march
also gained the backing and participation
of many groups and organizations from
throughout the county. This demonstration
brought to light the fact that oppression
by the police affects not only the Chicano,
but the total community.

To date our efforts have resulted in:
(1) The City Council has invited the
Department of Justice to investigate the
Trevino killing; (2) The City Council
has asked the U.S. Civil Rights Commission
for a complete and thorough investigation
of the police department; (3) Establishment
of an "agency" so that the community
can watch and evaluate activities and
services of the police department; (4) eval-
uation and possible improvement of com-
munity services by the Ombudsman; (5)
The City Attorney was directed to speed
up resolution by the court of the P.O.A.
fight regarding gun controls; (6) Support
for an open Grand Jury hearing.

The C.O.P.S. has taken action to mobilize
El comité (C.O.P.S.) ha seguido otras acciones para mobilizar recursos: (1) La Sra. Sofia Mendoza como encabezda del comité de organización ha tenido una serie de juntos con el Valley Coalition, Concilio de Iglesios, uniones, y varias otras organizaciones. Esto ha resultado en apoyo para que el Gran Jurado tenga audiencia abierto cuando se presente el caso de Danny Trevino por el procurador. (2) Se está formando un comité de abogados para buscar otros modos legales para ultimamente ganar la justicia en el caso de Danny Trevino y también para prevenir anteriores casos en el futuro. (3) El comité (C.O.P.S.) también ha iniciado una serie de discusiones con la administración de la ciudad para mejor entender los requisitos legales en el establecimiento de un grupo de ciudadanos que tengan el poder de constantemente cuidar todas las actividades de los policías y reportar al pueblo. (4) El Señor Ray Gonzales se ha encargado con organizar una demostración pública antes de que el gran jurado oiga el caso de Danny Trevino. (5) El Señor Henry Gage, Co-chairman, Padre McAntee, Sr. Eloy Campos y Sra. Bea Robinson se han encargado con levantar fondos. (6) El Señor Henry Dominguez tiene responsabilidad de mantener orden y seguridad de todo la gente envuelta en este esfuerzo, y de investigar casos de opresión por la policía. (7) La Sta. Doreen May es representante en el comité de AIM (American Indian Movement).

C.O.P.S. ha undertaken many areas needing much attention and work. (1) There is much research to carry out regarding many legal aspects of this case. As an example, the demands (1. Jailing and bail, 2. Prosecution, 7. Open Grand Jury) fall under the legal authority of the superior court judge, the district attorney, and the grand jury. Demands (4. Family recompense, 5. Independent autopsy and blood analysis) is now the family's responsibility because of a lawsuit they are bringing against the city. How-
ever, there does remain legal work and organizing we can carry out to prevent similar cases in the future. The demand (3. Independent investigation) is being pursued through our own fund raising efforts. This also involves certain legal considerations. Demand (8. Disqualify former policemen Collins and Tanner on the Grand Jury) has not been resolved.

Demands (6. Review of Police Department and training, 3. Establishment of a police review board.) we are discussing and carefully studying.

There is much work to do. The City has not provided us information they can give such as the original police reports. The City's excuse is that it might jeopardize litigation against the City by the Trevino family and they also say they cannot give this information to us until the District Attorney presents the Trevino case to the Grand Jury. Our lawyer has told us this is not necessarily true from a legal standpoint. This may require another kind of lawsuit.

We must educate ourselves about many legal points. The best we can do to avoid another tragedy like this is to organize ourselves on a permanent basis. It can be done in a deliberate way and with a great deal of patience. We must organize ourselves by districting neighborhoods. We must register to vote so we can change members of the city council, of the county government and of the state legislature whenever necessary. We must seek our own fund-raising methods We must remain united and seek other resources in the total community. We must invite and accept support from any person who wants to join our cause.
Que buscamos nuestros modos propios para levantar fondos que se necesitan para hacer este trabajo. Tenemos que seguir unidos y tenemos que envolver otros recursos del pueblo entero. Tenemos que invitar y aceptar el apoyo de cualquier persona que desea respaldar nuestros esfuerzos. Lograremos justicia. Sino para nosotros, será para nuestros hijitos.

