

December 8, 2001

Director Tom Ridge  
Office Of Homeland Security  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Director Ridge:

I read today, December 8, 2001, in the Los Angeles Times, that Lt. Horace Frank, a spokesman for the LAPD (Los Angeles Police Department), said that the federal government's decision to enlist local authorities in tracking down more than 300,000 illegal immigrants ordered deported does not appear to pose a conflict with the long-standing Los Angeles police policy.

Lt. Frank is wrong!

The policy referred to is **Special Order 40**, an official police mandate backed unanimously by the 15 member City Council, LAPD Police Chief Parks, Mayor Jim Hahn, and City Attorney Rocky Delgadillo. "Special Order 40" originated in 1979. It mandates LAPD's officers not to cooperate with the INS and that police not question anyone they arrest about their immigration status unless done so after criminal charges have been made. This mandate not only doesn't make sense, it is a virtual invitation for illegal alien criminals and terrorists to come to Los Angeles. While a police officer may do a complete "make" on suspects stopped for minor traffic infractions, incredibly, they are not allowed by this LAPD policy to inquire on the immigration status of suspected felons when there is probable cause.

Here is the exact wording of Special Order 40: **"...no officer of the Los Angeles Police Department shall cooperate with the Immigration and Naturalization Service to: inquire into the immigration status of an individual, EXCEPT AND Unless (underlined in the text) required by city, county, state or federal law to inquire into the immigration status of an individual seeking LAPD employment."**

As a Los Angeles community activist, my attempts along with the attempts of other anti-crime activists for the last eleven years to have the mandate repealed, have been ignored by the said officials, no doubt because they are heavily lobbied by a small, but highly vocal group of Pro-Illegal Alien organizations. Any attempt to have public meaningful debate is often squelched by city officials with accusations of racism (in a recent telephone conversation with LAPD Commander Valentino Paniccia on the subject of Special Order 40, he said to me "you don't like Mexicans," implying that my opposition to Special Order 40 was motivated by a dislike of Mexicans. It should not have been necessary to counter his conjectural allegation as I did, by telling him that I was married to a Mexican immigrant [and we have three adopted Latina children]).

The officials' argument that without Special Order 40, innocent undocumented immigrants would not report crimes for fear of being deported is utter nonsense. As a block captain in the Los Angeles district of Van Nuys for eleven years, I can assure you that the undocumented aliens living in my community do not fear deportation as a result of friendly encounters with the "immigrant" friendly LAPD. What I have been told over and over by the undocumented, is that they do not want to report crimes nor get involved as witnesses because they fear retaliation by criminal gang members, most of whom are themselves illegal aliens eligible for deportation.

#### **LOS ANGELES HAS ITS OWN BRAND OF TERRORISTS**

Although Special Order 40 may have been borne from good intentions, it has the opposite effect of giving free reign in Los Angeles to illegal alien criminals.

In June, 1997, an L.A. Times series about the notorious Los Angeles 18th Street Gang said that according to a confidential state Department of Justice report, that 60% of that gang's members in Southern California are illegal aliens, estimated to be as high as 20,000.

These illegal alien gangsters roam the Los Angeles streets knowing that Special Order 40 protects them from deportation. Yes, if they are indicted, the LAPD does inquire into their immigration status and occasionally turns them over to the INS, but more often than not, the LAPD cannot muster enough evidence to indict -- this because of fear by both law abiding U.S. citizens and undocumented aliens to come forward as witnesses -- not because they are afraid of the LAPD or deportation, but because they are intimidated by the illegal alien criminals themselves -- criminals who should be deported.

### **REVERSE PROFILING**

It may be that because the Los Angeles political hierarchy profiles illegal aliens as honest, hardworking, family oriented immigrants (indeed true for the vast majority of immigrants), that the LAPD relaxes its law enforcement on their behalf. Unfortunately, this relaxed law enforcement provides a window of opportunity for terrorists, who no doubt, are studying Los Angeles' vulnerability.

