

CCR
3
Meet.
354.1
v.2

LIBRARY
U.S. COMMISSION ON CIVIL RIGHTS

UNITED STATES
COMMISSION ON CIVIL RIGHTS

Thursday, January 30, 1992
Public Hearing

ORIGINAL

MOUNT PLEASANT HEARING
VOLUME II

Arthur A. Fletcher, Chairman
Charles Pei Wang, Vice Chairman

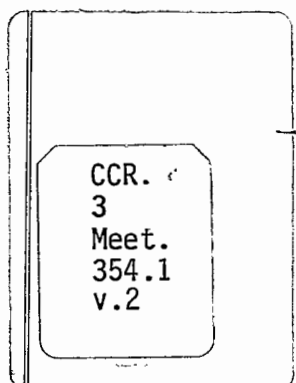
Commissioners:

- William Barclay Allen
- Carl A. Anderson
- Mary Frances Berry
- Esther Gonzalez-Arroyo Buckley
- Blandina Cardenas Ramirez
- Russell G. Redenbaugh

Staff:

- Carol McCabe Booker
- Wilfredo J. Gonzalez
- Patricia Grow
- Susan Muskett

Carlos Rosario Adult Education Center
34th Street & Wisconsin Avenue, N.W.
Auditorium
Washington, D.C.



EXECUTIVE COURT REPORTERS, INC.
(301) 565-0064

I N D E X

<u>PARTICIPANTS:</u>	<u>PAGE</u>
POLICE-COMMUNITY RELATIONS PANEL I:	6
Ignacia Marzano Bish, Esquire, Hogan & Hartson	7
Juan Milanes, Esquire Fulbright & Jaworski	13
Daryl Veal, Esquire Fulbright & Jaworski	13
Father Jose Samoza	28
 COMMUNITY WITNESSES:	 83
Omar Centurion	83
Julio Cesar Cruz	96
Emilio Chevez	107
Leopoldo Bermudez	109
 POLICE-COMMUNITY RELATIONS PANEL II:	
Metropolitan Police Department	116
Police Chief Isaac Fulwood, Jr., Metropolitan Police Department	116
Officer Moises Aristy, Hispanic Community Center, Third District	166
Deputy Chief Larry D. Soulsby, Commander of the Third District	173
Deputy Chief Melvin L. Clark, Commander of the Fourth District	186
Vanessa Ruiz, Deputy Corporation Counsel, D.C.	
 POLICE-COMMUNITY RELATIONS PANEL III:	
Citizens Complaint Review Board (CCRB)	207
Alfreda Davis Porter, Executive Director, CCRB	207
Captain Kim Dine, MPD member of CCRB	221
Gary Hankins, Fraternal Order of Police	224
Donald Casimere, International Association for Civilian Oversight of Law Enforcement (IACOLE)	235
Clare Lewis, Police Complaints Commissioner for Ontario, Canada	238

I N D E X (cont'd)

	<u>PAGE</u>
COMMUNITY WITNESSES:	
Roberto Umanzor	279
Edward Spurlock (Retired Deputy Chief, Third District)	285
CRIMINAL JUSTICE PANEL:	334
Angela Davis, Director, Public Defender Service	334
Samuel Delgado, Esquire	
Leslye Orloff, AYUDA	
Maria Holleran-Rivera, President, D.C. Hispanic Bar Association	
Carlos Mendoza, Visitors' Services Center at the D.C. Jail	
HOUSING PANEL I:	392
Mario Rivera, Program Coordinator, Adelante	393
Robert Goldman, Staff Member, Housing Committee D. C. City Council	397
Benito Diaz, Washington Inner-City Self-Help (WISH)	401
Dr. James G. Macdonell, President, Fair Housing Council of Greater Washington	
Susan Weiss, Executive Director, Fair Housing Council of Greater Washington	410
John Kostyack, Esquire, Steptoe and Johnson	
HOUSING PANEL II:	
Austin Penny, Deputy Mayor for Economic Development	429
Raymond Price, Director, Department of Public and Assisted Housing	447
Merrick Malone, Acting Director, Department of Housing and Community Development	480
John Hampton, Special Assistant to the Chief, Office of Audit and Compliance, Department of Public and Assisted Housing	476
Aubrey H. Edwards, Director, D. C. Department of Consumer and Regulatory Affairs	455

I N D E X (cont'd)PAGE**COMMUNITY WITNESSES:**

Dr. Mark Chastang, Executive Director D.C. General Hospital	484
Theresa Bass, Associate Administrator for Human Resources, D. C. General Hospital	484
LaBaron Frost, Labor Relations Director, D. C. General Hospital	484
Officer Juan Espinal, MPD	510
Officer Carlos Guerra, MPD	510
Officer Luis Rodriguez, MPD	510
Milagros Castiano, Project Director, Bilingual House Access	550
Sister Betty Ann McNeil, Spanish Catholic Center	558
Matias O'Donnell	564
Brian Moore	570
Salmon Carrasco	582
Ms. Christina Urarte Rosarios	586

P R O C E E D I N G S

1

2

9:00 A.M.

3

(Interpreters sworn.)

4

CHAIRMAN FLETCHER: The hearing is called to
5 order. We now have a quorum. In fact, I think we have
6 a full panel.

7

Madam counsel, will you call the next panel,
8 please?

9

MS. BOOKER: We'd like to call the first
10 panel of community witnesses on Police-Community
11 Relations.

12

CHAIRMAN FLETCHER: The first panel of
13 community witnesses is on Community-Police Relations.

14

May I inform you that over to my left,
15 immediately in front of the stage we have signers for
16 those who are deaf and/or hard of hearing. If you come
17 forward and sit in this area, then there will be someone
18 there assisting you with your problem.

19

We'll make this announcement about every
20 hour just in case there are those who come and are not
21 aware that we have signers in the auditorium, so that
22 they will know where to sit.

23

Is the first panel arriving, please?

24

MS. BOOKER: We'd like to call Mr. Ignacia
25 Bish of Hogan and Hartson; Father Jose Samoza --

1 CHAIRMAN FLETCHER: Come on up, Father. Up
2 on the stage over there; yes.

3 Who else is it?

4 MS. BOOKER: Is there a representative of
5 Fulbright and Jaworski? And if Mr. Spurlock is here?

6 (Pause.)

7 CHAIRMAN FLETCHER: Beg your pardon?

8 VOICE: Deputy Chief Spurlock will try to
9 make it for the 6:30 evening session tonight.

10 CHAIRMAN FLETCHER: All right. Is there
11 anyone else on the panel?

12 (Pause.)

13 I would like all of you to stand so we can
14 swear you in, and then we will proceed.

15 **POLICE COMMUNITY RELATIONS PANEL I**

16 (Witnesses sworn)

17 MS. BOOKER: Would each of you please
18 identify yourself for the record?

19 MR. MILANES: Juan Milanes, staff attorney
20 with the Washington Lawyers Committee.

21 MS. BOOKER: And with the D.C. Latino --

22 MR. MILANES: And legal counsel for the D.C.
23 Latino Civil Rights Task Force.

24 CHAIRMAN FLETCHER: Thank you.

25 MR. VEAL: Daryl Veal. I'm a lawyer with the

1 law firm of Fulbright and Jaworski and a volunteer with
2 the Lawyers Committee for Civil Rights Under Law.

3 CHAIRMAN FLETCHER: Thank you.

4 FATHER SAMOZA: My name is Jose Samoza. I'm
5 the Pastor of Our Lady, Queen of the Americas, the
6 Hispanic parish in Washington, D.C.

7 CHAIRMAN FLETCHER: Thank you, sir.

8 MS. BISH: My name is Ignacia Marzano Bish.
9 I'm an attorney with the law offices of Hogan and
10 Hartson and I'm here today to testify on behalf of the
11 American Civil Liberties Union of the National Capital
12 Area.

13 CHAIRMAN FLETCHER: Thank you, very much.
14 Counsel?

15 MS. BOOKER: Thank you.

16 Ms. Bish, I understand that you have prepared
17 a report on the criminal justice system that relates to
18 Latinos in the District of Columbia; is that correct?

19 MS. BISH: Yes, that is correct.

20 MS. BOOKER: Have you brought a copy of that
21 report with you today?

22 MS. BISH: Yes, I have, and I'd like to
23 submit it to the Committee for your review.

24 CHAIRMAN FLETCHER: Thank you.

25 MS. BOOKER: Would you give us an overview or

1 a summary of the report?

2 MS. BISH: Yes. In preparing our report,
3 attorneys at Hogan and Hartson gathered information
4 regarding the extent and nature of the police and court
5 services provided by the Metropolitan Police Department
6 in the District of Columbia Courts to the District
7 Latino community.

8 We collected data on the numbers of Latinos
9 and Spanish-speaking individuals employed by the MPD
10 and the DC Courts. In addition, we explored the
11 cultural and socioeconomic barriers and the resulting
12 discrimination experienced by the Latinos in the
13 District of Columbia.

14 In preparing our report we assumed that in
15 order for a Latino who does not speak English to have
16 meaningful access to police protection and to the
17 courts, these services must be provided in Spanish.

18 Since the D.C. Government agencies that we
19 contacted do not systematically collect data on the
20 services provided to Latinos in the District, some of
21 the information in our report is anecdotal and is based
22 on news reports and interviews. We believe that the
23 demographics available speak for themselves.

24 While there has been a significant increase
25 in the number of Latinos in the District and in the

1 surrounding metropolitan area since the 1980 Census,
2 the number of Latinos employed by the D.C. Government
3 is low.

4 We prepared a report which is in two parts.
5 One section of our report looks at police-community
6 relations and services provided by the MPD. The second
7 part of our report looks at the services available to
8 Hispanics through the D.C. Court system. We tracked
9 the different services available through the criminal
10 justice system.

11 MS. BOOKER: What were your findings with
12 respect to the criminal justice system?

13 MS. BISH: With respect to the criminal
14 justice system we found that there is a lack of Latino
15 representation at crucial stages. For instance, there
16 are no Spanish-speakers that provide general
17 information to Latino citizens regarding services that
18 are available through the courts.

19 While a lot of the material that is
20 available, written material, is in Spanish, there is no
21 one, for example at an Information Booth, to direct a
22 Latino to these materials. There is not a Spanish
23 speaker to help a Latino that is in lockup, for
24 instance.

25 There are no Spanish speakers in the

1 Landlord-Tenant Court. There are no Spanish speakers
2 in the Family Court system. In addition, at
3 presentment, oftentimes there is not a Spanish-speaking
4 attorney to help someone that is going through those
5 proceedings.

6 There are no interpreters available on
7 Saturdays at presentment. While there are interpreters
8 that are available on a free-lance basis to Hispanics,
9 at later stages of the trial, at the early and crucial
10 stages there is a lack of language assistance that at
11 times becomes determinative.

12 We looked at a case where a woman was
13 arrested over the weekend and basically was not able to
14 get bail and did not have any language assistance and
15 was not able to communicate with the attorney assigned
16 to her because the attorney did not speak Spanish.

17 That also brings us to other demographics
18 that we collected. In the Public Defender Service, for
19 example, there are not many Spanish-speaking attorneys.
20 So even if an indigent Latino were able to get an
21 attorney, there is no guarantee that this attorney
22 would be able to communicate effectively with the
23 Latino at crucial stages of the representation.

24 MS. BOOKER: Mr. Chairman, I would note for
25 the record that we're going to have further testimony

1 this afternoon on the criminal justice system, focusing
2 specifically on the D.C. Superior Court.

3 Ms. Bish, I wonder if you would comment on
4 some other aspects of your report. For example, are
5 Latinos more or less likely than others to report
6 crimes?

7 MS. BISH: We found that the D.C.
8 Metropolitan Police Department does not collect
9 statistics on the number of Latinos that report crimes.
10 The statistics that are collected are collected with
11 regard to white and Afro-American individuals who
12 report crimes.

13 Although nationwide statistics indicate that
14 Hispanics report crimes as frequently as other ethnic
15 groups, police officers in the District of Columbia do
16 not believe that Hispanics in the District report
17 crimes as frequently as non-Hispanics.

18 We spoke with someone in the Hispanic Liaison
19 Unit of the MPD in preparing our report, and the person
20 that we spoke with related one incident where Latinos
21 at a community forum in Mount Pleasant complained that
22 the police were not doing anything about a rash of
23 burglaries that had been taking place in the area.

24 A Hispanic officer who was at the forum asked
25 this person who was reporting this lack of police

1 assistance whether the burglaries had been reported to
2 the police. And the response was that not one person
3 in the audience had reported the burglaries.

4 A Hispanic officer that has worked for the
5 MPD for about 13 years that we also spoke with
6 identified three reasons why, in her view, Hispanics
7 don't readily report crimes to the MPD.

8 She told us that the three reasons are that
9 Hispanics usually either cannot or find it difficult to
10 communicate in English with the police. Hispanics, for
11 cultural reasons, do not feel comfortable approaching
12 the police. And some Hispanics do not know that they
13 may call 911 for assistance.

14 The number of Spanish-speaking police
15 officers in the District is approximately 121 officers
16 out of 4700. And we were not able to ascertain,
17 because the data was not available, how many of these
18 officers are actually assigned to the Third and Fourth
19 Districts which encompass the Mount Pleasant and Adams
20 Morgan areas which, statistics show, have the highest
21 concentration of Latinos in the District.

22 MS. BOOKER: Thank you. Ms. Bish, while your
23 report focuses mainly on language barriers, we have
24 another report from the law firm of Fulbright and
25 Jaworski.

1 Mr. Milanes, Mr. Veal, your report deals
2 with police misconduct affecting the Latino community
3 in the District.

4 Would you give us a summary of your findings?

5 MR. MILANES: Certainly. I should state for
6 the record, though, the report that was put together by
7 the law firm of Fulbright and Jaworski with cooperation
8 or working for the Washington Lawyers Committee, came
9 about by looking at interviews that we had conducted
10 with individuals that came through a hot-line that was
11 set up back in November of last year to actually
12 receive the kinds of calls of individuals who had been
13 subject to police misconduct in the Washington, D.C.
14 area.

15 We limited ourselves in the interviews that
16 we conducted to just those cases dealing directly with
17 the Metropolitan Police Department. However, we should
18 cite that a number of other calls that came into the
19 hot-line also dealt with other jurisdictions in the
20 area.

21 We did not cite to those cases in the report,
22 but a number of cases did come in from P.G. County,
23 from Montgomery County, from Fairfax, from Arlington
24 and the like.

25 Also, a couple of cases cropped up dealing

1 with federal police officers, with the Secretary
2 Service and also with the Park Police. But in terms of
3 actually what types of police misconduct and maybe
4 offering some of the reasons why Latinos are
5 specifically targets of police misconduct was the
6 thesis for the paper and the thesis for the report.

7 At this time would like to introduce that
8 into evidence, or into the record for the Commission.

9 MS. BOOKER: I also noted, just to establish
10 the scope of your report, in addition to the geographic
11 range that you're talking about, you've elicited
12 complaints that go back as far as 1984 --

13 MR. MILANES: Exactly.

14 MS. BOOKER: -- right up to the present.

15 MR. MILANES: Up to last week.

16 MS. BOOKER: Did you find any difference in
17 the numbers over those years or did you find a
18 consistent pattern?

19 MR. VEAL: Although we have not been able to
20 track the number of complaints that are specifically
21 made from Hispanics and Latinos in the Washington
22 community, there was an article printed this year in
23 the Washington Post that indicated that the number of
24 general CCRB complaints against officers has increased
25 from, I believe, 498 for 1991. It's expected to be

1 around 540 this year. But we have no way of breaking
2 out just complaints filed by Latinos.

3 MS. BOOKER: That's the Citizens Complaint
4 Review Board?

5 MR. VEAL: Yes.

6 MR. MILANES: At this time, in summary of the
7 report, what we'd like to do is basically break down
8 into those patterns that we saw across the board in
9 terms of the actual victims that came forward, some of
10 which will be testifying after this panel this morning,
11 and what did we see that was similar from 1984 up until
12 just this very last week, and may be offer some
13 reasons.

14 MR. VEAL: I'd just like to make the point
15 that not only did we have discussions with the victims
16 of police misconduct, but we also interviewed both
17 retired and current MPD officers and we have several
18 witnesses that we also expect will be testifying before
19 this Committee today after the panel.

20 What our interviews and the information that
21 we could gather determined was that from the first
22 documented incident in 1984 to an incident that just
23 occurred January 14th, 1992 has been a pattern of
24 police misconduct perpetrated against members of the
25 Latino community, which involves verbal and physical

1 abuse, harassment, false arrest, unlawful search and
2 seizure, failure to advise Latino defendants of the
3 Miranda and other constitutional rights and failure to
4 investigate and take complaints of crimes against
5 members of the Latino community.

6 I think one of the most disturbing aspects of
7 our report and of the information we could gather is
8 that notwithstanding the assurances of senior MPD
9 officials and other senior officials in the D.C.
10 Government to allocate resources and efforts of uniform
11 police services and the government to attempt to
12 improve the relationship between the Latino community
13 and the police, subsequent to the disturbances which
14 occurred in May 1991, our evidence is that that
15 relationship has not improved whatsoever.

16 In fact, what we found was an attitude in the
17 Latino community based upon their experience with the
18 police and the evidence of misconduct which we
19 discovered, that members of the Latino community may be
20 subject to police misconduct, the type that I mentioned
21 earlier, at any time, notwithstanding their
22 socioeconomic status, language skills, profession,
23 location or even their conduct.

24 One of the most disturbing types of police
25 misconduct that we discovered through our interviews

1 was the abuse of discretionary arrests and the fact
2 that Latinos may be arrested for whatever reason the
3 policeman determines. And that these discretionary
4 rests for such offenses as disorderly conduct or public
5 intoxication go on daily.

6 And we also found that Latinos were subject
7 to harassment and the threat of this arrest, which is a
8 real threat since it's exercised as a discretionary
9 power. It seems to be exercised on a daily basis by
10 officers.

11 Also, the fact that Latinos are also subject
12 to harassment through threats of having the Immigration
13 and Naturalization Service called in. In fact, we had
14 one incident where a young Latino -- this occurred on
15 January 14th of this year -- in his own school yard was
16 assaulted by an MPD police officer; was choked by both
17 hands by an officer who weighed 250 pounds. This young
18 Latino was about 5'5", weighs about 125 pounds.

19 The officer choked him with both hands around
20 the neck. This Latino testified that then the officer
21 banged his head against a brick wall.

22 And apparently, based on what the victim
23 indicated to us in an interview, the officer had some
24 second thoughts about his previous action; called the
25 young Latino over to him and made a statement to the

1 effect, "I did not plan to beat you like this today,
2 but you're an example." Then he made a statement to
3 the effect of, "Today's your turn. Tomorrow will be
4 someone else's turn. It happens every day."

5 And I think that this is indicative of the
6 type of harassment and misconduct that members of the
7 Latino population are subject to as a matter of course
8 in their own neighborhoods.

9 Ironically, we interviewed a witness who,
10 ironically, the day before the civil disturbances in
11 May 1991, was looking for a legal parking space in
12 Adams Morgan, which can be a trial considering the
13 density of automobiles in that area.

14 He noted that a police car was following him.
15 He felt he wasn't committing any crime; just continued
16 to look for a parking space, only to find himself and
17 his automobile -- the automobile he was operating,
18 surrounded by police cars.

19 The officers exited their cars, drew their
20 weapons on him, accused him of operating a stolen
21 vehicle, yanked him out of the car, verbally and
22 physically abused him. And then when the young Latino
23 threatened to file a complaint against the officers,
24 the officers made a statement to the effect, "F you.
25 We do what we want."

1 And this is the type of situation and this is
2 the type of circumstances under which the Latino
3 population has the relationship with the MPD in the
4 city of Washington.

5 And we found through our evidence that this
6 relationship is extremely poor; in need of immediate
7 repair. And I think that once you read the affidavits
8 that we have -- we have other compelling affidavits and
9 we have affidavits from a current MPD officer and a
10 former MPD officer to the fact that they have witnessed
11 numerous instances of this type of conduct from the
12 Police Department.

13 In many instances, they, themselves, have
14 complained to MPD supervisors, senior MPD officials.
15 They, themselves have submitted long and detailed and
16 well thought out suggestions and recommendations in
17 areas in which the relationship between the MPD and the
18 community can be improved.

19 We believe that when they testify you'll find
20 that in each and every instance to their knowledge,
21 none of the recommendations or suggestions that they
22 made have been adopted or implemented by the Police
23 Department.

24 As far as the reasons for such misconduct and
25 abuse of the Latino community, I think I'll hand that

1 over to Juan.

2 MR. MILANES: Just one of the other thing is
3 -- Daryl went through some of the cases of physical
4 abuse and the fact that it seems to be a routine every
5 day sort of occurrence.

6 But the other thing that we found through the
7 various cases was not just the physical abuse but also
8 the harassment; officers always going up to individuals
9 and saying: "Do this. Do that. Move it. Leave here.
10 Go away." Or always couch it with, "I'll call the
11 INS," or "I'll take you down to the jail, lock you up,
12 call INS and have you deported."

13 That type of harassment has tended to go on
14 throughout. In every single case that came through
15 that we interviewed, there was use of demeaning
16 language.

17 In one particular case, after beating one of
18 our witnesses senseless back in 1984, an officer was
19 placing the individual in the car, and as he was
20 placing the individual in the car, whispered into his
21 ear very demeaning, "Welcome to America, motherfucking
22 wetback."

23 That was intolerable, but that's the kind of
24 attitude that we found going throughout this.

25 Even in the Police Academy, Hispanic police

1 officers that had been newly recruited into the Police
2 Academy back in 1985 found an instructor telling them,
3 "Well, hey, you Hispanics are the last niggers on the
4 block." This was a white officer.

5 That attitude in the MPD, I feel, and as we
6 have cited throughout the report, is one of those
7 racist reasons why we have led into the situation that
8 we've gotten into.

9 We cite the foremost reason or at least the
10 first reason for why Latinos might be subject to this
11 sort of police misconduct as racism. Demeaning
12 language in the use of the term "wetback," the use of
13 the term "Spic," is a daily occurrence.

14 "Shut up; F-you" -- that type of language
15 tended to be used in every single one of the cases that
16 came through.

17 MS. BOOKER: Mr. Milanes, let me interrupt
18 just a moment. We've heard a lot of testimony about
19 the need for bilingual personnel throughout the
20 District Government and the need for sensitivity
21 training and cultural awareness.

22 Now in your report, several of these
23 instances of police abuse were perpetrated by Hispanic
24 and/or Spanish-speaking officers. So are we talking
25 about the need in the Police Department for just good

1 police conduct and training, good policing in addition
2 to any language training and sensitivity?

3 MR. MILANES: First of all, just meaning
4 that you are Latino yourself does not -- I'll make that
5 clear -- doesn't necessarily mean that you're not
6 racist. And certainly the officers that have been
7 involved in some of these cases have been Latino
8 officers, but we have also cited -- it's not the
9 majority of the cases that are Latino officers. The
10 majority of the cases are non-Latino officers.

11 And the Latino officers that had been
12 involved also used demeaning language in Spanish. So
13 certainly, there's no language barrier in that
14 situation. But then, why have these officers become so
15 abusive runs back to the attitude of the Department as
16 a whole. And that's the problem.

17 Now truly, the first part is recruitment.
18 There's insufficient amount of Latino officers
19 recruited by the Metropolitan Police Department to
20 actually be on the streets and deal with the Latino
21 community in Washington, D.C.

22 But the second is sensitivity training, not
23 just the Latino officer but of all officers.

24 And one of the things we would hear from the
25 retired police officer is the fact that cultural

1 sensitivity in the Metropolitan Police Department for
2 the last several years, not just dealing with the
3 Latino community but also with the gay community and
4 also with other communities in Washington, D. C. has
5 not only been ineffective but for the most part has
6 been a joke.

7 People are brought in. They say their little
8 five minute spiel at roll call and then that's it. And
9 that's what they call cultural sensitivity training.

10 In other words, there is no commitment nor
11 any kind of curriculum set up in the Academy. There's
12 no sense of continuous ongoing multicultural
13 sensitivity training that needs to be done by
14 professionals on the job.

15 And even for those officers, for example,
16 that want to learn Spanish that have actually the
17 incentive to go out and learn a foreign language to
18 help deal in the Latino community have been hindered by
19 Department policies.

20 When the Department has offered Spanish-
21 language classes, police officers have not been
22 relieved of any of their other duties; are still
23 required to show up at Court; are still required to
24 come up with their quota of arrests; are still dealing
25 with their daily duties on top of the fact that they're

1 not receiving any compensation for going to those
2 classes.

3 And if the Department were truly committed,
4 if it were truly dedicated to patching up relations
5 with the community, then it would have taken into heart
6 some of the recommendations that were made back as
7 early as 1985 concerning police officers to learn
8 Spanish and to also go through multicultural
9 sensitivity training.

10 MS. BOOKER: Do you have any indication that
11 the Latino community is impacted more by police
12 misconduct than any other group in Washington?

13 MR. MILANES: Through our interviews one of
14 the things that we came across -- and this was our
15 interviews of current police officers and retired
16 police officers.

17 To a certain degree I doubt that we can bring
18 you affirmative evidence through, say, CCRB complaints
19 which say, see, there are more complaints or, see, they
20 are more grievous complaints because one of the factors
21 involved in this whole issue is the fact that Latino
22 residents of the District of Columbia do not bring
23 complaints to the government of police misconduct. Not
24 the CCRB, not the IAD, not the MPD.

25 And if you look at the background for Latino

1 immigrants coming into the United States, their
2 distrust of police authority is inherent from their
3 experience in Latin America, which is that our
4 perception in the United States of policemen as
5 guardians and as protectors of individuals from
6 criminal activity, that is not necessarily the case in
7 other countries where the perception of the role of
8 police officers and the Police Department is that of
9 protecting the state and the state's interests.

10 Many times this is an oppressive regime which
11 allows misconduct on individuals because it's in the
12 state's interest.

13 Taking that into account, there's fear by the
14 community. They are not about to go to the
15 Metropolitan Police Department and file a complaint
16 because they're afraid of, quote, unquote,
17 disappearing. They're also afraid of retaliation.

18 And the fact is that, yes, retaliation does
19 exist. These are the same officers that are out there
20 every day. And especially in the case of a Latino
21 officer, if he recognizes who you are after you have
22 filed a complaint against him, there is a very good
23 percentage or probability of retaliation against the
24 individual.

25 So with that in mind, people don't file

1 complaints. That's the lack of affirmative evidence as
2 to say, yes, Latinos are more subject. But then
3 there's the problem of why are they easy targets.

4 As one of the police officers that we
5 interviewed stated, it seems that unprofessional
6 conduct against Latinos might be more acceptable
7 because the person doesn't speak English, number one,
8 and number two, they're afraid that you're going to
9 call the INS.

10 MS. BOOKER: Mr. Milanes, that quote is from
11 former Deputy Chief Spurlock who was Commander of the
12 Third Police District which is in the Mount Pleasant
13 community. And we are looking forward to his testimony
14 this evening. He's not able to come this morning
15 because of a prior commitment.

16 We found that statement rather ambiguous.

17 MR. MILANES: And I hope he can clear it up.

18 MS. BOOKER: The question is, more acceptable
19 to whom? The Christopher Commission and some others
20 have found that the level of police misconduct will
21 often be proportionate to the level of acceptance by
22 higher ups in the Police Department.

23 Did you find that police misconduct toward
24 Latinos or any other group is accepted at the highest
25 levels of the Police Department?

1 MR. MILANES: The context in which the
2 statement was made leads us to believe -- and we can
3 clear it up this evening, hopefully -- that he was
4 speaking of acceptable to officers, acceptable to the
5 Department because of the attitudes taken from senior
6 officials.

7 Actually, senior officials were heard to have
8 said -- and we will allow Chief Spurlock to cite to
9 these things -- that senior officials would tell other
10 officers, "Look, don't worry about the CCRB."

11 And this sort of attitude of no fear of
12 retaliation from the system, in other words not to fear
13 the oversight system because it's so ineffective, that
14 a case is going to take two to three years ever get to
15 them, there's no learning process that takes place.

16 It's like disciplining a child or
17 disciplining a pet. I mean, there's no correlation
18 unless discipline take immediate effect after the
19 wrongdoing.

20 In the CCRB process, you're looking at three
21 to four years before you ever even get a hearing. And
22 that's a serious problem, I'm sure that we'll deal more
23 with the CCRB. But also there's no fear of oversight
24 even within the Department because of the fact that the
25 MPD no longer investigates cases of physical abuse or

1 excessive use of force.

2 It no longer investigates cases of harassment
3 or demeaning language. It's now seen sort of as in the
4 exclusive jurisdiction of the CCRB.

5 Therefore, even though criminal activity may
6 take place senior officials, because of the interplay
7 with the Fraternal Order of Police and police
8 management, with that interplay in mind senior police
9 officials refuse to investigate those kinds of cases.
10 They don't like to get involved in those kinds of
11 cases, even though there might be criminal activity
12 involved.

13 MS. BOOKER: Mr. Milanes and Mr. Veal, the
14 Commissioners are eager to ask you more questions
15 about that. Before I turn it over, I would just like
16 to introduce Father Samoza.

17 Father, you're not only Pastor of a church in
18 the community. You have also been a member of the
19 Advisory Board of the Chief of Police for the past few
20 years and you're a member of the Latino Civil Rights
21 Taskforce.

22 You also served as Director of Bilingual
23 Education in approximately 1972 to 1985; is that
24 correct?

25 FATHER SAMOZA: '71.

1 MS. BOOKER: '71?

2 FATHER SAMOZA: Yes, ma'am.

3 MS. BOOKER: Father, I'd like to ask your
4 observations on the testimony that we've heard so far
5 and your personal observations of police conduct toward
6 Latinos in the community.

7 FATHER SAMOZA: Okay. First of all, my role
8 is a little bit different now as a Pastor. And what I
9 try to do most of the time is to mediate or provide
10 some counselling, orientation, sometimes console,
11 pacify a person that comes to me because he's been
12 victimized or he's afraid or he's been abused.

13 I corroborate what Mr. Milanes said about all
14 of these facts culturally and also reason, for example,
15 why our people not report police abuse, why they don't
16 trust the system here, justice, why they don't complain
17 or present a grievance complaint.

18 All of those reasons are mainly given by Mr.
19 Milanes when he said that according to our culture in
20 many of our countries police represent mainly the
21 interests of the regime in power more than being the
22 protector or the friend of the community.

23 Being part of the Advisory Committee of the
24 Chief of Police, I brought more than once the fact that
25 I hear in the community some misconduct of the officers.

1 and some complaints. And yes, I even went to say, when
2 there was on TV this problem that happened in Los
3 Angeles of this big thing.

4 And we had a meeting. I said, well, this is
5 not only in Los Angeles. It's also happening here in
6 our community and I do believe that something needs to
7 be done to change the image of the police in our
8 community.

9 I've been trying to also educate. For
10 example, I've been trying to change the perception or
11 the image of the police in our community to present
12 them as friend as protector of our rights. But
13 whenever I try and some of these incidents come about,
14 my intent to educate goes down the drain.

15 I even invited officers, members of the
16 police, to come to my church to allow them to be seen
17 by my people on Sunday to talk to them after Masses or
18 after services to create a certain relationship where
19 they might develop some trust; mainly police that can
20 speak Spanish.

21 Some of them came two or three times. They
22 never came back. And I once was talking to one of the
23 members of the police that speaks Spanish but has been
24 assigned to another District, not to Second, Third or
25 Fourth District. And I asked him why he was being

1 assigned to another District while he could be so
2 useful in our own neighborhood and barrios.

3 He told me, "Father, I can tell you this
4 because you are a priest and I trust the
5 confidentiality of my information. There are many
6 reasons why I don't want to work here. One of them is
7 what we can call peer pressure. If I work in a
8 neighborhood and I do behave differently the other
9 member, the police officer is going to be sent out and
10 I'm going to be in trouble with my fellow officers or
11 with the system.

12 "And as a person of Hispanic, I have to
13 follow most of the time the same pattern that other do,
14 otherwise I'm going to be in trouble."

15 And that explains why many of those Hispanic
16 police sometimes treat so badly and use that kind of
17 language with our people, because they think that if
18 they don't do it, they're going to be really in trouble
19 with the rest of the police corps. Let us put it that
20 way. And they would never be able to grow, to be
21 promoted, to have a good rapport because they tried to
22 do different things.

23 Those are reasons that some of the Hispanics
24 are not willing to work in our neighborhood. And this
25 guy said, "I requested not to be assigned to the

1 Hispanic neighborhood, even though I am a bilingual
2 person." And I understood because he wanted to be a
3 police. He wanted to serve in the Police Corps.

4 And another thing that in my opinion happened
5 is our people are afraid in many cases of reporting any
6 problem with the police for the same reason that Mr.
7 Milanes now noted; retaliation, revenge and even worse.

8 Some of them are legally in this country.
9 They are not undocumented. But even though, they've
10 been treated as undocumented and they've been
11 threatened and they really back off a little bit. They
12 don't want to get in trouble and thus, the word that I
13 can't translate, according to the testimony that I
14 received.

15 And I also think that our people look at
16 themselves as a very weak group of people and an easy
17 target to be abused by whoever is willing to do so.
18 And they feel that they don't have -- some of them --
19 because they're not educated, because they don't know
20 the system, because they don't know the channels.

21 They think that they don't have the right to
22 look for protection or even to report some abuses
23 because, nevertheless, they say they are in power. I'm
24 going to be the first, the one that cannot express
25 myself well, I'm going to be the one that is going to

1 lose. So let me shut up and cover this and that's
2 all.

3 MS. BOOKER: On final question, Father. Are
4 you aware of any officer who did suffer retaliation for
5 complaining about the conduct of his fellow officers
6 toward Hispanics?

7 FATHER SAMOZA: No, ma'am, but I just heard
8 once from another officer that they do have to keep
9 certain -- how can I say -- ethic to protect each
10 other. And it's going to be very difficult for them to
11 be witnesses or to be against another officer in one of
12 those cases.

13 MS. BOOKER: Mr. Chairman, I have no further
14 questions.

15 MR. VEAL: In response to the last question,
16 we have two officers. We have one whose an active
17 police officer who in fact during the 1988 Hispanic
18 Festival came upon a potential Rodney King type
19 situation in which four or five officers had one
20 Hispanic.

21 One officer had each of his leg; one officer
22 had each of his arms. And a police supervisor, in
23 fact, had an unlawfully applied choke hold over this
24 Hispanic man's throat.

25 When the witness officer came to the scene,

1 this civilian was literally -- his complexion was
2 turning dark and he was literally being choked to
3 death. This officer intervened. He translated for the
4 civilian and prevented the officer from literally
5 killing the civilian.

6 The civilian was immediately arrested. The
7 situation was brought under police control. And for
8 his actions in intervening and protecting the life of
9 the civilian, this officer has been persecuted by his
10 own Department, made a scapegoat and has been the
11 subject of disciplinary hearings to this day and is
12 still fighting to preserve his status as an MPD police
13 officer.

14 Both the police officer and the civilian who
15 was arrested, we expect to testify today. We have
16 another ex-police officer who we expect to testify
17 today who will tell you that he has complained numerous
18 times about the misconduct of his fellow officers. And
19 to his knowledge, his complaint of misconduct has not
20 ever resulted in disciplinary action taken against a
21 police officer.

22 And just to underscore the fact that it's our
23 concern that our report not be a complete indictment of
24 every police officer, but there are some police
25 officers who pose a problem and a threat to the

1 community.

2 But the current situation, the current lack
3 of commitment by senior management of the MPD to
4 discipline these officers and control their employees
5 and the current system which, as we've already
6 mentioned, takes so long, is too tedious to complete and
7 then results very rarely in actual discipline of the
8 officer.

9 In fact, we expect to have testimony from a
10 retired senior MPD official to the effect that to his
11 knowledge the Chief has never concurred with a
12 disciplinary recommendation from the CCRB.

13 And this is why the situation and the poor
14 relationship between the MPD and the Latino community
15 exists today and is not improving.

16 CHAIRMAN FLETCHER: Thank you, very much. I
17 have some questions but I'm going to yield to members
18 of the panel.

19 Commissioner Wang?

20 VICE CHAIRMAN WANG: Thank you, Mr. Chairman.

21 Ms. Bish, maybe you can help us to
22 understand. I think we heard about the situation with
23 CCRB. Could you share with the Committee how can we
24 make CCRB more responsive in your view?

25 MS. BISH: Yes. We gathered some statistics

1 on the type of assistance that's provided by the CCRB
2 to the Latino community. And we found that unlike some
3 other agencies, the CCRB does provide language
4 assistance along each step of the way.

5 There are forms provided in Spanish. There
6 are staff people available to explain the forms, to
7 take the complaint and to conduct some of the
8 investigation.

9 What we did find was that the statistics on
10 the number of Hispanics that bring complaint are not
11 available. The CCRB just recently, in April of 1991,
12 started collecting data on the race of the complainant
13 and the race of the police officer. We were told that
14 the data was not going to be released for a number of
15 months pending an internal review.

16 I think that what Mr. Milanes has said is
17 supported in the information we collected, in that the
18 CCRB receives a lot many more complaints that it is
19 able to handle. We got some information that of 3,000
20 complaints filed, for instance, since 1982, the most
21 serious punishment, dismissal, was only recommended in
22 11 cases.

23 We don't know how many of these complaints
24 were brought by Hispanics. We do know that if there
25 are only two or three Spanish speakers on the CCRB

1 staff to assist Latinos in bringing complaint and the
2 process takes two to three years, that the case
3 overload is probably going to result in witnesses not
4 being available, in complainants going away.

5 And basically, these complaints, although
6 filed, are not being acted upon.

7 So more need to be done to hire additional
8 staff people in general, and in particular to hire more
9 people that are able to reach out to the Latino
10 community.

11 And also, we need to start collecting some
12 numbers on the number of Latinos bringing complaints.
13 It's difficult to try to come up with a solution and to
14 target some resources if the Board itself is not aware
15 of some of the problems that its own internal policies
16 are causing.

17 CHAIRMAN FLETCHER: Anyone else?

18 Commissioner Anderson.

19 COMMISSIONER ANDERSON: Thank you, very much,
20 Mr. Chairman.

21 I would like to know from each of the
22 panelists the highest official either in the Police
23 Department or in the city government to whom you have
24 related the information you just related to the
25 Commission.

1 FATHER SAMOZA: In the capacity of member of
2 the Advisory Board of the Police Chief, he was
3 requested among the Advisors whom I know, about police
4 misconduct in the neighborhood. And I know that in our
5 neighborhood there are police brutality and police
6 abuse. So I did at least once in that meeting.

7 COMMISSIONER ANDERSON: So, in terms of your
8 role as a member of the Chief of Police's Advisory
9 Committee, you are able to advise him of the kinds of
10 concerns you've related to us?

11 FATHER SAMOZA: Yes.

12 COMMISSIONER ANDERSON: And you did that
13 directly to him?

14 FATHER SAMOZA: I did it in the meetings,
15 yes. And it seemed to me that it was well accepted by
16 the Chief of Police. And he, in my opinion, took note
17 of it.

18 Let me tell this to be fair, because I don't
19 want to look now here that I'm thinking only one side.

20 I understand that sometimes because our
21 people don't understand English or because this kind of
22 lack of communication or because they are under the
23 influence of alcohol or dugs, they might irritate a
24 little bit.

25 They might even talk or not to show the kind

1 of respect that an officer might expect. But
2 regardless, that may be one of the reasons that make
3 many of the officers to overreact.

4 But I want to state what I also see to be
5 extremely fair. Sometimes members of the community
6 didn't relate using the most polite way of
7 communication. Maybe because they don't know how to
8 use it. Maybe because they were not the situation of
9 doing it.

10 But responding to your question, yes. I did
11 at least once and it was accepted. I don't know if
12 later on anything else was done or not.

13 COMMISSIONER ANDERSON: Okay. How about the
14 other members of the panel?

15 MR. MILANES: In terms of this report in and
16 of itself, because we incorporated some of the most
17 recent incidents into the report -- it was produced
18 this week, a copy I'm sure will be forwarded to the
19 Metropolitan Police Department, probably at the next
20 meeting that the Police Committee of the D.C. Office of
21 Civil Right Taskforce has with the senior officials of
22 MPD.

23 However, the report is based on the Latino
24 Blueprint which specifically there is a portion that
25 cites the statement, "There is a real or perceived

1 pattern of widespread endemic racism and physical and
2 verbal abuse by the Metropolitan Police Department in
3 its Latino community."

4 Those issues that were cited in the Latino
5 Blueprint have been discussed at length by the Police
6 Committee of the Taskforce; specifically, Elena
7 Rodeshaw (ph) and some other members of the D.C. Latino
8 Civil Rights Taskforce and myself with Chief Melvin
9 Hyde (ph).

10 At the last meeting with the Commanders of
11 the Third and Fourth District, I believe Soulsby and
12 Melvin Clark, whom are coming up on the next panel, I
13 believe.

14 So they are aware of the recommendations that
15 the Taskforce has made. They are aware of the problems
16 that we have cited and some of the previous cases that
17 were cited in the Blueprint.

18 COMMISSIONER ANDERSON: How about the
19 affidavits that are in the report?

20 MR. MILANES: We got these this week.

21 COMMISSIONER ANDERSON: So the police
22 officers that you mentioned have not seen these
23 affidavits?

24 MR. MILANES: But their cases are very well
25 documented and are known at the highest levels. As

1 they come to speak to you, they will be submitting
2 documentation of their cases in specific and to whom
3 they've spoken with and how high up the line their
4 cases have gone.

5 I know one of these cases, Chief Fulwood
6 himself is very well aware of.

7 COMMISSIONER ANDERSON: Okay.

8 MS. BISH: The report that Hogan and Hartson
9 prepared on behalf of the ACLU was quoted extensively
10 in the Latino Blueprint for Action which was presented
11 to Mayor Sharon Pratt Kelly in October 1991.

12 COMMISSIONER ANDERSON: Let me raise another
13 concern, and that is, in our justice system, whether
14 it's the civil justice system or it's the criminal
15 justice system, we have a trier of fact and the trier
16 of fact oftentimes is involved in rendering a decision
17 where conflicting evidence has been submitted both
18 under oath.

19 So the fact that you have an affidavit that
20 is sworn to or the fact that we relate what one
21 witness' account of an incident is does not necessarily
22 mean within our system that that is an accurate account
23 of the incident as it really occurred.

24 So it's entirely possible -- whether or not
25 it's probably -- it's entirely possible that the facts

1 of the incidents that you've related today are not
2 entirely accurate; correct?

3 MR. MILANES: That's not necessarily so. For
4 example, one of the '84 cases that we cited, the
5 individual filed the complaint with the CCRB, went
6 through the tedious and long CCRB process, received a
7 determination from the CCRB through their adverse
8 proceedings in favor of the complainant.

9 In fact, excessive use of force had been used
10 and demeaning language had been used in his case. And
11 then when the individual's case went before the Police
12 Trial Board for actual disciplining of the officer, the
13 individual witness was called up by his city-appointed
14 attorney the day of the hearing and says, "Oh, by the
15 way, this afternoon you have to show up at this
16 hearing."