We will have justice. If not for ourselves, it will be for our children.
Presidente de la Corte Superior, Juez Longenotti

Nosotros, los abajo firmantes, ciudadanos del Estado de California, estamos pidiendo un Juicio de Gran Jurado, en el caso de la muerte por tiroteo de Danny Trevino bajo las provisiones del Código Penal, Sección 939.1. Queremos que los miembros del Gran Jurado ejecuten su juramento de defender los derechos de los ciudadanos como nuestros representantes debidamente elegidos y como un brazo independiente de la corte. La salud y el bienestar de un gran número de ciudadanos de la Ciudad de San José, así como ciudadanos del Condado de Santa Clara están en peligro. Si los oficiales envueltos en el caso son inocentes, su inocencia no será puesta en peligro si se levanta el velo de secreto impuesto en este y en otros incidentes similares por el District Attorney. El juez que preside debería establecer un precedente en beneficio de la justicia y no permitir que continue la duda de que hay un caso de encubrimiento.

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Por favor de vuelva todas las peticiones firmadas a: 332 N. 2nd Street, San Jose 95112
THE ISSUE IS OPPRESSION

José Villa

One definition of oppression is subjugation to hardships by harsh and unjust use of force or authority. Another definition includes the use of tyranny.

Oppression? Today? That's the way it was, 200 years ago!

Today, when we see women working to ratify the equal rights amendment of our constitution to include them, we have oppression. Today, when we accept and support a federal court decision by Judge Peckham which determined that a school board is not responsible for segregating children even though they continue to remain segregated, we have oppression. Today, when we have unemployed heads of households seeking a means of providing for family necessities amidst wealth and enlightenment, we have oppression. Today, when we read about 20,000 youth being turned away without even being able to fill out a job application form, we have oppression. Today, when we closet our venerable citizens and let them vegetate in conditions we deplore, we have oppression. Today, when public policy dictates that all persons shall be provided an equal employment opportunity and we see and hear governing officials shout, "Reverse discrimination!" ... we have oppression. Today, when newspapers publicize victimless crimes and identifies these acts with ethnic and cultural groups, we have oppression.
Today, when we deplore lack of law and order through promotion of violence by law enforcement agencies on T.V., we have oppression. Today, when a middle class citizen's group gets vilified for publicly questioning governing officials about taxing inequities, we have oppression. Today, when Chicanos and other minority groups are stopped and harassed by police, we have oppression. Today, when citizens of a minority group get scapegoated for their persistence to dare to be culturally different, to speak a different language, and to continue to make our society truly plural, we have oppression. Today, we buried Danny Treviño who, although unarmed, was killed by police, and this is oppression. Today, we wink at unjust and cruel treatment of humans ... and we do it in the name of God, of patriotism, of liberty, of justice, and to enforce law and order. This is oppression and it happens daily in San José, in Santa Clara County, and in California.

Those who are guilty or ignorant of these events will say, "But it happens in other places as well!" How well these evil deeds happen, can be seen, experienced, and practiced by those elsewhere. Locally we ought to examine our collective community conscience. Somehow it seems appropriate 200 years later and at the beginning of a new year. How can we start with a clean slate? How can we ask for forgiveness without being able to forgive ... or forget?
Those who are willing to systematically examine their conscience to determine if we share the guilt of depriving people from being free might do so by asking: (1) Do we know that what we do is wrong? (2) Do we want to do it? (3) Did we do it? If we proceed to participate in promoting the ill health of people, and continue to make their welfare dependent on our colonial, missionary mentality, we are indeed oppressors.

How can we spot oppressive conditions? Are these conditions predictable? What, if anything can we do about it?

Some of the tell-tale signs of the past can be seen as a result of a change in the economic order. Economic depressions, recessions, and inflations, seem to set the stage for creation of uptight conditions. An unstable job market, a slow down in sales of a major commodity such as the auto, rising salaries, higher taxes, strangers in our land... all point to increasing the anxiety level of the public. We tend to look to the national situation or an international incident too complicated for the ordinary citizen to understand to explain local problems. But tempers flare, fuses are short, and we must give vent to frustrations and failures. The answer? Find a scapegoat! Who makes a good scapegoat? A readily identifiable minority group like Chicanos. How do we become informed about such a group? The local news media seems to be of great assistance to us in finding such a group. The media tends to support those forces which have control over economic conditions. One way to
maintain control is to create a divisive situation. This can be done by dividing the public into two camps... victims and victimizers. Unwittingly we tend to side with the victimizers. Victims have no choice as to their lot.