### **LOS ANGELES' AREAS OF VULNERABILITY**

**Illegal street and sidewalk vending:** Hundreds of illegal vendors can be found daily on Los Angeles' streets and sidewalks selling their products (mostly homemade food) with total impunity from the LAPD (and the County Health Department, and L.A. Department of Building and Safety). The LAPD does not pro-actively enforce the law against illegal street vending -- that is, they don't do anything about the problem when they see it, but instead conduct infrequent street sweeps. The LAPD's claim that they cite illegal vendors on these sweeps is in conflict with what I witnessed on two sweep ride-alongs, the last being on June 14, 2001. Confirming what I already knew, the LAPD has a policy of not citing illegal vendors if they cannot produce identification. Other than the confiscation of the vendors' goods, the vendors are simply allowed to "walk." The vendors knowing this, make it a point never to carry IDs.

With LAPD's "no ID and walk" policy, any FBI or INS database, no matter how sophisticated, is useless and could allow a fugitive alien terrorist to slip through their fingers. LAPD's "no ID and walk" policy is tailor made for terrorists who might try to mass murder the populace through poisoned food.

**Illegal day labor hiring centers:** There are several L.A. tax payer supported hiring centers approved by the L.A. City Council. These centers have a "don't ask, don't tell" policy with regard to the immigration status of the workers. In fact, the centers do not require any of its workers to produce any identification documents whatsoever.

The City Council has ignored my pleas to discontinue these unlawful hiring Centers in spite of reminding them of the illegal Mexican alien "day laborer" serial killer, Rafael Resendez-Ramirez, more commonly known as "The Railway Killer." Resendez was a deportable transient day laborer who was never asked in any hiring center to produce identification documents. L.A.'s illegal day labor centers are tailor made "safe places" for alien criminals and terrorists.

**False ID and walk:** The LAPD does not enforce the law against individual illegal alien law breakers who present a false ID. Nor does the L.A. City Attorney prosecute false ID cases. When my "False ID and walk" allegation was denied by LAPD's Commander Valentino Paniccia on November 13, I challenged him to produce even one case in the last year of any individual who was charged and convicted of carrying a false ID. I'm still waiting.

Moreover, ID counterfeiters solicit their business openly in the MacArthur Park area of Los Angeles (indeed, while accompanying my Mexican immigrant wife and her niece who was visiting from Mexico, in the MacArthur Park area, a counterfeit ID salesman brazenly asked my wife and her niece, in front of me, if she needed any false documents).

### **THE LAPD PUNISHES WHISTLE BLOWERS**

Following the September 11th disaster, after circulating to many Los Angeles officials by email, a copy of my September 17th letter similar to this one to FBI Director Mueller and others, on September 18, 2001, three LAPD officers showed up at my home with a fax copy of the letter, informed me that my Block Captain status was being revoked and then confiscated my LAPD Block Captain's badge. As explained in a letter dated September 18, 2001, by Van Nuys Captain McNamara under Chief Parks auspices, my removal was as a result of a computer generated image of L.A. City Hall being destroyed with the caption reading "Could this happen to Los Angeles?" (Image was not on hard copies conventionally mailed to FBI). I put the image on the email page to get the attention I have not been getting from those politicians and bureaucrats responsible for the safety of Los Angeles citizens -- intended as a wake up call. Captain McNamara said: ***"The color logo of your email depicting the destruction of Los Angeles City Hall, which accompanies a letter to the Federal Bureau of Investigation, entitled 'Could Los Angeles be next?,' is considered in light of recent events, to be grossly beyond the bounds of sensitivity at minimum."*** This excuse to harass and fire me, gives the appearance of police leadership that is more concerned with the emotional feelings of citizens, than protecting them from criminals.

Should you need further information, please do not hesitate to contact me.

Sincerely,

Hal Netkin

CC: (some by email): LAPD Lt. Horace Frank, LAPD Commander Paniccia, Supervisor Yaroslavski, Sheriff Baca, Chief Parks, Mayor Hahn, City Atty Delgadillo, Captain McNamara, Councilwoman Miscikowski, city council members, Police Protective League, other unnamed recipients, Daily News, and posted to www.MayorNo.com.