17 Went there; was cross-examined for two hours
18 by the implicated sergeant's attorney, and then the
19 Police Trial Board which is made up of six other police
20 officers, decided, "Well, no. Maybe no excessive use of
21 force has taken place here."

22 And they determined amongst themselves -- not
23 exactly the peers of the individual complainant, they
24 determined amongst themselves that they would not
25 discipline that officer.

1 Ultimately, in the civil case that was also
2 filed on that particular complaint, the police ended up
3 settling with the individuals for a cash amount of
4 money instead of going to court on the civil case,
5 which damages would have been much higher, I'm sure.

6 But the fact is that you had a finding by the
7 CCRB of the fact that excessive use of force was done,
8 but no discipline took place. Ultimately, the
9 individual had to wait two and a half years. And
10 instead of receiving discipline and justice he got a
11 little bit of money.

12 COMMISSIONER ANDERSON: I mean, in a sense
13 that proves my point. That where we have a system that
14 has a trier of fact, it gives us a basis beyond an
15 allegation of wrongdoing that there was a trier of
16 wrongdoing and a determination by a trier of fact
17 whether or not that was the case.

18 MR. MILANES: But the point that I'm making
19 is that even so, no discipline took place. Even so.
20 And there was damaging evidence presented and
21 supposedly the CCRB came down with this particular
22 determination. They have no teeth as an organization
23 and they could only suggest or recommend disciplinary
24 action, none of which ever took place.

25 So it's not exactly the same sort of trier of

1 fact situation.

2 COMMISSIONER ANDERSON: I think that's
3 leading where I want to go next, and that is I
4 understood you to say earlier that part of the
5 difficulty with the system was that the Police
6 Department itself does not investigate these
7 allegations of wrongdoing but now refers everything to
8 the CCRB, which has certain deficiencies in terms of
9 its mandate or its procedures.

10 Can you address that a little bit more
11 thoroughly?

12 MR. MILANES: Well, in our interview with
13 retired Deputy Chief Spurlock, he spoke of a 1988
14 agreement between the Police Union and the Metropolitan
15 Police Department where a specific case was brought up.
16 And the Union used that case as an argument for saying
17 that the Police Department should not investigate cases
18 of this sort of misconduct because ever since the CCRB
19 was put into place, this would subject officer to a
20 form of double jeopardy.

21 And that case, then, that was presented and
22 argued was arbitrated out and they made this agreement
23 that these kinds of cases of physical abuse and
24 demeaning language and whatnot would sort of go over to
25 the CCRB and that senior management, then, could no

1 longer take a look into the cases of their particular
2 officers.

3 Now, it's not to say that the CCRB has
4 certain deficiencies. Clearly, the evidence that's
5 being presented today will prove that it has far more
6 inefficiencies and that the way the system has been put
7 together in the statutory context has lead to a number
8 of problems that we're seeing.

9 And also, it's not just inefficient, it's
10 ineffective because of the fact that they have no teeth
11 in which to discipline officers.

12 COMMISSIONER ANDERSON: Do you think the
13 issue of double jeopardy, then, is not founded?

14 MR. MILANES: The issue of double jeopardy,
15 as my understanding of constitutional law goes, is that
16 double jeopardy does not attach until a trial in a
17 criminal proceeding takes place and a jury or judge
18 finds you innocent, at which point double jeopardy
19 would attach, not in an administrative proceeding.

20 Certainly the Latino community when it goes
21 before an INS civil proceeding does not get the benefit
22 of the right to legal counsel paid by the state if it
23 were a criminal proceeding, yet the penalty to be paid
24 by someone to be deported to a place where they could
25 be subjected to a death penalty is far greater than any .

1 sort of administrative proceeding against an officer.

2 COMMISSIONER ANDERSON: Okay. But, I mean, I
3 don't think justice is necessarily relative here.

4 MR. MILANES: But I'm saying double jeopardy
5 doesn't attach.

6 COMMISSIONER ANDERSON: Fair treatment of a
7 police officer in a grievance proceeding is either fair
8 or unfair on its own merits and not dependent upon how
9 other members of the community may be treated; correct?

10 MR. MILANES: Right. But the point I'm
11 making is that it's not a criminal proceeding. And
12 therefore, double jeopardy cannot attach.

13 And just as you have a standard for civil
14 proceedings --

15 COMMISSIONER ANDERSON: Okay. Double
16 jeopardy does not attach in a constitutional sense in
17 terms of the constitutional bar against double
18 jeopardy. The question is, is there an equity concern
19 here?

20 MR. VEAL: I think when you consider the
21 current situation where you have a CCRB process which
22 may take two to five years to actually complete its
23 investigation and render a finding and you have police
24 District Commanders whose responsibility is to control
25 and assure professional conduct of their officers to

1 maintain these offenses in the exclusive jurisdiction
2 on the CCRB, which clearly has not been doing its job,
3 and to neuter the authority of police District
4 Commanders to control their own officers, I think the
5 equity argument goes towards the control when you
6 consider the adverse impact on the community.

7 Without control you have an unregulated
8 police force.

9 COMMISSIONER ANDERSON: What I'm trying
10 really to get at here in a little bit more specific
11 analysis and specificity of recommendation. I'm happy
12 to hear that perhaps this neuters the ability of the
13 Commander to discipline his officers, but specifically,
14 how is that the case and specifically what ought to be
15 done to rectify that, if that indeed is the case?

16 MR. MILANES: Like I said, I realize you have
17 a panel specifically to deal with the CCRB. But for
18 one instance, as our interview with retired Deputy
19 Chief Spurlock, he specifically stated he received
20 notice of when a CCRB complaint had been filed against
21 an officer.

22 He automatically receives notice of that
23 after two complaints against the officer.

24 But, now, CCRB sends no other information.
25 Sends a notice that says this officer has two

1 complaints against him. Now with that information
2 relating to the complaint -- and many times the Chief
3 received these notices well before the officer even
4 knew he had CCRB complaints pending against him -- how
5 can the Commander respond to that in terms of
6 disciplining the officer or in terms of giving -- as
7 they say, you're supposed to counsel the officer.

8 How can he counsel without knowing what the
9 facts of the case are?

10 CCRB just sends a notice that says there are
11 two CCRB complaints. Doesn't explain what they are.
12 Doesn't explain what happened. So when he then
13 counsels an officer and says, "Okay, you've got two
14 CCRB complaints against you. What's happening," and
15 the officer doesn't know what he's talking about, not a
16 lot of counseling is taking place.

17 CCRB has to be a lot more specific in its
18 detail as to when it gives notice to Commanders of
19 police officers having charges against them with CCRB.

20 There are also a number of recommendations in
21 the back of our report dealing not only with CCRB but
22 dealing with the Police Department as a whole. I
23 really don't want to get into too much detail about
24 CCRB because I realize that there are panelists to
25 speak specifically on that issue. But it's not really

1 just a matter of sort of reworking some issues in CCRB.

2 I think at this point we have got to a point
3 where the CCRB process needs to be completely thrown
4 out and reconfigured.

5 When you have Commissioners that are not paid
6 to go to these Commission hearings of the CCRB, then
7 the reason why the complaints lag behind for so long is
8 obvious. I mean, people cannot go to these sort of
9 sessions more than one or twice a month especially if
10 they're not being paid, regardless of how many
11 complaints you have.

12 So the fact that they also require all of
13 these Commissioners to be at the same hearing and you
14 don't split cases up among, say, three Commissioner
15 panels. All of those things lead to the problems where
16 we're at now.

17 And so you have to look at the statutory
18 compilation under which CCRB works right now and
19 completely reconstruct it. There has got to be some
20 sort of mediation program.

21 Some of the individuals that have been abused
22 by demeaning language want nothing more than an
23 apology. When they file their complaint, all they're
24 looking for is, "I want that officer to look me in the
25 face and tell me I'm sorry. I didn't mean to call you

1 so-and-so, or I've been disciplined and I'm going to
2 change my attitude," whatever it might be. But they
3 just want an apology.

4 They want him to look them straight in the
5 face and say, "I apologize to you." And without any
6 kind of an mediation program, without any sort of
7 system to get around the thorough investigation of
8 these cases, which takes a long period of time and you
9 don't have that kind of settlement process, then you're
10 obviously going to have a number of cases that are
11 never going to be looked at because of the fact that
12 people are going to lose interest and they're going to
13 withdraw from the system.

14 CHAIRMAN FLETCHER: Excuse me. Commissioner
15 Anderson, have you finished?

16 COMMISSIONER ANDERSON: I'd just like to ask
17 one more question about discretionary arrest power.

18 What's your view of that, in general, and do
19 you think it is applied differently in the different
20 police districts?

21 CHAIRMAN FLETCHER: Be succinct, please. We
22 have a couple of other folk who want to ask a question.

23 MR. VEAL: The people that we interviewed in
24 the Latino community and the evidence that we compiled
25 clearly indicates that discretionary arrests are abused

1 at an egregious rate and an egregious level.

2 Hispanics, Latinos in their own communities
3 are subject to arrest for any reason that the police
4 officer determines. He wields that power. And at the
5 end when they're going to decide what to charge the
6 suspect, they's go, "DO." The reason why? Because
7 it's a low level offense.

8 Normally the defendant only posted a low
9 collateral bond. There's no incentive to really appeal
10 these cases. They can get away with it on a daily
11 basis.

12 It goes on daily. Even more egregious since
13 they happen, there's the threat constantly, "Move or
14 I'm going to arrest you." "Move or I'm going to this."
15 "Do this or I'm going to arrest you." Well, the Latino
16 community knows that that's true.

17 In addition, we have evidence and we have a
18 witness who will testify about a program called Officer
19 of the Month in which police officers in certain MPD
20 districts compete for an award which has certain
21 prizes. Well, toward the end of the rating period,
22 officers need arrests. They can go right into the
23 Latino community. "You, you, you, you're arrested."
24 Boom. It pads their arrest statistics.

25 These poor innocent people then are

1 inconvenienced. They've gone through the humiliation
2 and degradation of an unwarranted and unjustified and
3 unlawful arrest. Then they're forced to post their
4 collateral bond just so this officer can look good in
5 front of his fellow officers and gain some collateral
6 benefits from the Officer of the Month award.

7 The same thing goes with public intoxication,
8 that type of arrest. We have hopefully a witness,
9 retire Deputy Chief Spurlock, who when we interviewed
10 him indicated that senior MPD officials were cognizant
11 and concerned about the abuse of discretionary arrests.

12 But the threat of discretionary arrests and
13 their actual abuse of discretionary arrests will happen
14 today. There will be Latinos in their own neighborhood
15 who will be threatened with an unlawful arrest and
16 there will be Latinos who will be unlawfully arrested
17 for a low level offense like disorderly conduct or
18 public intoxication.

19 CHAIRMAN FLETCHER: Commissioner Berry.

20 COMMISSIONER BERRY: Thank you, Mr. Chairman.

21 I found your testimony, all the witnesses,
22 very compelling and did read your report, including the
23 most recent one that you just handed around to us while
24 you were talking. But I do not believe that the
25 information that you've provided is textured enough for

1 us to be able to draw any conclusions in this area.

2 It is not only the kinds of questions that
3 Commissioner Anderson was asking, but some other
4 matters that you alluded to.

5 For example, I would like to know for the
6 record -- and you don't have to tell me today because
7 you weren't asked to bring this -- what your data showed
8 about the incidents in the surrounding jurisdictions.
9 You alluded to that but we need to be able to make some
10 comparisons and to know in context what is happening in
11 the District compared to elsewhere.

12 So if you would be able to provide that for
13 the record. Could you do that? Would you be willing
14 to?

15 MR. MILANES: We will do our best.
16 Unfortunately, the surrounding jurisdictions don't have
17 CCRB components.

18 COMMISSIONER BERRY: I meant the information
19 you alluded to in your testimony.

20 MR. MILANES: What I can provide you
21 immediately with is the number of calls that came in
22 concerning police misconduct and in what jurisdictions
23 they came from.

24 COMMISSIONER BERRY: Well, whatever you can
25 provide. And I ask my colleagues to agree that the

1 record will remain open until this information is
2 received.

3 CHAIRMAN FLETCHER: There being no
4 objections?

5 COMMISSIONER BERRY: Any objection?
6 (No response.)

7 CHAIRMAN FLETCHER: There being none, so be
8 it.

9 COMMISSIONER BERRY: Hearing none. Okay.
10 I can't hear, Commissioner Buckley.

11 COMMISSIONER BUCKLEY: We have established
12 from the beginning that we would leave the record open
13 for 30 days.

14 COMMISSIONER BERRY: I have asked on numerous
15 occasions during this hearing that the record be kept
16 open until certain information was provided. And I did
17 that specifically because I know about the 30-day
18 requirement. We may amend that later if it doesn't
19 come in and say that we've waited too long. But for
20 now, some of the information is going to be difficult
21 to get and I do not want my motion to be understood as
22 saying that I understand a 30-day cutoff date.

23 I have said that on every occasion. I have
24 said precisely that the record should be kept open
25 until the information is provided.

1 To date, until this moment, the Commissioners
2 have agreed. The record will show that, to my motion.
3 Mr. Chairman asked was there any objection and there
4 was no objection.

5 Now if there's objection this time, we could
6 vote. But my understanding is we can change it later
7 if it doesn't come in by 30 days.

8 But for now, I'd like to see how long it
9 takes them to get this information. I think it's very
10 important to try to get it and I hope you can get it
11 within 30 days.

12 MS. BISH: I would like to add something
13 here. I think that some of the information that you're
14 going to get is going to be as you characterized it,
15 untextured. In preparing our report the other attorney
16 that worked on this and myself, we found that a lot of
17 the information that is available is anecdotal. And
18 that is because at least in the District of Columbia
19 there is not any systematic collection of data with
20 regard to Hispanics, with regard to Latinos.

21 In some instances, for example the Police
22 Department will collect information with regard to,
23 for example, white and African-American crime victims.
24 But that is not done with regard to the Latino
25 community.

1 So I think that in reviewing some of the
2 issues before the Commission that is something to keep
3 in mind. There are numerous reports since the '70s on
4 the nationwide pervasiveness of the problems and the
5 issues that we are discussing here today in communities
6 with large racial minorities.

7 And I think that even if you look at a recent
8 report of the Los Angeles Police Department, you will
9 find that a lot of the information is anecdotal. It is
10 based on interviews with people in the community that
11 have the day-to-day interaction with the police.

12 COMMISSIONER BERRY: I'm not complaining
13 about that. And, Mr. Chairman, I was trying to
14 shortcut the process.

15 CHAIRMAN FLETCHER: I hear you.

16 COMMISSIONER BERRY: But since people do not
17 seem to understand what I mean, I guess I have to take
18 30 seconds to explain it.

19 CHAIRMAN FLETCHER: Take a little more if you
20 need to.

21 COMMISSIONER BERRY: It is not possible -- I
22 want to be clearly understood. The questions I am
23 asking throughout this hearing are not because I
24 somehow don't believe that these things happened. I
25 believe everything that's in your report. I believe

1 all the affidavits. I take as a given that Latinos are
2 abused by the police in every community in this
3 country.

4 I take that as given. And I'm familiar with
5 the literature that you cite to me as well as the more
6 extensive literature. I've written about it myself as
7 a scholar.

8 What I'm saying to you is that in order to
9 make recommendations on a subject it is not enough to
10 simply know that there have been complaints of abuse.
11 I assume there's been abuse, but I'd like to be able to
12 put it in context.

13 I am familiar also with literature that says
14 that this arises because of a particular police culture
15 which police somehow inculcate wherever they are,
16 whoever they are. And you have even alluded to Latino
17 officers who do the same thing to people.

18 And in the African-American community we had
19 to learn, because we thought for years that if you just
20 got some black police officers, boy, we'd be in good
21 shape and nothing would ever happen. And we found out
22 that that hasn't true. I mean, I've had my own
23 frustrating incidents with police. Most of us have,
24 and black police.

25 So what I'm saying to you is that we need to

1 know more so that when we make recommendations we don't
2 just superficially say, "Yes, Latinos are abused. We
3 think they should stop being abused. The police ought
4 to do better. They ought to be more humanistic. They
5 ought to care. The Citizens Review Board ought to act
6 faster."

7 I mean, that's too simplistic. What we're
8 trying to get at is the complexity. And since you
9 mentioned to me that you knew something, at least,
10 about what happened in other jurisdictions, I only was
11 asking you for that reason. That's all.

12 MR. MILANES: In conjunction with Fulbright
13 and Jaworski and hopefully also Hogan and Hartson, we
14 will do our best to try to come up with some statistics
15 and also to do it within the 30-day period for you so
16 that you indeed can make those recommendations and so
17 that you know what's going on in all of these
18 jurisdictions.

19 COMMISSIONER BERRY: Right. And then I only
20 had one other questions.

21 Well, is there any objection to my motion
22 about the record and the information?

23 CHAIRMAN FLETCHER: Any objections?

24 (No response.)

25 CHAIRMAN FLETCHER: There being none --

1 COMMISSIONER BUCKLEY: I have an objection to
2 keeping the record open indefinitely. And that
3 objection is that if we don't establish that we will
4 leave the record for 30 days and establish a date, that
5 it may very well be, just as Ms. Marzano Bish just
6 explained, that the data may not be out there.

7 And if in 30 days they can come back and say
8 we did try. We tried to find the information but it
9 wasn't available, that is a fact that we could use.
10 But if you just leave it open indefinitely there are
11 people out there right now that need to have some
12 information put out. If we leave the record open
13 indefinitely, this information is never going to be
14 printed. And that's not what we're here about.

15 We want to put out information as quickly as
16 we can because out on the streets right now, today,
17 they need help.

18 COMMISSIONER BERRY: Well, Commissioner
19 Buckley, with all due respect, there are incidents of
20 police abuse that happen to all communities in this
21 city and everywhere else daily and even as we sit here.
22 And I'm not trying to keep the record open for years or
23 months.

24 All I'm saying is I hope they can get it
25 within 30 days. If it takes them longer than that,

1 okay. And that's what I meant in my motions in
2 connection with the other hearings.

3 And if at the end of 30 days we think they've
4 had enough time and they respond that they're not going
5 to be able to get it, we can simply as a Commission
6 move at that point to do so.

7 I mean, that's entirely possible for us to
8 do. So I'm even willing to day, well, keep it open for
9 30 days and if for reasons that we believe that people
10 need extra time to do it, we can then extend the time.
11 I'm willing to do that, too.

12 COMMISSIONER BUCKLEY: I would prefer that.
13 I would prefer that, Commissioner Berry, to make the
14 statement that we will keep it open for 30 days. If at
15 that point we evaluate that some information is
16 forthcoming, then we can make the decision. But to
17 leave it open indefinitely, not these witnesses but
18 there are other witnesses that we spoke to yesterday,
19 and you know they're not going to give us anything if
20 you leave it open indefinitely.

21 COMMISSIONER BERRY: Well, I don't know that.
22 Mr. Chairman, do you have a sense of this
23 motion?

24 CHAIRMAN FLETCHER: I have a sense of the
25 motion. At the end of 30 days we will certainly

1 evaluate and determine where we are and make a judgment
2 at that time.

3 COMMISSIONER BERRY: Right.

4 CHAIRMAN FLETCHER: Let me just say, since
5 I've intervened myself in this, let me say to the panel
6 and to those others in the audience. The Commission
7 has a problem, also. We have been mandated to turn in
8 at least two, if my memory serves me, two statutory
9 reports this fiscal year.

10 The Congress will be judging our role and the
11 effectiveness of that role. Based on not only turning
12 in those reports but the quality of those reports, we
13 think each person here things that this Commission
14 plays a vital role in the mere fact that we're able to
15 come before you and hear your complaints in an official
16 panel and draft a report and turn it over to the
17 Congress.

18 The Congress is going to grill us about the
19 content and the data in that report. And some of you
20 will probably be called to the Hill to validate what
21 we're saying on the basis of the recommendations we
22 make.

23 Point. It is imperative that you try hard,
24 hard, super hard, to get the data we want within the 30
25 days. If we have to extend it, of course we will use

1 the reasonable man's doctrine and make that judgment at
2 that time. But please make every effort to get the
3 data within the 30-day period or let us know why it
4 cannot be produced.

5 Does that --

6 COMMISSIONER BERRY: Yes. That's basically
7 it.

8 And I only had just one other quick sort of
9 question or comment, Mr. Chairman.

10 That in your testimony, the witnesses,
11 especially the Lawyers Committee, you kept talking
12 about how the higher ups in the Department -- you
13 didn't call them that.

14 I forget what you called them. I mean
15 command and control officers in the Police Department
16 simply hadn't set a climate or didn't seem to, that
17 these other officers knew that they should not engage
18 in these kinds of activities.

19 That was your sense of it? That there was
20 nothing coming from the top down to sort of either take
21 these problems seriously or to make sure that officers
22 -- somebody mentioned an officer who was involved in
23 more than one incident who seemed to still be on the
24 force, I guess, and who's still around.

25 I just wondered if you thought that the

1 command and control officers, the higher up people in
2 the Department, that they simply were aware of abuses
3 and didn't care, or did you think that this, too, might
4 have something to do with the police culture or there
5 might be some other factors involved in this, or we've
6 just got a bunch of bad people who don't care whether
7 people are abused or not. Was that your impression?

8 That's my last question, Mr. Chairman.

9 MR. VEAL: I think that based on the
10 testimony of the police officers that we talked to who
11 had actually made complaints, and based on what they
12 told me was the ^{reac}reaction of their supervisors and
13 senior MPD officials who they talked to, and the
14 feedback they got based upon the lack of action taken
15 by senior MPD officials, that was the sense that we
16 got.

17 We weren't in a position to interview and
18 discuss these matters with any current senior MPD
19 officials.

20 MR. MILANES: Also, I mean sometimes things
21 lead to question marks. I remember that during the
22 protests in and of themselves during the second night
23 of the May protests, I specifically asked because of
24 the rumors, Chief Fulwood, whether or not the INS was
25 working with the MPD and whether or not they had asked

1 the INS to come in and work with the MPD.

2 He looked me straight in the eye and told me,
3 "No. We would never call in the INS and we had nothing
4 to do with it." Only for myself to learn a few days
5 later that not only did government officials verify to
6 newspapers that they had called, but that the Director
7 of INS himself, Bill Carroll, had come out and publicly
8 stated that they were standing on the sidelines waiting
9 to come in full force but that in the meantime they had
10 sent over a few officers at the request of MPD
11 officials to check the status of some of the
12 individuals that had been arrested.

13 I mean, I don't know why we get to the senior
14 level and don't get some straight answers. But some of
15 the other testimony from the retired officers and
16 current police officers is that not only is there a
17 sense from senior officials that they're not going to
18 do anything in terms of disciplining officers, but that
19 sometimes they're so much as told that they're going to
20 protect their own before they go after any particular
21 officer, unless, of course, the officer serves as a
22 scapegoat.

23 MR. VEAL: I'd just like to add one more
24 thing, and that's the compelling story that I related
25 earlier of the officer. You know, I think when

1 everyone saw the Rodney King incident, the question
2 that came to my mind was why wasn't there officer, one
3 professional officer, who would stand there and protect
4 the suspect.

5 Well, we have an officer. He's in the officer
6 right now. This officer did step in. And since that
7 day his career in the MPD has been ruined and he's been
8 a scapegoat and they have been trying to fire him. And
9 this is the way we get the sensibility of senior MPD.

10 COMMISSIONER BERRY: I've forgotten one
11 record item, Mr. Chairman.

12 CHAIRMAN FLETCHER: All right.

13 COMMISSIONER BERRY: Thank you. I would like
14 for the record to have the Police Department be able to
15 respond to these affidavits that are presented, as well
16 as other witness testimony alleging activities on the
17 part of police before the record is closed, too, so
18 that we don't simply have the affidavits and testimony
19 with no opportunity for the Department to specifically
20 respond, to the extent that it wants to, to these
21 affidavits and any other complaints about witnesses of
22 specific cases of abuse.

23 Can that be understood, Mr. Chairman?

24 COMMISSIONER BUCKLEY: Are you making that a
25 motion?

1 COMMISSIONER BERRY: I'm moving it, yes.

2 COMMISSIONER BUCKLEY: I'll second that.

3 CHAIRMAN FLETCHER: All right. Any
4 discussion?

5 (No response.)

6 Any objection?

7 (No response.)

8 There being none, so be it.

9 COMMISSIONER BERRY: And I won't make it
10 again. It just covers all the testimony by any witness
11 of allegations of abuse by the police, specific
12 allegations of abuse by police either in affidavit form
13 or witnesses, to the extent the Department cares to
14 respond.

15 MR. MILANES: We've been very careful not to
16 mention names of officers that these things have been
17 alleged because of the fact that there is another
18 process with CCRB.

19 COMMISSIONER BERRY: I understand that.

20 MR. MILANES: Now the other thing is in
21 response to that, there have been other witnesses to
22 these incidents that because they are witnesses to the
23 incidents and we had the actual person that was, for
24 example, beaten on the 14th, there were five other
25 people there and those affidavits are not in there.

1 Is there going to be a chance for us to try
2 to gather up that other evidence or can we respond to
3 the response of MPD?

4 I mean, that becomes an issue for me.

5 CHAIRMAN FLETCHER: The record will be open
6 for 30 days. And if you feel so inclined to want to do
7 that, we'd appreciate it.

8 MR. MILANES: Thank you.

9 CHAIRMAN FLETCHER: If you could just get it
10 done in 30 days.

11 MR. MILANES: Can we see the responses? As
12 soon as you guys can get the responses we'd like to see
13 them and then try to respond to those within the 30
14 days.

15 CHAIRMAN FLETCHER: All right.

16 MR. MILANES: Thank you. And you do have my
17 personal commitment at the very least to try to get
18 that information ASAP and within a 30-day period.

19 Thank you, very much.

20 CHAIRMAN FLETCHER: Thank you. We have an
21 announcement to make by the Staff Director, please.

22 MR. GONZALEZ: Yes. I would just like to say
23 that for those of you in the audience that would like
24 to hear the hearings in Spanish, we do have earphones
25 available. Just make yourselves known to the staff.

1 (Repeated in Spanish.)

2 CHAIRMAN FLETCHER: Mr. Allen.

3 COMMISSIONER ALLEN: Thank you, Mr. Chairman.

4 I want to be brief. I know that we are
5 pressed for time, but I did want to make an observation
6 and then also ask a question.

7 The observation is that as I listen to these
8 stories which are all too familiar, which I've heard in
9 other places and some of which are worse than others
10 we've heard before, I have to do two things.

11 First, of course, I'm not going to arrive at
12 a premature judgment based on uncorroborated
13 statements. But on the other hand, I know enough to
14 accept the reality that such things can happen, whether
15 the particular thing has happened or not.

16 And I, for one, am getting to be sick at my
17 stomach at having to hear criminal conduct described as
18 professional misconduct.

19 I think we've blurred lines that we cannot
20 afford to go on blurring and we cannot afford to treat
21 discourtesies as the same thing as criminal conduct.
22 It makes it very hard to arrive at clear policy
23 recommendations if we aren't going to affect the
24 reality that crimes should be dealt with as crimes.
25 Discourtesies should be dealt with as discourtesies.

1 And that respect, I'm not certain that the
2 tacit recommendation that we built up more civilian
3 review boards and create more totemic communities
4 respecting which it is taboo to speak ill or touch as a
5 solution to this problem. But rather, we must look for
6 ways to deal with criminal conduct in tried and proved
7 methods.

8 That's the observation. My question has to
9 do with the whole problem of building up totemic
10 communities. We've spoken of Latinos in this case as
11 victims. And the Latinos seem to be undifferentiated
12 and the perpetrators seem to be undifferentiated
13 essentially, with the exception that you have
14 acknowledged that some Hispanic officers or Latino
15 officers also engage in this pattern of misconduct.

16 It's not clear, for example, if you find the
17 same pattern of conduct affecting Latino communities
18 which are Afro-Latino or non Afro-Latino. It's not
19 clear whether the tension exist as among or between
20 Latino communities, as well as among or between Latinos
21 and others.

22 I don't know if we need to have a final
23 answer as to what the cause is or what the
24 identification is, but I think we cannot take the easy
25 identification of Latino versus non-Latino as in any

1 way giving us the power to analyze what's going on.

2 So could you say something more about these
3 relationships so that we might understand?

4 MS. BISH: I would like to say something with
5 regard to this. I think that you're right. That there
6 are differentiations within the Latino community.
7 There are Latinos from Central America. There are
8 Latinos from South America, the Caribbean area, et
9 cetera.

10 Even in the Latino community, different
11 groups approach different issues in a different way.

12 One thing that Latino immigrants to this
13 country share is a language barrier. Wherever it is
14 that these Latinos are from, they are not going to
15 immediately be able to communicate in English.

16 That is one of the things that underlies our
17 report. We looked to see the different problems that
18 might be encountered by Latinos because of the lack of
19 access based on the language barriers.

20 The other thing is that we are looking here
21 at the problems with regard to the District of
22 Columbia. And the District of Columbia has had a very
23 large influx of immigrants from El Salvador.

24 News reports have characterized the District
25 of Columbia as having one of the largest Central

1 American and specifically Salvadoran communities in the
2 world, in the United States. We're talking about
3 immigrants and refugees from El Salvador.

4 The experiences of Salvadorans because of the
5 12-year war in El Salvador certainly influence the
6 relationships that this community has with the police.
7 I think that has been well documented.

8 And in fact, the Office of Latino Affairs
9 prepared a report in 1989 which talked about the
10 cultural barriers that are experienced here in the
11 District.

12 Given the large numbers of Latinos who share
13 these characteristics there is going to be a need on
14 the part of the Police Department and the part of the
15 D.C. Government and the Courts to address issues that
16 are going to be relevant to this community.

17 And I think access to services -- we've been
18 talking about police brutality. We've been talking to
19 that side of the issue. There's another side of the
20 issues. The services that are available, and there are
21 some available, our findings are that there might not
22 be meaningful access to these services.

23 And in looking at recommendations and in
24 looking at the problem we also have to consider the
25 lack of representation of Hispanics that are there to

1 offer these services.

2 And just looking at the numbers that are
3 available, I think that you may be able to draw
4 conclusions that the large Hispanic community, very few
5 people on the other end to provide services or to even
6 let Hispanics know that these services are available is
7 going to result in a large number of people not having
8 access.

9 COMMISSIONER ALLEN: Let me just be sure I
10 have the question sharply focused. I'm trying to get
11 an answer not to the a priori question of whether
12 people in these circumstances will necessarily have
13 difficulties. I accept that.

14 I'm trying to get an answer to the question
15 of where are the tensions precisely in terms of the
16 groups being affected.

17 MS. BISH: Communication is the answer that I
18 would give.

19 MR. MILANES: Communication. The language
20 barrier within Latino officers versus the community.

21 I would be very interested in finding out,
22 for example, if we could get that kind of a breakdown,
23 as to how many El Salvadoran police officers are on the
24 Metropolitan Police Department force, because after the
25 Latino community agenda came out in 1985 with

1 recommendations in dealing specifically with the Police
2 Department, the Police Department came up with a
3 wonderful recruitment plan.

4 They spent a two-week vacation down in Puerto
5 Rico; put up a signpost and said, "Come on up. If
6 you're a Puerto Rican police officer, we'll take you
7 back to Washington, D.C."

8 COMMISSIONER ALLEN: Did they have any
9 success in that recruitment?

10 MR. MILANES: Oh, they brought in police
11 officers from New York and they brought in police
12 officers from Puerto Rico.

13 COMMISSIONER ALLEN: And they were Spanish-
14 speaking?

15 MR. MILANES: They were Spanish-speaking.
16 They were untrained in cultural sensitivity.

17 COMMISSIONER ALLEN: Were they black or non-
18 black?

19 MR. MILANES: Some where black; some were
20 white. But all of them were of -- not all of them. I
21 should say the majority were of Puerto Rican
22 nationality or ethnic background.

23 Many of these officers, because of that, had
24 never had an experience with a predominantly Central
25 American population. That led to a number of problems.

1 CHAIRMAN FLETCHER: How do Puerto Rican
2 officers treat Salvadoran?

3 MR. MILANES: (Laughter.)

4 CHAIRMAN FLETCHER: You understand what I'm
5 asking; right?

6 MR. MILANES: Yes. Let me point out one
7 thing.

8 First of all, at no time have we said that
9 all police officers act in these manners, but some do.

10 And of those ones that we specifically know
11 about, and one of them, for example, the January 14th
12 incident, happened to be -- my understanding -- a
13 Puerto Rican officer, a Caribbean backgrounded officer,
14 not a Central American background -- has a reputation
15 in the community for being very violent, for being very
16 -- as one person said, "The man is psycho."

17 And that was from a worker at the Latin
18 American Youth Center who's dealt with this individual.
19 But here is one of the things. For example, language
20 problems.

21 If I come up to you and I am someone of
22 Caribbean background, which after all, I am, and I say,
23 "I want you to move now." The term will be, (given in
24 Spanish.)

25 If the Central American citizen or civilian

1 looks at me and say, (given in Spanish), he is in fact
2 telling me, "Fine. I am going to move right now." But
3 under Caribbean Spanish the term being used is, "I'm
4 going to move in a little while when I like it."

5 The officer is going to take that as a
6 confrontational stance. And that leads to problems.
7 So there's even a communications barrier within
8 Spanish, itself.

9 CHAIRMAN FLETCHER: I just wanted the record
10 to show that. I'm glad you made it.

11 MR. VEAL: I think also when we had a
12 discussion with a retired police senior MPD official,
13 he indicated to us his personal opinion and evaluation
14 that because some of the officers are recruited from
15 Puerto Rico were trained in a different environment and
16 come from a civil law rather than appeal tradition,
17 case law tradition of police conduct, he felt that
18 because of their training they, in his terms, more
19 aggressive than officers who had been trained in the
20 United States.

21 And I just wanted to make sure that you got
22 that information.

23 FATHER SAMOZA: Trying to answer the question
24 of color, if you want it, our community has Latino
25 white, black, mixed, Indians. Whenever I receive a

1 complaint from one of them, regardless of the color or
2 origin, the complaint that I receive is that it's being
3 done because they are Latino.

4 I never, ever in my experience received a
5 complaint from one of the Afro-Latino that this was
6 done to me because I was black; never, ever. It was
7 done to me because I couldn't explain myself in the way
8 that it was expected, because I am Latino, because I am
9 a Caribbean and they might think I'm undocumented.

10 But I never, ever received any particular
11 complaint related to the color of their skin, if my
12 answer follows your question.

13 COMMISSIONER BUCKLEY: One question. And you
14 may not be able to answer it now, but to your knowledge
15 -- and this goes to anybody in the panel, does the
16 Civilian Complaint Review Board keep a record of these
17 complaints by Wards?

18 In collecting the data, do they say, like, 36
19 percent of the allegations involving excessive use of
20 force are those located in one area over another?

21 MS. BISH: Yes. We looked at a couple of
22 District of Columbia indices. And the Civilian
23 Complaint Review Board does keep those statistics by
24 Ward.

25 However, the next question is --

1 COMMISSIONER BUCKLEY: It doesn't cover by
2 ethnicity or race?

3 MS. BISH: Exactly. The next question is,
4 well, this may be happening in a certain Ward. You'd
5 have to make other assumption about the composition of
6 the Ward.

7 But the next question is do they keep these
8 by ethnicity? And they've just started doing that last
9 year and hopefully we will see some statistics shortly
10 on that.

11 COMMISSIONER BUCKLEY: By Ward, can you tell
12 me, can you locate these excessive use of force cases?
13 Can you identify where they happen?

14 MS. BISH: I don't have the numbers readily
15 available, but I believe that the Fourth -- I'm sorry.
16 I don't know exactly what Ward Mount Pleasant is in.

17 Is that the First Ward?

18 CHAIRMAN FLETCHER: The First Ward, yes.

19 MS. BISH: Yes. I remember looking at this
20 because I was interested in seeing whether the numbers
21 were higher or lower in the First Ward. And I believe
22 it was the second highest in the District.

23 And I think the adjoining Ward to the Mount
24 Pleasant area may have had the highest number. But
25 those numbers are available. They're in the District

1 indices.

2 COMMISSIONER BUCKLEY: All right. Thank you.

3 COMMISSIONER RAMIREZ: Chairman, one quick
4 request. That either the members of the panel if they
5 have it directly available or the General Counsel, if
6 it is not available -- well, let me just ask the
7 General Counsel secure either from members of the panel
8 if they are the best source or from the jurisdictions,
9 data as to the comparison of reports of police
10 misconduct among the cities of a comparable size to the
11 District of Columbia, in general.

12 MR. GONZALEZ: Nationally or regionally.

13 COMMISSIONER RAMIREZ: Nationally. And
14 secondly, that if the surrounding jurisdictions have
15 collected data by ethnicity, that we secure the
16 information from Montgomery County and -- well, the
17 five counties around Washington, D. C. and enter that
18 as part of the record of this discussions, please.

19 CHAIRMAN FLETCHER: Is that for the record?

20 COMMISSIONER RAMIREZ: That's for the record.

21 CHAIRMAN FLETCHER: Is that in the form of a
22 motion or just a request.

23 COMMISSIONER RAMIREZ: I so move.

24 COMMISSIONER BUCKLEY: Second.

25 CHAIRMAN FLETCHER: Any discussion?

1 (No response.)

2 There being none, so be it.

3 The Staff Director has a couple of questions
4 and then we're going to move to the next panel.

5 MR. GONZALEZ: Yes. You indicated a number
6 of Hispanic officers that are on the force. I think I
7 heard 120-something.

8 Am I to assume that part of that number is as
9 a result of some effort by the D. C. police force to
10 respond to the concerns of the Hispanic community?

11 MS. BISH: We found that the number of
12 Hispanic police officers has more than doubled in the
13 last five years. The Department employed 45 Hispanic
14 officers in 1986. Today there are 121 and the number
15 may have increased.

16 We have some information that there has been
17 some hiring since the focus was placed on this issue by
18 the D. C. Latino Civil Rights Taskforce.

19 So that number may be a little higher. It
20 may be 126. But that is 126 out of 4790 officers in
21 the District.

22 MR. GONZALEZ: And how many of those officers
23 are assigned to areas of the city in which there's a
24 large population of Hispanics?

25 MS. BISH: That was information that one of

1 the other attorneys at Hogan that worked on the report,
2 Tim Mellett -- requested information on this through a
3 FOIA request. And the response was that these numbers
4 are not available.

5 We were unable to determine how many officers
6 exactly are assigned to, say, the Third and Fourth
7 Districts because the Department does not collect that
8 data.

9 MR. MILANES: But let's be clear. I mean, we
10 went back and it was reported in some of the news
11 articles in terms of the increase and the policies
12 being taken by the Department shortly after the Mount
13 Pleasant disturbances to increase visibility of Latino
14 officers in predominantly Latino communities by
15 shifting the numbers.

16 However, what we then found out was that
17 although MPD had technically placed and assigned these
18 officers in the Third District, in the Fourth District,
19 they were actually detailed out to the Sixth District
20 and other non-Latino areas.

21 So although the numbers may come back with an
22 increase in these areas, that does not necessarily mean
23 that the visibility is actually there and that the
24 officers are actually working there.

25 MR. GONZALEZ: Nor the ethnic background.

1 MR. MILANES: Nor the ethnic background.

2 MR. GONZALEZ: All right.

3 FATHER SAMOZA: I once talked to the Chief of
4 Police about the lack of communication and he told me
5 at that time that due to that lack of communication
6 there was a very big effort to recruit Hispanic police.

7 But I later on talked to some of those
8 recruited police and I realized that -- and I have a
9 case in particular. Some of those of those that were
10 considered Hispanic is because they were from Hispanic
11 origin but they couldn't speak Spanish.

12 And one of them that I talked to directly
13 understood me when I talked to him in Spanish but he
14 answered me back in English. And he told me that he
15 felt much more secure and he could express himself much
16 better in English. And he was a little bit shy, maybe,
17 or insecure, but he never ever told me anything in
18 Spanish.

19 MS. BISH: We looked at the number of police
20 officers in the force that speak Spanish that are
21 bilingual to see if well, perhaps there was a lower
22 number of Hispanics on the force but maybe a large
23 number of officers spoke Spanish. What we found was
24 that only 126 of the officers on the force spoke fluent
25 Spanish.

1 While we have heard that some efforts are
2 being made to train officers in Spanish, to provide
3 language classes and things like that, the Department
4 policy, according to some anecdotal information we
5 collected, is that the officers should speak English
6 first and at all times.

7 As a matter of fact, there is a policy that
8 in dispersing a crowd, it should be done in English.

9 MR. MILANES: Also, just one other thing.
10 From the indications in the interviews that we had, it
11 does appear that the vast majority of Hispanic officers
12 that were hired were hired during the 1985 recruitment
13 effort and that the numbers have left and that they've
14 hired only a few each year after that, but that the
15 vast majority when that doubling up occurred was in
16 that one recruitment effort.

17 CHAIRMAN FLETCHER: Thank you, very much.

18 I think the panel has addressed all their
19 concerns.

20 Do you have any further?

21 (No response.)

22 All right. We want to thank you very much
23 for taking the time to come and for the quality of your
24 work and the quality of the report.

25 I want to urge you one more time. Try your

1 level best to make that 30-day deadline. We'd
2 appreciate it.

3 And thanks, again. The panel is dismissed.

4 (Witnesses excused.)

5 MS. BOOKER: We have one more panel of
6 community witnesses. We're running a little bit late.
7 The aggrieved individuals who are noted on the
8 schedule: Mr. Omar Centurion, Mr. Julio Cruz, Mr.
9 Emilio Chevez, Mr. Leopoldo Bermudez.

10 CHAIRMAN FLETCHER: Would you please come
11 forth.

12 MS. BOOKER: Just a reminder that we have
13 simultaneous translation equipment available. The
14 staff member directly in front of me in the gold jacket
15 has earphones available for anyone who would like
16 simultaneous translation into Spanish.

17 COMMUNITY WITNESSES

18 (Witnesses sworn.)

19 MS. BOOKER: Would each of you identify
20 yourself for the record?

21 MR. CENTURION: My name is Omar Centurion.

22 MR. CRUZ: Mi nombre es Julio Cruz.

23 MR. CHEVEZ: Mi nombre es Emilio Chevez.

24 MR. BERMUDEZ: My name is Leopoldo Bermudez.

25 MS. BOOKER: Mr. Centurion, if I may begin

1 with you, will you be testifying in Spanish?

2 MR. CENTURION: No. I will do it in English.

3 MS. BOOKER: Mr. Centurion, I understand you
4 are a resident of the Mount Pleasant community?

5 MR. CENTURION: Yes, I am.

6 MS. BOOKER: And do you have a statement that
7 you would like to make for the Commission?

8 MR. CENTURION: Yes. If I have the time, I
9 would like to.

10 First of all, I want to thank the Commission
11 for the opportunity of letting me testify today.

12 My name is Omar Centurion, and for the past
13 five years I've been a community activist for human
14 rights and immigration rights for Salvadorans and other
15 Central Americans in the Washington, D.C. area.