Why is this done? Obviously a minority group must be kept in its place, and an effective way to control this situation is to have members of minorities fear for their lives. One very effective method of controlling these conditions is to create and perpetuate a climate of lawlessness which the majority attributes to a minority. This way the enforcers of law know that they can carry out acts of violence and feel secure that they are protected by the courts. Secondly, members of the establishment must continue to prevail as an institutional controlling force. Thirdly, the press must be sympathetic with prevalent conditions as dictated by their perceptions of what the "majority" desires... and the "majority" has no use for persons who choose to identify as members of the "minority!"

All this points to the ruling class. These rulers control the institutions which in turn control our lives. These are our "big brothers" who know better. These are the patrons of the police. These are those who know how to institutionalize practices of oppression in such a way that makes it acceptable to the defenders of "liberty and justice for all."

And what can we do about all this and our future? We can share information and become better informed about current
issues which affect us all...the press won't do it. We can communicate our perceptions openly and honestly...the press has its own biases. We can question those who continue to make decisions for us, and not with us...the press will not share its freedom with us. We must recognize that what is harmful to a minority will ultimately be harmful to the majority. We must learn from our mistakes of the past 200 years, or we and our posterity will not see our society survive for another 20 years.

The death of Danny Treviño is but a symptom of oppressive conditions. What can you, our leaders, do about it?
FIFTH REPORT ON TREVINO INCIDENT

(Covering Week of March 29 - April 2, 1976)
INDEX

1. Chronology of Events
2. Fact Sheet
3. Attachments
PARTIAL LISTINGS OF CONTACTS AND MEETINGS KNOWN TO OFFICE OF COMMUNITY RELATIONS

Week of March 29 - April 2, 1976

March 29, 1976, Monday:

10:05 A.M. - Ombudsman's staff visited home of Waltine Patterson.

P.M. - Complaint received from James De Leon.

4:00 P.M. - Ombudsman met with Jose Villa at MACSA.

March 30, 1976, Tuesday:

8:30 A.M. - Bob Perez telephone call to Peter Stone, City Attorney's office re Coroner's Inquest.

9:00 A.M. - Ombudsman's staff delivered copy of laws governing inquest to City Attorney's office.

7:00 P.M. - City Council meeting.
  C.O.P.S. Committee presentation
  Oral petition: Jerry Lahtinen
  Grand Jury Hearing initiated/Closed.

March 31, 1976, Wednesday:

A.M. - Ombudsman's staff contacted Jerry Lahtinen.
  (Complainant at previous night's City Council meeting.)

A.M. - Telephone call by Ombudsman to Jose Villa.
  Contacted regarding Maria Martinez.

P.M. - Letter received that the Department of Justice/Civil Rights Division would conduct investigation on the Trevino shooting.

5:00 P.M. - Telephone contact -- the Ombudsman's staff with Ray Gonzalez.

April 1, 1976, Thursday:

P.M. - Ombudsman's staff visited residence of witness to the De Leon complaint.
April 2, 1976, Friday:

2:30 P.M. - Telephone call to Phil Montez's office.

7:00 P.M. - Guadalupe Church, Committee on Public Safety Committee meeting attended by Joe Rodriguez and Bob Perez.
FACT SHEET

INVESTIGATION BY THE UNITED STATES CIVIL RIGHTS COMMISSION

Action Taken

1. March 30, 1976, Tuesday - Letter from Robert Perez to Phil Montez inquiring as to U. S. Civil Rights Commission time line.

2. April 2, 1976, Friday, 2:30 P.M. - Telephone call Robert Perez to Phil Montez's office following up inquiry on Commission's time line and whether matter would be going before State Advisory Committee. We were advised that the State Advisory Committee meets on an on-call basis and does not have a regularly scheduled meeting date. We were advised that Mr. Montez will be returning our call to advise us of the time line.

