

YOUNG GIRL IS VICTIM WHEN SYSTEM FAILS

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Body

JUSTICE took many wrong turns in the case of Eric Umali, who is charged with stabbing his 9-year-old neighbor in Redwood City.

Umali was on probation for molesting a child and was awaiting a deportation hearing when he is alleged to have attacked Bertha Valencia. The case is outrageous, and Bertha's mostly-immigrant neighbors are grasping for someone to blame.

There is blame to share, but some lapses in the **system** were far more obvious and preventable than others.

Umali had been convicted of molesting his 13-year-old nephew in 1993. That he served only two years in jail underscores the difficulty in prosecuting crimes against minors. Because the **victims** are considered unreliable, vulnerable and sometimes unwilling witnesses, prosecutors often settle for lesser charges. Umali pleaded no contest to lewd behavior. That was the first failure of the justice **system** in this case.

The travesty of a short sentence was compounded after Alameda County Jail handed Umali over to immigration officials for possible deportation. Although a psychiatrist had written that Umali was psychologically disturbed and was a risk to re-offend, an immigration judge set bail at only \$2,500. Free on bond in January, Umali went to live with his parents in Redwood City while awaiting a deportation hearing set for March 1997.

This action by the immigration court is the most egregious failure of the **system**. Umali could have been kept in custody and his hearing scheduled more speedily.

After that point, it became much more difficult for the **system** to curb Umali. He did not register with local police as a sex offender, as required by state law; but when Alameda County probation officials caught up with him, they had no idea he'd been causing problems and saw no reason to jail him. Neighbors say he had terrorized them, but they had not called police. They say they should have been told of his past - but a law in the state legislature that would reveal sex offenders' addresses probably wouldn't apply in this case, since Umali's "lewd behavior" conviction would not be a sufficiently serious offense.

Registration requirements for sex offenders can be a great crime-solving tool and a possible deterrent. Santa Clara County has made it a priority to track offenders down and let them know authorities are watching them. That seems to be paying off. The county's rate of felony sex offenses last year declined by 25 percent over the previous year.

Alameda should emulate that policy - but it might not have prevented what happened to Bertha. That was not a repeat sexual offense but an inexplicable, berserk attack. Can warnings prevent someone from going crazy?

For confused and unnerved neighbors, the police and probation officials may seem the closest and most obvious authorities to blame for what happened. But we would place most of the blame earlier in Umali's journey: On a criminal justice **system** that, for all the three-strikes grandstanding, often takes the first strike too lightly; and on immigration controls that target maids and janitors but see no urgency in deporting sex offenders.

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Notes

EDITORIALS

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PHOTO: Eric Umali

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