16 Through these years I have worked with
17 several community-based organizations, including the
18 Salvadoran refugee community and the Central American
19 Refugee Center. Also, Amnesty International and I work
20 with the D.C. Latino Civil Rights Taskforce.

21 I have traveled across the United States
22 speaking about human rights abuses and persecutions
23 against Salvadorans in the U.S. by the Immigration and
24 Naturalization Service. I have appeared extensively in
25 the news media, including television and radio.

1 I'm a resident of Adams Morgan, the Mount
2 Pleasant area of Washington, D.C. and I am over 80
3 years of age. I speak both Spanish and English.

4 About May 4th, 1991, just the day before the
5 disturbances we had in the neighborhood, I was driving
6 my housemate's car in the Adams Morgan area. It was a
7 Saturday night. It was busy and crowded. I was not in
8 a parking space. I was driving on 18th Street.

9 After a little while, I notice a police squad
10 car. The car was following me. As I went down 19th
11 Street, the car keep following me and I turned on 18th
12 Street into Kalorama Road and the police car still kept
13 following me.

14 I made several turns looking for parking and
15 I recall that there were a lot of other drivers, mostly
16 white people in the neighborhood looking for parking.
17 Finally, I just came to a little street in front of
18 the Kilimanjaro Restaurant. This is in the northwest
19 area of Washington.

20 Before I realized, the car following me and
21 over the loudspeaker of the car one of the police
22 officers in the car asked me to stop my car. And
23 several other cars came from different directions.
24 There was a total of about three or four cars.

25 And as I stopped and got out of my car,

1 several police officers came out of their patrols and
2 with no explanation, they draw their guns and some of
3 them had shotguns and pointed them at me.

4 They told me to put my hands up and they were
5 yelling a lot of things, I remember. Told me to go
6 back to the car and they were accusing me of stealing
7 the car that I was driving.

8 I protested and I said that the car wasn't
9 stolen. That it was my housemate's car and that
10 everything was legal.

11 The officers then totally agressed me and
12 they grabbed me and pushed me underneath the car. They
13 kicked me in my legs and hit me in the back and told me
14 to open my legs; that they were going to search me.

15 And I keep protesting, telling them that what
16 they were doing was illegal and they told me to shut up
17 or they were going to lock me up or bust me.

18 After awhile, after that exchange, they
19 proceeded to search me and they also searched the car.
20 I kept protesting that everything was right and they
21 told me to keep my mouth shut or that they were going
22 to arrest me. And they keep calling me names, a lot of
23 ethnic slurs, I remember.

24 And the situation turned out to be a very
25 difficult one because suddenly I was being treated as a

1 criminal for no reason that I understood. The officers
2 didn't explain me anything.

3 After a while they asked me for the papers,
4 my identification and the cars papers, and I showed it
5 to them. They didn't find anything wrong with them.

6 After they were done, they didn't even
7 apologize for the incident. They just told me that
8 something was wrong with the plates on my car, but I
9 think that was just an excuse for them, because they
10 couldn't find anything.

11 And I believe that that incident reflects the
12 way how police treats Latinos in general, because I
13 remember very well that there were other people doing
14 the same situation that I was, just driving around
15 looking for parking.

16 And I believe that because of the fact that I
17 was Latino I became suspicious to them in an area that
18 was mostly whites, basically.

19 And the situation is the one that made me
20 come forward and protest these kind of incidents
21 because being a victim and having seen other several
22 incidents, I believe that there is an attitude in the
23 Police Department, at least several of the police
24 officers that patrol the Mount Pleasant area for some
25 reason singling out Latinos.

1 MS. BOOKER: Mr. Centurion, if I may
2 interrupt. Did that police car that was following you
3 have its flashing lights on or in any other way signal
4 for you to pull over and stop?

5 MR. CENTURION: Well, actually, no. Like I
6 said before, it kept following me a few blocks while I
7 went around looking for parking. And after a while, on
8 the loudspeaker they call for me to stop.

9 But it was after several turns.

10 MS. BOOKER: And at that point you did?

11 MR. CENTURION: And at that point I did not I
12 got out of the car. And then they just suddenly came
13 out of the car and pointed their guns at me, for no
14 other reason than I think they thought I was
15 suspicious.

16 And just singling out people just because
17 they look suspicious or in this case, Latino, in an
18 all-white area, basically. It's kind of, I think, one
19 of the problems the police should take care of.

20 MS. BOOKER: Were you involved in another
21 incident involving the police shortly after the
22 disturbances last May?

23 MR. CENTURION: Yes. This incident happened
24 as I was walking on a Mount Pleasant street, on Mount
25 Pleasant and Kenyon Street. It was in late May, just a

1 few weeks after the riots; yes.

2 I was going around with some reporters from
3 the Washington Post. They were interested in covering
4 the neighborhood and I was translating for them and
5 taking them around the neighborhood.

6 When we approached Kenyon and Mount Pleasant,
7 I saw some officers approaching like four or five
8 Latino men. Actually, they were Salvadorans. Well,
9 the men were arguing, having an exchange with the
10 police.

11 Obviously, I could see when I approached that
12 they didn't speak English and the officers didn't speak
13 Spanish.

14 So that right there -- and the officers were
15 very aggressive. One of the officers started pushing
16 the men, and actually he hit one man with his radio on
17 the shoulder and told him to -- you know, using very
18 abusive language, very intimidating.

19 Using very, very intimidating tactics that
20 anger the people in the neighborhood because they fear
21 that they are treated by disrespect by police or
22 singled out by police.

23 You know, people don't speak the language but
24 they know that they're being abused and mistreated. So
25 after this officer hit the man, I got there and the man

1 asked me to tell the police, you know, because they
2 didn't speak English.

3 So they asked me to tell the police that they
4 were standing on the corner; it was too hot to stay
5 inside their apartments; they live in the building
6 across the street and they weren't doing anything
7 wrong. They weren't drinking.

8 The police responded that they didn't give a
9 fuck what they had to say. All they want is people to
10 go away, to disperse, to go somewhere. And we don't
11 care. And tell them if they don't leave we're going to
12 lock them up. And some of them, if they keep this shit
13 up, they're going to appear in the obituary pages, they
14 told me.

15 You know, I kept translating to people and
16 tried to persuade the men that the police wanted them
17 to move or to disperse. But the situation is very
18 difficult because I live nearby and there were people
19 standing on several corners. And the men saw that.

20 And they kept asking, "Why us? We're not
21 doing anything." And they said that they looked dirty
22 and all that, but it's not because there are drunks.

23 And that's one of the mistakes the police
24 make when they come to the neighborhood. It is true
25 that there is alcoholics in the streets, but that

1 doesn't mean that everybody who is dirty is an
2 alcoholic.

3 And they stereotype on that. They assume
4 that every Latino who looks dirty is an alcoholic.

5 And these men were hard working men. The
6 work as construction workers. They get dirty a lot and
7 they don't have the time to change. So they go out
8 sometimes and stand on the corners or shop around and
9 talk to their friends in the street.

10 It's a very common thing to do in Latin
11 America, you know, but every time you congregate on the
12 corner in Mount Pleasant they are seen as suspicious or
13 like they're doing something illegal, or drinking, for
14 example.

15 I have seen several times how police approach
16 Latino men and quickly empties your can or demand that
17 you throw away whatever you have in your hands. And
18 two or three houses down the block there's white people
19 or blacks drinking in the bushes and they don't do that
20 to them.

21 And people notice all these situations and
22 they know very well that they are being mistreated.
23 So, to continue with this incident, after the
24 confrontation kept going with the police, the police
25 officer hit the man and the man hit the officer back

1 and one of the officers, by that time, they had already
2 called for reinforcements, I believe.

3 And one of the police officers had start
4 walking backwards, like holding his gun, threatening to
5 pull his gun. And other Latinos that were nearby
6 started to congregating and the situation was quickly
7 deteriorating into major confrontation.

8 It kept going for about 15, 20 minutes, I
9 remember, and more police officers were there during
10 that incident. And that was a big problem because
11 there was a miscommunication right there. People
12 couldn't understand each other.

13 The men didn't want to leave because they
14 said they live across the street and it wasn't fair for
15 them to be treated like that. And the police officers
16 kept pressing them to move, to disperse. And after a
17 while, the men agreed.

18 I kept talking to them and they agreed.
19 "Okay. We're going to move but we don't like this.
20 And tell them that they're going to see us again here
21 because this is where we live and they don't have a
22 right to ask us to move from our own street, our own
23 neighborhood."

24 And when the incident was just being
25 resolved, I remember a sergeant and a Spanish-speaking

1 officer finally arrived. But by then it was a little
2 late.

3 And seeing that treatment, seeing the abusive
4 language, the intimidation and the physical abuse the
5 police were using then, later on I decided to file a
6 complaint over the incident. I knew the men because
7 I'd seen them a lot because I live nearby there. And
8 after a while I tried to persuade them to come and
9 present complaint because they were the direct victims.

10 They told me that they couldn't do it
11 because, one thing, they were afraid. The other thing
12 they told me, it wouldn't help that much because they
13 know the police can get away with anything almost and
14 they're not prosecuted when something is alleged.

15 And also, I believe many of them, their
16 immigration status is not very well. So they're rather
17 stay quiet and not say anything. I tried hard to
18 persuade them but they wouldn't do it.

19 And I was angry about the incident because
20 also the police officer who was -- there was one of
21 them who was being the most aggressive and he kept
22 pressing the issue. And finally, after these other
23 officers arrived, he calmed down, but he also ended up
24 threatening me because he accused me of taking the
25 people's side.

1 And I said that you don't have a right to
2 treat people like that. And seeing that, I went over
3 to the Civilian Complaint Review Board to file a
4 complaint. And until now, it's going to be a year and
5 nothing's happened and there have been incidents still
6 going on. The situation has been tense and explosive
7 in the neighborhood.

8 So that's the other incident that I was
9 exposed to.

10 MS. BROOKS: Thank you. Mr. Centurion, we've
11 heard testimony, and you just alluded to retaliation,
12 fear of retaliation for complaining.

13 Do you have any fear of retaliation for your
14 testimony here today?

15 MR. CENTURION: Well, you know, being
16 involved in these incidents, of course, make you
17 afraid. I mean, I come from El Salvador and a lot of
18 times when they see the police operating in the
19 neighborhood it reminds you of kind of a police state,
20 like a lot of extra police that we don't see reason
21 for. And a lot of times it's seen by people as an
22 intimidating tactic.

23 And it doesn't help to solve the tensions
24 going on. And that, you know, makes everybody afraid.
25 I mean, I know that probably these people I present

1 complaints against, I've spoken publicly about it so I
2 feel a little bit afraid. I won't deny that.

3 MS. BOOKER: I'd like to ask next, Mr. Cruz,
4 who will speak in Spanish.

5 CHAIRMAN FLETCHER: Before he speaks, may I
6 interrupt for just a moment?

7 I read into the record when we opened this
8 hearing, in my opening statement I read this paragraph.
9 I want to rephrase it one more time, and it is the
10 following:

11 Witnesses, including those in the open
12 session at a Commission hearing are protected by the
13 provisions of Title 18 U.S. Code, Section 1505, 1512
14 and 1513 which make it a crime -- let me emphasize once
15 again -- which makes it a crime to threaten, intimidate
16 or injure witnesses on account of their attendance at a
17 government proceeding.

18 The Commission shall be immediately informed
19 of any allegation relating to the possibility of
20 intimidation of a witness.

21 Let me emphasize this to be a very serious
22 matter and we will do all in our power to protect
23 witnesses who appear at this hearing.

24 The reason for my reading that, a note was
25 brought to me a moment ago that there's some people

1 here who are now frightened to testify, who fear that
2 there will be intimidation.

3 So I want to emphasize to all of those that
4 are concerned that we will do all that we can within
5 the law to see to it that you're protected.

6 Carry on.

7 MR. CRUZ: Thank you, sir.

8 MS. BOOKER: Mr. Cruz, would you relate to
9 the Commission your relevant experience with the
10 police?

11 MR. CRUZ: Okay.

12 (Through Interpreter) Last year, to be
13 precise on Friday the 27th of December, I was driving
14 on Columbia Road looking for some friends. I nearly
15 always found them there. For a long time I drove up
16 and down Columbia Road and 18th Street.

17 When I couldn't find them I spent some more
18 time, which I detected that a car was following me. I
19 thought it was a private individual's car, but no, I
20 was unable to see the license number. I only saw that
21 it said G-3 on the plate.

22 I understand that G-3, any car that has those
23 two letters is Police Department. Well, I didn't
24 attach any important to that. I continued driving.
25 Only thing, I was driving slowly.

1 When I saw that he neither speeded up or
2 changed, I decided to stop my search for my friends and
3 I decided to look for a parking space until the other
4 car left.

5 I left 18th Street and continued driving on
6 Columbia Road which connects with Harvard Street when I
7 saw that he continued after me. I decided to turn
8 right which he took a light from the car and put it on
9 --the roof of his car. I knew then that he was a
10 policeman. I looked for a parking space.

11 I waited for him to get out of the car, as is
12 customary for all people who are driving, waiting for
13 the policeman to come to where one is. He didn't greet
14 me. He didn't say anything. He simply said, "Shut off
15 your engine. Put your hands in front of you and don't
16 move."

17 And I said, "Why are you stopping me?" All
18 he said was, "Shut up." I said, "But what's the
19 matter? Why have you stopped me." He once again said,
20 "Shut up."

21 Then I decided not to say anything. Then he
22 said, "Get out of your car." I said, "But what's the
23 matter?" He said, "Put your hands in front and open
24 your legs. Spread your legs and don't move."

25 I said, "But what's going on? What's going

1 on?" Because I didn't know why he had stopped me.
2 There's nothing that says don't turn right. There was
3 nothing that I knew that I had done wrong for which he
4 could have stopped me.

5 He said, "I told you to shut up." From that
6 moment on when he told me, "shut up," he began to hit
7 me. And then I said, "What's going on?" I didn't like
8 the way he was mistreating me. He was speaking very
9 insulting language. And I said, "What's going on?"

10 He said, "You don't understand that I'm
11 telling you to shut up? Don't move. Don't say
12 anything."

13 He turned me around. He struck me
14 continuously. He was doing the same thing for which,
15 afterwards, he grabbed me by the back of the jacket and
16 he threw me on the hood of my car, which caused me to
17 hit my face.

18 I said, "I don't know what's going on here."
19 He said, "You don't know? Okay." He took me off the
20 street where I parked. He took me to an alley that is
21 some four or five yards from Harvard Street which
22 connects only to the left as an outlet.

23 He took me there to that alley. He once
24 again had my hands on the wall of the alley. He hit
25 me. He hit me in the face with his fists. He hit me

1 with his feet in my stomach. He caused me to fall
2 down.

3 And he said, "Okay. Stand up." And I stood
4 up. He did the same thing. I fell down again. He was
5 saying, "Stand up." I didn't have the strength to get
6 up. I had lost all of my -- I didn't stand up. I was
7 stretched out on the pavement complaining.

8 When he saw that I didn't get up he started
9 to hit me with his feet in my stomach. I made an
10 effort and I stood up.

11 He said, "Take off your clothes." I said,
12 "No, no. It's freez^{ing}ing." I don't don't know if you
13 will recall that on the 27th of December it was very
14 cold that night and I didn't want to take off my
15 clothes. I didn't do it when he told me.

16 He hit me and I decided better to take off my
17 clothes and to avoid his keeping on hitting me.
18 Apparently, he thought was very funny. What he was
19 doing to me, to him apparently was very funny.

20 I really didn't know what was going on. I
21 had lost consciousness since I saw him laughing and he
22 hit me. He asked me to take off my clothes and I was
23 freezing.

24 I don't know if he really was a policeman or
25 if it was somebody else and what they wanted to do was

1 to hurt me.

2 When I turned around, I decided to see how I
3 could defend myself but that was impossible since he
4 was stronger than I. He was taller. He had all the
5 advantages of dominating me.

6 I tried to get my hands on him because I
7 wanted to defend myself since the cold was overcoming
8 me. He took out -- I don't know from his jacket or
9 from where -- he took out a radio. He called a radio
10 patrol.

11 It arrived. It didn't have the lights on as
12 they normally do. They entered the alley silently, put
13 the lamp on the face and if he hadn't done that on my
14 face I possibly would have seen the name of the other
15 policeman.

16 The first policeman didn't use the uniform.
17 He was using common street clothing. He had no name
18 badge. It was very difficult for me to identify him.
19 The other policeman who arrived, he did nothing. The
20 only thing he did was turn on the light and get out.

21 The policeman who first stopped me was a
22 black man who did things to me. He hit me. He
23 undressed me. Up to this moment I feel that I am not
24 psychological well. This has caused a great trauma in
25 my mind.

1 I don't know what was going on in the street
2 because I could hear people walking by, talking. I
3 don't know if they were Latin Americans or Chinese or
4 whatever. I don't know if they were fearful. And if
5 you will recall the problem that we had in Mount
6 Pleasant, that they hit some Latins and the other
7 Latins tried to help him. They didn't like the way the
8 boy was being mistreated.

9 I thought that if they were Latin and saw
10 what the police were doing to me and how I had no
11 clothes on a freezing night, the same thing might have
12 happened.

13 They decided to leave. The black policeman
14 who left my car in the street, didn't put it in the
15 alley. He left with the other police agent who arrived
16 in the radio patrol car. I was not aware at that
17 moment of getting the number of the radio patrol car.
18 The only thing I wanted to do was to put on my clothes
19 and to avoid cold from my body.

20 Up to this time, I know how to drive on
21 Columbia Road. I use Columbia Road very frequently.
22 And the last time I saw him again and I followed me
23 again was on the 31st of December to January 1 at
24 exactly 1:00 a.m. on January 1.

25 I was driving on Columbia Road. I never

1 thought I would see him again since it was a very
2 terrible experience for me. When I realized that it
3 was the same man, the same person and the same car, I
4 knew that it was he.

5 I crossed 18th Street. I was coming from
6 16th Street toward the intersection. I saw him
7 following me. I attempted to park in a parking space
8 -- no. He once again turned his lights on me exactly
9 on the street on Vermont Road, which permits only
10 turning left, connecting with 18th Street.

11 I waited in my car once again. I did
12 nothing. He came up. He once again looked at me with
13 a very sardonic smile and said, "Do you remember me,"
14 he said. I didn't say anything since from the moment I
15 saw him my mind reminded me of that moment which was a
16 very unpleasant memory for me. I said, "Yes."

17 "Get out of your car," he said. Then, "Have
18 you been drinking?" "No. I don't drink and I don't
19 smoke." He just began laughing and he said, "Come. Do
20 you see this white line here?" "Yes." "Okay. Walk on
21 this white line." But before me he submitted me to a
22 test which I think all people who have been drinking
23 have this test.

24 I don't know if any of you have had this
25 happen to you but the police -- most people write

1 number 4, which for the people who have been drinking
2 is quite difficult to maintain their balance. I did it
3 for him. He saw that my legs weren't shaking. I was
4 able to do it.

5 Then he said, "Come." He took out his lamp.
6 He placed it on my face and he said, "Follow the white
7 line."

8 It's impossible for me to see the white line
9 with a light right in my face. I said, "I can't see."
10 "Do what I said. Look at the white line and walk on
11 the white line." I knew that I was standing on the
12 white line and I decided to walk straight ahead.

13 Then he got up on the sidewalk. He caused me
14 to jump at the sidewalk. I struck myself. It was a
15 very painful blow since I hit my elbow on the sidewalk.

16 I was complaining. He was saying, "Stand
17 up." When he told me, stand up, I didn't stand up. He
18 said -- I prefer to say this in English since in
19 Spanish I don't like to say it. He said, "Take out
20 motherfucker."

21 I looked at him. I stood up. I was burning
22 with ire. He said, "Come. Come here." Continued
23 mistreating me. I don't know what happened. And he
24 said, "Okay. See you later."

25 He left. I stayed on the ground. I was

1 rubbing the place where I had hit, a very hard blow.
2 And since that time I have seen him three more times.
3 Now when I see him, because I always usually see him on
4 Columbia Road. As I say again, I know how to drive. I
5 drive on Columbia Road very often.

6 When I see him and he is after me, I don't
7 wait for him to stop me. I stop and I get out of the
8 car since I don't want to have the same thing happen to
9 me that has happened to me previously where he beat me
10 up.

11 I don't want that to happen to me again.
12 It's a very bad experience for me. A very bad trip for
13 me.

14 He just says behind my car and he says,
15 "What's the matter?" I say to him, "What's up?" He
16 says, "You made a mistake." I don't know what he said.
17 I said, "You've been following me." And he said, "You
18 made a mistake. You're mistaken."

19 When I see that car, I cannot explain exactly
20 what it is that happens within me, what happens to me
21 within me since my whole body begins shaking. I can't
22 drive properly. My mind doesn't think clearly. It's
23 been traumatizing for me, because of what happened to
24 me, when I see that individual.

25 I've seen that person three times after the

1 two incidents. I get very ill, very upset and I must
2 wait for a certain length of time before I can drive
3 again since I don't find myself ready to work. I've
4 very nervous. I'm all shook up.

5 What I don't understand is the Police
6 Department, why they treat us Latinos so badly. Almost
7 always the policeman who sees the Latino driving at
8 night, approximately from 12:00 midnight on, follows
9 that Latino.

10 The individual who is driving has not made or
11 committed any infractions, but it doesn't stop them if
12 they're Latinos.

13 He looks for a street that's isolated and
14 alone. Who knows for what?

15 MS. BOOKER: Let me just clarify something,
16 Mr. Cruz. Is this a uniformed officer?

17 MR. CRUZ: (Through interpreter) The one
18 who's been bothering me, no. He doesn't use a uniform.

19 MS. BOOKER: The second officer who came on
20 that first night when you were in the alley was a
21 uniformed officer; is that correct?

22 MR. CRUZ: Yes.

23 MS. BOOKER: Is there any doubt in your mind
24 that the man you are talking about who is harassing you
25 is a District of Columbia Metropolitan Police

1 Department officer?

2 MR. CRUZ: I don't know. I'm not sure.

3 MS. BOOKER: You think there's a possibility
4 that he is not?

5 MR. CRUZ: No.

6 (Through Interpreter) Since then, I avoid
7 driving down Columbia Road because I don't want to run
8 across him again. If I have to run an errand on
9 Columbia Road, I look for another street to go down and
10 I try not to cross Columbia Road.

11 MS. BOOKER: Have you considered bringing a
12 complaint about this officer?

13 MR. CRUZ: (Through Interpreter) I have not
14 presented any complaint because I don't know were to do
15 so. I don't have the appropriate information. No one
16 has given me any orientation as to what are my rights
17 and duties in this country.

18 I prefer to remain silent so as to avoid any
19 problems, since I don't want to get involved in
20 problems that would prejudicial to me vis-a-vis the
21 police. That's why I had not said anything until now,
22 until you came here to the school.

23 MS. BOOKER: I'd like to turn next to Mr.
24 Chevez to get your statement on the record before the
25 Commissioners ask further questions.

1 MR. CHEVEZ: (Through Interpreter) Well,
2 what happened to me is that I was sitting in front of
3 the Bell School. A policeman came up and said that I
4 should move. And I asked him if it was prohibited to
5 be there. He said, "Yes." He grabbed my jacket and he
6 pulled me. And I said, "Why are you pulling me?" And
7 he threw me against a wall. He grabbed me by the neck
8 and did like this (indicating). Began choking me.

9 He was torturing me here (indicating). I
10 wanted to get his hand off and he said, "Let go of me.
11 Let go of my hands." And I continued trying to get his
12 hands off of me because he was choking me.

13 So when I had his hands, he continued beating
14 me against the wall. And after he'd been hitting me
15 for so long, he finally let go of me. And I got up and
16 I went walking and he called me. And he said, "Come
17 here. I want to talk to you." And he said, "Look.
18 This happens because when I speak to you I want you to
19 pay attention to me."

20 I told him I was asking whether it was
21 prohibited. And I said to him, "What you did is you
22 grabbed me and you beat me."

23 And so he said, "When somebody talks to you,
24 doesn't it make you angry when you have to repeat what
25 you're saying?" He said, "I don't like to repeat what

1 I say. I like to be heard the first time."

2 "If you were at home, this never would have
3 happened to you," he said. So I continued walking and
4 he said, "Do something to change. Get a job."

5 And he said, "Look. I feel sorry for you and
6 that's why I'm not going to handcuff you and send you
7 to the immigration and have you deported," as a way of
8 intimidating me.

9 He kept talking to me saying I should change.
10 My head was hurting. I started crying and I walked
11 away. I went home. But my head was really hurting
12 because he had beaten me in my head and he left marks
13 on my throat from where he was torturing me. And I
14 have pictures of that.

15 MS. BOOKER: Did you go to the hospital, Mr.
16 Chevez?

17 MR. CHEVEZ: No.

18 MS. BOOKER: Have you considered filing a
19 complaint about this incident?

20 MR. CHEVEZ: (Through Interpreter) He said,
21 "This happened to you this time. Tomorrow it might
22 happen to someone else. This happens every day."

23 MS. BOOKER: Thank you.

24 MR. CHEVEZ: (Through Interpreter) And he
25 was a Latino. He was a Latino.

1 MS. BOOKER: Before I go on I want to clarify
2 something with Mr. Cruz.

3 Senior Cruz, I want to clarify the second
4 man, the police officer that was a uniformed police
5 officer that came to the alley as a response to a radio
6 call from the man who was not in uniform; is that
7 correct?

8 MR. CRUZ: (Through Interpreter) Yes. The
9 second policeman was a uniformed officer and he came in
10 a patrol car.

11 MS. BOOKER: Thank you.

12 MR. CRUZ: (Through Interpreter) But, as I
13 said --

14 MS. BOOKER: Mr. Bermudez.

15 MR. BERMUDEZ: Yes. In the Summer of 1990 I
16 was in the park with other friends. We were five guys
17 talking around the park between Mount Pleasant and 16th
18 Street. And a Spanish police officer came to us and
19 asked us to leave the park. And I was the first one to
20 ask him why he say that to us.

21 He said, "Because you are drinking here in
22 the park and I want you to move." And then I said,
23 "Why? Why you just come to us? Why you don't go to
24 the other guys?" Because there were other guys in the
25 same park.

1 And then he asked me to get up and I got up.
2 And he said, "I want to talk to you." And he pointed
3 at me like this (indicating) and he said, "I'm going to
4 lock you up." And I said, "Why? What I have done to
5 you?" And he said, "Nobody will talk -- and he said
6 something nasty. He said, "Nobody will say shit around
7 here." And I said, "Nobody's talking shit around
8 here."

9 And then he tried to grab my hands and I was
10 moving backward, you know. And then I asked him,
11 "What's going on man? What's your problem?" He was a
12 Spanish officer. And he hit me twice with a nightstick
13 here on my arm. And the next day I had black marks on
14 my arm.

15 And then I tried to run away and I run away
16 on 16th Street. And I went to my sister's apartment
17 and that was it.

18 And then, in November of 1991 there was a
19 group of people in the same park. And I was at my
20 sister's apartment in the same place. And I came down
21 and something was going on there and I didn't know what
22 was going on. And it was this guy from the Public
23 Works taking off his shirt and challenge someone to
24 fight him.

25 And I asked one of my friends, you know,

1 about what was going on. And he told me that this guy
2 who was challenging people to fight him was giving a
3 ticket to someone else on the street.

4 I didn't pay attention, and then he went down
5 and drove his truck against the sidewalk trying to hit
6 someone. And then I went upstairs to my sister's
7 place, because my wife and my kind, they were there,
8 too.

9 And about 15 minutes later someone knocked on
10 the door and I opened the door. And this guy from the
11 Public Works told the police, "He's one of them." And
12 then the police officers, they grabbed me and they
13 pulled me out. And I tried to stop them. And I said,
14 "What's going on here? What happened?"

15 And they just told me to face against the
16 wall and to raise my hand against the wall. And they
17 arrest me.

18 Then my wife got out of the apartment and she
19 asked them why they were doing that to me. And one of
20 the female police officers told he to shut up; that
21 she's got nothing to say. Then they just took me down
22 to the police car and they took me to the police
23 station.

24 And when I was there, I asked one of the
25 police officers if it was possible for me to use a

1 telephone, because I wanted to call my wife. And he
2 told me, "Nobody speaks Spanish here." And I said,
3 "I'm not asking you in Spanish. I'm asking you in
4 English." And he just kept going.

5 And then I asked him one more time and he
6 didn't pay attention to what I say. And then they took
7 me to down to -- I don't know where I was, but they
8 took me down to downtown and they put me in jail for
9 two days.

10 And it was very bad for me and my family what
11 happened to me.

12 MS. BOOKER: You were represented by counsel
13 over that weekend; were you not?

14 MR. BERMUDEZ: Mr. Milanes, he came to
15 downtown and he talked to me. I told him that I don't
16 know what they were doing, why they locked me up. And
17 he told me that there were some charges against me.

18 And I didn't know until I went to Court, but
19 when I went to Court, they dropped my charges because
20 there was nothing against me.

21 MS. BOOKER: So there are no charges pending
22 against you now?

23 MR. BERMUDEZ: No.

24 MS. BOOKER: Mr. Chairman, no further
25 questions.

1 CHAIRMAN FLETCHER: Thank you, very much.

2 The floor is open if any of us has any
3 questions of the witnesses.

4 Commissioner Anderson.

5 COMMISSIONER ANDERSON: Mr. Chairman, I don't
6 have a question but I do have a brief comment.

7 For the record, I think in regard to Mr.
8 Cruz, it is the feeling of this Commissioner, at least,
9 that if the conduct of the officer that he alleges
10 continues after this morning's testimony, that at least
11 this Commissioner considers this to be a violation of
12 the statute which protects our witnesses. And I would
13 hope that our counsel would then take action to have an
14 investigation under that federal statute.

15 VICE CHAIRMAN WANG: So recorded.

16 MR. CRUZ: (Through Interpreter) Thank you.
17 I wanted to make a clarification. It's true I don't
18 speak much English, but I do speak some English and I
19 was able to make myself understood to the policeman or
20 understand the policeman.

21 It's not difficult to understand the
22 policeman when he says, get out, don't move, things of
23 that nature.

24 I want to make it clear that we understood
25 each other and that I was able to understand. And I

1 believe he understood what I said. That is why when he
2 sees me he bothers me, and that's why I stop. And I
3 don't want to run across him again and that's why I
4 prefer not to drive along Columbia Road.

5 Thank you.

6 VICE CHAIRMAN WANG: Thank you, very much.

7 MR. CENTURION: Sorry to interrupt. I just
8 have some prepared remarks that I didn't have time to
9 finish. Just give me a couple minutes. Probably I can
10 use time just to --

11 VICE CHAIRMAN WANG: Why don't you submit
12 that because I think we are running late. We'd love to
13 have your statement as part of the record. So since
14 you already had your change to make a verbal remarks,
15 we'd love to have your written statement.

16 I do, however, have one small question.
17 Actually, not related.

18 I would like to ask, Mr. Bermudez, if you can
19 share with us your personal experience in job search;
20 whether you have encountered in your effort to find
21 employment, although it's not related to this, if you
22 could --

23 MR. BERMUDEZ: No, it's not. It was not
24 related to that. I mean, I've been living in the
25 District of Columbia for 12 years and I've been working

1 all this time.

2 VICE CHAIRMAN WANG: Do you find in your
3 employment experience any difficulties being a Latino?

4 MR. BERMUDEZ: No, not at all.

5 VICE CHAIRMAN WANG: Not at all. Okay.
6 Thank you very much. I just like to have that part of
7 it.

8 So at this very moment if I can thank
9 everyone of you for your testimony this morning. You
10 have certainly shared with us your personal -- very
11 hard for me even to describe your experience. Your
12 courage to come forward ought to be clearly noted by
13 the Commission here. It's just not easy to come and
14 share your personal misery with the public.

15 So I would like to say on record thank you,
16 every one of you and I appreciate your effort to come
17 and really speak to us this morning. And we will
18 certainly -- I think the public also knows that the
19 next panel will hopefully help us to clarify some of
20 your points and we will certainly keep in contact.

21 And if you have a written statement, we'd
22 love to have that as part of the record, as well.

23 Thank you, very much, again.

24 (Witnesses excused.)

25 CHAIRMAN FLETCHER: For the next panel, I

1 just want to apologize for the delay. I know many of
2 the officers have been patiently waiting there.

3 So our General Counsel can again call the
4 next panel to the podium. Thank you.

5 MR. BOOKER: Thank you, Mr. Chairman.

6 I'd like to call Police Chief Isaac Fulwood,
7 Jr., Deputy Chief Larry Soulsby, Deputy Chief Melvin
8 Clark and Officer Aristy from the Hispanic Community
9 Center, Third District.

10 POLICE COMMUNITY RELATIONS PANEL II:

11 (Panel Sworn.)

12 MS. BOOKER: Would each of you please state
13 for the record your name, rank and position, please?

14 CHIEF FULWOOD: My name is Isaac Fulwood,
15 Junior. I'm the Chief of the Metropolitan Police
16 Department, Washington, D.C.

17 DEPUTY CHIEF CLARK: Deputy Chief Melvin L.
18 Clark, Commanding Officer of the Fourth District.

19 DEPUTY CHIEF SOULSBY: Deputy Chief Larry
20 Soulsby, Commanding Officer of the Third District.

21 OFFICER ARISTY: Officer Moises Aristy
22 assigned to the Third District, Hispanic Community
23 Service.

24 MS. GROW: Thank you.

25 Chief Fulwood, could you tell us what actions

1 you've taken, if any, as a result of the disturbance in
2 May?

3 CHIEF FULWOOD: We've taken a number of
4 actions. As I thumb through this paper, I'll go ahead
5 and start talking.

6 One, we've tried to expand the number of
7 police officers that are now taking classes in Spanish.
8 We now have 240 officers that are taking Spanish
9 classes through the University of the District of
10 Columbia.

11 Secondly, as we've looked at the assignment
12 of Latino/Hispanic officers, we have reassigned
13 officers from some other assignments to the Third and
14 Fourth Districts so that we could have a primary focus
15 in those two districts as it relates to the assignment
16 of personnel.

17 The Third District now has 53 members that
18 are Latino that are assigned to the Third Police
19 District. One of the concerns that we had was that we
20 didn't have lieutenants and above that were assigned to
21 these particular districts.

22 We have now assigned a lieutenant to the
23 Third District who was previously assigned in the
24 Special Operations Division.

25 The Fourth District has 30 members that are

1 assigned to that District. We also did not have a
2 lieutenant assigned there. We subsequently have
3 assigned a lieutenant to that district by reassigning
4 him from a previous assignment.

5 We have tried to look at our personnel
6 deployment patterns to see how we could better assign
7 Latino members. And also, keep in mind that as we
8 assign personnel that we give members of the Hispanic
9 community that are police officers the ability to be
10 able to move upward.

11 So we've tried to not lock them into any
12 particular assignment, but try to give them a wide
13 range of experiences in the law enforcement community.

14 MS. GROW: Chief Fulwood, of the assignments
15 that you've made, the 53 Latino members that are in the
16 Third District and the 30 members that have been
17 assigned to the Fourth District, are those Latino
18 personnel Spanish-speaking, also?

19 CHIEF FULWOOD: They are. I believe they are
20 bilingual.

21 MS. GROW: They're all fluently bilingual?

22 CHIEF FULWOOD: Yes.

23 MS. GROW: Were there any other actions taken
24 within the Department?

25 CHIEF FULWOOD: As you know, we've had a

1 variety of programs that we've tried to institute.

2 Number one, immediately after the violence
3 occurred, we had an open house in the Third and Fourth
4 District and invited members of the Latino community
5 there so that they could get an opportunity to see the
6 kinds of actions that a police officer takes.

7 In addition to that, we have developed what
8 is called a Police-Citizen Academy Program in the Sixth
9 Police District that we will have in effect in the
10 Third and Fourth District during the month of April.

11 This program is designed to bring citizens
12 in; to have them experience what a police officer
13 experiences; to be able to explain to them how to file
14 a complaint, as an example; what occurs when you're
15 arrested; under what circumstances a police officer can
16 use force.

17 Those are the kinds of subject matters that
18 will be discussed in the Police-Citizen Academy.

19 It runs for about six weeks. It is designed
20 to have police officers in the Academy with citizens
21 primarily to create understanding, to create
22 communications so that once people work together,
23 hopefully they will have the ability to then do a
24 better job.

25 MS. GROW: When you mention that part of this

1 program is informing citizens how they can file
2 complaints, do you show them, for example, PD-99's, the
3 complaint forms, and how to prepare a form?

4 CHIEF FULWOOD: In the Police-Citizens
5 Academy we will show them specifically what complaints
6 the Police Department investigates as opposed to what
7 complaints are investigated by the Civilian Complaint
8 Review Board.

9 We'll take the PD-99 form. We show them the
10 PD-99 form. We say, this is what you need to
11 understand about filling out this PD-99 form. This is
12 how you file the complaint. This is what the Police
13 Department's responsibilities are as it relates to
14 investigating your complaint. That the police officer
15 or police official will question you about what
16 happened to you and then that police officer official
17 will inform you about what the next step is.

18 All too often, sometimes, I think when you
19 become so bureaucratic you tend to not understand that
20 the ordinary person does not know how to go through
21 this process.

22 So we explain how the process operates from
23 start to finish; that the police officer will get back
24 with you; will keep you informed as to where they are
25 on the particular investigation.

1 MS. GROW: How many people participated in
2 this program?

3 CHIEF FULWOOD: At the Sixth District there
4 were 50 people involved.

5 MS. GROW: And in terms of showing this PD-99
6 form, are those currently available in Spanish?

7 CHIEF FULWOOD: They're not. What we do is
8 if you come in and you're not conversant in the English
9 language, we will call in a Spanish-speaking officer,
10 have that person interview them, because even if you
11 put it in Spanish there's a point where you have to
12 have somebody who's capable of asking questions.

13 So even if you have the form in Spanish it
14 will not serve the purpose in terms of getting at the
15 real information that's needed.

16 MS. GROW: Do you also provide forms that
17 relay information about the CCRB? Where it's located
18 and how to contact the CCRB?

19 CHIEF FULWOOD: Yes.

20 MS. GROW: Has that form been updated since
21 February of '87?

22 CHIEF FULWOOD: I'm not sure about that, but
23 I can provide that for you later.

24 MS. GROW: The reason I'm asking is the
25 present form has the wrong address and number of the

1 CCRB. They're told to go to this address and number
2 and it's --

3 CHIEF FULWOOD: Yes. Okay. Well, when you
4 come in and you file a complaint or you come in and
5 allege an action has been taken, let's say it's
6 demeaning language, we will explain to you at that
7 point that you need to respond to the CCRB for the
8 principal purpose of filing a complaint; that the
9 authority for investigating demeaning language rests by
10 statute with the Civilian Complaint Review Board; that
11 the Police Department cannot run a dual investigation
12 at that point in time; that you must go to the CCRB.

13 We'll give them the correct address of the
14 location and explain to them how to file the form.

15 MS. GROW: What about the two other areas
16 they have jurisdiction over; harassment and use of
17 excessive force?

18 CHIEF FULWOOD: Excessive use of force. Same
19 thing. We will explain to them that this is within the
20 purview of the Civilian Complaint Review Board; that
21 the Police Department cannot run a dual investigation;
22 that you must file your complaint with the Civilian
23 Complaint Review Board.

24 And when they get to the Civilian Complaint
25 Review Board, they will be interviewed by an

1 investigator who will fill out the form.

2 MS. GROW: Recently the papers were
3 indicating that perhaps those jurisdictional lines are
4 blurred somewhat. That investigations have been
5 undertaken, though it has been said the investigation
6 is only looking at tactical response, though that
7 incident itself may have involved excessive force.

8 CHIEF FULWOOD: Which incident are you
9 talking about?

10 MS. GROW: Any incident of excessive force.
11 Do you feel there are instances where the police can
12 conduct an investigation of any aspect of the incident?

13 CHIEF FULWOOD: From everything that I
14 understand about the statute, I think there are clearly
15 times when the Police Department has a responsibility
16 to look into an issue.

17 One, the management response. What we can't
18 do and what the arbitrators have said is you cannot
19 investigate the individual action of the officer if in
20 fact that person alleges misconduct based on these
21 three areas. We feel differently about it.

22 I think that when you have excessive use of
23 force you're in an area where clearly you can have
24 criminal misconduct. But you won't know that it's
25 criminal misconduct until the point in time that you

1 begin to look into the issue and determine that this
2 case ought to go to the U.S. Attorney for their
3 investigation and a determination from them.

4 But you can't know that unless you begin some
5 initial inquiry. I believe the Department ought to
6 have the ability to do an initial inquiry.

7 I think when a citizen comes into the Police
8 Department and to a manager and says I have been
9 brutalized by a police officer, it is our duty to look
10 into that right away, because I believe when these
11 things are delayed, justice is denied. Because as we
12 all know, the memory is an important part of it. So an
13 investigation ought to occur right away.

14 MS. GROW: Would not every case of excessive
15 case rise to the level of an assault, then? In what
16 instances would an excessive force case, then, not be
17 investigated by you?

18 CHIEF FULWOOD: If you look literally at the
19 statute of assault, the mere pushing of an individual
20 is a criminal offense.

21 MS. GROW: But the CCRB statute has
22 specifically put excessive force cases which by nature
23 would be assault cases?

24 CHIEF FULWOOD: I clearly understand that.
25 I'm just giving you my perspective as the Chief of

1 Police. If you put your hands on somebody and push
2 them, by statute, that is a criminal offense.

3 When they framed the statute, I guess they
4 were trying to say that there are levels of excessive
5 use of force. And even the CCRB, when they review
6 cases sometime will refer them to the United States
7 Attorney's Office for a review by the prosecutor that
8 are excessive use of force.

9 MS. GROW: Could you give us an example of an
10 excessive force case that would fall outside of their
11 jurisdiction?

12 CHIEF FULWOOD: I can't give you an example
13 because I think the Police Department ought to be
14 investigating excessive use of force. I think clearly
15 if you hit somebody on the head, you cause them injury
16 or pain, I think that's something the Police Department
17 out to handle. They ought to handle it immediately.
18 They ought to conduct an immediate investigation.

19 MS. GROW: Are they doing any investigation
20 at this time of cases of excessive force that are
21 brought to the attention of the Police Department by
22 citizens?

23 You said that you have to find out if in fact
24 it is an excessive force case.

25 CHIEF FULWOOD: There are some cases where an .

1 official observed excessive use of force. A sworn
2 affidavit was submitted to the United States Attorney
3 and the police officer was arrested, charged with
4 excessive use of force or assault.

5 There are cases like that in the Police
6 Department. They are clearly cases where we have
7 presented them to the U.S. Attorney and arrested the
8 officer. There are cases where the official has
9 immediately interceded and arrested the police officer.

10 MS. GROW: You had mentioned that you think
11 that these type of cases should be investigated by the
12 Police Department and I'm sure you feel that they are
13 better equipped to be doing these investigations.