INVESTIGATION BY THE UNITED STATES DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION

Action Taken

1. A letter was received March 31, 1976, that an investigation will be conducted on the Trevino shooting.

TREVINO MATTER

Action Taken

1. March 29, 1976, Monday - Ombudsman delivered packet to Jose Villa at MACSA.
   Received from Jose Villa a packet containing:
   a. Copy of autopsy report
   b. A letter from Helen Grumbach regarding Officer Craig Smith
   c. A letter to Anton Peterson
   d. A request forwarded to Peter Stone, City Attorney, regarding a coroner's inquest.


3. March 30, 1976, Tuesday, 9:00 A.M. - Ombudsman's staff delivered information on coroner's inquest to City Attorney's office.
4. March 30, 1976, Tuesday, 7:00 P.M. - Committee on Public Safety presentation

Jose Villa read Committee on Public Safety letter to Anton Peterson.

A letter sent by Internal Investigations Division to Maria Martinez.

Jim McAtee requested a coroner's inquest.

Other speakers: Marianne Rodriguez
               Henry Dominguez
               Ray Gonzalez

5. Fourth report on Trevino incident delivered to the City Council. Included was the information received from Jose Villa on Monday.

FOLLOW-UP OF COMPLAINTS PRESENTED TO CITY COUNCIL

HUDSON CASE

Action Taken
1. Letter sent to Reverend Hudson. No response as of this date.

PATTERSON, WALTINE

Action Taken
1. March 29, 1976, Monday, 10:05 A.M. - Ombudsman's staff made home visit. Mrs. Patterson was not in. Appointment cancelled. In a telephone call with Mrs. Patterson she indicated that she would like a meeting first of April.

CHARLES CASE

Action Taken
1. Complaint was filed with Ombudsman's office March 22, 1976. Ombudsman's staff has initiated an investigation.

2. March 30, 1976, Tuesday - Ray Gonzales of the Committee on Public Safety called in a referral of this case.

3. April 1, 1976, Thursday - Ombudsman's staff made visit to Alviso and questioned six witnesses in regard to the incident.
DE LEON, JAMES

Action Taken

1. March 29, 1976, Monday - Complaint was received from Mr. De Leon.

2. April 1, 1976, Thursday - A witness to incident was visited at his residence.

3. April 2, 1976, Friday - Internal Investigations Division informed the Ombudsman that the officers involved in the incident were from the Santa Clara Sheriff's Department and not the San Jose Police Department.

4. Ombudsman will notify Mr. De Leon and give him above information along with referring him to Lt. Bennett of the Internal Affairs Unit in the Sheriff's Department.

LAHTINEN, JERRY

Action Taken

1. March 31, 1976, Wednesday - Ombudsman's staff contacted complainant. Follow-up is being made.

MARTINEZ, MARIA

Action Taken

1. March 31, 1976, Wednesday - Ombudsman made telephone call to Jose Villa regarding Mrs. Martinez's letter. He did not have it; referred Ombudsman to Monitors' office.

2. March 31, 1976, Wednesday - Telephone call by Ombudsman staff to Monitors' office. Spoke to Henry Dominguez. He didn't know anything about case - referred staff to Jose Villa. When informed we had been referred to him, Henry stated he would look into it and call back. No response at this date.

BLOOD SAMPLES ON POLICE OFFICE

(See Chief Murphy's memo attached.)

PERSONS IN CUSTODY BROUGHT TO VALLEY MEDICAL CENTER FOR TREATMENT BY SAN JOSE POLICE

Action Taken

1. Telephone call to Councilman Garza's office. Fran Hirsch stated their office would follow up on the matter.
Jose Villa, Chairperson of the Committee on Public Safety, has requested to be agendized on a weekly basis until further notice, beginning with April 6, 1976, this request to be heard after 7:00 P.M.