14 Have you been aware of particular districts
15 that show a high number of complaints and what actions
16 have you taken as a result of finding out this type of
17 information?

18 CHIEF FULWOOD: What we do is we track police
19 misconduct. As a matter of fact, since the incident in
20 Mount Pleasant we have put into effect a program called
21 the Early Warning System.

22 The Early Warning System is designed to
23 identify officers who have multiple complaints against
24 them. And those complaints may not have been
25 adjudicated at that point, but clearly there's an

1 indication that this officer has one, two, three, four,
2 five complaints.

3 The Early Warning System requires the
4 Commanding Officer of that unit, upon notification, to
5 interview that officer directly, make that officer
6 aware you have five complaints of alleged demeaning
7 language. And while we're saying to you that nobody
8 has proven that you've done anything wrong, it's clear
9 that something may be happening.

10 Are you experiencing some kind of difficulty?
11 Is there something that we can do? Is there added
12 training that's needed?

13 Then what he's required to do is to generate
14 a letter to send the officer to a Police and Fire Clinic
15 to be interviewed for a fitness for duty physical; to
16 make some determination about whether that officer is
17 still capable of going on the street and policing in an
18 impartial way.

19 In those instances where we see a pattern of
20 police misconduct existing in the District, we would
21 notify the Patrol Operations Officer who is Assistant
22 Chief Heyer (ph), have him meet with the Commanding
23 Officer and say, look, we see something here that may
24 be a trend. We want you to look at that issue and to
25 provide for training.

1 When I became the Chief two years and five
2 months ago, we put into place an office called the
3 Office of Professional Standards which required every
4 manager and every officer to receive training in
5 ethics.

6 It is based on our belief that you must train
7 police officers to be better equipped to deal with the
8 many kinds of social problems that deal in our society
9 and to make them recognize that there's a Code of
10 Conduct. There's a Code of Ethics. There's a
11 standards of behavior that you must deal with. If you
12 don't you're going to ultimately have a problem out of
13 the Police Department and you'll be out of here.

14 MS. GROW: Even though you're implementing an
15 Early Warning System, hasn't the CCRB been providing
16 you with information on a regular basis regarding
17 multiple complaint officer? I was wondering what
18 action was taken upon that information?

19 CHIEF FULWOOD: This is recent. The CCRB has
20 not always provided us with information. We have met
21 with the CCRB as it relates to the Early Warning
22 System. We have met with the CCRB about the slowness
23 of which they investigate cases.

24 As you well know, the mere fact that an
25 officer has complaints filed against him does not say

1 that the officer is guilty of misconduct without the
2 benefit of an investigation.

3 So therefore, we're not in a position to say
4 you've got multiple complaints. We're going to fire
5 you because you have multiple complaints. We've got to
6 give the officers due process. Investigate the
7 complaint; make the determination as to whether or not
8 this officer has done something that is improper.

9 Now, when there's multiple complaints, we've
10 asked the CCRB to give us a report that outlines those
11 multiple complaints. We then interview the officer.
12 That's how the Early Warning System came about because
13 we said we've got to do something in the interim when
14 we have a person with multiple complaints.

15 In addition to that, there are occasion when
16 an officer has multiple complaints when we will remove
17 that officer from street duty. We'll put that officer
18 on desk duty for a period of time until these
19 complaints are adjudicated.

20 MS. GROW: You were speaking about training,
21 and that's one of the reasons why you track this
22 information. By your own PD-99 complaints it seems
23 that you track information of the complaints that are
24 filed and the age of the officers that these complaints
25 are filed against.

1 It seems that as a result of the information
2 you provided to us that there's clearly a large number
3 of citizen PD-99 complaints that are filed against
4 officers with less than five years of service. Was
5 this brought to anyone's attention and was there any
6 training developed as a result of these reports that
7 are prepared by you?

8 CHIEF FULWOOD: The first thing you're
9 talking about is most recent information.

10 MS. GROW: Most recent in terms of what?

11 CHIEF FULWOOD: When you're talking about
12 young officers because you're talking about a force
13 that in a two-year period has gone from an aged force
14 to a younger force. You're just talking about the last
15 two years, basically.

16 What we have done in the training academy is
17 we've developed all kinds of programs related to
18 training. The training academy has gone through, I
19 guess a metamorphosis in that we work with the FBI to
20 develop specific blocks of training on how to deal with
21 people; how to deal with conflict resolution.

22 We're in the process now of developing
23 multicultural training that we clearly recognize is
24 needed. We have taken officers back to school.

25 One of the things that happened, when you

1 look at the information for almost a year and a half,
2 we haven't had experienced officers' training at all.
3 We were purely operating on trying to get the recruits.
4 We process 1500 recruits through the training academy
5 in a year and a half, so we couldn't do a lot of other
6 things.

7 Now we're back to doing those things that we
8 think are significant, which is to deal with the
9 workforce now that we have and to provide the most
10 current training for those personnel in order to deal
11 with the problem of misconduct.

12 Misconduct is not only an issue of training,
13 and so we ought not to get hung-up on that. If you are
14 abusing people, I'm not going to consistently try to
15 retrain you. I'm going to fire you.

16 I mean, clearly, if you look at the
17 discipline in the Police Department, which Chief
18 Soulsby here who's now the Commanding Officer of the
19 Third District, you will see that we discipline police
20 officers for misconduct.

21 We don't tolerate that. We will not.

22 MS. GROW: So you would consider an excessive
23 force case a more serious offense than being tardy? Is
24 that a correct statement? Being tardy on a consistent
25 basis?

1 Would someone receive a more serious penalty
2 for being involved in an excessive force case?

3 CHIEF FULWOOD: There's no comparative
4 analysis. A person being late and a person using
5 excessive force -- I mean, those things are so far at
6 the end of the scales. I'm not sure what you're
7 asking.

8 MS. GROW: The reason I'm asking is that the
9 Police Department follows a table of penalties that's
10 included in their general orders that has a similar
11 table of penalties for both of these, though I would
12 agree that one seems much more serious than the other.

13 CHIEF FULWOOD: It depends. You've lost me.
14 If you start talking about excessive use of force, one,
15 by statute the CCRB has the responsibility for
16 investigating excessive use of force.

17 The CCRB will subsequently send us a
18 recommendation that says this person should be
19 suspended for seven or eight days. I can either agree
20 with that or disagree and forward it to the Mayor for
21 her final action.

22 And so therefore, the discipline in excessive
23 use of force cases that go before the CCRB is not
24 within the scope of the Police Department's table of
25 penalties, as I understand it. Now, you may know

1 something I don't know.

2 MS. GROW: One of the offenses that's listed
3 on the table of penalties is Number 11, using
4 unnecessary and wanton -- I'm referring to General
5 Order 1202. Listed as an offense is using unnecessary
6 and wanton force in arresting or imprisoning any person
7 or being discourteous or using unnecessary violence
8 towards any person or the public.

9 And in terms of the penalty, the penalty
10 guide that's followed for this same offense, for the
11 first time would be suspension for three days, to
12 removal.

13 And the reason I brought up the excessive
14 tardiness, which is also listed as an offense, that
15 would be Number 12. For the first time that's done
16 removal is recommended. So it has a much more serious
17 penalty.

18 CHIEF FULWOOD: Are you talking about
19 inefficiency?

20 MS. GROW: It's defined as undependability,
21 as evidenced by repeated and well-founded tardiness
22 complaints.

23 CHIEF FULWOOD: What you're talking about,
24 you're taking one word and saying this is tardiness and
25 comparing tardiness to that. That whole section deals

1 with the whole idea that the person is totally
2 inefficient; that the consistently don't come to work;
3 they're consistently late over time, not just one
4 incident where the individual was a half a hour late.

5 MS. GROW: Three such complaints would be
6 considered prima facie evidence.

7 CHIEF FULWOOD: No, no.

8 MS. GROW: It says three such complaints
9 within a 12-month period shall be prima facie evidence
10 of undependability.

11 CHIEF FULWOOD: I think you're missing it.

12 DEPUTY CHIEF SOULSBY: If I could, up until
13 December of this last year I was the Department's
14 Disciplinary Review Officer.

15 First of all, you need to understand that the
16 Disciplinary Orders, this 1202 that you're reading from
17 are order that were written over 20 years ago and
18 they're updated through time.

19 The specific charge you're talking about in
20 regard to unwarranted -- and that's unnecessary force,
21 is something the Department currently does not handle.
22 The levels of penalties that were imposed in a table of
23 penalties, those tables were established following the
24 guidelines established from the D.C. Department of
25 Personnel.

1 The one involving unwarranted force, or
2 unnecessary force, is something that we no longer use,
3 but it's still in the order, probably oversight that
4 it's even in there. We do not discipline people for
5 that. That's just not in there.

6 The penalties in regards to each event have
7 been updated in time. The one in regards to
8 undependability is something that's updated and
9 certainly that would come into play.

10 But looking at unwarranted force, at one
11 time, if you went back five years ago, if you were late
12 you were fined \$35.00 for being late, whether you're
13 late one time or 100 times. So it's a process which is
14 growing and the tables of penalties have been changed.

15 But the table of penalty in regards to
16 unnecessary force, that specific statute, Number 11,
17 shouldn't even be in the order. It hasn't been used
18 since they established the Civilian Complaint Review
19 Board, which was back in 1979, I believe.

20 These orders are many orders that were
21 established well over 20, 30 years go.

22 MS. GROW: How about in instances where it's
23 excessive force of a more serious nature that are
24 referred back to your Department?

25 DEPUTY CHIEF SOULSBY: In excessive use of

1 force, they're handled by CCRB. If the CCRB recommends
2 a penalty of less than termination, then the Chief of
3 Police imposes that penalty.

4 If the CCRB recommends termination, at that
5 point in time they're cited for a trial board or an
6 adverse action panel, a three-member panel which hears
7 the case. The officer is entitled, he has an attorney.
8 There's a prosecuting attorney for the city, the
9 Corporation Counsel. They hear that case and then they
10 render a penalty based on the trial itself, the
11 administrative trial.

12 But we do not impose penalties of less than
13 termination for unnecessary use of force. Those
14 penalties are decided on by the CCRB and the Chief just
15 recommends those penalties, goes along with those
16 penalties, unless it's a recommendation for
17 termination. And then we have to go through a hearing
18 process.

19 MS. GROW: Chief Fulwood, have you found that
20 the penalties that are recommended by the CCRB are
21 generally in line and correspond to your current table
22 of penalties?

23 CHIEF FULWOOD: There are times when I would
24 have recommended a more serious penalty and there are
25 times when we disagree with the CCRB. Most of the time

1 we concur with their recommendations and implement
2 those recommendations right away.

3 I can't think of an individual case right now
4 where I can tell you I disagreed with this and
5 therefore the person should have been fired or not
6 fired because there are times, obviously, when we're
7 going to disagree.

8 MS. GROW: So in most instances you think
9 that their recommendation for discipline is reasonable,
10 is on target? It's justified?

11 CHIEF FULWOOD: Most of the time when they
12 recommend something it's appropriate.

13 MS. GROW: Yesterday we heard testimony from
14 the Mayor expressing grave concern over the number of
15 Hispanics that are employed within the Police
16 Department. And in fact, I think she directed that
17 affirmative action be initiated.

18 I was wondering what affirmative efforts are
19 you planning to undertake or have you undertaken to
20 increase the number of Hispanics within the Department,
21 as well as enabling them to be promoted.

22 CHIEF FULWOOD: Well, one of the things that
23 we've done over time, dated back to I guess the early
24 1980's when Chief Turner was here, was to look at how
25 we can recruit better. We've sent people as far away

1 as Puerto Rico. We've sent them to other states in
2 the United States to try to attract Latinos to the
3 community.

4 I've met with community people, community
5 leadership, to see how we can do it better. I think we
6 need to set some realistic goals and timetables to
7 increase the number of Latino persons that are in law
8 enforcement as a career.

9 We have encouraged Latinos to study. As a
10 matter of fact, in the last group of promotions I think
11 we promoted four to the rank of sargeant and I think
12 there was one lieutenant. So it's a young group of
13 officers who've entered the career who are very bright;
14 who will continue to study and strive hard and they
15 will get promoted.

16 I think what we have done, and I've talked
17 with even the Organization of Hispanic Patrol Officers,
18 about having study groups, because I think that that
19 will give promotions on a more timely basis.

20 It is the same problem that I faced 27 years
21 ago when I came into law enforcement and could not ride
22 in a car because I was black and had no chance to get
23 promoted. That just didn't exist.

24 So what I've said to them is, "Hey, you've
25 got to take a lesson from that and say, listen, we can

1 study as a study group." Get a group of Latino
2 officers together, the same as I did, and study for
3 these promotional exams, because it's not an issue of
4 being bright enough, because you're bright enough. And
5 so you can get elevated.

6 Once they get to the rank of captain, then I
7 can recommend to the Mayor that they be promoted above
8 that and I'm certainly willing to do that.

9 MS. GROW: So are you saying that you're
10 leaving up to the associations to form their own study
11 groups as opposed to the Police Department implementing
12 these type of programs and making them available to the
13 Hispanics personnel?

14 CHIEF FULWOOD: The Police Department doesn't
15 conduct study groups for anybody. And the reason why
16 they don't do it is because you don't want to create a
17 perception that someone is being given an advantage
18 over others. They didn't do it for us.

19 MS. GROW: No. I meant across the board,
20 making those study groups available.

21 CHIEF FULWOOD: No, no. We have not done
22 that. We've encourage individual groups to get
23 together to study, especially the officials; that the
24 Hispanic lieutenants and sergeants should have study
25 classes, conduct study classes and give young officers

1 the opportunity to get elevated, to get promoted.

2 It is a tough process, a very tough process
3 in order to get promoted in. But it takes an awful lot
4 of time and commitment to do that.

5 We as an agency don't conduct study groups
6 because we don't want to create an atmosphere. What we
7 do, once you get promoted is then we put you in classes
8 to teach you how to be a sargeant, how to be a manager.

9 MS. GROW: Maybe we can talk a little more
10 specifically about what type of recruitment you have
11 planned. Do you currently have a Hispanic officer
12 assigned to recruitment to act as a recruiter for these
13 Hispanic candidates?

14 CHIEF FULWOOD: At this point in time we
15 almost don't have a recruit branch. As you're aware,
16 we haven't hired anybody since February. We just have
17 not hired.

18 I don't know how the budget process is going
19 to play out. Once the budget process plays out then we
20 will make some decision. But prior to that, we had a
21 sargeant assigned there and we had two investigators.

22 But it's a small staff now just maintaining
23 records until such time as we decide that we're going
24 to hire again. Once that occurs, then we will
25 obviously have Latinos assigned as investigators and

1 recruiters.

2 The other thing that we've tried to do is to
3 have our Hispanic coordinator, Lieutenant Medina, to be
4 more involved in how we select people, to be sure that
5 we're not making mistakes.

6 She's meeting with the Communications
7 Division within our Department to talk about the fact
8 that we have 33 vacancies that we're not hiring, to see
9 what Latinos are on that list; how we can get them up
10 to a point where they can be hired.

11 So we're trying to be as pro-active as we can
12 given the constraints that we have with not hiring.

13 MS. GROW: So there will be a point in time
14 where you can hire these officers? So has a specific
15 recruitment plan been developed?

16 CHIEF FULWOOD: Oh, we have an action plan.

17 MS. GROW: Could you give me an idea of what
18 type of things specifically might be included in that
19 plan? For example, would it include advertising in
20 Spanish newspapers?

21 CHIEF FULWOOD: One would be advertising in
22 Spanish newspapers. Two --

23 MS. GROW: Locally and nationally?

24 CHIEF FULWOOD: Locally and nationally.
25 Secondly, to go on radio and television; thirdly, to

1 travel to areas.

2 We have worked with our Department of
3 Employment Services, Maria Barrero, to identify the
4 various locations throughout the country where we can
5 test, where there's high unemployment, where we can
6 identify Latinos to enter a career in law enforcement.

7 Those are the kinds of actions that we will
8 take in order to get people there.

9 One of the things that we are exploring --
10 don't know whether it can be done -- is whether or not
11 we can establish a separate register so that we can
12 accelerate the hiring process. If that can be done,
13 we're interested in doing that.

14 MS. GROW: What efforts have you undertaken
15 in the past in terms of targeting Hispanic officer, and
16 have those efforts been success?

17 CHIEF FULWOOD: They have been partially
18 successful. If they were successful, we wouldn't be
19 here, because we'd have large numbers of Hispanics that
20 are in the law enforcement community.

21 We've traveled, as I indicated before, very
22 extensively. We've put together teams that were made
23 up of Latino officers that have traveled around the
24 country; that have tested outside of the city.

25 We've had special physical examinations given

1 at that location so that we can accelerate the process
2 so that we can bring people on board.

3 We've done some fairly wide-ranging
4 advertisement.

5 MS. GROW: When was the last that you did
6 travel outside the District as part of recruitment
7 officers?

8 CHIEF FULWOOD: Oh, last year. We haven't
9 hired since April, but last year we traveled.

10 MS. GROW: And where did you go at that time?

11 CHIEF FULWOOD: Puerto Rico, California,
12 Texas.

13 MS. GROW: And how many officers were
14 recruited as a result of that drive?

15 CHIEF FULWOOD: I can provide those for the
16 record as to how many people we tested, because we
17 tested all week in Puerto Rico.

18 MS. GROW: Could you tell us at this time how
19 many Hispanic officers are in the Police Department?

20 CHIEF FULWOOD: There is 112 Hispanic
21 officers in the Department at this time. We have a
22 total of I think 138 Hispanic persons

23 MS. GROW: And what is your total police
24 force?

25 CHIEF FULWOOD: 4,525, I believe.

1 MS. GROW: How many of those officers would
2 you say are bilingual?

3 CHIEF FULWOOD: Oh, I don't know. As a
4 matter of fact, we're getting ready to test to find out
5 what their level of proficiency is.

6 One of the recommendations that has come from
7 a number of people is that we test to see how
8 proficient they are, to give them certain skills.

9 We do have some Latino officers who are
10 second and third generation who don't speak Spanish.
11 We've tried to encourage them individually to speak
12 Spanish because they can be of tremendous benefit to
13 us.

14 MS. GROW: And when are you planning to
15 implement this test for their language proficiency?

16 CHIEF FULWOOD: Well, the University of the
17 District of Columbia is developing it now. It will
18 probably be April before the test is given.

19 MS. GROW: And were are these bilingual
20 officers assigned?

21 CHIEF FULWOOD: The Third and Fourth
22 District, primarily. That's what I told you earlier.

23 MS. GROW: Primarily.

24 CHIEF FULWOOD: I can tell you ever district
25 where we have them assigned.

1 MS. GROW: Are they assigned to every
2 district?

3 CHIEF FULWOOD: Yes, because there are
4 Hispanics all over the city. We cannot assign all
5 Latino officers to the Third and Fourth District.

6 As I indicated to you earlier, it is to our
7 advantage and to the advantage of the Latino community
8 that we assign Latino officers to all kinds of
9 assignments.

10 Example: Homicide; Sex Offense Branch.
11 Those are branches that give them greater opportunities
12 to learn the broad range of police work, and therefore,
13 will give them greater promotional opportunities.

14 So we've assigned them to every police
15 district: to the Criminal Investigation Division, to
16 the Special Operations Division, to the Youth Division,
17 to the Community Relations Division and the like. To
18 the training academy; to our cadet program, as we've
19 had cadets who come into law enforcement as a
20 community.

21 We've tried to assign them widely to the
22 positions that will give them the greatest opportunity.
23 Plus, we don't restrict their ability to move.

24 In other words, if we have a job in the
25 Criminal Investigation Division, an announcement for a

1 D-2, detective Grade 2, and a detective Grade 2 who is
2 Hispanic applies for it and is selected, we let him go
3 there. We don't say, "You've got to be up here."

4 MS. GROW: I was interested in following up
5 on what you mentioned earlier, that you had these
6 Spanish classes. Now I was wondering if you could tell
7 us, are these classes mandatory or are they voluntary
8 and are they offered during working hours?

9 CHIEF FULWOOD: They are voluntary classes.
10 They're not mandatory. We pay for them, though.
11 Anybody who wants to take Spanish we pay for it. We
12 encourage people to take those classes, not only
13 Latinos, but everybody in the Police Department, so
14 that we can have a wider range of people that
15 understand the tremendous diversity that exists in our
16 communities.

17 That's one reason why we're developing a
18 multicultural program to train people in the fact that
19 we have an expanded Asian population in the District of
20 Columbia that we need to be more in tune with, more in
21 touch with. The fact that the Latino population is
22 growing.

23 So we need to understand culturally the kinds
24 of things that happen in those neighborhoods and how we
25 can best address those problems.

1 MS. GROW: And this training will be
2 mandatory?

3 CHIEF FULWOOD: Yes, it will.

4 MS. GROW: And could you tell me an idea of
5 the length of this course? How many hours of training
6 it would involve.

7 CHIEF FULWOOD: The multicultural program?

8 MS. GROW: Yes. And the Spanish classes.

9 CHIEF FULWOOD: Well, the Spanish classes are
10 just like college classes, which would run for as long
11 as you want to take Spanish until you become greatly
12 proficient, so I can't give you a time.

13 The multicultural program is being developed
14 and will be sent out because we're going to use
15 primarily outside trainers who bring the expertise
16 already. So that will be sent outside and they'll tell
17 us how long it takes.

18 We've said these are the kind of things we're
19 interested in, so we want people to bid on it.

20 MS. GROW: And this multicultural training,
21 that would be for --

22 CHIEF FULWOOD: Every police officer in the
23 Metropolitan Police Department.

24 MS. GROW: -- officers in the academy and in
25 offered as in-service training?

1 CHIEF FULWOOD: Every police officer in the
2 Police Department.

3 MS. GROW: And that would be offered during
4 working hours?

5 CHIEF FULWOOD: That would be off-duty work
6 hours. When you go to work you may be assigned to the
7 training academy as an experienced officer for a three-
8 week period of time. Part of your training over there
9 will be multicultural.

10 MS. GROW: I was wondering if at this time
11 you could give us an idea of the number of use of force
12 reports that have been filed within each district for
13 the past five years?

14 CHIEF FULWOOD: When you say use of force,
15 what do you mean?

16 MS. GROW: I understand that there are
17 reports that are prepared every time an officer is
18 involved in use of force.

19 CHIEF FULWOOD: That would be a different
20 thing? Okay. I'll have to provide for the record.

21 If you're talking about the use of a service
22 revolver, batons, that's a different set of things.

23 MS. GROW: Right.

24 CHIEF FULWOOD: If that's what you're talking
25 about, I'll have to provide that.

1 MS. GROW: Right. I understand there's a
2 specific use of force report that is filed with each
3 district and this was --

4 CHIEF FULWOOD: What is required is if you
5 use your service revolver you have to report to the
6 Commanding Officer immediately that you've used your
7 service revolver.

8 The Commanding Officer is then required to
9 generate a preliminary report on the use of the service
10 revolver that comes to the Chief within 24 hours. We
11 have to notify the Mayor and make what is called a PD-
12 150. We send that over to the Mayor that says this
13 officer used his service revolver.

14 If you use any kind of weapon you also have
15 to make a report, but not necessarily that kind of
16 report. You will make a 251 on the use of force.

17 So I just need to be clear about what it is
18 you want me to provide for you. We'll provide it.

19 MS. GROW: Well, the latter that you just
20 mentioned that would involve the use of force.

21 CHIEF FULWOOD: Okay. Service revolvers and
22 batons.

23 MS. GROW: Well, they have been referred to
24 repeatedly in our meetings with many officials within
25 the Police Department, specifically as use of force

1 reports.

2 Now what type of use of force that may
3 involve, I'm sure it's rather general. But they had
4 specifically referred to it as use of force reports.

5 CHIEF FULWOOD: Well, --

6 MS. GROW: In fact, we were told that we
7 could come over and count them. That they were kept
8 within each district.

9 CHIEF FULWOOD: What we will do is provide
10 you with a statistical report as I understand it. I
11 mean, I can't speak for the officials. I don't even
12 know what they're talking about when they say there's a
13 use of force report.

14 There's nothing that says that in the Police
15 Department. There are specific things.

16 MS. GROW: A report that would discuss use of
17 force.

18 CHIEF FULWOOD: Let me explain to you, now.
19 On the use of a service revolver, that is one thing.
20 That is one kind of report. There are other kinds of
21 use of force that's not a service revolver that may be
22 the use of a baton. That is a different kind of
23 report. That doesn't necessarily follow the same
24 pattern or the same track.

25 I can provide you with both of those. I

1 mean, it doesn't matter to me, so you just need to tell
2 me what you want me to provide and I'll provide it.

3 MS. GROW: Actually as of October 25th we had
4 submitted a written request for use of force reports.
5 Nothing was done on that request. We were told to meet
6 with various officials and narrow our request.

7 On January 3rd submitted another written
8 request; have not received that data yet.

9 CHIEF FULWOOD: This is PD-76's. In this
10 particular incident it talks about PD-76 which is not a
11 use of force.

12 MS. GROW: Right. That's an incident contact
13 with a citizen report, as I understand it.

14 CHIEF FULWOOD: It just says contact with a
15 citizen.

16 MS. GROW: We asked for that and in addition
17 we have requested since October use of force reports.
18 And then most recently, we understand that the
19 information may be too voluminous for you to just
20 merely count for us how many use of force reports are
21 filed within each district.

22 CHIEF FULWOOD: That's a PD-76. There've
23 been so many requests through here that I'm confused
24 about what you're really asking for.

25 There's one request here that says, "With

1 reference to each 12-month period from 1986 to the
2 present, please state the number of use of force
3 reports prepared per district."

4 I'm not certain what you're talking about. I
5 mean, are you talking about the use of service revolver
6 or are you talking about the use of batons or are you
7 talking about both of those things?

8 If you're talking about both of those things,
9 we can do that.

10 MS. GROW: We had on numerous occasion said
11 that if you have any questions regarding these requests
12 to call us. And we even volunteered going over to the
13 districts and doing a manual count ourselves.

14 I'm looking at one of the most recent
15 responses to our request where it says, "We are unable
16 to produce the number of PD-76 forms, use of force
17 reports and stop and frisk" -- we have since received
18 the stop and frisk -- "per district due to the fact
19 that these reports are manually filed. We have no way
20 of determining how many such reports may exist, though
21 -- it would just be manual count -- "it is fair to say
22 hundreds if not thousands of these reports have been
23 filed."

24 My question is are we talking about thousands
25 of use of force reports that may be filed per district

1 that you're not aware of?

2 CHIEF FULWOOD: You know, I'm not sure what
3 you're saying. What I'm saying to you is we will
4 count --

5 COMMISSIONER BERRY: Mr. Chairman, may I
6 interrupt?

7 CHAIRMAN FLETCHER: Sure.

8 COMMISSIONER BERRY: I think this has gone on
9 too long. Why don't we simply tell the Chief that
10 someone in his Department wrote this letter using the
11 term use of force and would he please find out from
12 this person what they meant and respond to us and give
13 us whatever data he has in addition to what this person
14 was referring to as use of force, since he says he
15 doesn't know what the person's talking about.

16 Maybe he can go back to his office and ask
17 this person.

18 CHIEF FULWOOD: Sure.

19 MS. GROW: The letters were directed to you,
20 Chief, and we have received responses from Ronald
21 Harris, Assistant General Counsel.

22 CHIEF FULWOOD: My staff did talk to you. So
23 I don't want you to imply that we've been
24 uncooperative, because I think we've tried to be
25 cooperative. And that's what I'm getting from you now.

1 What I will do is -- and I made my time
2 available -- I will go back as Ms. Berry indicated and
3 talk with my staff. We will count the number of PD-76's
4 no matter how long it takes.

5 MS. GROW: Right. And as we said, we'd be
6 willing to do the counting ourselves.

7 CHIEF FULWOOD: Well, we'll count them for
8 you, because there's confidential information in the
9 reports and I don't think you ought to do that. But
10 we'll get you the 76's, the count, and it will vary.

11 Our question was what do you think PD-76's
12 will show you. We had a fundamental question about it.

13 Secondly, I will go back. I will pull the
14 reports on the use of service revolver. I will pull
15 the reports on the use of any other weapon that a
16 police officer uses and give you a count by district.

17 MS. GROW: We'd appreciate that.

18 CHIEF FULWOOD: Certainly. You can get that.

19 COMMISSIONER ANDERSON: Mr. Chairman, can I
20 just ask that we get an estimate from the Department as
21 to how many hours that will take to provide that
22 information for us?

23 CHIEF FULWOOD: It will take -- it is a
24 manual system. It will take us assigning somebody
25 full-time for probably several days in each on of the

1 patrol district and the Special Operations Division to
2 look at what those reports are. We'll give them to you
3 from all those locations.

4 But it's going to take about a week because
5 they'll have to go back and reconstruct and locate each
6 of the files where they keep PD-76's and count each one
7 of them. So it will take a little time and it will
8 take about a week and it will take at least seven to
9 eight people to do it because it is a manual system.

10 VICE CHAIRMAN WANG: Commissioner Anderson,
11 are you saying what the purpose is? Is that what
12 you're really trying ask why we want to get this
13 information?

14 COMMISSIONER ANDERSON: I'd just appreciate
15 learning the paperwork burden we're putting on the
16 Department here. It's the first time I was aware we
17 were asking for recording for, what, a five or six
18 year, five-year period.

19 COMMISSIONER ALLEN: I wanted to address the
20 question briefly also. I think we have a
21 methodological question here. There's a major study
22 underway right now at NIJ looking across the whole
23 nation.

24 And yes, on use of force reports, the
25 language is used and there's nothing abnormal about it.

1 And I would like to see us, if we begin collecting this
2 information, collect it in such a form that it provides
3 some comparative foundation

4 We're not going to go from city to city with
5 idiosyncratic bases and unable to compare things. So I
6 would hope that we could, in addition to asking for the
7 Department's cooperation, ask the staff to at least
8 consult with some of the very ready-to-hand experts on
9 what to ask for.

10 I've seen some of this very recently and I
11 know it's available and know that we can phrase the
12 question in such a way that we make it easier on them
13 and easier on us. And I think this is extremely
14 important.

15 VICE CHAIRMAN WANG: Thank you.

16 MS. GROW: Thank you.

17 Officer Aristy, I was wondering if you --

18 CHIEF FULWOOD: Let me say one thing. I
19 think you've got the Third District's collection of PD-
20 76's; is that not correct? On the day before
21 yesterday?

22 MS. GROW: Yes. The day before yesterday;
23 right. From the Third District; correct.

24 MS. RUIZ: If I may please, I just want to
25 make sure that we know what it is that we're supposed

1 to submit for the record. Are we to wait now for a
2 specific request after the Commission has determined
3 whether it really needs this information over the last
4 five years or after you've determined what it is
5 exactly that you need so that you can fold it into
6 additional information?

7 VICE CHAIRMAN WANG: No, no. I think we
8 would like to have those if you can provide us.

9 MS. RUIZ: You want this information? The
10 last five year?

11 MS. BOOKER: Any and all information that we
12 requested in our letters that has not been supplied.

13 MS. RUIZ: I just gathered that perhaps there
14 was some question as to whether as much information as
15 was requested was in fact necessary. And I'm asking
16 whether in fact there is some reconsideration here now
17 as to what it is that we need to supply, given the
18 burden that is being imposed.

19 I just want to get a feeling from the
20 Commission.

21 MS. BOOKER: Mr. Chairman, I an assure the
22 Commission that the information that we requested and
23 that we were offered an opportunity to come over and
24 count ourselves, and which the Chief has now said he
25 will provide is necessary.

1 VICE CHAIRMAN WANG: Okay. So thank you, very
2 much.

3 COMMISSIONER BERRY: Mr. Chairman,
4 Commissioner Anderson did point out that, of course, we
5 were not aware that they were being asked for five
6 years of data, but that isn't surprising because we're
7 not supposed to be aware of the details of what is
8 being asked for.

9 The Chief has said that he isn't clear what
10 it is he's being asked for and I ask that they tell him
11 who the letter was written to so he can go back and
12 talk to that person and find out.

13 So I think that it is fair -- not to take up
14 the time here -- I think it is fair rather than saying
15 any and all information that was asked for, if he is
16 puzzled about what to ask for and if we weren't sure,
17 at least some of us, that we should be asking for five
18 years and if some of us are not sure about the phrasing
19 of the data request, as Commissioner Allen said he was
20 not -- I don't know the phrasing so I'm not sure
21 whether I'm sure or not -- then it would be worth
22 taking a little time for the General Counsel to
23 reconsider in the light of this discussion:

24 One, whether she thinks we require the data
25 she already asked for; two, whether there's some other

1 way to frame the question consistent with what
2 Commissioner Allen said.

3 And to have the Chief agree that once that is
4 determined, which I'm sure won't take her very long,
5 that he will respond fully to our data request and then
6 leave it at that, rather than just saying any and all
7 of what we already asked for, because there's
8 confusion.

9 I just think that taking enough time to do
10 that, so long as the Chief agrees that he will respond
11 once we're certain --

12 CHIEF FULWOOD: Yes.

13 COMMISSIONER BERRY: -- that that would be
14 worth doing. And I would hope that general counsel
15 would feel that that is not an inappropriate manner to
16 proceed in and would seek her response and advice on
17 that.

18 MS. BOOKER: We have been attempting to
19 secure information prior to this hearing so that staff
20 might analyze it. For that reason we sent letters.

21 We could have and still could issue a
22 subpoena duces tecum. The problem with that is that
23 the information would have been producible at this
24 hearing and of no value to us in preparing for this.

25 As I mentioned, we have been requesting

1 information of the Department since October and this
2 letter from Ronald Harris, Assistant General Counsel of
3 the Department to me, states:

4 "We are unable to produce the number of PD-76
5 forms, use of force reports and stop and frisk reports
6 filed from 1986 to the present per district due to the
7 fact that these reports are manually filed. We have no
8 way of determining how many such reports have been
9 filed short of physically counting them.

10 "It is fair to say that hundreds if not
11 thousands of these reports have been filed since 1986.
12 If you feel you must have this information, please let
13 us know. Perhaps arrangements can be made to give you
14 staff direct access to these files at the various
15 police districts subject to Chief Fulwood's approval."

16 We thereupon contacted the Department and
17 offered to send our staff to count them and then were
18 told that we could not because of privacy
19 considerations. Thereupon, we informed counsel that
20 the Chief would be asked this question today.

21 COMMISSIONER BERRY: All right. Well, then I
22 conclude, Mr. Chairman, based on that explanation, that
23 -- Chief Fulwood, seems like someone in your Department
24 is stonewalling a little bit. Not you. I know you.
25 But somebody is stonewalling an little bit.

1 So I would hope that you would go back and
2 talk to the Assistant General Counsel or whomever and
3 find out what he meant by using the words. He said use
4 of force so he must know what he's talking about. And
5 that you would respond expeditiously, as you said you
6 would --

7 CHIEF FULWOOD: Sure. Yes.

8 COMMISSIONER BERRY: -- and that the staff,
9 then, would make sure to characterize the responses and
10 the report to us in language that would be consistent
11 with other reports, as Commissioner Allen has asked,
12 and that we simply proceed on that basis.

13 CHIEF FULWOOD: Certainly. And if I will,
14 let me say one other thing.

15 I get a sense that what you're trying to do
16 is figure out what the trends are for stopping people
17 when you use PD-76's.

18 MS. GROW: I think it more, really, to see
19 the activity of your officers in different districts.
20 We've heard that different districts are more active
21 than others.

22 CHIEF FULWOOD: That's fine. But what I'm
23 saying to you is -- and I think somebody earlier said
24 that maybe you need to go to some folks who are experts
25 in this field of looking at PD-76's, use of force

1 trends, so that when you look at the information, it's
2 not to say that 3D has more activity with PD-76's than
3 the 6D, doesn't tell you anything.

4 MS. GROW: Certainly a lot of different
5 factors are being taken into consideration.

6 CHIEF FULWOOD: Absolutely. And that's the
7 whole thing. But I'm going to cooperate with you. You
8 will get that information.

9 MS. BOOKER: And I think, Chief, any
10 additional information in the way of interpreting this
11 data that you would care to give us would be very very
12 welcome. If the concern is that we might misinterpret
13 it, then we would be happy to have any indication of
14 how the Department believes it should be interpreted.

15 CHIEF FULWOOD: I don't have any problem with
16 that. I'm not saying that you're going to misinterpret
17 it. I just said that when you look at trends -- I
18 mean, there are major studies that are being done
19 around the country by the Police Foundation, which
20 assisted us somewhat with the Early Warning System; by
21 the major city chief, by the International Association
22 of Chiefs of Police, who are looking at this issue,
23 because we're concerned about what is perceived of as a
24 rising tide of rogue police officers who are out of
25 control.

1 MS. GROW: I don't think any one of us would
2 say that.

3 COMMISSIONER ALLEN: Mr. Chairman, may I
4 intervene for a moment?

5 I think Commissioner Berry expressed clearly
6 what the practical resolution of this should be, but I
7 discern that there's still an area of confusion and I
8 want for my own sake and for the record to be clear
9 about this.

10 We are not asking as if for a duces tecum for
11 documents to be presented. We're asking for a summary
12 of reports of the statistical information derivable
13 from the reports.

14 MS. GROW: Merely a manual count.

15 COMMISSIONER ALLEN: Pardon?

16 MS. GROW: Merely a manual count.

17 COMMISSIONER ALLEN: Merely a manual count?
18 The statistics, not the reports, because that does make
19 a difference.

20 COMMISSIONER ANDERSON: Mr. Chairman, while
21 we're getting on the record here, I would like to be on
22 the record as indicating that at least for this
23 Commissioner, I would expect that before any subpoena
24 duces tecum is issued against this Police Department or
25 any other police department that we might have a

1 hearing involved, that it would only be done after and
2 on the basis of a vote of this Commission.

3 CHAIRMAN FLETCHER: So duly noted.

4 VICE CHAIRMAN WANG: Can we proceed?

5 COMMISSIONER BERRY: Maybe we should have
6 agreement on the record on that, Mr. Chairman, because
7 I think general counsel already knows that. But I
8 agree, too, that if we were going to go to the extent
9 of issuing subpoenas --

10 COMMISSIONER ANDERSON: Mr. Chairman, I'd be
11 happy to move that.

12 MS. BOOKER: No, I don't know that. I think
13 there's some lack of clarity here. The Commission
14 rules require that the Chairman authorize subpoenas and
15 the Chairman authorized the subpoenas that have been
16 issued for this hearing.

17 No subpoenas for this hearing were
18 specifically approved by the Commission. I'm not aware
19 that we have a procedure for taking a vote on
20 individual subpoenas. So that would be an amendment of
21 the rules of the Commission.

22 COMMISSIONER BERRY: He's talking about
23 materials to be submitted. Isn't that what you're
24 talking about Commissioner Anderson?

25 COMMISSIONER ALLEN: Commissioner Anderson

1 was talking about the subpoena duces tēcum, but let me
2 make another distinction. The Chairman of the
3 Commission in effect signs our subpoenas, issues our
4 subpoenas.

5 The Commission itself authorizes the issuing
6 of subpoenas when it calls for a hearing or similar
7 activity in which it is appropriate to issue subpoenas.

8 So there are two steps. The first step, the
9 Commission authorizes. The second step, the Chairman
10 signs.

11 COMMISSIONER BERRY: And we did in fact on
12 the record authorize the issuance of hearings for this
13 Commission. Now that you've reminded me, and I recall
14 that we took a vote. And in fact when we authorized
15 the hearings we did so do that.

16 COMMISSIONER ALLEN: Yes, that's correct.

17 COMMISSIONER BERRY: I think the lack of
18 clarity is that Commissioner Anderson was saying that
19 when we issue a subpoena for materials to a Police
20 Department in connection with this, that he feels that
21 that subject ought to be known to us and reviewed if we
22 have to go to those extremes if that is the case.

23 And I agree with him. I hadn't thought about
24 it before. That's something we can take up. Not here,
25 but I guess at the Commission meeting because we don't

1 need to delay this any more.

2 VICE CHAIRMAN WANG: I appreciate that
3 comment, Commissioner Berry, that we can take this up
4 at our own meeting tomorrow. Can we? Because I'm
5 watching the clock and we've been carrying this part
6 awfully long.

7 And I think we have reached a good agreement.
8 I think the Chief has agreed. I think we can just
9 leave it like that.

10 And let's proceed with further questioning.

11 MS. GROW: Thank you.

12 Officer Aristy, I was wondering if you could
13 tell us how long you've been at the Community Center in
14 the Third District?

15 OFFICER ARISTY: Almost a year.

16 MS. GROW: And how many officers work at that
17 District Community Center?

18 OFFICER ARISTY: Four officers.

19 MS. GROW: And are these officers Hispanic?

20 OFFICER ARISTY: Yes,

21 MS. GROW: And do they speak Spanish?4

22 OFFICER ARISTY: Yes.

23 MS. GROW: Could you tell us what type of
24 activities take place on a daily basis at the Center?

25 OFFICER ARISTY: Well, we are located at 18th

1 and Columbia Road. Basically, what we do down there,
2 we've got Hispanics, they go over there for numerous
3 complaints, from reports to information about various
4 things in the D.C. Government.

5 MS. GROW: When you mention numerous
6 complaints, what type of complaints are you talking
7 about?

8 OFFICER ARISTY: Well, it can be any type of
9 report. You know, 1050 -- I'm sorry. Accident
10 reports, theft, anything.

11 MS. GROW: Are there any other duties that
12 you perform at the Center besides receiving complaints
13 from citizens on a variety of matters?

14 OFFICER ARISTY: Can you repeat that
15 question, please?

16 MS. GROW: Are there any other activities you
17 perform while you're at the Center besides receiving
18 complaints on a variety of matters from citizens?

19 OFFICER ARISTY: Well, when I'm there, that's
20 basically what I do. We are there at that Center to
21 assist them on anything they might have.

22 We come to the school and we give them some
23 police orientation so they can be aware the different
24 laws that we have here in the District.

25 MS. GROW: Because of the fact that the

1 officers there have bilingual capabilities, are you
2 ever used as translators because of your Spanish-
3 speaking ability?

4 OFFICER ARISTY: Yes.

5 MS. GROW: In what instances would you be
6 used as a translator?

7 OFFICER ARISTY: Well, I could say I've been
8 working for the Police Department for the last six
9 years, so you name it; different places.

10 MS. GROW: Now, who would request this
11 service to act as a translator? How does that come
12 about?

13 OFFICER ARISTY: Normally when an officer
14 comes in contact with a Latino, normally they request -
15 - I would say all the time, basically -- they request a
16 translator, somebody that speaks Spanish.

17 If they have somebody working, they would
18 respond down there.

19 MS. GROW: And so in what type of instances?
20 Would this be, for example, someone who comes to your
21 Center and you ask as a translator or do you have to
22 leave the Center at times and act as the translator?

23 OFFICER ARISTY: Okay. Could you repeat that
24 question, please?

25 MS. GROW: Do you do this translation while

1 you're at the Center? Are people sent to you or do you
2 go out in the community and act as a translator?

3 OFFICER ARISTY: Well, like I said before,
4 anytime while I'm working or the other officers are
5 working, an officers come in contact with a citizen
6 that needs to say something or to speak Spanish, they
7 call us on the radio and we go there. If we've got the
8 capability, go on over there.

9 I do not have a cruiser, so most of the time
10 they will send somebody to pick me up and take me where
11 the assistance is needed.

12 A lot of times they go down to the station
13 and if they need it to be more confidential, they sent
14 them to go down to my office and I will talk about
15 whatever the problem might be.

16 MS. GROW: You mean if somebody's at the
17 Third District station and a Spanish-speaking person
18 isn't available, then they contact you at the Center?

19 OFFICER ARISTY: That's correct.

20 MS. GROW: And would this person then be sent
21 to your Center in a different building?

22 OFFICER ARISTY: They will either pick me up
23 and take me to the station or they're going to bring
24 the individual to my office.

25 MS. GROW: And would this occur with for

1 example a Spanish-speaking victim that might go to the
2 Third District? Would you be called or have you been
3 called them to interpret? And was the victim then sent
4 to the Community Center?

5 OFFICER ARISTY: Well, this happens to
6 anybody that goes to the police station, anybody that
7 comes in contact with any officer. They will get ahold
8 of me or anybody else who's working who is Spanish-
9 speaking.

10 MS. GROW: So there have been instances where
11 a Spanish-speaking victim went to the Third District to
12 file a complaint but then was sent to your office
13 because there was no one available at that time to
14 speak Spanish?

15 OFFICER ARISTY: It depends what type of
16 complaint.

17 MS. GROW: Can you give me an example of a
18 type of complaint where they might have happened?

19 OFFICER ARISTY: Well, if it's a complaint
20 with reference to a theft or something minor that
21 doesn't require any immediate attention, they will
22 contact me and they will send the person down where I'm
23 at, or take him down there where I'm at.

24 MS. GROW: Are you ever called out to, for
25 example, a traffic accident or traffic incident, then,

1 to act as a translator?

2 OFFICER ARISTY: Yes. Many times.

3 MS. GROW: How often would you say that
4 happened on a daily basis? Once a day; twice a day?

5 OFFICER ARISTY: I'd say about twice a day.

6 MS. GROW: And in each of these instances
7 that your services are used, is it because there is not
8 a Spanish-speaking officer available at the Third
9 District at that time?

10 OFFICER ARISTY: That's affirmative.

11 MS. GROW: Thank you.

12 CHIEF FULWOOD: Let me add something to what
13 he's saying so you get the right understanding about
14 it.

15 We have a Communications Division. That's a
16 centralized division. And there are a number of
17 officers working in each one of these district in any
18 given tour of duty who may be responding handling a
19 variety of things that involve the need for a person
20 who is bilingual.

21 And so it is all of those things. It's not
22 just him always being called because there's no one on
23 duty. There may be officers on duty handling a
24 specific event.

25 MS. GROW: But an incident arises where you

1 have to meet that need?

2 CHIEF FULWOOD: That's right. Yes.

3 MS. GROW: One other thing I wanted to ask
4 you, Officer Aristy. Are you ever used in terms of
5 Mirandizing arrestees who speak Spanish? Are you
6 called in to the scene of the crime, then, to translate
7 Miranda rights into Spanish?

8 OFFICER ARISTY: We do have the Miranda right
9 in Spanish. They could call me for anything. I'm
10 available. And the other officers who are working who
11 also speak Spanish may be tied up, like the Chief
12 said, on some other thing.

13 Normally, I'm called to the radio and I'll
14 offer my service to go down there and assist them.

15 MS. GROW: So would you normally then go to
16 the Third District station to Mirandize an arrestee?

17 OFFICER ARISTY: Definitely. Definitely.

18 MS. GROW: And how often would you say you're
19 called to the Third District to do that?

20 OFFICER ARISTY: I couldn't tell you as an
21 exact number, but it happens every once in a while.
22 And normally they have somebody working at the station.
23 If they don't have that person working or he might be
24 doing, like I said, something else, so I'll go over
25 there and deal with that individual so I could dedicate

1 the time to that particular individual there.

2 MS. GROW: How often would you say that you
3 hear these requests for the assistance of a bilingual
4 officer over the police radio?

5 OFFICER ARISTY: It happens quite often. I
6 could tell you that.

7 MS. GROW: Every day?

8 OFFICER ARISTY: It happens every day.

9 MS. GROW: How often?

10 OFFICER ARISTY: At least once a day I hear
11 that.

12 MS. GROW: Does it happen during particular
13 times of the day?

14 OFFICER ARISTY: It could happen at any time
15 of the day.

16 MS. GROW: Any time. Thank you.

17 If I could speak with Deputy Chief Soulsby at
18 this time.

19 DEPUTY CHIEF SOULSBY: Can I respond to that
20 last statement?

21 MS. GROW: Certainly.

22 DEPUTY CHIEF SOULSBY: On the way over here
23 this morning I heard a call go out in the Third
24 District. The dispatcher dispatched an officer to a
25 scene where there was obviously a need for a Hispanic

1 officer.

2 So as soon as he dispatched the scout car,
3 they immediately came over the air and asked for any
4 Spanish-speaking officer to respond to the scene. Of
5 course, the scout car officers responded back, "I am
6 Hispanic. You don't need someone else."

7 So we have a lot of Hispanic officers out
8 there. But many times, him and his three officers
9 assigned to the Center -- that's the Third District
10 Center, they're there to be in the community but
11 they're there also to respond to any other needs of the
12 officers.

13 So many times, he is not on a specific
14 assignment where other people may be taking a course or
15 whatever. So it's not that he's the only officer in
16 the Third District working with a Hispanic at any one
17 time. Probably very, very seldom do we have a
18 situation where there's only one Hispanic officer
19 working in any tour of duty.

20 MS. GROW: So mainly the officers at the
21 Community Center, their main duty is interpreting for
22 other officers?

23 DEPUTY CHIEF SOULSBY: No, no. That's not
24 what I meant. But many times if they're doing
25 something they're normally doing it in the Center and

1 they're available. And the officers can always get to
2 them on the telephone where other officers may be out
3 at different sites taking reports or making arrests or
4 in court or whatever.

5 Normally, we can always get access to these
6 officers. If there's no one available in the Third
7 District they'll call them. And if they can't get one
8 of them for some reason, they'll call Communications
9 and ask for an officer to respond.

10 MS. GROW: So is the Center open 24-hours a
11 day?

12 DEPUTY CHIEF SOULSBY: No, it's not. It's
13 open 16 hours a day.

14 MS. GROW: And what happens in those
15 instances, then, when you do need a Spanish-speaking
16 officer and the Center is closed?

17 DEPUTY CHIEF SOULSBY: If the Center is
18 closed in all likelihood there's an officer working.
19 If there's no officer working in the Third District,
20 which is very, very seldom, then they would call the
21 Communications Division and if necessary have an
22 officer respond from another district; either talk to
23 them over the phone or respond to the scene.

24 MS. GROW: As the new Commander of the Third
25 District, I was wondering if you could tell us if you

1 have any particular plans for the district?

2 DEPUTY CHIEF SOULSBY: Well, I have a lot of
3 plans for the district. There's a lot of different
4 things I want to get involved in.

5 But many of the things the Chief spoke to
6 earlier, the Citizens Academy, sensitivity training,
7 cultural sensitivity training for the all the officers,
8 taking over the district I have approximately 230
9 officers who have less than three years on. Many of
10 these officers need additional routine police training,
11 but they also need specific training as it relates to
12 the Hispanic community.

13 We have a very large Hispanic community, but
14 we also have a very culturally split community. So
15 there's many things they have to do.

16 Right now my biggest problem is providing
17 just basic police training and at the same time,
18 realizing that we have to center a lot of our
19 activities towards the Hispanic community.

20 MS. GROW: So would you see training for your
21 district as a priority?

22 DEPUTY CHIEF SOULSBY: One of my top
23 priorities.

24 MS GROW: Is there any other priority areas?

25 DEPUTY CHIEF SOULSBY: There's numerous

1 priority areas. Fighting all the crime, the murder --
2 I mean, you know, all the normal traditional police --
3 providing basic police service and improving on how we
4 provide police service.

5 MS. GROW: It seems that mainly younger
6 officers are involved in citizen complaints. I've
7 heard that one reason a particular officer might have
8 more complaints is because he or she is an aggressive
9 officer.

10 And I was wondering if you think there is a
11 correlation that a progressive particularly productive
12 officer necessarily means that that officer will
13 receive more citizen complaints?

14 DEPUTY CHIEF SOULSBY: Well, if you have an
15 officer that doesn't perform any service at all, he's
16 not going to get any complaints. He's never going to
17 get in trouble, either. But if you're an officer who's
18 very aggressive, the likelihood is that you will.

19 MS. GROW: A high number of arrests?

20 DEPUTY CHIEF SOULSBY: A high number of
21 arrests. A high number of traffic tickets; those type
22 of things. It's going to lead to complaints; some
23 justified, some not justified.

24 We have many instances where we've known
25 throughout the city where we have drug dealers who are

1 filing complaints against officers just to try to get
2 the officer removed from the area.

3 The mere fact that you've filed a complaint
4 doesn't mean the officer committed a violation. That's
5 why we have to be very careful when we say this
6 officer's had four, three, seven complaints.

7 MS. GROW: As a possible indicator.

8 DEPUTY CHIEF SOULSBY: Right. So that's why
9 the Chief has set up the Early Warning System. That's
10 why we're going through the review process.

11 We'll be dealing with the doctors and
12 psychologists, psychiatrists within the Department to
13 try to make sure that we're not having problems with
14 individual officers.

15 MS. GROW: During our meeting you had
16 mentioned that you had received a high number, probably
17 the highest number of arrests in your Department at one
18 time, but you had never yourself received a citizen
19 complaint. Is that still true?

20 DEPUTY CHIEF SOULSBY: That's correct.
21 Personally, I have not, for whatever reason. I was an
22 officer for four and a half years and I never received
23 a complaint. But that's just the way it goes
24 sometimes.

25 MS. GROW: So you think it is possible for an

1 officer to be productive and have a high number of
2 arrests and not receive a citizen complaint?

3 DEPUTY CHIEF SOULSBY: One of the main things
4 that I tell my officers, from the day I took over, a
5 top priority in training in human relations is to treat
6 everyone with respect.

7 You can "Yes, sir," and "No, sir," someone to
8 death while you're putting them in the patrol wagon
9 taking them to jail. So obviously, a professional
10 attitude goes a long way into preventing complaints.

11 But there are going to be times when good
12 officers acting very professionally are going to
13 receive a lot of complaints. That's correct.

14 VICE CHAIRMAN WANG: I just want to interrupt
15 to see if I can ask a question of our counsel.

16 Many of the questions asked of our witnesses,
17 if the question already has been responded to in
18 writing, then --

19 MS. GROW: No. We don't have any answers.

20 VICE CHAIRMAN WANG: Okay. Hopefully, then,
21 we won't repeat ourselves, just so that we can
22 expedite.

23 MS. GROW: Right. This would be under sworn
24 testimony. Thank you.

25 And at this time, how many bilingual officers

1 do you have within your Department?

2 DEPUTY CHIEF SOULSBY: I think the Chief gave
3 that number earlier. I believe have more than any
4 other district. It's approximately 50, but I believe
5 the Chief gave you a number.

6 COMMISSIONER BUCKLEY: If I may, he said 53
7 Hispanic. Are you now saying that only those 53
8 Hispanic and one lieutenant in your district are
9 bilingual and nobody else is bilingual? Because I
10 thought that when he gave us those figures --

11 DEPUTY CHIEF SOULSBY: I don't have a number
12 in front of me of the non-Hispanic bilingual officers.
13 I don't have that number.

14 One problem we have is some officers say they
15 can speak Russian. Well, how do I know whether they
16 can speak Russian or German. That's one of the reasons
17 we're going through the testing process at UDC to try
18 to have people who say they're capable of speaking a
19 language to show that they can.

20 COMMISSIONER BUCKLEY: Okay. So this 53,
21 then, is the number of Hispanic and bilingual or just
22 Hispanic?

23 DEPUTY CHIEF SOULSBY: Just Hispanic, I
24 believe.

25 COMMISSIONER BUCKLEY: And you said there

1 were some Hispanics that are not bilingual?

2 CHIEF FULWOOD: That's correct.

3 COMMISSIONER BUCKLEY: And you have no way of
4 knowing how many of these in reality are?

5 CHIEF FULWOOD: We can do a run. We have in
6 our personnel system the ability to do a run based on
7 what the officers have told us. We do a survey.

8 We're in the process of updating that survey
9 now and trying to develop through UDC a testing
10 instrument so that we can be more accurate in saying
11 how many people can actually speak conversational
12 Spanish.

13 As I indicated earlier, there are about 240
14 officers that are now actively taking Spanish. And
15 most of them, as you know, are not Latino.

16 COMMISSIONER BUCKLEY: If I may interrupt?

17 MS. GROW: I have no further questions.

18 COMMISSIONER BUCKLEY: Okay. In the Third
19 District, then, you have 53 Hispanics and one
20 lieutenant that's a Hispanic.

21 CHIEF FULWOOD: We have one lieutenant, six
22 sergeants, three master patrol officers, 21 --

23 COMMISSIONER BUCKLEY: And all of these are
24 Hispanics?

25 CHIEF FULWOOD: Yes. Twenty-one officers

1 that are in the patrol sections, four detectives and 13
2 other officers that are in support assignments, meaning
3 tactical operations or --

4 COMMISSIONER BUCKLEY: In the Third District?

5 CHIEF FULWOOD: In the Third District.

6 That's a breakdown of the 53.

7 COMMISSIONER BUCKLEY: That's a total? Okay.

8 That's a breakdown of the 53 but not an addition to the
9 53?

10 CHIEF FULWOOD: No. That's the 53 that's in
11 the district itself.

12 COMMISSIONER BUCKLEY: Okay. For the Third
13 District, what is the total number of people employed
14 in the district?

15 CHIEF FULWOOD: 487.

16 COMMISSIONER BUCKLEY: Okay. So out of 487 in
17 the Third District, you have 53 that are Hispanic and
18 they're broken up into these different groups.

19 CHIEF FULWOOD: Yes.

20 COMMISSIONER BUCKLEY: In the Fourth District
21 you said 30 Hispanics?

22 CHIEF FULWOOD: Yes. One lieutenant.

23 COMMISSIONER BUCKLEY: One lieutenant. Now
24 this lieutenant --

25 CHIEF FULWOOD: Two sergeants.

1 COMMISSIONER BUCKLEY: In to the 30 or
2 included in the 30?

3 CHIEF FULWOOD: He's included in the 30.

4 COMMISSIONER BUCKLEY: Included.

5 CHIEF FULWOOD: That's just the breakdown of
6 the 30.

7 COMMISSIONER BUCKLEY: And then you have 30
8 Hispanics or Latinos in the Fourth District..

9 CHIEF FULWOOD: Yes.

10 COMMISSIONER BUCKLEY: And the total command
11 there would be what?

12 CHIEF FULWOOD: 453. There's one lieutenant,
13 two sergeants, 14 officers, 11 patrol officers. One
14 officer is assigned to the administration station; one
15 detailed.

16 COMMISSIONER BUCKLEY: What is the lowest
17 officer level that you have in your force?

18 CHIEF FULWOOD: You mean in a patrol
19 district?

20 COMMISSIONER BUCKLEY: You start off with
21 just the patrolmen; right?

22 CHIEF FULWOOD: Basic patrol officers.

23 COMMISSIONER BUCKLEY: Can you give me the
24 levels going up?

25 CHIEF FULWOOD: You mean the rank structure?

1 COMMISSIONER BUCKLEY: The ranks; yes.

2 CHIEF FULWOOD: Oh, I don't have that. I
3 can't remember off the top of my head, but there's --
4 you mean in the whole Department?

5 COMMISSIONER BUCKLEY: Where do you start
6 considering, like in the promotional ladder, where do
7 you consider it like --

8 CHIEF FULWOOD: Promotions?

9 COMMISSIONER BUCKLEY: Right. Your starting.

10 CHIEF FULWOOD: The officer is the basic
11 person. Then there is detectives, which is a
12 promotion. Then there are master patrol officers.
13 That is a uniform officer who decides they want to stay
14 in uniform and they become training officers in the
15 district.

16 Then there's the sargeant, the rank of
17 sargeant. Then lieutenant, captain, inspector and then
18 deputy police chief, assistant police chief and the
19 chief.

20 COMMISSIONER BUCKLEY: And at what levels do
21 you have tests, written tests for these promotions?

22 CHIEF FULWOOD: From officer to sargeant,
23 sargeant to lieutenant, lieutenant to captain.

24 COMMISSIONER BUCKLEY: And would you happen
25 to have in your Department or somewhere available the

1 percent pass rate for Hispanic, black and other
2 categories? Do you keep a record?

3 CHIEF FULWOOD: You mean as they go to get
4 promoted?

5 COMMISSIONER BUCKLEY: As they take the test,
6 do you keep a record of how efficient that test is or
7 what the results are?

8 CHIEF FULWOOD: Yes.

9 COMMISSIONER BUCKLEY: Has that been
10 requested by this staff?

11 CHIEF FULWOOD: No. Not that I know of.

12 MS. RUIZ: We provided quite extensive
13 information on these examinations, the validation
14 studies and statistics on pass rates and applicants.
15 And that has all been submitted to the staff, but that
16 was not part of the request addressed to the Police
17 Department, but to the Mayor directly, which was
18 handled by the Office of Personnel.

19 COMMISSIONER BUCKLEY: And then from
20 lieutenant on up, besides these two lieutenants, are
21 there other Hispanics in the upper echelons of your
22 organization?

23 CHIEF FULWOOD: The highest ranking officials
24 are lieutenants.

25 COMMISSIONER BUCKLEY: Do you have any

1 captains that are Hispanic?

2 CHIEF FULWOOD: No. That's the highest rank.

3 COMMISSIONER BUCKLEY: Right now?

4 CHIEF FULWOOD: Yes. We had an inspector but
5 he retired.

6 COMMISSIONER BUCKLEY: And if I could ask the
7 Deputy Chiefs now for the districts.

8 CHIEF FULWOOD: Yes.

9 COMMISSIONER BUCKLEY: What we understand is
10 that you get reports from the CCRB of the officers that
11 have complaints against them. Are you getting those,
12 Mr. Clark?

13 DEPUTY CHIEF CLARK: No. We get their
14 investigation back once they determine either that
15 they're not going to handle the investigation or it
16 doesn't merit their attention. They'll send it back to
17 us and then we'll investigate it.

18 In addition, when they do determine on some
19 discipline, it goes through the Chief and then it comes
20 to us for us to enforce whatever discipline there is.

21 COMMISSIONER BUCKLEY: So if a complaint has
22 been filed with the CCRB on one of the police officers
23 assigned to your district, you don't get a list of
24 that? You are not notified?

25 DEPUTY CHIEF CLARK: We get a list saying

1 what complaints were filed in a particular month; yes.

2 But just a name and you have a complaint, period.

3 COMMISSIONER BUCKLEY: But you are getting
4 it?

5 DEPUTY CHIEF CLARK: Yes. We do get that
6 information.

7 COMMISSIONER BUCKLEY: And you are receiving
8 it now?

9 DEPUTY CHIEF CLARK: Yes.

10 COMMISSIONER BUCKLEY: And the same would be
11 true in your district?

12 DEPUTY CHIEF SOULSBY: Yes.

13 COMMISSIONER BUCKLEY: And in some of the
14 data that we have, it says, for example, officers that
15 have six plus complaints against them by district, do
16 you get that kind of list from the CCRB?

17 DEPUTY CHIEF CLARK: I haven't received one
18 with any six plus, so evidently, it's not in my
19 district.

20 COMMISSIONER BUCKLEY: We have information
21 that says, for example, in District Three there are 11
22 officers that have six plus complaints that have been
23 filed with the CCRB.

24 DEPUTY CHIEF SOULSBY: Well, let me say this
25 to you. I've been in the Command now a month and a

1 half. I have not seen a list showing something like
2 that. I would be interested in such a list; yes.

3 COMMISSIONER BUCKLEY: In the Fourth District
4 there's three officers that have received six plus
5 complaints against them.

6 DEPUTY CHIEF CLARK: I haven't received that
7 information from them; no.

8 COMMISSIONER BUCKLEY: From the CCRB?

9 DEPUTY CHIEF CLARK: No, I haven't. I
10 receive information but none of my officers have six.
11 The information I've received that comes through the
12 Department officially that indicates six? No. I
13 haven't received any.

14 COMMISSIONER BUCKLEY: Do you have
15 information -- for example, we have here in the Third
16 District there are 16 complaints, six single complaints
17 against an officer in the Third District and 48
18 complaints against an officer in the Fourth District.

19 Are you aware of that?

20 DEPUTY CHIEF CLARK: Forty-eight single
21 complaints?

22 COMMISSIONER BUCKLEY: Yes.

23 DEPUTY CHIEF CLARK: Is that 48 people
24 writing a letter at the same time about an incident or
25 is that 48 separate incidents?

1 COMMISSIONER BUCKLEY: What I understand is
2 48 separate officer.

3 DEPUTY CHIEF CLARK: Officers or incidents?
4 What are you saying; officers or incidents?

5 COMMISSIONER BUCKLEY: One complaint against
6 an officer, 48 different complaints against one
7 officer.

8 DEPUTY CHIEF CLARK: You mean 48 different
9 people saying they saw something?

10 COMMISSIONER BUCKLEY: No. I don't think
11 this is what this chart indicates.

12 DEPUTY CHIEF CLARK: Well, as I indicated, I
13 haven't received that information.

14 COMMISSIONER BUCKLEY: From the CCRB?

15 DEPUTY CHIEF CLARK: No, I haven't.

16 CHIEF FULWOOD: Neither have I.

17 COMMISSIONER BUCKLEY: Chief Fulwood, you say
18 that the CCRB right now is the one that has the
19 authority to investigate use of force.

20 CHIEF FULWOOD: That's correct.

21 COMMISSIONER BUCKLEY: And there's a statute
22 that --

23 CHIEF FULWOOD: That's correct.

24 COMMISSIONER BUCKLEY: Who is the enactor of
25 the statute? Who is the body that made this law?

1 CHIEF FULWOOD: The D.C. City Council.

2 COMMISSIONER BUCKLEY: Have you at any time
3 in any way either talked to the City Council or the
4 Mayor and encouraged them to change this statute? You
5 said earlier that you feel that you should have the
6 ability to investigate.

7 Have you told the City Council or the Mayor?

8 CHIEF FULWOOD: The City Council is uniquely
9 aware of what my perspective is about the CCRB. I have
10 not kept it a secret. I've talked to the Mayor about
11 that. The Mayor is going to be putting forward some
12 legislation that will make certain changes.

13 I don't know whether she's going to make the
14 changes I want made, but certainly we're going to put
15 forward to her a series of recommendations on how to
16 improve the speed with which the CCRB operates.

17 My biggest problem is when you come three
18 years later -- the person complained and three years
19 later we get something back saying this person is
20 guilty of this. What do we do? I mean, that's just an
21 intolerable situation which the CCRB clearly
22 recognizes, that they've got to speed up the process.

23 They've been working on some things in-house
24 to speed it up, but we're going to make certain
25 proposals that would hopefully get certain changes

1 occurring.

2 COMMISSIONER BUCKLEY: Okay. Thank you.

3 CHAIRMAN FLETCHER: Any further questions of
4 this panel?

5 COMMISSIONER BERRY: Yes. I've got three
6 questions.

7 Chief Fulwood, and the rest of the panel,
8 since you won't be here for the testimony about what
9 you've been doing later and the testimony that's
10 already been here about what you've been doing or about
11 allegedly what you've been doing, I thought I would ask
12 you three questions.

13 One set of allegations are that like many
14 police departments in the country, the Command and
15 Control operation in this Department does not
16 sufficiently let the officers know that harassment and
17 intimidation of Latinos will not be permitted and that
18 there's sort of an environment in which people believe
19 that they can do it and get away with it.

20 We've already heard testimony like that and
21 we expect to hear more. And I just wonder, have you
22 been derelict? What have you been doing to make sure
23 that people in the Department know?

24 We heard about somebody who had six
25 complaints against them that Commissioner Buckley

1 talked about in 4D, I think, or 3D, one or the other.
2 And somebody else 11 and another one. And you folks
3 don't even know that they have them, unless CCRB is
4 making it up.

5 So, what have you done to make sure that the
6 officer out on the beat knows that they have to behave
7 sensitively toward people and that you just won't
8 tolerate this kind of abuse?

9 CHIEF FULWOOD: Specifically, I've visited
10 every police district in the city of Washington, D. C.
11 I have talked with officers in roll call. We have had
12 training sessions for senior managers to make them
13 aware that we won't tolerate misconduct.

14 I have done videotapes to the force about the
15 right of every citizen to be treated with decency and
16 respect and we have in fact fired people for
17 misconduct.

18 I will not tolerate it. I think everybody on
19 the force knows that.

20 The other thing that I've done is I've walked
21 through Mount Pleasant and Adams Morgan. I've had
22 Latino officers to take me up there and say, "You need
23 to walk and see this."

24 And I've walked through the community to let
25 officers know that there's a certain way that you ought

1 to always conduct yourself and that you ought to never
2 demean the dignity of another human being.

3 As a person, I know the feeling of being
4 discriminated against, being told that you are nothing
5 because merely the color of your skin. And so I won't
6 tolerate that and everybody in this department knows
7 that.

8 When an officer goes out there and gets
9 outside of the realm of what is decent and human, we're
10 going to do something to him. So, none of my people
11 have ever been confused about what my views are about
12 that.

13 I have met with the Organization of Hispanic
14 Patrol Officers, Officer Garrera. I've had a series of
15 meetings with him to talk about how we can improve
16 things; how we can create a better atmosphere; and to
17 make him aware that I won't tolerate that.

18 COMMISSIONER BERRY: Okay. So your not
19 tolerating will include you finding out about these six
20 people with the six complaints and the 11 complaints;
21 not that they're necessarily guilty but at least that
22 you'll be aware?

23 CHIEF FULWOOD: Certainly. One of the things
24 that we did, as I mentioned earlier, so that we can be
25 more in touch with trends that happen when an officer,

1 even if he's not guilty, is to put in an Early Warning
2 System to say, look, this officer has three complaints.
3 We need to look at this officer, talk with him, the
4 command staff, so that we can make sure that this
5 officer is not abusing people on the street.

6 I am flabbergasted that she said we have an
7 officer that's got 48 complaints against him.

8 COMMISSIONER BUCKLEY: 48 officers that have
9 had a single complaint against them.

10 CHIEF FULWOOD: I mean, you took my blood
11 pressure through the roof when you said an officer had
12 48 complaints. I mean, when I go back, somebody's
13 going to have some problems.

14 COMMISSIONER BUCKLEY: 48 officers that have
15 a single complaint.

16 CHIEF FULWOOD: We receive a report from the
17 CCRB. And I want to say publicly, Alfreda Porter Davis
18 has been over to see me. We are working to try to
19 make the best out of sometimes a very difficult
20 environment in terms of exchanging information, so that
21 we get it in a timely basis so that we act on it on a
22 timely basis.

23 COMMISSIONER BERRY: And I have two very
24 quick specific questions.

25 I was pleased to find out that you at least

1 went to California and Texas when you were recruiting
2 because earlier we heard you just went to Puerto Rico.
3 But there are cultural differences --

4 CHIEF FULWOOD: Also, New York City.

5 COMMISSIONER BERRY: -- between Latinos who
6 come from places in Central America and those who come
7 from places like Puerto Rico and others. And so it's
8 been pointed out to us that there's a greater need for
9 you to be aware, your Department to be aware of this.

10 So when you recruit, for example, there are
11 probably more cultural affinities according to my
12 colleague, Commissioner Ramirez, who told me this
13 before she left, between people who are Mexican and
14 Central American than there are between Puerto Rican,
15 generally.

16 These are just generalizations.

17 CHIEF FULWOOD: Yes.

18 COMMISSIONER BERRY: But the real question is
19 why don't you recruit more people from the people who
20 live here in D.C. who are in the Central American
21 community? That question has come up to us time and
22 time again.

23 Why don't you recruit some El Salvadorans and
24 other people who are right here living in D.C.?

25 CHIEF FULWOOD: Be glad to respond to that.

1 We have had massive programs in the District of
2 Columbia to try to recruit people locally. As you well
3 know there was a statute at one point in time about
4 residence requirements in the District of Columbia.

5 We have tried to recruit from within the
6 District of Columbia through massive campaigns. It is
7 preferable. We've also had a cadet program where we've
8 tried to make sure that the feeder system, young people
9 that have come through our school system that can then
10 go on to become law enforcement officers.

11 We have cadets who are Latino. I'll cite a
12 case for you. We had a cadet who is Mexican, not a
13 citizen of the United States. One of the requirements
14 to be a police officer is to be a citizen of the United
15 States. We were able to work with the cadet, get the
16 cadet tested right away, so she could turn over. She
17 is a police officer.

18 That has happened on many occasions because
19 we recognize that we have to sometimes take the extra
20 step.

21 We're in the process of learning more about
22 the cultural differences. We're getting ready to send
23 our Hispanic Coordinator out of the country so she can
24 learn more about it and come back and tell us various
25 kinds of things that we need to do in order to make

1 this Department representative of this community and
2 make it a better place.

3 But I think the Police Department has made
4 more steps than any other agency in the government.
5 And we continually try to push that because we believe
6 that we have to. We have to make better steps. We've
7 got to get this behind us so that everybody feels that
8 they are a part of the great American dream.

9 I mean, I believe that.

10 COMMISSIONER BERRY: All right. Thank you,
11 Chief.

12 Thank you, Mr. Chairman.

13 CHAIRMAN FLETCHER: Any further questions?

14 COMMISSIONER ALLEN: Yes.

15 Tell, us, Chief, we've heard several comments
16 to the effect that officers often threaten Latinos with
17 turning them over to the INS, aware that there are many
18 undocumented persons in the District.

19 Do you have a policy of collaboration with
20 the INS? And if so, can you tell us what it is?

21 CHIEF FULWOOD: It is clearly a violation of
22 our policy for an officer to request a person to tell
23 us where that person is from. First off, there's no
24 requirement for people to carry identification. Our
25 orders clearly indicate that.

1 There are times when we work with INS. There
2 are times when that is clearly appropriate. In the
3 instance of Jamaican posses, we worked very closely
4 with the INS because we had people who were committing
5 murder and going from one jurisdiction to the other,
6 and then leaving the country.

7 So we worked with them in that instance. I
8 think that's appropriate.

9 I think it's inappropriate for us to concern
10 ourselves about whether or not you are an undocumented
11 worker. It has nothing to do with what it is we're
12 about. And so our policies prohibit that.

13 COMMISSIONER ANDERSON: Mr. Chairman?

14 CHAIRMAN FLETCHER: Carl.

15 COMMISSIONER ANDERSON: I have four
16 questions. I hope they won't take too much time.

17 The first involves the question of abuse of
18 discretionary arrests. We had testimony this morning
19 that suggested there is abuse in that area.

20 First, I'd like to know whether you're
21 concerned about abuse in terms of discretionary
22 arrests, and secondly, if you are, what kind of
23 training does a police officer have?

24 Obviously, because it's a discretionary
25 arrest there is a certain dependency upon the integrity

1 and the training of the officer involved, but I'd like
2 you to address that issue briefly for us.

3 CHIEF FULWOOD: We have a pretty extensive
4 training on constitutional law, the rules and
5 regulations are in existence in the District of
6 Columbia, D.C. Code Police Regulations, in the training
7 academy.

8 Then we talk about arrests: Under what set
9 of circumstances do you make an arrest? Is an arrest
10 appropriate? We then try to put the officer into
11 circumstances where they would have to make a decision
12 about whether or not they need to make an arrest in
13 this case or whether they shouldn't.

14 We also have the general counsel from the
15 Police Department who spends an extensive amount of his
16 time training officers on when to make an arrest; under
17 what set of circumstances.

18 As you know, arrests are clearly fact
19 specific, i.e., must have probable cause to make an
20 arrest. We try to hammer that into the person to say
21 to them that in this set of circumstances it may not be
22 appropriate to make an arrest. It may be appropriate
23 to get an arrest warrant. It may be appropriate for
24 you to take some other action.

25 But what will happen as these officers get

1 more experience, they will get a difference sense of
2 when to make an arrest.

3 The other thing I would add is we have been
4 going through a kind of transition of developing
5 something called community empowerment policing to try
6 to train officers that your concern ought to be about
7 improving the quality of life in a neighborhood.

8 And therefore, you must develop different law
9 enforcement strategies that make arrests the last
10 resort; that there are other things that you may be
11 able to do to solve problems in the neighborhood to
12 improve the quality of life.

13 Those are the kinds of things that we do.
14 And we certainly would be happy to provide you with our
15 syllabus on specific training that they get. That's
16 just a general overview of what we try to do over there
17 to encourage officers to think about what you're doing.

18 The bottom line is you must have probable
19 cause when you make an arrest. But as you know, there
20 are sometimes cases where you can make an arrest or
21 you don't have to make an arrest. And so the officer
22 has to make a judgment at that point in time.

23 We try to put the officer in an environment
24 where he makes those kind of judgments. Sometimes they
25 make inappropriate judgments. I would not sit here and

1 tell you that there are not officers sometimes who
2 don't do things that are improper, because there are.

3 And the other thing that I would add is in
4 terms of a quality control kind of thing. We have a
5 Court Liaison Branch in the Police Department and one
6 of the things that they do when you come to Court and
7 bring your case jacket is to review your case jacket.

8 There are times when they will intercede at
9 the point you get to Court with the official who's
10 listed in the district and say, "Look. I've got a
11 question about this." And they will question the
12 officer. And there are times when we will intercede
13 and say, "Look. This case should be no paper. This
14 person needs to be released."

15 So we try to do some quality control things,
16 as well.

17 COMMISSIONER ANDERSON: Another area. We had
18 testimony this morning. An individual is stopped by an
19 officer. There's an exchange of words. The officers
20 takes the individual into a back alley or side alley.
21 There's no one around. There's no witnesses. The
22 officer proceeds to beat the individual in question.

23 Now, obviously, where there's a case where
24 there's no witnesses, that's a particular problem.
25 What you have is someone who obviously has physical

1 signs of being mistreated but there are no witnesses an
2 it's his words against the officer's word.

3 Now, that can't be an isolated problem. It's
4 got to be a concern of police in general in terms of
5 training.

6 Now, how do you approach that kind of a
7 problem? It's not specific to this hearing, but how do
8 you approach it in general?

9 CHIEF FULWOOD: That is one of the most
10 difficult things that Chiefs of Police try to deal
11 with. As you well know, the famous case in Los
12 Angeles. If that case was not videoed, most people
13 would have said that didn't happen. But it was
14 videoed. And what that did was to give police
15 administrators a difference sense about what they're
16 facing and what they have to deal with.

17 We use polygraph exams. We offer voluntary
18 polygraph exams to try to ferret out some of these
19 things. We will go back to the neighborhood and
20 canvass. And we then look at trends.

21 If Joe Jones has done this one time and we
22 said, "Not sustained," because we couldn't prove it,
23 six months from now Joe Jones is involved in that
24 again, now we've got to begin to say, "Wait a minute.
25 While this may be a one-on-one incident, let's look at

1 it now in a cumulative way to say we've got two
2 different people that have been the victim of this kind
3 of misconduct. We must deal with that."

4 That's why the Early Warning System, I think,
5 is so important for us in terms of trying to ferret out
6 officers who conduct themselves improperly. But it is
7 a difficult thing to prove when you have a one-on-one
8 situation.

9 I would hope the people would always come
10 forward and complain because it gives us patterns that
11 we can then deal with. Oftentimes if you're
12 distrustful of law enforcement -- and there are many
13 people who are. They will say, "I'm not going to the
14 police. They're not going to do anything about this."
15 And that leaves us in the blind.

16 So we need people to come forward so we can
17 then ferret out misconduct.

18 COMMISSIONER ANDERSON: We also had some
19 testimony this morning about the question of Latino
20 officers and peer pressure that results in the irony,
21 perhaps, or the paradox of a Latino officer actually
22 being more abrasive to the Latino community or not
23 wanting to serve in the Latino community because of
24 feeling that kind of pressure on him to be a super
25 officer, in a sense.

1 How do you address that? Do you think that's
2 a problem, number one? And number two, if it is a
3 problem, what are you doing?

4 CHIEF FULWOOD: I think it clearly can be a
5 problem. I can remember walking in the station as a
6 22-year old recruit officer assigned to a district and
7 being told that you've got to walk, you can't ride, and
8 seeing another police officer who was more brutal than
9 any white police officer and me asking him, "Why are
10 you doing that?"

11 He said, "Man, I'm a part of the system and
12 so I have to prove myself." I said, "No, you don't
13 have to prove yourself, because you don't have to
14 brutalize black folks in order to prove that you are
15 somehow or another accepted in the system."

16 I would suspect that that happens to some
17 Latino police officers. And I think what we have to do
18 is provide a kind of support system for them that will
19 allow them to be able to come forward when that occurs.

20 That happened in my presence when I was an
21 officer and I told on the guy. I said, "I'm going to
22 tell on you." And I told on him because I thought that
23 that was improper. And I tell the Latino officers the
24 same thing. "You must speak up. If that happens to
25 you, you must speak up. You can't sit on the sideline

1 because it will only go on."

2 It just feeds the system. It will feed on
3 itself. And we've got to find a way to break that. I
4 mean, that's not easy. I'm not telling you that this
5 is easy. I mean, it is very, very difficult.

6 We have gone through a major -- the Civil
7 Rights Commission might want to call the major city
8 chiefs because we've gone through a big study on the
9 use of force and police misconduct.

10 I mean it's a very in-depth study trying to
11 figure out how to break that, because that's difficult.
12 And I'm not telling you we can do it easy but we've got
13 to find a way.

14 And the Chief has to set a tone that says
15 this cannot be tolerated. So maybe I have to do more.

16 COMMISSIONER ANDERSON: Thank you. I have no
17 further questions.

18 CHAIRMAN FLETCHER: Any further questions?

19 (No response.)

20 Well, Chief, and your panel, we appreciate
21 you coming. We understand the complexities of the
22 problem. They said the details are the guards and
23 we've been trying to find out what the details are. And
24 we appreciate your help.

25 Thank you so very much.

1 CHIEF FULWOOD: Thank you, Chairman Fletcher.

2 CHAIRMAN FLETCHER: You're welcome.

3 (Witnesses excused.)

4 CHAIRMAN FLETCHER: Members of the panel, I
5 think we should take at least a five minute break and
6 relax ourselves for a few moments and then come back in
7 rotation fashion so we can keep the hearing going.
8 While someone eats the rest of us will be here. We'll
9 just do that until everyone has a chance to eat.

10 We'll take a five minute break and
11 reassemble, please.

12 Those of you on the next panel, don't go far.
13 We'll be calling you up in a very few minutes.

14 (Whereupon, a short recess was taken.)

15

16

17

18

19

20

21

22

23

24

25

1 A F T E R N O O N S E S S I O N

2 CHAIRMAN FLETCHER: The hearing is back in
3 order.

4 POLICE COMMUNITY RELATIONS PANEL III:

5 (Witnesses sworn.)

6 MS. GROW: Ms. Porter, could you tell us how
7 long you've been executive director of the CCRB?

8 MS. PORTER: I've served as Executive Director
9 for the past four years.

10 MS. GROW: We've heard testimony that the
11 CCRB is inefficient in its investigation and
12 recommendation of discipline of citizen complaints;
13 that it impedes the ability of the Police Department to
14 investigate the nature of these complaints; and that,
15 in fact, it's just had to take it upon themselves to
16 initiate an Early Warning System in order to monitor
17 this type of conduct among its officers.

18 I was wondering if you could respond to some
19 of this testimony and what your views are of that?

20 MS. PORTER: I am aware of the concerns that
21 have been expressed by the Metropolitan Police
22 Department with respect to the Board and its
23 operations.

24 I should say from the outset that the
25 Civilian Review Board was established in 1980 by

1 statute and became operational in 1982. From the onset
2 of the establishment of the Board, the Board was doomed
3 to fail.

4 The Board has been chronically understaffed
5 and underfunded from its inception. When the Board
6 first came into operation the Board had three staff
7 positions authorized; that was an Executive Director,
8 one investigator and one secretary.

9 Within the first six months of operation, the
10 Board received over 215 complaints and had three staff
11 persons with which to deal with those complaints.

12 Previously, the Metropolitan Police
13 Department had a greater number of resources to deal
14 with a similar number of complaints. The Internal
15 Affairs Units of the Police Department was one such
16 entity and, in addition to those resources that were
17 available, there were resources assigned in each of the
18 police districts, which also handled incoming
19 complaints.

20 So you went from a very diverse and broad
21 system to one in which three people were fully expected
22 to carry a tremendous case load.

23 The staff has not increased over time. We
24 are presently authorized 17 positions. We have only
25 been able to fill 12 to date because of budgetary

1 constraints and other consideration.

2 We have also received an increased number of
3 complaints over the years which has exacerbated the
4 problem.

5 In early years we were averaging around 300
6 complaints. Over the past three years we have received
7 record numbers of complaints, 415 in the first of the
8 three years; 465 in the second of the three years.
9 And we received a record 498 complaints in the past
10 fiscal year and our projections are over 500 complaints
11 for this coming fiscal year.

12 In addition to that, there are some very
13 significant limitations imposed by our enabling statute
14 which have only exacerbated the problem.

15 Our enabling statute requires that any case
16 that has brought to the Board that is not frivolous on
17 its face must be heard by the Board. There are no
18 intermediate forums of adjudication provided for under
19 our statute.

20 Therefore, cases which have very serious
21 allegations under our statute must receive the same
22 level of attention as less serious cases. All cases
23 have to be brought before the Board.

24 Our Board is comprised of a panel of seven
25 citizens. Three are appointed by the Mayor; two by the

1 City Council; one by the recognized bargaining unit for
2 the majority of the uniformed police, in this case, the
3 FOP; and one representative is appointed by the Chief.

4 Each of those individuals has other full-time
5 responsibilities and hence our Board meets only in
6 evening hours. Our Board has recently undertaken an
7 accelerated hearing schedule.

8 And so instead of meeting perhaps one evening
9 a week, the Board meets two to three evenings per week.

10 In its best years of performance the Board
11 was able to hear 64 complaints. Not counting those 64,
12 we dismissed another perhaps 30 percent of incoming
13 complaints, or around 100, because we deemed those
14 either to be frivolous or not within the Board's
15 jurisdiction.

16 Clearly that meant that there were at least
17 300 complaints that needed to be adjudicated just from
18 that particular year of incoming receipts, based on
19 over 400 receipts.