Robert E. Perez
Director
Office of Community Relations
The City Council, while in general session, requested that the Equal Employment Opportunity Commission or the Fair Employment Practices Commission do a review of the City's Affirmative Action Program to measure its progress and its effectiveness since implementation. The Equal Employment Opportunity Commission (EEOC) and the Fair Employment Practices Commission (FEPC) have both indicated that they can't do a review on that basis, and are limited to reviews only when there is a complaint on file or an investigation being conducted. The Deputy City Manager, Harold Rosen, subsequently addressed the City Council to advise them that the EEOC and the FEPC were not available for a review of the program. It was further proposed by Mr. Rosen that this review be done by the City Affirmative Action Advisory Committee. The City Council agreed and adopted this concept.

Subsequently a proposal was presented to the City Affirmative Action Advisory Committee on what type of methodology should be devised to conduct this review. The Affirmative Action Advisory Committee decided that in concept the review should include, but not be limited to, the following:

1. A review of the City-wide ethnic progress since the inception of the report.

2. A review of each Department's efforts in meeting their Affirmative Action goals and timetables.

3. A review of the progress that has been made for minorities and women in all occupational levels.


5. A review of the amount of budget and activities directed to the Career Development Program as it affects the implementation of the Affirmative Action Plan.

6. A review of the role of the Affirmative Action Program in respect to its relationship with the community.

The Committee has designated a Subcommittee to conduct the review. This Subcommittee consists of: Alberto Carrillo representing Confederacion de la Raza Unida; Bob Rivas representing the Chicano Employment Committee; Dick Gore representing San Jose Firefighters Association #873; and Robert Farnquist representing the City Personnel Department.
The Subcommittee met and assigned itself areas of responsibility. These areas of responsibility and those persons assigned are indicated in the chart attached. In order to conduct this review it will be necessary for members of the Committee to either interview those who are listed in this memorandum, or members of their staff. The Affirmative Action Office has most of the ethnic data required, so primarily interviews should consist of questions on programs that have enhanced Affirmative Action, or what the major problems toward implementation have been.

We ask your full cooperation in this review. The Subcommittee should begin to make contacts with you or your Department after March 29, 1976. It is our intent to have a report ready for the City Council no later than May 30, 1976.

Thank you for your cooperation regarding this matter.

Daniel Campos
CITY AFFIRMATIVE ACTION OFFICER

DISTRIBUTION: Harold Rosen, Deputy City Manager
Clinton Hilliard, Director of Personnel
Robert Perez, Director of Community Relations
Frank LeSueur, Employee Relations Officer
Frances Galloni, Chief Recruiting & Examining Division
Robert Farnquist, Training & Staff Development Manager
Richard Romich, Manager Classification & Compensation Division
Edward Overton, Retirement and Benefits Administrator
Department Affirmative Action Officers
Members of Subcommittee
Louis Saenz, Labor Relations Attorney
AFFIRMATIVE ACTION REVIEW COMMITTEE

OFFICE OF AFFIRMATIVE ACTION

SCOPE

Assigned to Dick Gore
Review of Ethnic Progress
Ethnic Survey
- Goals & Objectives
- Timetables
- Quarterly Reports
- Government Reports

Assigned to Bob Rivas
Review of Departments
Affirmative Action Plans
- Fourteen Departmental A.A. Plans
- Airport
- Attorney
- Auditor
- City Clerk
- Finance
- Fire
- Library
- Personnel
- Parks & Rec.
- Planning
- Police
- Property Codes
- Public Works
- City Manager

Assigned to Bob Rivas
Review of Minorities & Women in Occupational Levels
Ethnic Survey
- Job Classifications
- Salary Levels
- Occupational Groupings
- Non-traditional Jobs
- Other

Assigned to Dick Gore
Review of Personnel Selection Procedures
Recruitment
- Classifications
- Medical Exams
- Police & Fire Selection Standards
- Budget

Assigned to Al Carrillo
Review of Career Development Programs
Training Programs
- Outside Resources
- Internal Resources
- Budget

Assigned to Bob Farnquist
Review of Affirmative Action Program Relationship with Community
Community Organizations
- Unions and Associations
- Other Government Agencies
- Community in General
March 19, 1976

Honorable Don Edwards
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Edwards:

Thank you for your letter of March 3rd regarding the request made to me by Councilwoman Susan Wilson of San Jose, California to conduct an investigation into problems between the minority communities and the police department in that city.