20 As a result, a backlog has continued to grow
21 over the years and we now have a backlog of perhaps 900
22 cases.

23 So I would certainly share the Chief's
24 concern that the agency is not efficient in its
25 operation, but I need to qualify that by saying it is

1 certainly not of the agency's own doing. There are
2 institutional flaws in the agency.

3 MS. GROW: How many investigations would you
4 say you need to be able to conduct timely
5 investigations?

6 MS. PORTER: I think it's not just a matter
7 of numbers but of quality of investigators, as well.
8 Our agency has, as I've told you, in our heyday we have
9 had 17 positions authorized.

10 We presently have three investigators on
11 staff and one supervisory investigator. The difficulty
12 is that our career ladder for investigators has been
13 over the years reduced.

14 The highest grade that our investigators are
15 able to obtain is a GS-9. That is simply not
16 commensurate with the same level of investigative
17 activity that would take place in a police department.
18 It's usually the sargeant level or above.

19 Our investigators all receive under \$30,000
20 per year and most of them start out as a GS-5, which
21 is around \$16,000 to \$17,000 a year.

22 Clearly you are not able to attract the kind
23 of qualified and competent individuals that you would
24 need to undertake the very serious job of investigating
25 allegations of excessive force and the like.

1 So it's not just a matter of numbers. It is
2 also a matter of upgrading the existing resources that
3 we would have.

4 MS. GROW: You had mentioned that there has
5 been a steady increase in the receipt of complaints.
6 Could you characterize the majority of the allegations
7 you receive?

8 MS. PORTER: At least in any one year, 70
9 percent and probably overall in our caseload, it's more
10 towards 80 percent of our cases involve allegations of
11 excessive force.

12 Now, certainly, excessive force may run the
13 gamut from handcuffs being applied too tightly to
14 allegations in which there are severe beatings alleged
15 and significant injuries sustained. Out of those, 70
16 to 80 percent of our cases that involve excessive
17 force, at least 45 percent of those cases involve
18 documented injuries in which medical treatment been
19 requested.

20 MS. GROW: How do you account for this
21 increase in excessive force cases?

22 MS. PORTER: We're not able to say. We
23 believe that it may be a variety of causes. One is
24 that the agency has been very, very aggressive in terms
25 of going out to the community and talking to very

1 community groups, to school children about the agency
2 and its purpose, just to let citizens know that the
3 agency does exist.

4 We believe some of the increase in complaints
5 involves just because the agency has gone out and made
6 those initiatives.

7 The other concern that we have is that we
8 have noticed that not only has there been an increase
9 in complaints but it has been dispersed or spread
10 through all of the police districts.

11 Historically there has been one particular
12 police district in which there has been an overwhelming
13 large number of complaints each fiscal year. In the
14 past fiscal year we have seen those complaints be
15 dispersed so that all of the police districts almost
16 have equal numbers complaints.

17 We believe that that may be a result of
18 increased activity on the part of the police in terms
19 of the drug problem that the city is facing. It may
20 have a variety of other causes that we are not able to
21 fully document.

22 MS. GROW: When things like that come to your
23 attention that a particular district is receiving a
24 high number of complaints or a particular officer, do
25 you provide this information to the Chief? And if so,

1 how long have you been doing that?

2 MS. PORTER: Yes, we do. We started in 1987
3 when I first came to the agency. We had an incident in
4 which a particular officer had an interaction with
5 someone in the Adams Morgan area and as a result of
6 that interaction it came to the attention of the agency
7 that there were several citizens who were alleged to
8 have filed complaints with the agency.

9 At that point in time there were no automated
10 records within the agency to document that kind of
11 activity. We began an automated system, and in 1988
12 with the rudiments of that system in place, we issued
13 the first report.

14 That report basically laid the foundation for
15 all subsequent reports and it identified -- at that
16 point in time, I believe it was over 100 officer who
17 had more than three complaints having been filed
18 against them with the agency.

19 Subsequent to that we submitted reports. I
20 believe one was within the next six months. Another
21 was perhaps within nine months. And we then began an
22 more routine report generation with Chief Fulwood and
23 we now attempt to provide that information on a routine
24 basis to him. But it has been available since 1987
25 late, early '88.

1 MS. GROW: Were you requested to provide this
2 information or did you volunteer it?

3 MS. PORTER: No. I thought that it was very
4 important that the Chief had a handle on what goes on
5 in this department. I believe that the only way that a
6 review function can work effectively is that you cannot
7 compete for information and withhold information.

8 I believe that there has to be a sharing and
9 an informing of the Police Department in terms of what
10 is going on so that the Police Department can respond
11 appropriately or be held accountable for the lack of
12 response.

13 So we have made attempts to share that
14 information for with the Police Department. And I
15 should note, it has been fairly well received by Chief
16 Fulwood.

17 MS. GROW: So he has responded to these
18 reports?

19 MS. PORTER: Yes.

20 MS. GROW: Was there any action taken in
21 response to these report? Not necessarily
22 disciplinary action or corrective action but in terms
23 of training or recommendations for particular officers
24 for counselling?

25 MS. PORTER: I am aware -- and I would have

1 to give you anecdotal information. I am aware in
2 particular situations in which there were officers of
3 concern to the Board that the Chief had taken within
4 the limits of his authority and the spirit of the
5 collective bargaining agreement, all of those factors
6 taken in consideration.

7 He has taken action. The presumption always
8 is one of innocence until the case is actually heard.
9 So he is not able, I think, to impose a full range of
10 penalties but he has in certain circumstances taken
11 those police officers at least out of contact status
12 with citizens.

13 And I think that that is the most important
14 thing if there are circumstances in which you've been
15 informed that a police officer has repeatedly had
16 problems with either a group of citizens or citizens in
17 a particular area of the city, or whatever the case may
18 be.

19 I do know of circumstances in which the Chief
20 has removed them from contact status with citizens.

21 MS. GROW: In order to reduce your backlog of
22 cases due to the steady increase, have you proposed any
23 conciliation programs for the future?

24 MS. PORTER: Yes. The Board has developed a
25 multi-phased reorganization or realignment proposal, if

1 you will. And that is now with the Executive Office of
2 the Mayor. There are a number of facets to the
3 proposal.

4 One is the authority to conciliate cases.
5 The Board felt very strongly that there should be some
6 limits put on conciliation in terms of the types of
7 cases that could be brought; non-excessive force cases,
8 cases that do not involve officers having multiple
9 complaints pending against them. Those kinds of cases
10 may be suitable for conciliation.

11 Many times when we bring a case to hearing we
12 hear a citizen say, "The only thing that I wanted was
13 an apology from the officer." That does not serve the
14 Board well to have expended that time when there are
15 still very serious cases in the caseload. So we've
16 proposed conciliation.

17 We're also proposing summary dispositions
18 which, again, in many cases, the records are complete.
19 There is very little additional information that can be
20 gleaned from the presentation of a hearing. And those
21 cases where we do have a full record, where there has
22 been a complete investigation, we are proposing in
23 limited circumstances the ability to summarily dismiss
24 or dispose of cases through the Board.

25 In addition to that, we are also proposing --

1 and I should add that these proposals are now being
2 introduced. They were first introduced in 1988, so
3 this is not anything that is new.

4 We are proposing that the Board be divided,
5 expanded and divided and the Board be given the
6 authority to meet in panels and hear cases, so that you
7 will have multiple panels meeting, both during the day
8 and evening hours; one, to dispose of the backlog, and
9 two, to ensure that new backlogs do not develop in the
10 future.

11 MS. GROW: Would you be willing to submit
12 these proposals for the record?

13 MS. PORTER: Yes. And it's a qualified yes.
14 It is, as I indicated, in the Executive Office of the
15 Mayor and if there are no problems in terms of
16 protocol, I certainly would not have a problem with
17 doing that.

18 MS. GROW: In terms of the conciliation
19 program you mentioned -- and I guess it would depend
20 on the type of misconduct that would be included, would
21 that be entered into the officer's permanent employment
22 record?

23 MS. PORTER: No. The way that the Board has
24 proceeded with conciliation is that the fact of the
25 conciliation would be recorded but not the outcome or

1 any of the charges.

2 MS. GROW: Not the nature of the allegation
3 that was made?

4 MS. PORTER: No. Just the fact that there
5 was a case that was referred to the Board that was
6 conciliated satisfactorily. I might add in instances
7 in which the cases would not be closed due to
8 conciliation, they would go back into the investigative
9 pile and they would go to full hearing if at any point
10 in time the conciliation process broke down and could
11 not be satisfactorily resolved.

12 MS. GROW: I understand that the CCRB does
13 not have the power to impose discipline; is that
14 correct?

15 MS. PORTER: That's correct.

16 MS. GROW: What do you think would be the
17 impact in terms of monitoring police misconduct and
18 curbing future police misconduct if you were granted
19 this power?

20 MS. PORTER: I think it would have a positive
21 impact on the agency. I was delighted to learn that
22 the Chief did not find that many of our recommendations
23 were off center with the kinds of recommendations that
24 he would impose.

25 I think that at this point in time the agency

1 is viewed as not having sufficient teeth. Certainly,
2 some of that perception comes from the fact that we
3 have a backlog which requires three years in order to
4 even bring a case to hearing.

5 I think that the additional authority to
6 impose penalties as opposed to recommending would be
7 viewed very seriously, but I do believe that there are
8 things that would need to be put in place in terms of
9 the agency as an institution before the agency would be
10 able to effectively administer penalties.

11 MS. GROW: I understand that there was
12 legislation introduced to put the power of initial
13 investigation within the IAD, the Internal Affairs
14 Branch of the Metropolitan Police Department, and I was
15 wondering if you'd like to comment on that.

16 MS. PORTER: I am not a proponent of that
17 suggestion. I think that civilian review is a very
18 important concept and I think there's a whole issue of
19 public confidence in the outcome of investigations.

20 I think that if the system works well there
21 is no reason to place the investigative
22 responsibilities elsewhere.

23 I believe that the civilian investigators, if
24 properly trained and hired and recruited could be as
25 effective as any police officer.

1 I think that what is missing in this
2 particular case is a real bottom line commitment to
3 ensuring the quality of the staff and making sure that
4 the agency has the tools that it needs to be effective.

5 MS. GROW: Thank you.

6 Captain Dine, could you tell us how long
7 you've been an appointed member by the Police
8 Department on the CCRB?

9 CAPTAIN DINE: Approximately 10 months.

10 MS. GROW: And what is your assessment of the
11 CCRB at this time in terms of investigating complaints
12 by citizens and in terms of its recommendations for
13 discipline?

14 CAPTAIN DINE: Well, it's a multifaceted
15 question. In terms of investigations, I think, as the
16 Chief mentioned, what we have to do is differentiate
17 between allegations and sustained cases.

18 In order to sustain any kind of
19 investigation, whether it be an arrest of a citizen or
20 about police misconduct, there has to be quality
21 investigation.

22 Because of their backlog -- I might preface
23 the remarks by saying I think the personnel at the CCRB
24 have done an outstanding job with what they have to
25 work with. And as Ms. Porter says, it's the process,

1 the system itself that has some inherent flaws.

2 The Police Department view of what some of
3 those flaws are is that the investigations, which are
4 the foundation of whatever is going to take place
5 later, be it the imposition of discipline or finding
6 someone not guilty, is the key.

7 If you don't have critical information, which
8 often means an immediate investigation exactly when the
9 complaint is made -- photographs, pictures, the
10 interviewing of witnesses, the canvassing of the
11 neighborhood just as you would in any other crime.

12 If you don't have that you are not going to
13 be able to sustain a case of misconduct and you're
14 going to have really an evidentiary void down the road.

15 It results in what we have now, a huge
16 backlog where innocent officers are not being
17 exonerated quickly enough. And the officers that
18 require discipline or some kind of remedial action or
19 training are also not getting that.

20 The bottom line is it results in a very low
21 rate of actually sustained cases as opposed to the
22 number of complaints that are coming in.

23 MS. GROW: What type of information do you
24 receive when you make your decisions? Whether it's a
25 summary disposition or at the actual hearing, what type

1 of information are you provided in addition to the
2 testimony?

3 Are you provided any evidence that has been
4 gathered during the course of the investigation?

5 CAPTAIN DINE: We are provided with
6 testimonial evidence at the hearings. From time to
7 time we are provided with a medical report. What does
8 not come with that medical report is an explanation of
9 what it actually means.

10 Sometimes it merely means that someone went
11 to the hospital and did receive some kind of injury.
12 Sometimes the medical report indicates that the patient
13 complained of a certain injury.

14 Sometimes there are photographs. There are
15 not transcribed statements from witnesses.

16 I might add, in cases of excessive force, the
17 issue for the Board, which is critical, is to assess
18 the force used in context with the situation.
19 Obviously, there are times when a police officer can
20 use force, up to and including deadly force and it can
21 be justified. So the mere existence of a medical
22 report does not necessarily mean that the force is
23 excessive.

24 If you're going to sustain a case of
25 excessive force you need other evidence and witness

1 statements and things such as that nature to sustain
2 the case.

3 MS. GROW: You mention that you do not get
4 transcripts of witness statements. And these are
5 witnesses that I understand do not participate in the
6 hearing?

7 CAPTAIN DINE: Well, sometimes they
8 participate. Sometimes they don't.

9 MS. GROW: What do you receive, then?

10 CAPTAIN DINE: It's a synopsis by the
11 investigator of some interviews he or she has done.

12 MS. GROW: A summary of testimony?

13 CAPTAIN DINE: Right.

14 MS. GROW: Are you provided with photographs
15 of the scene of the occurrence, injuries, things of
16 that nature, on a regular basis?

17 CAPTAIN DINE: Not on a regular basis.
18 Sometimes we are provided with photographs. Sometimes
19 they're submitted by the complaints. Occasionally
20 they're taken by the CCRB staff. And I think that
21 something which they've greatly improved upon recently.

22 MS. GROW: Mr. Hankins, you are the Chairman
23 of the Labor Committee of the Fraternal Order of
24 Police?

25 OFFICER HANKINS: That's correct.

1 MS. GROW: And I understand that you will be
2 taking on a new position as President?

3 OFFICER HANKINS: Of the Lodge. Yes, ma'am.

4 MS. GROW: And how long have you been with
5 the Fraternal Order of Police?

6 OFFICER HANKINS: I founded the Metropolitan
7 Police Labor Committee, the union arm of the FOP in
8 1980. I've been its Chairman ever since.

9 I've been with the Metropolitan Police
10 Department since 1970.

11 MS. GROW: And what is your assessment of the
12 way cases involving excessive force, harassment or
13 demeaning language, what is your assessment of the way
14 they're being investigated and resolved at this time?

15 OFFICER HANKINS: We're not happy with it
16 either. We don't believe that they're being
17 investigated in a timely fashion. I don't think I need
18 to go over all the testimony you've had before you.

19 I'd like to expand my remarks a little bit,
20 because I think if we focus just on the CCRB we're
21 missing, I think, what are the roots of the problem.

22 We do not today, nor have we for at least a
23 decade, adequately trained Metropolitan Police
24 officers.

25 We do not today, nor have we for I would say

1 at least eight years recruited aggressively and held
2 our standards up high enough to assure that the people
3 that we're requiring to do the job are able to
4 assimilate the information that need from training and
5 then use it on the street.

6 Police officers today, here in the nation's
7 capital and all over the world, or all over this
8 country anyway, are being asked to do increasingly
9 complex things in a more sophisticated legal system
10 than we've ever encountered before and we are not
11 training them. We are not giving them the tools to do
12 the job.

13 The Metropolitan Police Department has no --
14 despite testimony you've had before, really doesn't
15 have a comprehensive training program. The Chief of
16 Police just transferred the entire experienced training
17 academy staff because they filed a grievance against
18 him.

19 We have no library at our academy and have
20 not had one there for seven years. We are not
21 accredited despite all efforts on the City Council, on
22 the Hill, our department remains unaccredited.

23 I think it is unfair to the people of this
24 community and I think it's unfair to our police
25 officers to look at the minutia about how we

1 investigate complaints and ignore that we're putting
2 human beings in untenable positions in a very dangerous
3 environment and expecting them to perform heroically
4 without benefit of training, without benefit of
5 authority and without benefit of good management.

6 I think if you look at the amount of activity
7 that the Police Department's involved in, nearly a
8 million calls for service annually and look at the
9 number of complaints and try to apply that standard to
10 any other industry, you would find that we would be
11 lauding them.

12 If we were manufacturing automobiles we'd
13 probably be getting the President's Medal for Quality
14 and we probably would exceed the standards of Japan for
15 production of commercial products.

16 So let's put into perspective that we do not
17 have a world army of police officers out here who are
18 trampling people's rights.

19 I think we have a lot of highly committed
20 people, with some exceptions, who find themselves
21 placed on the streets without really being given a good
22 comprehension about what it is they're supposed to do
23 and how they're supposed to do it.

24 They confront often violent, frequently
25 abusive people. And we don't have, for instance, the

1 equipment to subdue them, short of deadly force.

2 The choices the Metropolitan Police officer
3 has is a nightstick and a gun. We're not allowed to
4 have tasers. Chemical mace was nonexistent for years
5 and is just now beginning to reappear.

6 And I think you should look at the fact that
7 we're asking human beings out here to do a job. And at
8 the same time we're making it increasingly difficult,
9 nearly impossible for them to do it.

10 And we sit here today with 10 people on this
11 Commission. You've heard three days of testimony and
12 you'll hear testimony I'm gone to reach conclusions
13 about the activities that police officers are involved
14 in on the street.

15 And it is an old saw but still a true one
16 that they're making split second decisions and they can
17 be killed by the most innocent looking situation. And
18 we have the same fears, the same vulnerabilities that
19 every one of you do.

20 And I think it's unfair for us as a
21 government and as a Commission and as a community to
22 continue to hold police to these standards, decry their
23 shortcomings and then involve ourselves in these kind
24 of feel good hearings where the Chief of Police is
25 going to tell you what you want to hear. Everyone else

1 is going to tell you what they want you to hear.

2 And I think I owe it to my fellow officers to
3 take this opportunity to tell you that you're being
4 misled. We're not being adequately trained. We're
5 not being adequately equipped. We are being abused out
6 here on a regular basis. There is disrespect for this
7 government. There's disrespect for law and order. And
8 it is your police officers who are catching the brunt
9 of it, and some of us fail.

10 Some of us should not be police officers, but
11 I don't think it is fair to look at the officer and
12 think that by crucifying a handful of individual police
13 officers we can exonerate the system that produced
14 them.

15 MS. GROW: Have you proposed training,
16 specific types of training to address this type of
17 conduct? How to avoid -- I'm assuming -- excessive
18 force or harassment or demeaning language? In what
19 context would that training be provided?

20 OFFICER HANKINS: The Fraternal Order of
21 Police since 1983 has been decrying the lack of broad-
22 based training for our Police Department. We have
23 attempted to get accreditation since 1984 -- '85.
24 Excuse me.

25 We have met with the Chief of Police. We

1 have met with the City Council. I have testified in
2 front of the City Council. I have testified in front
3 of the United States Congress and have had numerous
4 meetings with Chief Fulwood and the previous chief.

5 Finding ourselves as a union in what some
6 people think is a very unusual situation of asking for
7 more training or stringent standards for the workforce
8 we represent.

9 Yes, we have proposed more sensitivity
10 training, improving our facilities, getting
11 accreditation.

12 That's why I sit here in utter frustration
13 before the Commission dealing with a situation which we
14 think we could see coming for many years and then find
15 the same people who were at the helm in that period of
16 time when all this was going on -- and incidentally,
17 the budget for the Police Department until two years
18 ago was reduced every year for 11 years in real terms,
19 in real dollars and in our spending power.

20 In 1985 they changed the entrance exam for
21 the Police Department and we had immediate
22 repercussions in our academy when the academy started
23 failing record numbers of people and the Chief of
24 Police then ordered the academy staff not to fail
25 anyone. This is all a matter of public record.

1 There was a GAO study of our training academy
2 conducted in 1990 which certified many of our
3 complaints and said that it had become such a morass
4 over there it was impossible to adequately assess
5 exactly what it was they were doing.

6 I'm not here as johnny-come-lately. I'm here
7 to day that we have been complaining about this for
8 years and we represent the rank and file. We don't
9 want brutal people among us. We would like to see them
10 removed and we would certainly like to see them not
11 besmirch our reputation, professionally and personally,
12 any more.

13 But I think you're getting a lot of rhetoric
14 and I'm afraid that's what's going to be produced from
15 here.

16 MS. GROW: What has been the response to your
17 proposals for training?

18 OFFICER HANKINS: Well, actually, Congress
19 commissioned the GAO audit which indicated there was
20 such a mess at our academy. Our Chief of Police denies
21 there's a problem and commits himself rather sincerely
22 that we're going to do better.

23 I'll give you a good concrete example. The
24 City Council was asking our department what it was
25 doing about training.

1 The Chief of Police ordered them to rewrite
2 all of our lesson plans. Now, the way that they
3 rewrote the lesson plans was to take people who had no
4 training and experience and pick up the old lesson plan
5 and rewrite it in their own words into a new lesson
6 plan. And then, take the old lesson plan and file that
7 away and we have a new lesson plan. No new material,
8 no new research, no new expertise. Just rewrite this
9 plan.

10 Then the Chief of Police tells the City
11 Council and the Mayor, "We've revamped our entire
12 training system. We've rewritten all of our lesson
13 plans." Well, my people, the people I represent, were
14 the ones doing the work and they told me what they did.
15 They didn't feel good about it, but the Chief of Police
16 got to politically make a remark that they rewrote the
17 entire curriculum.

18 Well, they didn't change anything. They
19 still don't have a library over there. We still don't
20 have accreditation.

21 MS. GROW: I've heard you mention training,
22 sensitivity training. What would be the content of
23 this training? These are very complex situations,
24 unpredictable, that officers face on a daily basis.

25 Would role playing, would that assist the

1 officers in finding ways to deal within the law with
2 unpredictable, violent situations?

3 OFFICER HANKINS: I think we should look at
4 the program we had previously, that we still have in a
5 rather tenuous mode with St. Elizabeth Hospital
6 personnel where we did have extensive role playing. In
7 fact, in the '70s when I went through, we went through
8 exactly what you're describing.

9 We had professional psycho-dramatists setting
10 up situations that we had to do with and they involved
11 race and sex and the tension and the violence that
12 you'd be involved in. That program is a shadow of its
13 former self.

14 But I think we should also not focus so
15 narrowly on training and think that's going to resolve
16 everything because you can have all of the training in
17 the world and be as sensitivity to the diverse cultures
18 that we encounter out here as any person can possibly
19 be and find yourself dealing with someone who is
20 abusive, who is profane and who is violent.

21 And yet, in the context of today's society,
22 we have no clear indication what you want police
23 officers to do. Not just here but anywhere in this
24 country. Because if we are to be subjected to profane
25 behavior, we're not to respond with profane behavior.

1 If we are to be subjected to violence we are not to
2 overreact in the violence that we respond to them. And
3 it is just not so clear.

4 We're on a stage here today where you can set
5 these things up and control them and it doesn't happen
6 on the street. On the street, one of the most
7 dangerous things you can do is traffic stop, which is
8 routine. It's numbing. It's boring. And you're killed
9 by it because if you let your guard down.

10 And then when you see someone -- and I've
11 attended an awful lot of these funerals, unfortunately.
12 We've had 130 police officers killed in this country
13 last year. And they made mistakes, most of them. And
14 if you ask their fellow officers, brothers and sisters,
15 black and white, yellow and Hispanic, they'll tell you
16 the mistake they made was letting their guard down, not
17 being aggressive.

18 So I say to you that the reality we face
19 isn't helped unless you give us some kind of way to
20 deal with it. And to my mind, no one has done that
21 yet. No one has said to us, "Here's what you do in this
22 situation. And it's okay." What we want to do is go
23 home and see our families at night and survive another
24 day."

25 MS. GROW: Thank you.

1 Mr. Casimere, could you tell us how long
2 you've been President of the International Association
3 of Civilian Oversight of Law Enforcement?

4 MR. CASIMERE: Certainly. I was elected to
5 the position of President of IACOLE at our annual
6 conference in Calgary last September, so I've been in
7 that position since then. Prior to that, I served as
8 Vice President for four years.

9 MS. GROW: Could you give us an idea of how
10 many civilian oversight agencies there are in the
11 United States at this time?

12 MR. CASIMERE: Roughly, there are about 46
13 agencies that we can pinpoint that are members of our
14 association. And there are new agencies that are being
15 proposed and created, but currently 46 are members.
16 Forty-six agencies have members who are part of our
17 association in the United States.

18 MS. GROW: Could you give us an idea of how
19 many agencies are structured like the CCRB that are
20 composed of civilians who do the investigation, who do
21 the hearing and recommend discipline?

22 MR. CASIMERE: Most of the agencies that I'm
23 familiar with here in the United States have some sort
24 of a investigative staff, civilian investigative staff
25 that are responsible for the investigations.

1 officers who work directly for the police executive.
2 But they are required.

3 All agencies in California have them and I
4 venture to say that across the United States most do.

5 MS. GROW: Are there any agencies at this
6 time within the U.S. that have the power to impose
7 discipline?

8 MR. CASIMERE: Are you talking civilian
9 agencies?

10 MS. GROW: Civilian oversight agencies.

11 MR. CASIMERE: They exist. The agencies
12 exist. I mean, two that come most readily to mind are
13 the Milwaukee Fire and Police Commission which manages
14 the police agencies and in San Francisco, the Office of
15 Citizens Complaints. That actually has a police
16 commission that mandates discipline, sets policy,
17 manages the police department, as well as an
18 investigative arm.

19 So there are such civilian oversight
20 mechanisms that exist.

21 I'd like to, I guess, categorize civilian
22 agencies in two categories; those that are true
23 civilian oversight agencies that in fact oversee police
24 departments -- and those cases that I have cited, and
25 there others, but in Milwaukee and San Francisco and

1 Some agencies conduct hearings. I venture to
2 say -- and I was reviewing some information prior to
3 coming here -- that most agencies do investigations.
4 And I guess three-quarters of those in the United
5 States here would conduct hearings. Fewer than that,
6 perhaps half, are involved in conciliation efforts.

7 MS. GROW: And how many police departments
8 would you say are not governed by civilian oversight
9 and they are solely responsible for the investigation
10 and recommendation of discipline?

11 MR. CASIMERE: Well, I think when you look at
12 the diversity of police departments in this country, so
13 many city or municipal departments and county sheriff's
14 agencies, state law enforcement agencies, federal
15 agencies, it's safe to say that most police agencies in
16 the country -- and I'm not prepared to offer you a
17 number of police agencies in the country, but most are
18 involved in internal affairs type of operations in
19 terms of reviewing citizens complaints and resolving
20 those complaints.

21 In the state of California where I am from, I
22 am from Richmond, California, each police agency is
23 mandated by law to have some formal internal mechanism
24 to handle citizens complaints, be that an internal
25 affairs mechanism or be that an officer or group of

1 others the police commission or the civilian oversight
2 agencies actually employs the police chief and the
3 police chief works for them at their pleasure. And
4 they exist.

5 And then there are review agencies. Agencies
6 such as the agency that I work for in the city of
7 Richmond, the Police Commission, that simply reviews
8 police department policies and practices and conducts
9 investigations.

10 Now there may be agencies that are either in
11 that oversight category or review category that have
12 the authority to recommend discipline. Some, can
13 impose, but most just recommend.

14 MS. GROW: Thank you.

15 Commissioner Lewis, perhaps you can briefly
16 tell us about the unique powers inherent in your
17 particular agency. I understand that you do have the
18 power to impose discipline; is that correct?

19 MR. LEWIS: I personally do not, but the
20 Board of Inquiry to which I send cases and which is a
21 civilian board, makes findings. It's an adjudicative
22 board, highly adversarial hearings. It will either
23 dismiss a complaint or if it finds misconduct itself,
24 sets the penalty which must be imposed. And that can
25 range from a simple reprimand to discharge from the

1 police force.

2 MS. GROW: And in your experience, has this
3 been an important tool in monitoring police conduct or
4 curbing police misconduct, having the power to impose
5 the discipline?

6 MR. LEWIS: I think it in fact differentiates
7 our system from almost anything else in the world,
8 including the Milwaukee system. I make a very real
9 distinction between the Milwaukee kind of circumstances
10 with which I'm familiar and what we do.

11 Milwaukee is a Police and Fire Commission
12 which is very similar to commissions we have throughout
13 Canada but fairly rare in the United States, but
14 they're very common in the Canadian municipal
15 circumstance.

16 In our jurisdiction, that is, in Canada as a
17 whole, police commissions have been traditionally
18 responsible, and they're civilian, for working with
19 police forces in hiring chiefs of police and in setting
20 policy in the broad sense. They have also typically
21 been responsible for dealing with complaints about
22 police, either internally generated or through the
23 public.

24 They have come to be seen on the whole as
25 part of police management, as not truly independent

1 from the police and as not having satisfied public
2 expectation of independence in the review of public
3 complaints about police.

4 And so when I hear of a Milwaukee situation,
5 I just think of it as part of the whole police
6 experience. I do not think of it as a true review
7 agency as we see ourselves, as we are.

8 The Ontario experience began as a Toronto
9 experience. It arose out of a tumultuous decade of the
10 '70s with tremendous strains of the Metropolitan
11 Toronto Police; complaints about violent behavior,
12 insensitivity on a racial basis and also unwillingness
13 to cope with public complaint.

14 There were some four independent commissions
15 of note, Royal Commissions and others, that made
16 findings. And what was common to each of them was a
17 statement that there was a need for an independent
18 civilian commission to determine public complaint
19 resolution.

20 Our government -- and I must say another
21 difference between our agency and typical American
22 agencies is that our is the product of provincial
23 legislation, that is, state legislation. We are a very
24 secure agency as has been tested and proved to me, as
25 opposed to many American agencies which operate at the

1 fiat of the mayor or council.

2 Our legislature has created the agency
3 initially to deal with the Metropolitan Toronto police
4 alone. They operated in that fashion for nine years
5 and it was expanded.

6 My jurisdiction now is all 116 police forces
7 in the province of Ontario. The logistics are
8 fascinating.

9 We have a very different system, however,
10 from most in this sense. That unlike the Washington
11 system which excludes the police from the investigative
12 process and even the adjudicative process until the end
13 when a recommendation comes from the Board, ours is an
14 attempt to encourage the police to perform what is
15 perceived to be their managerial responsibility and
16 right. That is, the discipline of their own officers
17 and the accounting for the behavior of their own
18 officers.

19 And so, the police in each of our cities and
20 our Ontario provincial police are responsible initially
21 for the investigation of the complaint. However, I am
22 responsible for monitoring that investigation so
23 there's a complete paper trail, if I can use that term,
24 a complete sharing of information between the forces
25 and my agency.

1 They must give reports. You've seen my
2 legislation. We sent it down to you. And it's quite
3 complex.

4 The chief of police of the force is always
5 required to make the decision as to whether or not
6 there will be discipline based upon the investigation
7 that normally the police conduct.

8 There are circumstances in which I can
9 conduct and I have investigators, but normally it's the
10 police who do it. Whoever does it, the chief of police
11 decides.

12 The citizen or the member of the public has
13 the right, if not satisfied, to demand that I review
14 that decision. I have investigators and lawyers. We
15 review, often by further investigation. We get the
16 whole file from the police. There's complete sharing
17 of information.

18 And it's my decision either to take no
19 further action or, if I think it's in the public
20 interest, to send the case to this independent civilian
21 board of inquiry, which is independent from the police,
22 independent from me, which will adjudicate it, will try
23 it. As I say, they can then impose discipline. That
24 only happens if the chief has not done so and if the
25 matter is reviewed by me.

1 Does it have an impact? Yes, it has an
2 impact. It had such an impact that when I came into
3 office an officer had just been fired for a
4 particularly brutal act. That was the case which
5 became the focus for the association's challenge to the
6 legislation.

7 I might say that one person's critical
8 analysis is often another person's rhetoric. I was no
9 sooner into office than I was advised that they were
10 coming for us. That was the expression used by the
11 head of the association. And come they did.

12 When this officer was fired, they declared
13 publicly they had a quarter of a million dollars,
14 albeit only Canadian dollars, to devote to the
15 abolition of our process. I believe they spent it.

16 They took us right through the courts to the
17 Court of Appeal; challenged us on constitutional
18 grounds, as well as the merits of the individual case.

19 They deployed a number of very discomfoting
20 strategies to disrupt the process, and I won't tell you
21 that they weren't somewhat effective. They were.

22 When they did not succeed in the courts, the
23 association did a partial withdrawal of service. For
24 about two and a half weeks in the city of Toronto I was
25 the only person who could have got a traffic ticket.

1 They would stop cars, but they would not give tickets.
2 They wore baseball caps with the logo, "Abolish the
3 PCC," which is us.

4 It was a clear play and a very political play
5 for public support. It didn't work. The public took
6 the position -- and I think this is what's happening
7 internationally -- they have a lot of regard for their
8 police. Certainly, that's true in Canada.

9 s Generally speaking, people aren't out to sacrifice
10 officers. They have tremendous regard for the work
11 they do and the rigors which they face. But, I believe
12 our population believes very strongly in the need for
13 accountability.

14 Granting exceptional powers which police have
15 requires a credible and open accounting for the
16 exercise of that power, not that you hang coppers out
17 to dry but that be required to account.

18 And so, it's a matter of checks and balances.

19 Yes, I think there has been an effect. There
20 has been relatively little actual serious discipline.
21 What I can tell you has happened, that in that decade
22 the types of complaints which the Metropolitan Toronto
23 Police now face are similar in number and similar in
24 breadth from incivility through the most egregious
25 force. But, the nature of the complaints has dropped

1 very much in gravity. And so we're no longer getting
2 those extreme allegations.

3 I think the legislation has had a deterrent
4 effect and I think that's been very valuable. And the
5 police have benefitted from it because they have gained
6 a lot of community support as a result.

7 I say that with one exception. As you know,
8 Ms. Grow, I was named the Chair of the Ontario
9 Taskforce on Race Relations and Policing arising out of
10 the shootings of black youth and one older black person
11 in Toronto.

12 We've gone through some very difficult times
13 and are still going through difficult times. There is
14 an ongoing trial of manslaughter, attempted murder --
15 no, I'm sorry -- manslaughter of two officers at the
16 moment in our city involving the shooting of a young
17 black.

18 There are still problems to be addressed.
19 There's no question about it. But I don't think you're
20 going to have effective race relation mediation if you
21 don't have a credible complaint process.

22 I quite agree with this gentleman that there
23 are very real needs for training of the officers, for
24 providing them with the resources that will make their
25 work safer and them better capable to cope. But yes, I

1 think it's very much an effective process.

2 MS. GROW: Thank you.

3 I have no further questions, Mr. Chairman.

4 CHAIRMAN FLETCHER: Before I call on the
5 other panelists I want to thank everyone on the panel,
6 and particularly want to thank Mr. Lewis from Canada
7 and Mr. Casimere from California for preparing to come
8 with such late notice that we wanted you here, but your
9 testimony has been very enlightening to me.

10 It's an eye-opener to me and I'm very pleased
11 that you would come.

12 As an old adherent to hearings of this
13 nature, I have to go back and say that without them we
14 probably would not have gotten any of the civil rights
15 legislation passed nor the progress that has resulted
16 from that legislation.

17 I would be the first to say that you hear
18 rhetoric. I would be the first to say that you also
19 collect evidence. Also, the first to say that you hear
20 some facts and you get some results. And if you hang
21 tough long enough you get some progress.

22 So I didn't, and none of my members on the
23 panel put this system in place that we inherited, but
24 we are all committed to using it to the best of our
25 ability to get whatever results we can get out of it

1 and be thankful that we've got it.

2 Now, as a result of my experience and
3 training in the hearing you used the word accreditation
4 a couple of times, sir.

5 Mr. Hankins, would you talk to us a little
6 bit more about why there is no accreditation here and
7 what are we talking about when we say accrediting.

8 OFFICER HANKINS: There is a Commission on
9 Law Enforcement Accreditation in this country. In
10 fact, it's located in Virginia, which is made up of law
11 enforcement professionals, law professors, attorneys,
12 criminal justice professors, who have worked very hard,
13 and I think successfully, to try to accumulate set of
14 standards that can and should be applied to law
15 enforcement in an objective fashion. And they go
16 through the breadth of the police department, not just
17 training, but training is what I was focusing on.

18 And they examine a police department much the
19 way a college is examined to see if it really is
20 meeting the standards that they've adopted.

21 We have been trying for many years to get our
22 department to enter into that accreditation process.
23 Our Chief of Police has been opposed to it. The
24 Congress last year and two years ago agreed to pay for
25 it so there'd be no expense to the Police Department.

1 The money went unspent.

2 Mayor Kelly last year, in speaking with the
3 Congressmen who supported the legislation or the
4 adoption of the extra funds, appropriated the money,
5 committed that our department would become accredited.

6 A contract was sent to the Chief of Police.
7 As far as I know it still has not been signed. The
8 money still hasn't been spent and we have not begun the
9 accreditation process.

10 I think that it is critical to us and
11 critical to law enforcement all over this country,
12 large and small, that we get into this kind of a
13 process so that we can step back a bit from the
14 political processes that develop within the ranks of a
15 paramilitary organization and within a municipal or
16 state or local jurisdiction that operates it. Politics
17 are inescapable. And I think that accreditation is
18 crucial to trying to minimize that and make sure that
19 we rise to a minimum accepted standard.

20 CHAIRMAN FLETCHER: This accreditation
21 entity, do they rate the police departments?

22 OFFICER HANKINS: There is no rating. In
23 fact, I've been very impressed. I've watched how they
24 accredit.

25 I've attended seminars put on by the

1 Commission on Law Enforcement Accreditation to try to
2 educate myself to it. And they don't rate a department
3 on a scale. They simply either made the accreditation
4 or did not.

5 The departments begin the process by signing
6 a contract and being provided with a set of the
7 standards. And then they have a period of time,
8 usually less than two years, but if a department needs
9 more it can take more, to check to see if they conform.

10 When the department has satisfied itself that
11 it's prepared for an inspection, then the commission
12 sends professionals in, law enforcement professionals
13 who belong to the commission and they're brought in
14 from all over the country and then they do a in depth
15 inspection of the police department to see if they
16 indeed meet the criteria.

17 That kind of objectivity and professionalism
18 I think is sorely needed here.

19 CHAIRMAN FLETCHER: Could you specify any
20 particular area where you feel the local police
21 department falls short of meeting some of those
22 accreditation standards?

23 OFFICER HANKINS: The one that is closest to
24 me and the one we've looked at the longest is training.
25 You should bear in mind that I represent the people who

1 are on the staff at the academy, so that for me to
2 criticize them normally would seem contrary to my
3 position. But they actually began approaching me about
4 1986 to complain that their standards have been struck;
5 that, in fact, for a two years period -- I believe from
6 '86 to '87 -- no one failed our police academy.

7 We didn't have an exceptionally bright batch
8 of people coming through in that time period. The
9 academy staff complained to me that they were ordered
10 to fail no one.

11 We had a commander -- and this is as recent
12 as under Chief Fulwood. We had a commander in our
13 training academy go to the University of the District
14 of Columbia and solicit help from a professor there in
15 education.

16 They developed an entry level examination for
17 recruits that was not a pass or fail. It was simply
18 intended to be a general skills test. And the purpose
19 of it was to identify weaknesses of the applicants and
20 then to try to help them with remedial training in
21 those areas. And we're talking about areas as basic as
22 reading and writing.

23 They administered the test one time. The
24 director of the academy was then called and told to
25 destroy the test, to destroy the results and don't ever

1 go into this again.

2 He was told that it was against the policy of
3 the District of Columbia Government to administer these
4 kinds of tests to employees because of the reflection
5 it might have on the District school system or on
6 racial or sex breakdowns. And they stopped.

7 Now, this was not an attempt to hurt anyone.
8 This was an attempt to improve our ability to train the
9 people that we got and this is the kind of reaction.

10 The gentleman no longer is in charge at the
11 academy. He is now in charge of fleet maintenance.

12 So I tell you that I complained and that I
13 often criticize people who I would appear to represent
14 and I think it is an invaluable insight to those people
15 that they come to me and say, "Bring this to light.
16 For God's sake let people know what's going on over
17 here."

18 I would also say to you, as I said earlier,
19 most of those people have just been transferred out of
20 the academy, all of the experience instructors. They
21 filed a grievance regarding pay. Had nothing to do
22 with the standards. But the response of the
23 enlightened management team of the Metropolitan Police
24 Department was to transfer them all out.

25 So this is what we're up against. The rank

1 and file are complaining about lack of standards. They
2 are asking me to come out and ask for higher standards
3 for us to meet, more difficult training for us to go
4 through because we recognize how badly we need it.

5 CHAIRMAN FLETCHER: Is that across the board?

6 OFFICER HANKINS: The best statistic I can
7 give you to measure the support that I get is that our
8 Union is completely voluntary. If you do not wish to
9 belong to the FOP you do not have to belong. And if
10 you don't belong, you pay no service fee. We had that
11 taken out of our contract. So you give yourself a
12 raise if you don't belong to the Union.

13 The department is about 70 percent minority
14 at this point and there have been allegations against
15 me in the past repeatedly that I'm a racist. That's
16 why I bring this up. However, out of the 4,250 people
17 who are eligible to belong to our Union, about 4,180
18 voluntarily belong.

19 I have never been defeated in an election and
20 never been seriously challenged. And if I were what my
21 detractors say I am, I don't think I would have
22 survived five consecutive terms. And if I were a
23 racist, I certainly wouldn't be an elected official in
24 a department that has a majority of minority
25 representation.

1 So, I have their support. I have it today.
2 I've had it all along and I've been critical for many
3 years. But I criticize the lack of training and
4 resources, not our people. We have good people who
5 like to do the job and they're not being given a fair
6 shake. And it's getting more difficult out there all
7 the time.

8 CHAIRMAN FLETCHER: Thank you, so much.

9 Mr. Lewis, you've made mention of an
10 independent entity that sits in judgment. Would you
11 talk to us a little more about that? How did it come
12 into being?

13 MR. LEWIS: It's part of the same legislation
14 which creates my agency. It's the Police Service Act
15 of Ontario now. It used to be the Metropolitan-Toronto
16 Police Force Complaints Act. But it's now the statute
17 which governs all policing in our province. It has a
18 part, Part 6, which sets out the manner in which all
19 public complaints will be dealt with.

20 In addition to creating the agency which I
21 direct and creating my office of Police Complaints
22 Commissioner, creates the Chair of a Board of Inquiry,
23 a permanent job, and part-time members who are to be
24 appointed province-wide and all of whom are appointed
25 by the Cabinet of the Government of Ontario.

1 They are nominated for appointment by three
2 different groups. One-third must be lawyers. They
3 sit, by the way, in separate panels. We're hearing one
4 of the problems of a whole Board having to sit. It's
5 just amazing. I can't imagine that that could work.

6 They sit in panels of three and they always
7 must have a lawyer. So one-third of the larger group,
8 the panel from which individual boards are drawn, are
9 lawyers appointed by government on the recommendation
10 of the Attorney General, to whom I report.

11 One-third are not lawyers and are not police
12 officers, and they are appointed on the recommendation
13 of the Association of Municipalities of Ontario.
14 They're the people who pay the bucks for the individual
15 police forces.

16 One-third are appointed, and they're not
17 lawyers and they're not police officers, either, on the
18 recommendation of the Police Association of Ontario. So
19 it has the say.

20 The Boards sit, as I said, as an adjudicative
21 tribunal. They have a lot of authority when they are
22 convened and they have -- by the way my office, I, the
23 Police Complaints Commissioner, am now responsible for
24 carriage of the actions before the Boards, so my
25 counsel, prosecute, if you will, a case.

1 The Boards can only find misconduct on clear
2 and convincing evidence. But when they do, they make
3 the determination on penalty and they impose it. The
4 officer or any party, myself included, has the right
5 to appeal a decision of the Board to the Supreme Court
6 of Ontario.

7 So it's a very, very sophisticated
8 legislative process, quite frankly, and you have a copy
9 of our Act and you'll be able to review it. I'm not
10 suggesting to you it's inexpensive. It's not. Or that
11 it's not rife with its own problems.

12 We have timeliness problems, as well.

13 CHAIRMAN FLETCHER: I was going to ask that.

14 MR. LEWIS: Yes, we do. They're different
15 from the CCRB's, perhaps, but one of the problems is
16 that interestingly enough, I've mentioned to you the
17 police do the initial investigation.

18 Well, our real experience is with Toronto.
19 It's only the past year that we've been dealing with
20 the whole province and that's been an establishment of
21 the system year.

22 The Toronto Police Force has almost 30
23 officers assigned to just public complaint
24 investigation. That's not internal affairs. That's
25 the Public Complaints Investigation Bureau of the

1 Metropolitan Toronto Police Force, 5600 officer force,
2 30 officers. They'll take a long time to do the
3 investigations. Now, there's any number of reasons for
4 that.

5 CHAIRMAN FLETCHER: A long time in terms of
6 what? Months, weeks?

7 MR. LEWIS: Oh, yes. Six to eight months,
8 sometimes longer, depending on the investigation, but
9 none of them are brief. None of them are brief.

10 They come to me for review. I have to confess
11 one of the things that has troubled me the most in my
12 now six years as Commissioner is just getting my own
13 office institutionally to change its approach to the
14 timeliness of investigations. All institutions are
15 tough to turn around; police, my own office.

16 We have now gone to the stage of early case
17 assessment. You can't treat every case the same.
18 They're not. You have to make early determinations as
19 to which ones you're going to treat with vigor and
20 which ones you're going to move to close out.

21 You're going to be wrong sometimes and you
22 get criticized, but you can't allow the backlogs to
23 exist because they defeat you and you lose you
24 credibility..

25 And you're right. It's not fair for the

1 officers. It's not very fair for the citizen. I mean,
2 what we do, I think sometimes in these systems you numb
3 everybody. You nibble them to death by ducks. It's an
4 unfortunate thing, but I still think the process is
5 important.

6 I wouldn't be at all unhappy if our
7 legislation were to be changed to impose severe time
8 limits on the police for the time they could
9 investigate and on me for the time I can investigate,
10 by God-like execution that would focus the mind. It
11 would. And they'd get them done.

12 And what you'd do is you'd then deal with the
13 ones you had to deal with and you'd use conciliation
14 more often in other areas and so on.

15 So, I hope that answers your question.

16 CHAIRMAN FLETCHER: Do those that you
17 dispense with short of short of full investigation,
18 what happens? Do those folks get a second bite at the
19 apple? What happens?

20 MR. LEWIS: They get the bite at me. There
21 are no really short of the full investigation cases.
22 Well, we have a mean by which some can be converted
23 into inquiries by the police, if I agree. And there's
24 no discipline that can come out of those.

25 Most of them get some form of investigation

1 by the police. I don't think they get it done fast
2 enough. I think sometimes they should just be dealt
3 with more quickly and then the chief should make a
4 decision, yes or no, and have a hearing internally or
5 not and let the person appeal.

6 The second bite of the apple is me. I guess
7 I have to tell you that I have a tremendous amount of
8 authority, not to discipline officers. That I don't
9 do. The Board does. But I can kill the case and
10 nobody can appeal me. I say no further action and
11 that's the end of the game.

12 Theoretically, I suppose, I could be
13 judicially reviewed in the court, but nobody's ever
14 done it and it would be very difficult to do as long as
15 I hadn't exceeded by jurisdiction as a matter of law.

16 So I really -- if anything, I'm a bottleneck.
17 I am the one who really determines what cases get to
18 Boards. And it's only if they get to Boards --
19 assuming the chief hasn't discipline the officer, it's
20 only if they gets to a Board that discipline can occur.

21 I can tell you that we have been very
22 restrained in the number of cases that have gone to
23 Boards. There is a lightening up of that restraint.
24 It's been a very political environment. The last 10
25 years have been a survival exercise.

1 I believe in living to fight another day and
2 every decision that either I or my predecessor made of
3 significance was capable of bringing the whole house
4 down. There's no question about that. So we used a
5 lot of restraint and argued that the symbolic effect
6 was sufficient and so on. But the fact is a lot of
7 these cases have to be aired.

8 The citizens have got to get up to say what
9 they want to say and the police officer has to get up,
10 if he chooses -- he doesn't have to testify -- and give
11 his side or her side of the story.

12 So it's going to happen more. There are
13 going to be more and more Boards because now we have
14 been challenged in the courts and we have succeeded.
15 We have been tried on the streets and we have still
16 existed.

17 And now is the time for the operation to do
18 what it was designed to do in the first place, which is
19 provide a forum for the disposition of the complaints.

20 And I don't think the officers are going to
21 get crucified. I don't think they're going to get hung
22 out to dry. I think they're going to gain a lot of
23 respect over the process by having been seen to be
24 independently reviewed.

25 I brought some stuff for you, by the way. If

1 I could presume --

2 CHAIRMAN FLETCHER: If there anything for the
3 record we'd like to have it.

4 MR. LEWIS: -- just to file with you the
5 document. This is our public document on how to file a
6 complaint involving a police officer. This is one for
7 the officers themselves, "Your Rights and How it
8 Affects You as a Police Officer."

9 This is a chapter of a book recently
10 published by Oxford University Press called "Complaints
11 Against the Police, the Trend to External Review."
12 It's an international review. I wrote a chapter of that
13 book. I brought a couple of copies and they can be
14 xeroxed for you.

15 It in effect sets out not only how our office
16 operates. It gives my views of the why it needs to and
17 what this all means, for what it's worth. I hope that
18 will be useful to you.

19 A few pieces of very recent press on hearings
20 that are going on at the present time or have just
21 finished in our city. Just three hearings.

22 Also, "Complaints Official Trades Blunt
23 Remarks with Police." You'll be pleased to know, sir,
24 that this was my appearance. I think I earned by whole
25 year's salary in August when I appeared before the

1 Police Association of Ontario, 250 officers, and took
2 it on the chin and gave some of it back, and said to
3 them, "I was not appointed to be a buddy. I was
4 appointed to take tough decisions and act in fairness."

5 This is a real danger of our kind of agencies
6 being coopted by police; becoming either through our
7 tardiness or through our lack of resolve, just another
8 means of legitimizing police misconduct, because how
9 nice it is for police if we sit there saying they did
10 it okay when they really didn't. You know, they could
11 then say, "Well, look at that. That agency said we
12 were fine.

13 I also brought you the "Report of the
14 Taskforce on Race Relations and Policing in Ontario."
15 Now, I've read some of your reports, by the way, going
16 back to the early '80s on race issues and policing.
17 You'll be familiar with some of this. We steal from
18 you, but this has had a very significant affect in
19 legislation in our province in policing. It's being
20 incorporated into regulations of the Police Services
21 Act. We made 57 recommendations.

22 We got a lot of police support, ultimately.
23 This was a threatening process but it's working to the
24 benefit of the police and many of them are buying into
25 it, the forces.

1 I leave it with you and I hope you'll find it
2 of value.

3 CHAIRMAN FLETCHER: I have a couple of more
4 questions.

5 MS. BOOKER: One final question for Ms.
6 Porter.

7 CHAIRMAN FLETCHER: Go ahead.

8 MS. BOOKER: Ms. Porter, can you just give us
9 very briefly a rough idea of to what extent or
10 percentage the Chief of Police generally agrees or
11 disagrees with the findings and recommendations of the
12 CCRB?

13 MS. PORTER: We have met with more success
14 recently than has previously been the case. In my
15 early years being with the Board, I believe the
16 percentage was less than 30 percent of the time the
17 Chief would agree with a decision that the Board had
18 rendered or a recommendation.

19 At this point in time it's probably nearer
20 50-55 percent of the cases that are actually sustained.

21 I exclude those cases in which there was no
22 finding of guilt simply because the Chief, by matter of
23 law, just concurs with that moves on.

24 I cannot think of one instance in which there
25 has been a finding not to sustain charges against the

1 officer that the Chief has come back and said I believe
2 that there was guilt there and you should have
3 sustained the charges.

4 So with respect to those universe of cases in
5 which there have been sustained findings, about 55
6 percent of the time the Chief will concur in our
7 decision.

8 MS. BOOKER: And the change that you alluded
9 to, would that have been a change in the Chief of
10 Police?

11 MS. PORTER: Yes, it would have.

12 MS. BOOKER: Thank you.

13 CHAIRMAN FLETCHER: Commissioner Berry.

14 COMMISSIONER BERRY: Yes, Mr. Chairman. I
15 have a number of questions, but first, in terms of data
16 for the record, I'd like to ask Mr. Casimere if he
17 could tell us either now or submit it for the record --
18 you may just want to submit this for the record -- how
19 many civilian review board, these systems, have
20 investigation by police and how many have
21 investigations by investigators and whether they all
22 have it one way or the other, some nationwide figures.

23 You may not have them now. And if not, could
24 you submit that for the record?

25 MR. CASIMERE: Sure. I can submit it. I

1 might add that there are agencies that have it both
2 ways, if you will. There are agencies, for example the
3 agency that I work for, in which investigations into
4 matters of force complaints or race complaints, these
5 investigations are conducted both by an independent
6 civilian mechanism as well as by the internal police
7 review process that we mentioned earlier. And I can
8 get some specific information for you.

9 I have a compendium which is in the process
10 of being updated, I might add. And as soon as that
11 updated compendium of civilian agencies is prepared,
12 which should be within the next couple of months of so,
13 we can make certain that it's in your hands.

14 COMMISSIONER BERRY: Okay. And then I would
15 like also for the record to have -- Mr. Hankins talked
16 about some people at the training academy who had been
17 either removed or subjected to some disciplinary
18 action. I would like for the record to have the Chief
19 and the management in the Police Department respond in
20 the record to Mr. Hankins' testimony in this regard.
21 And I ask for those two things.

22 The third thing I would like for the record,
23 going to Ms. Porter, is during Chief Fulwood's
24 testimony there was an exchange with my colleague,
25 Commissioner Buckley, about 11 complaints being filed

1 against one police officer and six against another in
2 3D or 4D. I've forgotten exactly which, but we can
3 tell you. And the Chief said the Police Department was
4 not aware that this many complaints had been filed
5 against these officers at your agency.

6 And so I would like for your to provide for
7 us either now, if you have it, and if not for the
8 record the disposition of those two instances of when
9 the Police Department was informed about it and whether
10 they have been informed about it so we can get some
11 closure on this matter.

12 The third thing I would like is with Mr.
13 Hankins. Let me go to you, please. By the way, I very
14 much appreciated everyone's testimony. I do not, and
15 this is not directed at you, Mr. Hankins, but it's of
16 note for us as Commissioners that you are the only
17 person I see on our witness list who is an employee of
18 the agency that we are discussing who is in either a
19 union position or an adversarial position with
20 management so that you can tell us what's going on
21 inside the organization. And that maybe we should do
22 that in our other panels when we have other people from
23 other agencies. Have somebody who represents the
24 workers to tell us something. So I'm just noting that
25 for my colleagues, not for us.

1 But to get the question, you spoke about
2 accreditation. Do you have any idea how many big city
3 police departments are accredited? If you don't know,
4 we can ask the organization that your referred to.

5 OFFICER HANKINS: I really don't know how
6 many there are, but the Commission on Law Enforcement
7 Accreditation publishes a list and it is growing. At
8 their last seminar I attended, I think they inducted
9 about a half dozen new agencies who had received
10 accreditation.

11 COMMISSIONER BERRY: And also, the
12 consequences of accreditation. I am familiar as a
13 lawyer and as a former university administrator that if
14 departments are not accredited when they are
15 professional departments in schools the consequences
16 can be that sometimes they have to go out of existence.
17 Other times the people who graduate from them cannot
18 take the bar exam or cannot take certain kinds of
19 examinations.

20 When a police department is not accredited is
21 there some kind of consequence like that? Do you close
22 down or something or what happens?

23 OFFICER HANKINS: No. Nothing so harsh as
24 closing you down but the benefits of accreditation are
25 that to a municipality which is facing civil action

1 because of the actions of one of its officers, we're
2 seeing more and more vicarious liability because the
3 officers are not being trained.

4 The District of Columbia is no exception. It
5 loses millions of dollars annually in either suits that
6 are resolved against them in court or settled out of
7 court as a result of the department's inability to
8 convince the community or the judge that we have
9 adequately trained our personnel.

10 So the first big win for a municipality is
11 they can bring to the bench, bring to the bar, a report
12 that says they have met minimum standards as reviewed
13 by objective individuals who are looking at it.

14 Secondly, in meeting with agencies that were
15 attending the seminar, both the rank and file officers
16 and the supervisors who were involved in the
17 accreditation process, I saw a refreshing positive
18 sense of morale of accomplishment, of acceptance into a
19 new level of professionalism.

20 I mean, there was a palpable boost in their
21 self-image and their state and their investment in
22 their own organization that having accomplished this.
23 And accreditation, by the way, is not a one-time event.
24 Once you're accredited you have to maintain that
25 accreditation and some of the officers I spoke to spoke

1 about a transformation in the agency where once they
2 established an office for accreditation and started
3 focusing on these standards and how to meet them, it
4 had a pervasive effect on the organization because it
5 effects everyone eventually and they buy into it and
6 they feel better about themselves. And I believe they
7 do their jobs better.

8 COMMISSIONER BERRY: At this point in the
9 record, too, Mr. Chairman, I would request that the
10 staff find out from this national organization how many
11 departments are accredited and how many big city
12 departments are accredited and some more information
13 about this proces from them that would be available for
14 us for our assessment when we go to recommendations.

15 The next thing I would ask is, Mr. Hankins,
16 before you testified I was of the impression that
17 usually when someone makes an allegation of a complaint
18 of police harassment or something like that that if it
19 occurred it was probably a few bad apples who somehow
20 got in the barrel who did this.

21 But after listening to you testify, I got the
22 impression that it's not a few bad apples. It could be
23 a whole bunch of people in a department and that the
24 main problem is that they're inadequately trained. And
25 that therefore, when there are allegation, it's a

1 systemic problem with the department just as the people
2 who made the allegations told us when they testified.

3 So I thought about the bad apples. I thought
4 it was the bad apples. Now you're telling me that it's
5 just about everybody.

6 OFFICER HANKINS: Oh, I'm not saying that
7 it's just about everyone. I'm saying that virtually no
8 one is adequately trained. That doesn't mean that many
9 of them, most of them, don't do their job well.

10 I think that it isn't just a few bad apples,
11 although we certainly have that. And I think any
12 agency that has human beings as employees are going to
13 have individuals who slip through whatever process you
14 have. And officers are in a unique position to be
15 extraordinarily bad with the powers that they possess.

16 But i think that there are a larger number of
17 individuals who -- and incidentally. I would make an
18 observation regarding the increased numbers of
19 complaints over the last few years.

20 We have an increased number of young officers
21 who were hired as we expanded the ranks of the police
22 department. So they are inexperienced, ill-equipped
23 and not trained as well.

24 That doesn't call into question their
25 integrity. It doesn't call into question their

1 commitment or their intelligence. I think they have
2 all of those.

3 However, because they don't have some of the
4 skills that should be taught and developed, rather than
5 inherited, they are not able as some other officers
6 more experienced and perhaps better trained are in
7 dealing with violent or at least confrontational
8 situations.

9 I believe that if you are confident in your
10 own authority, confident in your skills, you're going
11 to be less likely to resort to force unnecessarily
12 because you'll have the confidence to deal with
13 somebody and verbalize with them and try to reach an
14 accommodation.

15 I believe that force sometimes is used when
16 officers don't have that kind of confidence, don't have
17 the knowledge they need about alternatives and may
18 resort to their authority or the color of their
19 authority to hide their fear. And fear may not be of
20 incompetence.

21 It may be the person they're dealing with, or
22 fear that they're really not sure of what they're
23 doing so they're just going to assert themselves and
24 take control

25 And I believe that is part of our problem and

1 I don't hide from it. I also don't condemn the
2 officers that suffer from it. I think we need to
3 provide them with better training and more skills.

4 COMMISSIONER BERRY: The last questions go to
5 Captain Dine and Ms. Porter, again.

6 Ms. Porter, first of all, do you think that
7 the paucity of resources that you have in your agency,
8 according to your description. First of all, you don't
9 have enough staff. I was very sympathetic to the
10 discussion that you gave us.

11 Do you think that this is one symbol that the
12 people who run the city and who allocate the monies
13 aren't very concerned about this issue anyway, because
14 if they were they would make sure that you had adequate
15 staff to investigate these complaints. They'd be
16 sensitive to three year wait on investigations and all
17 this.

18 So should we see this as sort of symbolic of
19 either people not being aware or people not being
20 interested or something, or gave you made the case for
21 your agency.

22 What's the answer to this?

23 MS. PORTER: We have made the case for the
24 agency time and time again. I think it's a function of
25 a number of issues. One is that there is a very small

1 pool of resources that all city services compete for.
2 And unfortunately, it's usually the squeaky wheel that
3 gets the grease.

4 And as long as the agency has been able to
5 something, not a great deal, but something, it's been
6 viewed as acceptable.

7 I say to you, however, that there is a great
8 more that the agency should be able to do, given the
9 resources. I believe that the city government has a
10 very high level of exposure because of the
11 ineffectiveness of this agency.

12 The other side of having a good civilian
13 review process is over time you should see a
14 diminishing value in terms of the number of civil suits
15 that are filed against the agency or against the
16 government.

17 We haven't had that kind of downturn, I
18 maintain, simply because the agency has not done all
19 that it should do. I would hope that it is not a
20 signal of any lack of commitment on the part of the
21 Council or on the Mayor, but more an unawareness, which
22 I hope that this process will help bring to the surface
23 so that everyone understands what's at stake for the
24 city.

25 COMMISSIONER BERRY: So if they would

1 understand that you save money by having a strong
2 agency to investigate these complaints rather than
3 paying it out in damages in a lawsuit.

4 MS. PORTER: Because one of the, I think, by-
5 products of having timely and effective investigations
6 is that you are able to identify problems early on,
7 systemic problems that can be addressed before they get
8 to the point that their officers -- for example, we
9 talked about the multiple complaint officers.

10 There are presently 44 officers in the
11 Metropolitan Police Department that account for 25
12 percent of the pending complaints in our agency.
13 Forty-four officers. That didn't happen overnight and
14 there should have been some remedial steps that could
15 have been taken all along that would have reduced that
16 exposure for the city.

17 COMMISSIONER BERRY: Is the Police Department
18 aware that these 44 officers --

19 MS. PORTER: Oh, yes.

20 COMMISSIONER BERRY: Have you apprised them
21 of this?

22 MS. PORTER: Yes.

23 COMMISSIONER BERRY: I'll ask Captain Dine
24 since he's in the Police Department.

25 Do you folks know about this in the Police

1 Department?

2 CAPTAIN DINE: Yes, we do know about this. As
3 I mentioned before, the problem with the process is if
4 those cases have not been adjudicated those people are
5 really only candidates for the Early Warning System the
6 Chief described. We can let them know that we know
7 that there are complaints against them.

8 And by the way, the Early Warning System we
9 devised does not only include CCRB complaints. It
10 includes other kinds of complaints that the department
11 still handles and other problems that the officer might
12 have.

13 But it only makes it a candidate to be a part
14 of that system where we can advise them that we're
15 aware that they have a problem where in certain cases
16 we may remove them from whatever duty assignment
17 they're in or even take their police powers. But they
18 cannot be disciplined.

19 They can be offered help, psychological
20 counselling or a lot of things. But the bottom line is
21 they have not been found guilty of any misconduct and
22 that is something over which the department has no
23 control.

24 In your earlier question to Ms. Porter about
25 this, the Police Department recognizes the need for

1 civilian oversight and involvement. I think the Police
2 Department's view is that the answer to the problem is
3 there, even if you're talking about a money situation.

4 The problem with the process now is it has
5 totally removed management control so that sergeants,
6 lieutenants, supervisors have no stake in the conduct
7 of their officers. They are prohibited from
8 investigating a complaint when a citizen comes to them
9 about misconduct.

10 Our answer to the problem still includes
11 civilian oversight. It forms a partnership so that the
12 Police Department can investigate it immediately and
13 send the investigation to the Review Board for their
14 review and input and whatever they would like to do
15 with it; reinvestigate it, have a hearing.

16 We believe that the answer to the problem is
17 there, but right now the process is really hindering
18 quality police service because it's hindering the
19 ability of the Chief to take action when he has to.

20 COMMISSIONER BERRY: Would you be opposed to
21 changing the statute, Ms. Porter, to do what Captain
22 Dine just suggested; have the Police Department
23 investigate, which is what's done in Ontario, then you
24 guys have oversight and monitoring and so on?

25 I mean, are you in a position to say whether

1 you agree?

2 MS. PORTER: I can only speak for myself
3 personally, and I'll put a broad disclaimer on the rest
4 of the Board.

5 I at this point in time am opposed to that.
6 And perhaps over time I would have more confidence in
7 the process itself. My greatest fear is that in
8 relinquishing any part of the authority that we now
9 have we will see a dissembling of the agency, of the
10 civilian review function.

11 I think that we have a very good and viable
12 concept in the District of Columbia. I am not yet
13 convinced that we would enjoy that level of
14 cooperation. It's not Captain Dine that I'm worried
15 about. It's the institution.

16 We have a situation now when we speak about
17 investigations, one of the major difficulties we have
18 with respect to investigations and the quality is that
19 we only get half of a story.

20 We do not enjoy cooperation from the police
21 officers. We do not enjoy cooperation either from the
22 subject of the complaint or any witness officers who
23 may have observed the interaction between the citizen
24 and the police.

25 So by definition when you get a package it is

1 going to be less than sufficient in terms of the
2 evidence that's presented.

3 If you can convince me that those kinds of
4 barriers can be struck down, then perhaps I would be
5 more amenable to believing that the interest is in
6 having a viable review process and not one that
7 gradually strikes away at all of the power and
8 authority of the Board to the point that the Board is
9 rendered useless.

10 And those are the issues that I deal with
11 personally.

12 COMMISSIONER BERRY: Thank you, Mr. Chairman.
13 Those are the only question I have.

14 Oh, by the way, I did not say -- I want to
15 make sure that the data requests that I made to go into
16 the record are agreed to by the Commission; that the
17 record will be kept open in the usual time with our
18 review later, to have those items that I listed without
19 listing the again, be included.

20 Could you ask if there's any objection, Mr.
21 Chairman?

22 CHAIRMAN FLETCHER: Is there any objection?

23 (No response.)

24 Okay. Hearing none, so be it.

25 Any further question from any of the

1 Commissioners?

2 (No response.)

3 Okay. If not, we certainly want to thank you
4 very, very much. You people have been very patient,
5 cooperative and particularly our friends from Ontario
6 who's come all the way down, and we really appreciate
7 it.

8 And we certainly really enjoyed your
9 presentation. I think you've been very, very helpful.

10 And the rest of you, as well. We really
11 appreciate it.

12 Thank you.

13 (Witnesses excused.)

14 MS. BOOKER: Mr. Chairman, we have two
15 witnesses with testimony relevant to this subject
16 matter who were not able to get on the first panel this
17 morning.

18 Although we're late, and I would like to
19 apologize to the Criminal Justice System Panel which is
20 waiting to go on, I think it would be useful to get the
21 testimony of these two witnesses at this time.

22 Mr. Roberto Umanzor and Mr. Edward Spurlock,
23 if you would please come forward.

24 **COMMUNITY WITNESSES**

25 (Witnesses sworn.)

1 MR. MILANES: Because of the fact that Mr.
2 Umanzor has been charged with a minor criminal offense,
3 I'm here to make sure that he doesn't make any self-
4 incriminating remarks and things of that nature.

5 MS. BOOKER: Mr. Umanzor, may I ask you to
6 relate to us the incident with relation to the Police
7 Department of the District of Columbia that brings you
8 here today to share with this Commission your
9 complaint, which I believe is one of false arrest and
10 excessive use of force.

11 MR. UMANZOR: (Through Interpreter): Yes.
12 My statement is the following.

13 It happened on Tuesday in the early hours of
14 the morning. A friend invited me to a meeting. When I
15 was going back, he dropped by to visit another friend.

16 He stopped his car. He parked it and he
17 walked. I remained in the car waiting for him at which
18 time the police arrived.

19 If somebody called them, I don't know, but
20 they arrived. So, they asked me for the papers to the
21 car, the registration and identification; my driver's
22 license.

23 MS. BOOKER: Excuse me. Were you in the
24 driver's seat?

25 MR. UMANZOR: (Through Interpreter) No.

1 And then, they said to me that I was under
2 arrest and I asked him why and he didn't answer me.

3 He just proceeded to handcuff me. He threw
4 me down on the ground and then he put a foot on this
5 right here (indicating) and he was speaking with the
6 other ones.

7 MS. BOOKER: A foot on your back?

8 MR. UMANZOR: (Through Interpreter) Yes,
9 yes. I was facing down on my stomach on the ground,
10 laying on the ground. And so I told him not to treat
11 me like this, because he shouldn't.

12 MS. BOOKER: Were you speaking English, Mr.
13 Umanzor?

14 MR. UMANZOR: (Through Interpreter) The very
15 little that I know how. I don't really speak it. Very
16 little. He doesn't speak Spanish, just English.

17 MS. BOOKER: The officer speaks Spanish?

18 MR. UMANZOR: (Through Interpreter) No. He
19 doesn't know.

20 So I continued to be against the arrest. He
21 took me to the paddy wagon type police car. I
22 continued to sternly ask him why. And of course, I got
23 him even more angry.

24 So then he opened the door to me again and
25 the told me to get out. When I got out of the door, he

1 grabbed by the neck and he threw me down on the ground.
2 And that's how he broke all this (indicating) and he
3 cut all this in my eye and the inside (indicating).

4 And from there he brought me to the police
5 station, to the precinct and then I was led to the
6 hospital, D.C. General Hospital and I spent almost a
7 day in the hospital.

8 From there he took me to D. C. Jail.
9 Yesterday, like at 4:00 or 5:00 in the afternoon I had
10 my turn in Court. And when I arrived in Court, the
11 Judge said that I was free and there wasn't enough
12 evidence against me. And that's all.

13 MS. BOOKER: What had you been charged with?

14 MR. UMANZOR: (Through Interpreter) Of
15 driving without a license, driving the car without a
16 license.

17 MS. BOOKER: And for the benefit of the
18 record, you have a black eye, which is swollen shut and
19 the left side of your face is swollen. According to
20 the hospital, are there other injuries that we don't
21 see? Are there any broken bones?

22 MR. UMANZOR: (Through Interpreter) Yes,
23 there are.

24 MS. BOOKER: Do you have a report from the
25 hospital that you could submit for the record? Mr.

1 Milanese has that? ---

2 MR. UMANZOR: (Through Interpreter) Yes, of
3 course I do.

4 MS. BOOKER: Just to clarify, the officer had
5 put you into the van and when you protested he pulled
6 you out of the police van and threw you to the ground.
7 Was there any particular exchange between you and the
8 officer that you believe prompted him to do that to
9 you?

10 MR. UMANZOR: (Through Interpreter) No.
11 Just the fact that I would ask him why are you treating
12 me like this.

13 MS. BOOKER: Mr. Umanzor, clarify further.
14 Is it your testimony that your friend had driven the
15 car, parked the car at the curb, turned off the car and
16 left you seated in the passenger seat?

17 MR. UMANZOR: (Through Interpreter) Yes. I
18 remained there.

19 MS. BOOKER: How long were you seated there
20 before the officer questioned you?

21 MR. UMANZOR: (Through Interpreter) Oh, from
22 I'd say between eight or 10 minutes.

23 MS. BOOKER: Is it unlikely, then, that the
24 officer had followed your car until you parked it, as
25 opposed to coming upon you parked there? Was he

1 following you, do you know, the police officer, when
2 your friend drove the car up?

3 MR. UMANZOR: (Through Interpreter) No. I
4 don't know if he had been following me.

5 MS. BOOKER: Did your friend appear in court
6 with you? Did your friend who was driving the car
7 appear in court with you?

8 MR. UMANZOR: (Through Interpreter) No. Up
9 to today I haven't seen him because I just got out. I
10 don't know if he's under arrest or where he is.
11 Perhaps he was just where his other friend was as his
12 other friend's place and he never really saw anything
13 maybe.

14 MS. BOOKER: And presumably he doesn't know
15 what happened to you?

16 MR. UMANZOR: (Through Interpreter)
17 Presumably, I believe so.

18 CHAIRMAN FLETCHER: Any further questions?
19 (No response.)

20 Have you filed a complaint?

21 MR. UMANZOR: (Through Interpreter) Up 'til
22 now I haven't.

23 CHAIRMAN FLETCHER: Any further questions?
24 (No response.)

25 COMMISSIONER RAMIREZ: (In Spanish) Just so

1 this gets cleared up, not because we doubt what you
2 say, of course, the time that the police got you out of
3 the car, the first encounter, the policeman, the
4 officer, didn't he ask you if you had been drinking or
5 whether -- had you been drinking?

6 MR. UMANZOR: (Through Interpreter) No.

7 COMMISSIONER RAMIREZ: (In Spanish) So I'm
8 going to ask you another question. Had you been in
9 trouble with the police before at another time?

10 MR. UMANZOR: No.

11 COMMISSIONER RAMIREZ: Now, your friends,
12 does this happen very often to your friends?

13 MR. UMANZOR: No.

14 MR. MILANES: For the record, when he says no,
15 it means that he's not answering the question. At this
16 time he's not answering any of those three questions.

17 COMMISSIONER RAMIREZ: Okay, then. Thank you.

18 CHAIRMAN FLETCHER: Any further questions?
19 Counsel?

20 MS. BOOKER: Mr. Umanzor, during the arrest
21 when you were protesting very sternly, as you told us,
22 your arrest, did you use any language toward the
23 officer that would be regarded as profanity?

24 MR. MILANES: He doesn't hear the
25 interpreter. I'll repeat the question to him.

1 MR. UMANZOR: (Through Interpreter) No foul
2 language but maybe I said to him what I could in the
3 little English that I have.

4 MS. BOOKER: If there are no further
5 questions, I think we could let the witness go. I think
6 the Chairman would like to say, as I would, how much we
7 appreciate your waiting to testify.

8 CHAIRMAN FLETCHER: Not only that, but I
9 appreciate your courage and willingness to testify.
10 Thank you so very much.

11 (Witness excused.)

12 MS. BOOKER: Mr. Spurlock, would you identify
13 yourself for the record?

14 MR. SPURLOCK: My name is Edward Spurlock.
15 I'm a retired Deputy Chief, former Commander of the
16 Third District.

17 MS. BOOKER: Thank you.

18 Mr. Spurlock, we received this morning a
19 report prepared by the Washington Lawyers Committee for
20 Civil Rights Under Law, entitled "Injustice for All?
21 Report on Police Misconduct Affecting the D.C. Latino
22 Community."

23 There are several quotes in here attributed
24 to you and I'd like to have you comment on them for the
25 record.

1 On page 7 of the report it is stated that a
2 discretionary arrest involves a low level criminal
3 offense, for example, disorderly conduct or public
4 intoxication, in which the officer on the scene has the
5 discretion to make an arrest or issue a warning to the
6 civilian involved.

7 Senior police officials have recognized and
8 express concern according to this report, about the
9 discriminatory abuse of such discretionary arrest
10 powers against the Latino community.

11 The footnote to this statement refers to an
12 interview with you. I wonder if you would verify. Are
13 you one of the senior police officials who recognize
14 and express concern about the discriminatory abuse of
15 such discretionary arrest powers against the Latino
16 community?

17 MR. SPURLOCK: Well, the article is correct
18 in a sense. A police manager, or modern police
19 manager, has a problem, always has problems with
20 discretionary practices. It has been a problem for
21 management in law enforcement as long as we've been in
22 existence.

23 The comment was more of a general nature and
24 not so specific about the Hispanic community, but in a
25 sense it's typical. The abuses that occur in order or

1 maintenance arrests usually occur involving people on
2 the lower income ladder. And in the Third and Fourth
3 District, that just happens to be Hispanics.

4 So if you're going to have people outside
5 their homes, they don't have air-conditioners, they
6 gather in parks and so forth, and that's usually the
7 people on the lower income ladder. And as such, we're
8 talking about Hispanics at this time, Latinos.

9 And for that reason, any learned manager in
10 law enforcement today will tell you that discretion is
11 a problem and it always has been a problem. You cannot
12 legislate discretion. You don't want officers making
13 every arrest of every violation they see occur.

14 They could never even get to the station to
15 check off. It would be so inhuman that it's just not
16 manageable.

17 But we have not been able to legislate
18 discretion, just as you can't legislate judgment.

19 MS. BOOKER: Another quote, or another
20 statement in here on the same page 7, is that an
21 egregious and disturbing abuse of discretionary arrest
22 powers involves the monthly competition among officers
23 in certain MPD districts for the officer of the month
24 award.

25 According to the report, one of the factors

1 used in determining the officer of the month is the
2 number of arrests made during a specific time period.

3 Are you aware of such an award and such a
4 criteria for achieving it?

5 MR. SPURLOCK: Well, I'm aware of the award.
6 Obviously, I am. But I don't believe it was attributed
7 to me. If it was, it's erroneous.

8 MS. BOOKER: No. It's not attributed to you
9 but I'm asking if you were aware of the award and, that
10 one of the factors was the number of arrests.

11 MR. SPURLOCK: Well, I think probably the
12 number of arrests has the least to do than anything
13 with getting the award.

14 It has to do with major cases. It has to do
15 with felonies. We're basically talking about order
16 maintenance stuff. You don't get a complaint about a
17 felony arrest. Those are very severe crimes. Officers
18 know they have to go before a grand jury. Those are
19 very serious cases. So we're talking mostly about
20 order maintenance and they wouldn't fall in that
21 category.

22 I know of situations where the officer of the
23 month, where they were very close. For instance, two
24 officers made the same case, a big case; a rape, for
25 instance. And I remember one particular case where a

1 woman was being raped in an alley on 12th Street.
2 Officer drove by at the right time. They were able to
3 chase the guy down, made the arrest and the officers
4 made a good case. They both contributed to it.

5 The deciding factor as to which one got the
6 officer of the month was the number of arrests, but
7 historically arrests on such small things like
8 disorderly and the things that we have problems with,
9 they're never a factor, really.

10 MS. BOOKER: The report goes on to quote
11 another witness, and I wonder if you would have any
12 knowledge that would corroborate this witness.

13 The witness stated that towards the end of
14 the month officers competing for the award
15 traditionally go into the Latino neighborhoods
16 searching for people to arrest on a discretionary
17 offense, such as disorderly conduct.

18 MR. SPURLOCK: No. I can assure you, ma'am,
19 I'm a very strong person. Strong willed, strong
20 everything, big and loud. I don't allow anything like
21 that. And if you just went out in the audience and
22 asked them did they ever hear of Chief Spurlock
23 allowing something like that to occur, they would
24 emphatically tell you, no.

25 And if occurred -- and I have no knowledge of

1 it, but if it occurred, I would probably know it.
2 Disorderly arrests are something that you actually look
3 at. In the Third District we probably made as many
4 disorderly arrests as any one of the other seven
5 districts, but we made probably more total arrests than
6 anyone else.

7 So disorderly arrests are something we
8 scrutinize very closely.

9 MS. BOOKER: There's another comment that is
10 attributed to you, and that is, I quote from page 12,
11 "One former senior police official indicated that
12 unprofessional conduct may be more, quote, acceptable,
13 unquote, when the person arrested does not speak
14 English and does not want you to call Immigration."

15 I would ask you if that is an accurate
16 paraphrase or an observation that you made to the
17 Lawyers Committee? And, if so, if you would clarify
18 "acceptable" to whom?

19 MR. SPURLOCK: Well, it was in the middle of
20 a context or a subject matter about disorderly arrests
21 and discretion. And my comment was that if you were to
22 make a disorderly arrest and you made it of an illegal
23 alien, then more than likely that person is not going
24 to complain.

25 First of all, many of the people that we're

1 talking about do not speak English and are scared to
2 make a complaint. So if an officer was inclined to
3 abuse the discretionary practice, that would probably
4 be an area, historically, where they do.

5 And it was in that context that that
6 statement was made and it was referring to officers.
7 If officers were inclined to abuse, to make arrests
8 where no arrest was appropriate, it would probably be
9 in that area.

10 But I would also advise you that officers do
11 not like to go to court on disorderly cases. So if a
12 person doesn't have^s any money he has a good chance of
13 not getting arrested for disorderly because he can't
14 pay out.

15 Disorderly arrests basically are made in the
16 evening hours. Court's not open until the morning,
17 which means the officer has to be back in court at 8:00
18 o'clock after working an evening shift, getting off at
19 11:00 or 12:00. It prohibits officers from making
20 disorderly arrests unless they can pay out.

21 Do you understand my comment?

22 CHAIRMAN FLETCHER: Pay out? You mean get
23 out of jail?

24 MR. SPURLOCK: He can get out of jail. Pay
25 his fine. A disorderly arrests is one for which you

1 can pay in the station house and walk without going to
2 court.

3 Now, it's obvious that a person who is afraid
4 of the system here who came from a country where you
5 don't really get involved with the system, they don't
6 want to go to court in any case. They'll do anything
7 not to go to court.

8 MS. BOOKER: Instead of "acceptable," then,
9 are you saying that unprofessional conduct is more
10 likely to be common when dealing with -- the officers
11 dealing with someone who does not speak English or is
12 afraid of deportation?

13 MR. SPURLOCK: That's correct.

14 MS. BOOKER: You were not indicating, then,
15 that such conduct was acceptable to high officials of
16 the Police Department?

17 MR. SPURLOCK: No, I was not. I would like
18 to advise the Board that I'm a trainer, a lecturer and
19 a consultant in law enforcement. I have a tendency
20 sometimes to talk on national issues instead of so much
21 in D.C. terms.

22 These problems that we're talking about can
23 be found in every police department in the nation. It's
24 almost like it's a repeat.

25 MS. BOOKER: Because your remarks were not

1 taken from a sworn affidavit that might have had more
2 particularity, that's why I want to clarify.

3 MR. SPURLOCK: I understand very well.

4 MS. BOOKER: Another section says that you
5 explained that the Metropolitan -- page 13. You
6 explained that the Metropolitan Police Department has
7 not made an effort to expand the recruitment pool to
8 new people. This means that, quote, you have to go
9 lower and lower into the same pool of applicants until
10 you start to scrape the bottom." "Ultimately," he
11 stated -- according to the report, you stated, "The
12 quality of new police officers dwindles."

13 Can you elaborate on that for us?

14 MR. SPURLOCK: Well, for a while we had a
15 residence requirement. For a long while. And housing
16 is very hard to find in Washington, D.C. And as true
17 anywhere, it's nothing peculiar to Washington, if you
18 put out an open roster of people who passed the written
19 exam and you take from them and you take number 1 and
20 you also take number 500, what you really have done is
21 you've gone below the level that you should accept.
22 And it's a common practice in the recruitment of
23 personnel. It's one that you really can't refute.

24 I believe that comment was also in the
25 context of have we done enough to recruit Hispanics.

1 And my point was, what is wrong with our community. If
2 we cannot find the Hispanics that can qualify as police
3 officers, then why don't we fill up the cadet ranks to
4 assure that we have some two years, three years from
5 now.

6 And in that sense I believe that the evidence
7 will show that I'm right. We really have not -- well,
8 I don't think the Hispanic community in Washington has
9 done all that they could do.

10 If I had the decision to make I'd associate
11 it with summer jobs. You give me one applicant for the
12 Police Department, I'll give you one summer job for the
13 students in high school. And I think probably the
14 Hispanic community would rise to the occasion, because
15 you can't tell me that there are not applicants in the
16 Hispanic community in the District of Columbia that
17 could be a police officer.

18 And in that sense, that's what I was saying.

19 MS. BOOKER: On page 18 it is stated that in
20 corroboration with the experience of Latino
21 complainants, retired Deputy Chief Spurlock stated in
22 a recent interview that he, quote, cannot recall a
23 single instance where the Chief of Police concurred
24 with the findings or recommendations of the CCRB.

25 Since you are retired, were you talking about

1 the former Chief of Police or the current Chief of
2 Police, or both?

3 MR. SPURLOCK: No. I was referring to what I
4 could recall involving my personnel. And I'm not even
5 sure if -- the point was that not many cases come from
6 CCRB, not many cases. And when they do, they're old.

7 I don't know if I can explain that. Maybe I
8 can. The world that we worked in as managers and
9 officers functioning on the street was complicated by
10 the union requirement that we leave investigations to
11 CCRB.

12 The union really wanted the complaints to go
13 according to the law and the law was that three
14 particular complaints had to be investigated by -- and
15 at least that was the way we had interpreted them, what
16 we had been told to interpret. So that meant that if a
17 citizen walked into the station and made a complaint,
18 and if it fell within the auspices of CCRB, we had to
19 stop the interview and send them to CCRB.

20 But we also had a requirement that anybody
21 who receives two or more complaints, whether founded or
22 not, unfounded or not, we had to counsel them. I don't
23 know what it was that I was supposed to say to my
24 people because I didn't even know what the complaints
25 were about. And most of the time the officers did not

1 even know what the complaints were about.

2 So what we had here was solely confusion
3 because the officers were very afraid of going to CCRB
4 and they were afraid to be aggressive on the street
5 because the guidelines were not coming down as they
6 should as to what was acceptable and what wasn't. This
7 was because CCRB was the judge.

8 So in that light, I made that comment, and I
9 hope I explained that so that you'll understand what I
10 meant by that. I'm not saying that the Chief never
11 approved a recommendation of CCRB. I wasn't saying
12 that. I commanded 530 men and women. And in my
13 command we had some pending but we had none that had
14 been approved. We had some waiting, as a matter of
15 fact.

16 The whole point was some of these things were
17 so long -- I think the Chief said that. I caught the
18 tail end of his testimony. And the problem he had with
19 ruling on them was they're three or four years old. So
20 maybe that was the reason that some of there were left
21 waiting on the table.