I have already had a conversation with Mr. Philip Montez, Regional Director of our Los Angeles office, and have advised him to place the matter of an investigation by the California State Advisory Committee to this Commission before the members of that Committee at the earliest possible moment. As you may know the organization of a hearing either by the Commission or by a state advisory committee is quite involved requiring a considerable amount of field investigation prior to the hearing itself. In view of the Commission's present deep involvement in conducting four studies simultaneously on the issue of school desegregation, it will not be possible for such a hearing to take place as quickly as might otherwise be the case. Mrs. Wilson has indicated that while she and other citizens of San Jose are deeply concerned she understands the problems we face. I would hope that the California State Advisory Committee would find it possible to conduct this hearing sometime during the current calendar year.

Thank you for your interest.

Respectfully,

JOHN A. BUGGS
Staff Director

copies routed to Tedesco, Joe Rodriguez and Councilmembers 3/30/76
The Honorable Janet Gray Hayes  
Mayor, City of San Jose  
City Hall  
801 North First Street  
San Jose, California 95110  

Dear Janet Gray:  

For your files, I enclose a copy of John A. Buggs' letter to me dated March 19, 1976 indicating his approval of plans for the California State Advisory Committee to conduct a hearing on racial problems in our area.

I am keeping after Stanley Pottinger for an answer to your letter and mine, no word as yet.

Best personal regards.

Sincerely,

Don  
Member of Congress

DE:dl  
Enclosure
April 1, 1976

Re: Coroner's Inquest - Trevino Matter

The Grand Jury, at least implicitly, chose not to have a public hearing, with public testimony, concerning the facts and circumstances surrounding the death of Danny Trevino. A request has been made that the City of San Jose, through the City Attorney, request the County Coroner to hold a Coroner's Inquest pursuant to Government Code §27491.6. I have conferred with the Acting County Executive and if such a request were made, the following is the procedure which would be followed:

An attorney would be employed as a hearing officer to preside at the inquest and such attorney would be deputized as a Deputy County Coroner. Such hearing officer would impanel a jury to hear the evidence and decide the issues. The evidence would be restricted to that which is relevant to the determination under Government Code §27504, to wit: the name of the deceased, the time and place of death, the medical cause of death and whether the death was by (i) natural causes, (ii) suicide, (iii) accident or (iv) at the hands of another person, other than by accident. Such findings shall not include a reference to civil or criminal responsibility on the part of the deceased or any other person.

It is clear that the concerns of the community, to wit: the civil or criminal responsibility of any other person, cannot be testified to as it is not relevant nor material to the narrow issues outlined under the statute.
It is clear from all that is known that the deceased met his death at the hands of another person, other than by accident. There simply is no dispute concerning that. Such a finding would be submitted to the District Attorney, the responsible police agency and any other police agency requesting copies (Government Code §27504.1) and such a decision is not admissible as evidence in any civil or criminal proceedings (Government Code §27502.2).

We have no information that a Coroner's Inquest has ever been carried out in this County, but in conferring with other counties, particularly Los Angeles, some have been carried out. Our information is that when they are, they are held immediately following the incident and for eventual submission to the Grand Jury. The Grand Jury has already met, considered and decided this matter.

Therefore, it is our conclusion that a Coroner's Inquest would serve no useful purpose because of the timing and, most particularly, because the Coroner's Inquest will not meet, discuss or decide the issues which are of such great concern to the City and the community as a whole. To go forward with such an inquest would be a waste of the taxpayers' resources and a fraud upon those who wish to air the matter in public because what would be aired in public is irrelevant to the issues of concern.

It now appears that any further investigation of the facts and circumstances surrounding the incident will be made by the Civil Rights Division of the U.S. Department of Justice through the Federal Bureau of Investigation. That confirmation has been received by the City.
TO PROTEST THE KILLING OF

DANNY TREVINO

MARCH ON
CITY HALL

TUESDAY
FEB 17

MASS RALLY AT ST. JAMES PARK
5:00PM. 1ST & ST. JAMES STREETS
MARCH BEGINS AT 6:30 P.M.

COMMITTEE FOR PUBLIC SAFETY FOR FURTHER INFO: 259-8651
EL CONCILIO DE LA CIUDAD DE SAN JOSE ESPERA QUE EL PUEBLO SE CANSE Y TERMINE FRUSTRADO SOBRE LA MATANZA DE DANNY TREVINO EN MANOS DE DOS POLICIAS DE SAN JOSE. ESPERAN QUE LA GENTE SE CANSE DE IR A LAS SESIONES DEL CONCILIO, PERO LA COMUNIDAD CONTINUA SU CAUSA POR LA JUSTICIA. BIEN SE SABE QUE ESTA LUCHA ES LA UNICA FORMA DE ASEGURAR LA JUSTICIA POR NUESTRO HERMANO DANNY TREVINO, Y A UNA VEZ PARA TODOS NOSOTROS QUE PODREMOS SER VICTIMAS DE POLICIAS QUE NO RESPETAN LA VIDA H1 LA DIGNIDAD DE TODA GENTE, NO IMPORTE SU RAZA O NACIONALIDAD.

UNITE CON LA MARCHA DE JUSTICIA FEBRERO 17

HECHOS SOBRE EL CASO DE TREVINO:
1. Danny Trevino fue asesinado por dos policías del Departamento de Policías de San Jose, mientras el estaba sentado en su carro. Danny no poseía arma de ninguna clase.
2. Fue balazado simultáneamente por los dos policías uno de cada lado del coche.
3. Danny Trevino no cargaba arma de ninguna clase.
4. Todos están de acuerdo que su muerte no fue necesaria.
5. En años recientes, han muerto varios Chicanos, Negros, y otra gente pobre bajo las mismas circunstancias: No estaban armados y fueron matados sin necesidad.

'YA BASTA CON ESTA REPRESION Y MATANZAS DE GENTE MINORITARIA.'

EL PROPOSITO DE LA MARCHA ES DE IMPRESIONAR AL CONCILIO DE SAN JOSE CON LA OPINION PUBLICA PARA QUE SE CONDUSEN UNA INVESTIGACION INDEPENDIENTE SOBRE EL CASO DE TREVINO, Y PARA QUE SE ESTABLEZCA UNA COMISION PARA REVISAR LAS ACCIONES POLICIAS. TAMBIEN SE PRESENTARAN LAS Peticiones DEMONSTRANDO AGOGO POR LAS SIGUIENTES DEMANDAS:
1. Encarcelación de los policías, establecer fianzas de $100,000 dolares por cada uno.
2. Obligar al procurador que acuse a los policías como asesinos.
4. Remuneración de indemnización para la viuda de Trevino y sus hijos.
5. Autopsia y análisis de sangre independientes.
6. Revisio completo del entrenamiento de los policías.
7. Sesion Abierta del Grand Jurado.
8. Que el Concilio de San Jose trate de descalificar los siguientes miembros del Grand Jurado: Tanner/Barton Collins/
9. Establecimiento de una Comision para Revisar las actividades de los policías.

LA UNION HACE LA FUERZA, JUSTICIA PARA DANNY TREVINO ES JUSTICIA PARA TODOS

THE SAN JOSE CITY COUNCIL IS HOPING THE PEOPLE WILL FINALLY BECOME FRUSTRATED AND FATIGUED OVER THE KILLING OF DANNY TREVINO BY TWO SAN JOSE COPS. THEY HOPE THE PEOPLE WILL STOP COMING TO THE CITY COUNCIL, BUT THE PEOPLE CONTINUE TO STRUGGLE FOR JUSTICE. THIS IS THE ONLY WAY TO INSURE JUSTICE FOR DANNY TREVINO AND FOR ALL OF US WHO MAY FALL PREY AT THE GUNS OF COPS WHO HAVE NO RESPECT FOR HUMAN LIFE AND THE DIGNITY OF ALL PEOPLE REGARDLESS OF THEIR RACE.

JOIN THE DANNY TREVINO MARCH FOR JUSTICE, FEB. 17

FACTS:
1. Danny Trevino was killed by two San Jose Police Department Cops while sitting behind the wheel of his car. Danny was not armed.
2. He was shot simultaneously by both cops from either side of the car.
3. Danny Trevino had no weapons at all.
4. All agree his death was unnecessary.
5. There have been Chicanos, Blacks and other poor people killed under similar circumstances in recent years. They were not armed and they were killed unnecessarily.

WE MUST STOP THIS REPRESION AND KILLINGS OF MINORITIES

THE MAIN PURPOSE OF THE MARCH IS TO PUT PUBLIC PRESSURE ON THE CITY COUNCIL TO CONDUCT AN INDEPENDENT INVESTIGATION, ESTABLISH A COMMUNITY POLICE REVIEW BOARD AND TO PRESENT THE COUNCIL WITH PETITIONS DEMONSTRATING SUPPORT FOR THE FOLLOWING DEMANDS:
1. Jail all the cops that killed Trevino and set bail at $100,000 for each.
2. Have the District Attorney prosecute them for MURDER.
3. We want an independent investigation and access to evidence.
4. Payment of damages to Trevino's wife and children.
5. Independent autopsy and blood analysis.
7. Open grand jury hearing.
8. San Jose City Council should seek removal of biased grand jury members, such as, Tanner/Barton Collins/ who are former police officers.
9. We want establishment of a Citizens Police Review Board.

IN UNITY THERE IS STRENGTH

JUSTICE FOR DANNY TREVINO IS JUSTICE FOR ALL
MEMORIAL MASS

for

DANNY TREVINO

1st Anniversary of his Death

January 22, 1977
Our Lady of Guadalupe Church
2020 E. San Antonio St.
San Jose, Ca.
5:30 p.m.

Sponsored by:

Committee on Public Safety (COPS)
of the
Confederacion de La Raza Unida
Continued on reverse---

To your brown-eyed children of the sun
And may they be bright, strong, and true,
Their lives have just begun,
Like your bright time they have come.
Your back is bent from picking
And you age a lot faster.
Your face is lined and wrinkled
With the brown-eyed children of the sun.

From your brown-eyed children of the sun.

SECOND READING

Consejería de la Raza Unida

PRESEDENT

FIRST READING

La inmigración va a unirnos.

El hombre nace poeta trinitario
Por el cielo de la decisión
Pobre estrella de humildad.
Por el camino de la verdad.

EL HOMBRE NUEVO

(OFFERING HYMN)
Brown Eyed Children of the Sun (Cont.)

You marched on Easter Sunday
to the capitol you came
You fought for union wages
and your fight has just begun
You’re a proud people, you’re a brave people
And this heritage is one
That you can be giving to your brown-eyed children of
the sun.

Kumbaya

Kumbaya, My Lord, Kumbaya (3 times). 0 Lord...
Someone’s praying, Lord, God is Good (3 times). 0 Lord...
We ask favors, Lord, hear our prayer (3 times). 0 Lord...
We want justice Lord, hear our cries (3 times). 0 Lord...
Bless our actions, Lord, make them yours (3 times). 0 Lord.

Nosotros Venceremos, Nosotros Venceremos, Nosotros Venceremos Ahora, 0. 0, en mi corazon, yo cre, nosotros venceremos

Unidos venceremos, etc.
Justicia merecemos, etc.
Justicia nos queremos, etc.

(ANUNCIOS...BENDICION)

(FINAL HYMN)

De Colores

De colores, de colores se visten los campos. En la Primavera. De colores, de colores son los pajarillos, que vienen de Afuera. De colores, de colores es el arco iris que vemos lucir.

_Coro:_ Y por eso los grandes amores de muchos colores me gustan a mi. Canta el gallo, canta el gallo con el quiri, quiri, quiri, quiri, quiri. La Gallina, La Gallina con el Cara, cara, cara, cara, cara. Los Polluelos, Los Polluelos con el pio, pio, pio, pio, pio.

HAY PAN MEXICANO Y CAFE PARA TODOS, DESPUES DE LA MISA.

The Committee on Public Safety (COPS) will be meeting on the 1st Thurs. of each month at 6:30 p.m. at the Confederacion offices at 1711 C McKee Road, San Jose. The next meeting will be February 3, 1977. COME AND SHARE YOUR CONCERNS.