22 MS. BOOKER: When you were Commander of the
23 Third District, did you personally do outreach to the
24 community to get community residents to share with you
25 complaints against the police?

1 MR. SPURLOCK: To the point that the union
2 accused me publicly of soliciting complaints against
3 labor.

4 One of the problems -- and I'll have to draw
5 a picture for you. Adams Morgan is the only part of
6 the Hispanic community that is in the Third District.
7 The other part of the Hispanic community is
8 geographically located in the Fourth District.

9 And I submit to you I didn't have a riot.
10 -i'm emphatic about that. I had no riot. While I was
11 guarding buildings in the Fourth District, they broke
12 out some windows, but that's all I had.

13 But anyway, there's no government station in
14 the Third District, in essence. The government is
15 represented by 530 men and women and that's what they
16 see. That's what they live with. And that's the only
17 real government people that they can see 24-hours a
18 day.

19 I set out to get to know as many people in
20 the community as I could and to encourage them to come
21 in and complain, but the system is that the more
22 complaints I get on the initial stage, without one bit
23 of information as to whether or not they were unfounded
24 or not, it was considered detrimental.

25 And if you'll look at the facts -- I'm sure

1 you have them before you -- is that the Third District
2 had more complaints in that one particular year than
3 anyone.

4 I'm happy about those complaints, which means
5 that people will come in and talk. They're not scared
6 of disappearing when they walk in the door. They are
7 now willing to talk. Some of them had to be brought
8 in.

9 Juan Milanes brought several to me. Other
10 people in the community brought them to me. And I
11 don't care how they got there as long as they came.

12 What I worry about and what you should be
13 concerned about if you make a recommendation in the end
14 is that that's a healthy thing for people to come and
15 complaint. The problem lies in how many of those
16 complaints are found to be substantiated in the end.

17 But to say that if you have this many
18 complaints that that's detrimental, I submit, ladies
19 and gentlemen, that that is not negative. Under these
20 circumstances it is positive.

21 I could assure you that a police official
22 could cause the circumstances to be so that no one
23 would complain, at least 50 percent of them, because
24 they would be afraid to. If you set an atmosphere and
25 set the stage for people to come in and talk to the

1 police, you're going to get complaints. You're going to
2 get many complaints, but you should only be concerned
3 about the ones which are found after an investigation
4 to be in violation of the law.

5 MS. BOOKER: Did you find that you could do
6 absolutely nothing about complaints that would fall
7 within the jurisdiction of the CCRB?

8 MR. SPURLOCK: It got to the point where --
9 I'll be very academic. I'll explain.

10 I had justify it. We were at times
11 investigating some and at times we weren't. And then a
12 case went to arbitration which, according to the union
13 and according to the arbitrator, we were not to touch
14 them at all if they fell in those three categories.

15 Now, what that meant that was you started the
16 interview and you established the fact that here's one
17 of those three handled by CCRB, you were to stop. Now
18 at that point in time it became almost impossible. So
19 some of us -- I won't say us. I'll speak only for
20 myself.

21 If it was an allegation of a crime and I felt
22 I just had to look into it, I would do it under the
23 guise of I'm investigating a crime. And if you
24 question CCRB you'll find that they received some
25 investigative reports from me.

1 And when I found that I was going to present
2 it to the U. S. Attorney for a decision or I simply had
3 no probable cause to go forward to it or I didn't refer
4 it to Internal Affairs, that I submitted that report
5 and forwarded it on to CCRB for them to follow up on
6 the other aspects or to do anything else they wanted to
7 on that particular point.

8 So it got to that. And I submit to you that
9 nothing has really changed. I think that a couple of
10 things that occurred in the District of Columbia that
11 forced people to just take a chance of going on and
12 doing it with a potential of being overturned later by
13 arbitration or a court.

14 MS. BOOKER: What about a lesser offense like
15 improper use of language, improper language, that a
16 citizen might complaint about?

17 MR. SPURLOCK: Well, demeaning language is
18 CCRB's jurisdiction.

19 MS. BOOKER: Exactly. What if you or other
20 officers witnessed it? Would you still take a hands-
21 off attitude or could the officer be disciplined or
22 whatever for conduct unbecoming an officer?

23 MR. SPURLOCK: Absolutely. If it's witnessed
24 by an official, he doesn't need the citizen's
25 complaint. The problem lies in the citizen complaint

1 in the absence of the plain view of some official.

2 If an official saw the act he could take
3 action and not worry about CCRB. It would be a moot
4 point.

5 Action had been taken on many occasions for
6 language, improper language, demeaning language. But
7 if it was witnessed by a police officer, an official,
8 you don't have to worry about it. The CCRB regulations
9 do not apply.

10 MS. BOOKER: Since in many cases two officers
11 are working together, if you had such a complaint would
12 you ask the partner whether it happened or would you
13 just take a hands-off attitude because it was demeaning
14 language?

15 MR. SPURLOCK: Well, again, if it's a
16 complaint that came from the citizen, not witnessed by
17 an official, I would be forced by the regulations to
18 refer it to CCRB. I wouldn't ask the officer anything.

19 MS. BOOKER: But if the complaint said two
20 officers approached me. One of them called me
21 something demeaning. You get that complaint. I come
22 into the police station with that. Do you tell me I
23 have to go to the CCRB or do you say, well, --

24 MR. SPURLOCK: No, ma'am. The regulations
25 are very clear. I sign a log book saying I referred it.

1 to CCRB and I refer it.

2 MS. BOOKER: Well, then, something that Chief
3 Fulwood told me in an interview is correct. He said if
4 one of the officers sitting there with him called me --
5 excuse me, but we've heard some pretty rough language
6 so far already -- a white bitch, that he would be
7 powerless to do anything about it.

8 I mean, it seems to me that if a remark like
9 that is witnessed by another officer, then something
10 can be done right there in the station house about it.

11 MR. SPURLOCK: Well, you see, if you're
12 talking about the same ranked officers, two officers,
13 you know, no official, just two officers, right?

14 MR. SPURLOCK: Well, tell me what the
15 difference would be.

16 MR. SPURLOCK: Okay. If an official -- he
17 gets paid extra money and he's charged with certain
18 duties above and beyond that of an officer. If he
19 witnesses this violation, then he can take action. But
20 if he did not witness it he would not turn one officer
21 against another. It's just not proper. It's not good
22 personnel procedure and would not be done.

23 MS. BOOKER: Thank you.

24 CHAIRMAN FLETCHER: Other questions, please?

25 COMMISSIONER RAMIREZ: Yes. I would like some

1 clarification, not on the basis of any of the report,
2 but just on the basis of your experience, because we've
3 spent so much time talking about the police and crime
4 and complaints and everything. But can you tell me --
5 well, let me also put it in context.

6 My sense of this Latino community is that
7 they spend most of their time working and that many are
8 working several jobs and a large part of the population
9 doesn't have a lot of time to commit serious crime.

10 And I guess I just want to get a sense from
11 you as to the nature of, if you would, the level and
12 the rate of crime among this Latino community from your
13 experience.

14 And you don't have to give me statistics.
15 Just give an impression.

16 MR. SPURLOCK: It's very small and it's
17 smaller than any other group that we have. It's
18 growing. Narcotics are moving into the area and we're
19 finding more and more. But it's that group that would
20 be prone to be susceptible to drugs.

21 If you take the group above 26 or 27, the
22 number of felonies committed by the population is very,
23 very small, but it's growing. Just as is growing the
24 number of women violators.

25 It's growing everywhere. Every group has an

1 increase, but the Latino or Hispanic community of
2 Washington in the Third District -- and I'll speak only
3 to the Third District, is very small, very small.

4 COMMISSIONER RAMIREZ: And the types of
5 incidents of criminal activity would be what type?

6 MR. SPURLOCK: Order maintenance.

7 COMMISSIONER RAMIREZ: I'm sorry?

8 MR. SPURLOCK: Order maintenance falls into
9 the area of discretion and there's where we have our
10 biggest problem is discretion.

11 I submit to you something here.
12 Unprofessional acts can be tackled probably better than
13 a racist one.

14 COMMISSIONER RAMIREZ: I'm sorry. I didn't
15 hear.

16 MR. SPURLOCK: Unprofessional acts, problems
17 in judgment, can be tackled and probably answered a lot
18 better than a racist one. I don't care if a person is a
19 racist and works for me as long as he doesn't violate
20 any laws and he does what he gets paid to do; provide a
21 professional service.

22 That is the only purpose of employment of a
23 police officer. And it helps sometimes if he spoke
24 Spanish in dealing with Hispanics and it would help if
25 he knew something about the culture, but it's not

1 absolutely necessary.

2 I have never met a complainant from the
3 community that we're talking about that really really
4 cared about whether or not someone spoke the same
5 language. What they really really complain about is
6 unprofessional acts. That's what they complain about.
7 They don't complain about the other thing.

8 COMMISSIONER RAMIREZ: About their treatment.

9 MR. SPURLOCK: No. Unprofessional acts.
10 That's their treatment. If a police officer acts
11 professional a prisoner would not be abused. People
12 will not be berated without -- they'll only be arrested
13 if they're qualified for an arrest. If not, they'll be
14 left alone. That's the problem.

15 If you take a neighborhood in a hot time of
16 the year with no air-conditioners, where do you think
17 they go? A large group on the street. And it's bound
18 for trouble.

19 And if you have an unprofessional officer
20 approach that kind of situation, you have serious
21 problems. I could foresee an arrest being made similar
22 to that which allegedly sparked this incident without
23 difficulty under many circumstances, many
24 circumstances.

25 The community is not as unstable as people

1 make it out to be and I sort of resent that.

2 There was very few resistance to arrest, even
3 en masse, even if there were 50 people standing around
4 until that incident occurred. And after that we had
5 problems making arrest without people resisting.

6 COMMISSIONER RAMIREZ: Thank you. You
7 confirmed my suspicions.

8 COMMISSIONER ALLEN: Chief Spurlock, I have
9 two questions of clarifications. The first may only be
10 my misunderstanding from testimony earlier today, but I
11 had the impression that you were still struggling to
12 save your career, you've been introduced as retired.

13 Can you tell me exactly what your
14 professional status is and the background to this?

15 MR. SPURLOCK: Well, I will, but I wish you
16 hadn't asked me that question.

17 I retired August 31, after 33 years of
18 government service and 23 years on the Metropolitan
19 Police Department. I increased my take-home pay by
20 \$700 by retiring.

21 At the time of my retirement I was somewhat
22 embattled with my Chief. He didn't like the fact that
23 I gave a lieutenant eight hours extra comp time for
24 coming in. He called in on a Saturday and he was going
25 to suspend me because he said he didn't like that. He

1 thought that was improper.

2 And I argued that it was proper and I'd do it
3 again if a situation came up.

4 But it's just two strong willed folks and it
5 was time for me to go. Since my retirement I have
6 become a consultant, which I have been really for a
7 long time, and I teach half-time at college and I'm a
8 consultant for several firms in the area of criminal
9 justice.

10 COMMISSIONER ALLEN: I have to ask you this,
11 following up on that. You didn't mention being
12 persecuted within the Department because of protesting
13 police abuses in your presence.

14 MR. SPURLOCK: I don't know where you got
15 that from.

16 COMMISSIONER ALLEN: I may have confused it
17 with something else. I'm just checking to make sure I
18 have it correct. No problem.

19 MR. SPURLOCK: I try to be a professional and
20 I'm trying to be a professional right now in answering
21 your questions.

22 COMMISSIONER ALLEN: Okay. I don't want to
23 press it beyond where you want to go.

24 I have another question of clarification.
25 Resisting arrest is a felony, is it not?

1 MR. SPURLOCK: We don't have a resisting
2 arrest charge in the District of Columbia, sir.

3 COMMISSIONER ALLEN: You don't have one in
4 the District?

5 MR. SPURLOCK: No.

6 COMMISSIONER ALLEN: All right. Then I don't
7 need to clarify that part of the second question, but I
8 do need to clarify another part of it.

9 Discretionary arrests are different from
10 discretion in charging; isn't it?

11 MR. SPURLOCK: Than what, sir?

12 COMMISSIONER ALLEN: Discretion in charging.
13 In most of my reviews, in most jurisdictions when we
14 have troubles with excessive use of police force we
15 have a great deal of difficulty trying to discern what
16 really happened, because officers, in order to cover
17 themselves, are known to ante up -- not to ante up.
18 What's the expression I'm looking for -- to raise the
19 ante by filing a more serious charge than perhaps they
20 originally would have contemplated.

21 If they bring in someone with bruises they
22 tend to file a charge that makes a bruise look
23 appropriate. Resisting arrest is the most common, but
24 if we don't have resisting here, do we have other such
25 charges?

1 MR. SPURLOCK: I think historically you're
2 right and nationally you're right. And I think you're
3 right also in other areas, even in areas where you
4 don't have a resisting arrest charge.

5 But let me explain how we do it here. We
6 operate under Federal Rules for Criminal Procedures,
7 which is different from all the states in the Union.
8 And we have a very tight system of what's accepted down
9 at the United States Attorney's Office.

10 Now when you go down there with a case and
11 you don't have any kind of facts to back up your
12 arrest, be very sure that a report is coming straight
13 back. It goes to an official in court and then they
14 send it to the station and I have to respond to it as
15 the Commanding Officer.

16 I'm not saying that it's not possible for an
17 officer to lie about a case, but stretching it out --
18 for instance, say assault on a police officer. That
19 might be your equivalent to resisting arrest. That
20 charge has to be approved by a lieutenant or higher at
21 the station. Do you follow me?

22 So it scrutinized very closely and an
23 official -- even further. It probably means more than
24 the first scrutinization because that official has to
25 respond to the court with the officer.

1 COMMISSIONER ALLEN: That sounds much more
2 rigorous than any jurisdiction I'm aware of.

3 MR. SPURLOCK: I think it probably is; yes.

4 COMMISSIONER ALLEN: Thank you.

5 MR. SPURLOCK: You're right. And that's
6 because we operate the way we do. But we're a little
7 bit different you must admit.

8 CHAIRMAN FLETCHER: Commissioner Buckley.

9 COMMISSIONER BUCKLEY: Yes, if I may.

10 In your experience as the Chief of the Third
11 District, some of what we have been hearing about is
12 that if you're a Latino officer in the Latino community
13 sometimes you have to behave -- and we've heard --
14 worse than other police officers.

15 And we also have heard that in some cases
16 Latino officers have asked to be moved out because of
17 peer pressure in that if they see an abuse and they try
18 to get other officers to stop that it's like, you know,
19 part of the gang and then ostracized from then on by
20 their own peers.

21 In your experience in the Third District did
22 you ever either witness or hear about any kind of this
23 peer pressure existing for Latino officers and did
24 anyone ask for transfers based on these kinds of
25 issues?

1 MR. SPURLOCK: Well, it's been my experience
2 that Hispanic officers, Latino officers in the Third
3 District did have a lot of problems, but those problems
4 were not what you described.

5 They had problems acclimating themselves to
6 the community, to the Department, to the new rules and
7 regulations. Let me tell you. If they came from New
8 York, if they came from Puerto Rico, if they --
9 wherever they came from, it's different in Washington,
10 D. C.

11 And then you've heard, I'm sure, learned
12 folks say that Washington, D. C. is a very strange
13 place and it needs some unusual responses to take care
14 of some of its problems. Strange is probably an
15 appropriate word.

16 I know that problems like that go on.
17 Officers have disputes with other officers as to what's
18 right and what's wrong. Most of the time they debate
19 it among themselves and settle it among themselves and
20 don't involve management, which means that the process
21 would kick in. But I'm sure that there's a lot of
22 pressure on the officers.

23 For one, management has a tendency to want to
24 put Hispanic officers only in areas where Hispanics
25 live. In my opinion, that's a violation of their

1 rights. An officer should be available for all
2 assignments.

3 I'm not saying that we do that. I'm saying
4 there's a tendency to want to do that because it seems
5 like a solution to a problem and it may or may not
6 necessarily be a solution to a problem.

7 Do you understand what I'm saying?

8 COMMISSIONER BUCKLEY: Yes, I do. Again, in
9 your experience in the Third District, we hear that
10 currently there are 53 officers that are Latino in the
11 district and whether or not they are bilingual or not,
12 they really don't know.

13 From your experience, can you tell me when
14 you were there the number of Latino officers that you
15 had, were they indeed bilingual or not? And then, were
16 most of those that you had, were they were from, say, a
17 non-Salvadoran community where they didn't really
18 understand or did they understand?

19 Can you give us an idea as to how they
20 operated when you were there?

21 MR. SPURLOCK: I can't answer your question
22 as to whether they were from any particular country or
23 not because frankly I don't care where they're from. I
24 don't have time to care. But I think I can respond to
25 that.

1 I don't really know. I think I'd probably
2 have to say that --

3 COMMISSIONER BUCKLEY: I think what I'm
4 trying to get you to say for us is did you find that
5 these officers that you had were able to deal with the
6 community properly or not? Were they indeed bilingual
7 or did they speak Spanish to where they could get along
8 with the community or not or was it just a figure?

9 MR. SPURLOCK: Well at the time I left on
10 August 31 of last year I had 48 Hispanic officers who
11 all spoke Spanish. I had one detective who spoke
12 Spanish and was not Hispanic. I had two officers in
13 the street who were Hispanic and did not speak Spanish
14 and I had three Anglos, I guess I would say, that spoke
15 Spanish but were not Hispanic.

16 It goes further and gets a little confusing
17 but I also had three Hispanics that did not speak
18 Spanish. But it is impossible for a district such as
19 the Third District. And geographically, the Hispanic
20 population is on the north side of the precinct.

21 If an opening with weekends off came in the
22 scout car on the other end and the officer put in for
23 it, he was evaluated by a group of officials and he
24 turned out to be the best officer, then he worked in
25 another area. Maybe it was predominantly black or

1 whatever because that was the only professional way to
2 do it.

3 But it's a real serious problem and I submit
4 to you that more attention should be placed on
5 professionalism than whether or not they speak English
6 because truly, I tell you, I'm 52 years old and I'm
7 very observant. And the people that talked to me never
8 complained about the person didn't speak Spanish. They
9 didn't. All they complained about really was
10 unprofessional conduct.

11 And I think there lays the answer because
12 there is no way in this world as if by some magic
13 movement you could right now put your hands on 75 to
14 100 officers that spoke Spanish, that were Hispanic,
15 and you put them in the Hispanic neighborhood, 25
16 percent would be gone out of necessity within five or
17 six months because the better officers tend to go to
18 certain places.

19 To keep these officers in this particular
20 small limitation of the total field of law enforcement
21 would be a total violation of their rights, total
22 violation of all the procedures that I know and I
23 honor.

24 So I say to you that if you think that
25 learning Spanish is going to help, it probably will,

1 but I know I know something that will help more. Have
2 a bunch of good officers that relate to the community
3 that are professional.

4 COMMISSIONER BUCKLEY: While you were there
5 at the Third District, did you ever witness any police
6 misconduct against a Latino?

7 MR. SPURLOCK: Yes, I did.

8 COMMISSIONER BUCKLEY: And what did the
9 policeman do or what happened to that policeman?

10 MR. SPURLOCK: Well, the ones I witnessed I
11 took care of it. In one particular case four officers
12 were disciplined to the point of being suspended and
13 fined hundreds of dollars.

14 In another one, it was simply, I was told, a
15 cultural thing where a Hispanic officer was sticking
16 his finger in the chest of a young man having a
17 conversation. I wasn't close enough to hear the
18 conversation. But you should have heard the one I had
19 with the officer.

20 I didn't do anything. I didn't send him to
21 the trial board or anything like that because the man
22 was gone, but we had an understanding that that
23 wouldn't happen again.

24 COMMISSIONER BUCKLEY: And in that case you
25 were an official looking at another police officer?

1 MR. SPURLOCK: Oh, yes. When I came to the
2 Third District I was a Deputy Chief and I was a Deputy
3 Chief when I left.

4 COMMISSIONER BUCKLEY: Do you know if this
5 happens in any of the other districts, where if they
6 see this kind of misconduct against a Latino they would
7 act and take care of it?

8 MR. SPURLOCK: I would like to think so but
9 you and I know that my people as well also other
10 people, we have those that don't do what they're
11 supposed to do.

12 The whole secret is professionalism. A
13 professional policeman would do that. He would do what
14 was right. Regardless if it was one of his brothers or
15 sisters in blue, he would do what was right.

16 Salvation has got to be professionalism.

17 COMMISSIONER BUCKLEY: And in the time that
18 you were there at the Third District was there any
19 attempt made by the Police Department as a unit to try
20 and increase professionalism in your staff, either
21 through workshops or things that you were able to
22 provide for your officers?

23 MR. SPURLOCK: Frankly there were a few
24 feeble attempts that didn't succeed. For instance,
25 cultural classes never got off the drawing board. They

1 learned Spanish. We had classes. I even attended two
2 myself. But because I wasn't relieved from any of my
3 other duties I could never stay in a complete class.

4 So if you're serious about learning Spanish
5 you have to relieve the people of their duties.

6 Officers to go to court; they're on beepers.
7 They run here and there all over the place. They can't
8 concentrate on something.

9 If it's a serious block of instructions,
10 ladies and gentlemen, they will be relieved of their
11 duties so that they can concentrate on it. And so for
12 that reason I say that it wasn't really a serious
13 attempt.

14 There wasn't really any other attempts. The
15 Hispanic community is very hard to get into a room.
16 It's working. It's vibrant. They work two jobs. They
17 run here, they run there like everyone else I guess
18 when you start on that ladder. And it's extremely
19 difficult to get into a room to try to get something
20 going.

21 Part of it I blame on the Hispanic community
22 and I've said that to many of them, but the Hispanic
23 community is not obligated to do anything. Government
24 is. So I criticize my own government to the point that
25 if they want to sit and do nothing -- and I'm not

1 saying that they do.

2 Many of them work extremely difficult and
3 I've never seen such a hard-working group of people
4 than I saw during the riot. I know, because I tear-
5 gassed almost every one of them because they were out
6 there with the people trying to get them to settle down
7 and go home.

8 And as a result, indirectly, they got tear-
9 gassed. But I think they're coming of age and I think
10 they'll rise to the occasion. I just hope somebody
11 asks them to give us some Hispanic D. C. officers.

12 COMMISSIONER BUCKLEY: So you're saying then
13 the Spanish classes aren't good. We need some kind of
14 professional training. How do you mix in the cultural
15 sensitivity part?

16 What kinds of instruction do we need. Just
17 the professional side of that will be enough?

18 MR. SPURLOCK: Well, I think probably the
19 catalyst to get that done is occurring. Community
20 oriented policing is occurring in Washington, D. C.
21 It's in its first infant stage. But before long, when
22 it gets into its second and third stage goal setting
23 for the police, will be determined jointly by the
24 community and the police.

25 When that occurs I think probably some

1 training together, such as we tried to get a program
2 off -- and some of you might remember it, and some
3 people in the audience, where we had Hispanic members
4 of the community try to teach Spanish to our officers
5 and spend some time with them and vice versa. And I
6 just don't think we were all as dedicated as we should
7 have been to get that off the ground.

8 But there's a lot of things going on. But in
9 the future community goals will be that of the Police
10 Department and they'll be determined jointly.

11 So we have in place the mechanism, if the
12 Police Department can keep it going, to cause all of
13 those things to happen. When people start as a day-to-
14 day routine come together, you don't anyone to give you
15 a cultural class.

16 If you see somebody every day and you talk to
17 them and you learn something from them and it's a give
18 and take, you don't need a cultural class. You're
19 getting it in real life experience where it counts and
20 where you'll remember it.

21 COMMISSIONER BUCKLEY: Thank you.

22 CHAIRMAN FLETCHER: One question, Chief. One
23 of the previous panelists appeared to be making quite a
24 case for accreditation of the academy. You have made
25 quite a case for use of discretion or the role of

1 discretion and professionalism. ---

2 Would you help me a little bit with how
3 accreditation will enhance capacities to use them both?

4 MR. SPURLOCK: Yes. Matter of fact, I spent
5 an hour on the phone yesterday with the Director of the
6 accreditation organization, Ken Maderas (ph). He's a
7 good friends of mine. I'm familiar with that process.

8 About 900 police departments are looking into
9 it in the nation. About 260 are already approved and
10 are in the process. And it is a definite step toward
11 professionalization on a scale larger than you're able
12 to get under the old system. But it takes a tremendous
13 commitment to training.

14 And I submit to you that almost -- very few
15 police departments, and if you had Mr. Maderas in here
16 right now he'd tell you probably one of the biggest
17 problem of people who don't make it, who don't succeed
18 in that program, is simply because they just don't see
19 that they can pull these officers off the streets and
20 put them in a training slot.

21 It's a tremendous project. And once you
22 receive accreditation you have a serious problem in
23 keeping it. It's not just something that you look at
24 and you achieve this goal. I mean, it's almost as hard
25 to keep it as it is to get it.

1 But it certainly is something that we should
2 do and that every police department in the nation
3 should do. And I think in the years to come you'll
4 find them all doing it, but it's extremely difficult.
5 People lose it. Many agencies achieve the goal and
6 then because they didn't keep the standards up, they
7 lost it.

8 CHAIRMAN FLETCHER: How frequently is it
9 evaluated?

10 MR. SPURLOCK: Constantly. It's a total
11 feedback system. Total cybernetic, totally. It gives
12 you probably the ^{best} relevancy that you've ever had in
13 training. It's cause and effect relationship between
14 everything that is done throughout the whole system.
15 It's probably one of the best, theoretically, that
16 I've ever seen, and I've seen it in practice and it
17 works.

18 But it take a commitment that you just can't
19 fathom. It's just such a commitment. I can't
20 explain to you the commitment that it takes to become
21 accredited. It's tremendously costly, not in money but
22 in manpower and use of resources, yes.

23 Matter of fact, Mr. Chairman, I applied for a
24 job as a Deputy Director of that particular agency. I
25 don't know if I'd take it if I got it, but I sent them

1 my resume yesterday.

2 CHAIRMAN FLETCHER: I see. If we were to take
3 a look, what would we find with respect to police-
4 community relationships in let's say the top 10 police
5 departments in terms of that rating, the accreditation?
6 Is there any empirical facts to demonstrate that it
7 does improve police-community relations between the man
8 on the street and the people who are looking to him or
9 her to protect them?

10 MR. SPURLOCK: No. What it really does it is
11 -- indirectly it does. What it really does is it does
12 what I'm talking about. It makes the people by and
13 large much more professional because all of these
14 areas you get into, and you work in those areas every
15 day. It's not just some dry rule that outdated a month
16 later.

17 And as a result of providing more
18 professional services to your clients you end up with a
19 happier service receiver. But it's extremely difficult
20 to draw a direct relationship.

21 A lot of people think that community
22 relations and public relations are the same thing and,
23 sir, they're not. And community relations is probably
24 achieved better through community oriented policing or
25 community empowerment policing like the District of

1 Columbia calls it.

2 If you can achieve the plateau in that
3 concept that you want, your community is much more
4 satisfied because the community believes that the
5 police belong to them and the community belongs to the
6 police officer. So there's less likely to be any kind
7 of violation. Meaning, it's more of a personal thing.

8 The officers don't drive by at 50 miles an
9 hour. They stay in the neighborhood. You know them by
10 name and they know you. And you set goals jointly.
11 And it's the goal setting jointly and the meeting that
12 takes away this opportunity to abuse someone.

13 I'm not saying that human beings are not
14 going to go crazy at times. We all do. But when a
15 community believes -- and this is the objective of all
16 of these different concepts is that the citizen belongs
17 to the police and the police belong to the citizens and
18 they're as good or bad as you are, as you allow them to
19 be.

20 So in that context I think we're on the road,
21 but it certainly takes a lot of work.

22 CHAIRMAN FLETCHER: One final question. This
23 is speculative but I want to ask it anyway.

24 Based on the immigration trends throughout
25 the country from California where they're being flooded

1 with Hispanics and Asians all the way up to Anchorage,
2 I guess, and then on the other side where we're likely
3 to get a significant influence of people from Central
4 Europe and elsewhere, what do you see in store for
5 police-community relations on the horizon with respect
6 to the problem we're talking about right now?

7 MR. SPURLOCK: I see problems. I see
8 tremendous problems unless police turn toward
9 professionalism so that it won't matter. You don't
10 have to be re-culturalized for this next group. This
11 is almost impossible.

12 You take a police officer who joins the
13 police department when he's 19, 20, 21 in some
14 jurisdictions, 20 in probably most. By the time he
15 finishes, he retires, he's probably seen neighborhoods
16 change two or three times. And it's just not possible
17 to re-culturalize these people that many times.

18 The only answer in my opinion -- and there
19 are studies to show that that's the only answer,
20 National Institute Justice, Bureau of Justice
21 Assistance. They have studies after studies after
22 studies that show that this is probably the only true
23 generically safe response is professionalism.

24 I mean, today we may want our officers to
25 speak Spanish. I can remember when Ray Davis was the

1 chief of police in Santa Ana, California. He woke up
2 one morning he had 26,000 Asians, boat people, in his
3 jurisdiction. Not a one could speak English and not a
4 one was an American citizen.

5 So he found an answer to the problem. His
6 officers were versatile enough but before long he had a
7 lot of Asian officers. But he had to do some finagling
8 to get it done. And they've now blended in the
9 community. And guess who's replacing them? Hispanics.
10 It's absolutely right. And this occurred in the last
11 six years, six or seven years.

12 So I submit that professionalism and through
13 accreditation and other things like that, community
14 oriented policing, that's the only answer.

15 If a police officer believes that they work
16 for the community and the community believes that this
17 officer belongs to us, we're not going to attack each
18 other. We're not going to riot and cause them
19 problems. We're going to talk.

20 We're not going to be fearful of making a
21 complaint. And that's what we're after here. That's
22 really what we're after.

23 COMMISSIONER RAMIREZ: Mr. Chairman, before
24 the witness departs, I would just like to make one
25 comment about the flooders and the floodees.

1 CHAIRMAN FLETCHER: You're not going to leave
2 that to the Californian commissioner?

3 COMMISSIONER RAMIREZ: Particularly in the
4 Western part of the United States we maybe having new
5 waves, but some of us were kind of flooded by other
6 waves a long time ago.

7 CHAIRMAN FLETCHER: Yes, Commissioner
8 Anderson, please.

9 COMMISSIONER ANDERSON: Let me just briefly,
10 a couple of questions.

11 Do you think that discretionary arrests in
12 the Latino community are a problem, a substantial
13 problem?

14 MR. SPURLOCK: I think that discretionary
15 problems or discretionary arrests is a problem almost
16 everywhere across the board because they are the lowest
17 charges. They tend to take place only where order
18 maintenance is necessary. You simply do not arrest
19 people in the middle and upper income neighborhoods on
20 disorderly conduct. It just hardly ever happens.

21 Just like you see only the lower income
22 people taking dope, but they take it, buy it and deal
23 with it on the street. But 70-80 percent of the
24 narcotics in this country is consumed by middle and
25 upper income people who never go on the street and are

1 never seen by the police. That accounts for the large
2 number of arrests in drugs by minorities, the lower
3 people on the income ladder.

4 COMMISSIONER ANDERSON: How about
5 discrimination against Latino officers?

6 MR. SPURLOCK: Well, I have received
7 complaints. I have investigated all of them that
8 occurred during my tenure myself. And there are
9 problems but they're all problems that we all have as
10 humans coming from such varied backgrounds. And I
11 don't think there's enough to really worry about.

12 I mean, we always are concerned about
13 complaints in that area and I think probably we're
14 sensitive to that, maybe even over sensitive to it
15 because we all have to take our lumps. I wish it
16 wasn't so, but it is.

17 COMMISSIONER ANDERSON: You talked very
18 impressively about professionalism. It seems to me to
19 be a combination of training and attitude, in part.

20 The example you used of the officer who was
21 jabbing his finger in the citizen's chest, did he need
22 a training program to tell him not to do that, or did
23 he need a superior to make an attitude correction?

24 MR. SPURLOCK: I assure you, sir. He didn't
25 need anything else when I finished with him. He got

1 all he needed.

2 COMMISSIONER ANDERSON: I understand what you
3 did in that circumstance, but the problem of
4 professionalism in the District, do you see it
5 primarily as a problem of training or do you see it
6 primarily as a problem -- if it's appropriate to
7 characterize it in those alternatives -- as a superior
8 setting proper standards and making sure their officers
9 understand those standards?

10 MR. SPURLOCK: I think it's both of those,
11 definitely both of those. But training is a serious
12 problem in this nation. There are several states that
13 training is funded by revenues from traffic tickets,
14 such as California, Florida and others.

15 Even in those states their training has
16 diminished. The nation has a serious problem in
17 answering the drugs that inundated us. And as a result
18 of the demands, the additional attacks on the
19 citizenry, has caused us to stop filling these
20 training slots.

21 There's just no money for them. You can't
22 send people away. At one time I was very active with
23 the National Institute of Justice and I even directed a
24 lot of training programs with federal funding. And as
25 a matter of fact, I did a quarter of a million dollars

1 every year for five years in training across the
2 nation.

3 Chief Turner at that time was the chief and
4 he allowed me to do that in addition to my duties,
5 since I didn't get paid for it.

6 And I found that training goes hand in hand
7 with professional policies. All of this stuff has to
8 happen at the same time. But training, I think, comes
9 first.

10 I heard part of the conversation up here
11 about several people commenting about we had new
12 officers with no experience. Look, there's nothing
13 different today than there was 40 years ago. If you
14 buy that, I'll sell you a bridge.

15 These officers coming on today are no worse
16 or better than they were 20 years ago. Twenty years
17 ago an officer didn't come on with any experience.
18 That's a cop out.

19 Sure they're there, but we're supposed to
20 train them. We have a mandate to train them. We have
21 an obligation and a legal mandate to train them
22 properly.

23 You of all people know what I'm saying is the
24 truth. That's what government is supposed to do.

25 But I think it goes hand in hand. If we have

1 accreditation and we have all these policies down pat
2 and everybody knows exactly what we're doing. What you
3 heard described here, a terrible maze of things to go
4 through to find out if an officer got a complaint or
5 not.

6 I mean, you heard testimony where an official
7 on the department's supposed to counsel officers when
8 they get two or more complaints. The officer didn't
9 even know he had the first complaint. And the official
10 that's counselling him doesn't even know the substance
11 of it because they're at CCRB. That's just not proper.
12 It's never going to work.

13 COMMISSIONER ANDERSON: Well, I have one
14 final question, and that is, we heard evidence that the
15 budget for the department has declined for nearly a
16 decade each year. I think one of the recommendations,
17 perhaps, that this Commission is going to make is that
18 there needs to be increased at least federal funding
19 in some areas.

20 But let's assume for a minute that the budget
21 of the Police Department is not going to increase next
22 year. Where would you put priorities given a status
23 quo budget, addressing some of the issues we've been
24 hearing about this morning?

25 MR. SPURLOCK: Professional standards through

1 accreditation or through a renovated training program.
2 I'm not so sure that what we're really talking about
3 and the symptoms that you've been told about really
4 relate to budget.

5 I think what we're talking about is the basic
6 professional function for which people already get
7 paid. These people are not unsalaried. They're
8 salaried. I was salaried. And my function was
9 supposed to be professional.

10 I mean, I'm just a simple person so I can
11 only respond simply. We should earn our pay in the
12 light that it was intended and that we are a public
13 servant and nothing more and we're supposed to
14 provide, without regard to national origin or race, a
15 professional service. Now that's all.

16 I never was given a marriage proposal by a
17 Hispanic citizen. All they wanted from me was
18 professionalism from my people. And I don't think the
19 budget has anything to do with it, unless you're
20 talking about firing the existing force.

21 Now if you're talking about cutting it, but
22 your question was status quo. And from that basis, I
23 think it's possible to professionalize what we have and
24 make do.

25 I don't think it's this question of not

1 having enough officers that we're talking about. I
2 don't think you've had a complaint about not having
3 enough officers. I think the complaint you've had is
4 about what the ones that we have do. And I think they
5 would like it and they'd feel better about themselves
6 if they were trained and if they responded more
7 professionally. I've seen it.

8 CHAIRMAN FLETCHER: Staff Director.

9 MR. GONZALEZ: Yes. In terms of American
10 communities urban or rural, which are the ones that you
11 would consider at the top of the list in terms of a
12 model?

13 MR. SPURLOCK: I'm sorry. I didn't get that.

14 MR. GONZALEZ: Which of the American
15 communities that you're familiar with in terms of
16 professionalism would you consider at the top of the
17 list? Could you identify some cities or rural areas
18 that you would consider to have good professionalism in
19 place in terms of their police force?

20 MR. SPURLOCK: To be quite frank with you
21 every -- I've traveled across this nation in the last
22 five years maybe 40 times from Coast to Coast, North to
23 South. And I tell you, I don't know a police
24 department that's not having severe problems.

25 COMMISSIONER ALLEN: What about Tampa-

1 Hillsboro?

2 MR. SPURLOCK: Problems. Serious problems.
3 Every community that I know of, and I know some very --
4 Phoenix, Arizona is a pretty tight city. A couple of
5 others. Chief Oretaga just retired from there. I
6 think he did a fantastic job, but they have problems.

7 And you can look across this nation and
8 you'll find that most of them have basically the same
9 problems. And I submit to you they all fall under
10 unprofessional, untrained -- they don't follow the
11 policy. If they followed the policy, you wouldn't have
12 the complaints.

13 But I can tell you that we are better, we're
14 probably one of the better police departments in the
15 United States. You can take that home with you.

16 COMMISSIONER ANDERSON: Thank you, Mr.
17 Chairman.

18 CHAIRMAN FLETCHER: All right. If there are
19 no further questions, thank you so much. You've been
20 very helpful to us.

21 MR. SPURLOCK: Thank you, sir.

22 CHAIRMAN FLETCHER: We appreciate it. Thank
23 you.

24 Next panel.

25 (Witnesses excused.)

1 MS. BOOKER: Mr. Chairman, the next panel is
2 the Criminal Justice Panel. I'd like to call Angela
3 Jordan Davis, Director of the D.C. Public Defender
4 Service; Samuel Delgado; Leslye Orloff, Maria Holeran-
5 Rivera and Carlos Mendoza.

6 We might take this opportunity to remind
7 anyone in the audience who needs Spanish-language
8 interpretation that simultaneous interpretation
9 equipment is available on my right side of the
10 auditorium.

11 CRIMINAL JUSTICE PANEL

12 (Witnesses sworn.)

13 MS. BOOKER: Thank you. I'd like to begin
14 with Ms. Davis.

15 Ms. Davis, has the Public Defender Service
16 prepared a report for the Commission on the District of
17 Columbia Criminal Justice and the issue of Latinos?

18 MS. DAVIS: We are in the process of
19 preparing a very detailed report. As you may know, the
20 Latino Civil Rights Taskforce issued a report entitled,
21 "Latino Blueprint for Action," and recommended that the
22 District government conduct a study of the effects of
23 the criminal justice system on non-English speaking
24 populations.

25 We endorse that recommendation. We felt it

1 was an important enough issue to embark on such a study
2 on our own and we are doing that.

3 It has been difficult because there are not
4 ethnic identifiers in the court system which identify
5 even who the Latino defendants are in the criminal
6 justice system. So it was difficult, but we attempted
7 to do that ourselves.

8 And our report, the testimony we're
9 presenting today, we do have a written copy of the
10 testimony today that we're submitting to you, but we
11 want to stress that it is a preliminary report and we
12 are in the process of preparing a more detailed report,
13 which we hope to submit to you at some later point.

14 MS. BOOKER: The testimony that I have runs
15 26 pages. I wonder if you would be willing to submit
16 that for the record and give us a summary at this time?

17 MS. DAVIS: The report that you have that's
18 26 pages is a draft that we submitted to you two days
19 ago that we're now asking you to discard because we now
20 have a 37-page revision of that, and I have it with me
21 -- or, I guess it was taken from me and I hope that
22 it's being passed out to each of the Commissioners.

23 MS. BOOKER: I have a copy of that. Would
24 you like to submit that for the record?

25 MS. DAVIS: I would like to submit that for

1 the record and to day I had planned simply to
2 summarize, obviously, my testimony because I understand
3 that there's not time to read that testimony.

4 MS. BOOKER: Thank you. Mr. Chairman, may we
5 receive this report into the record?

6 CHAIRMAN FLETCHER: There being no
7 opposition, so be it.

8 MS. BOOKER: Ms. Davis, would you please
9 summarize your testimony now?

10 MS. DAVIS: Certainly. Thank you.

11 The preliminary report that I just spoke of
12 that we have conducted shows one thing very, very
13 clearly; and that is that there is extensive serious
14 discrimination against Latinos in the criminal justice
15 system in the District of Columbia.

16 That discrimination goes through every single
17 step of the process in the criminal justice system from
18 arrest to release and/or prison.

19 Our report attempts to go through the various
20 stages in the criminal justice process, in the criminal
21 process, and address how that discrimination exhibits
22 itself at each of those stages.

23 We have found that that discrimination in
24 large part is a result of, or has to do with language
25 ability at least in part. So what I would like to do

1 is talk very briefly about each of those stages to try
2 to briefly summarize for you how we believe that
3 discrimination exists in the criminal justice system.

4 Before I do that I would just like to say
5 that the court system in general is a very confusing
6 and difficult and frightening system for anyone,
7 English-speaking or not, and the criminal process or
8 what a defendant faces, what a person accused of a
9 crime faces is a frightening, very difficult thing to
10 understand.

11 Imagine how a person who cannot speak the
12 language must feel in that situation.

13 In the court system in the District of
14 Columbia when you walk into the court building there is
15 an information booth. That information booth is very,
16 very important because the people at that information
17 booth are responsible for directing persons to
18 courtrooms, explaining where they are to go in the
19 court building, explaining where they are to go for
20 drug testing if they are a criminal defendant,
21 explaining where they are to go to report about the
22 conditions of their release.

23 To this date there is not a Spanish-speaking
24 person at the information booth. Consequently, many
25 Latino defendants, obviously, have no idea where to go

1 when they come in the court building, something so
2 simple as that. Many of them, because they do not know
3 where to go, go to the wrong courtroom, miss court
4 dates, face bench warrants, face contempt citations.
5 Many of them turn around and go home and get bench
6 warrants because they don't know where to go.

7 We are encouraged by the fact that we've
8 learned from the court system that they have hired
9 someone who, as of next month, should begin to work
10 there who does speak Spanish and we're encouraged by
11 that. But to this date there has not been anyone
12 there.

13 The informational brochures that are provided
14 by the court on a variety of subjects, including victim
15 and witness assistance are not translated into Spanish.
16 My understanding is that that is a violation of the
17 law, but that has been the case up until this point.
18 They provide critical information.

19 As far as a person who is arrested and
20 charged with a criminal offense is concerned, the
21 person starts in the process by being appointed a
22 lawyer. Our office represents about 10 to 15 percent
23 of persons who are charged with criminal offenses.

24 The remainder of persons charged with
25 criminal offenses are represented by members of the

1 private bar. And the assignment of counsel is made by
2 the presiding judge for that date and is done through
3 office called the Criminal Justice Act office.

4 Our office, although we only represent 10 to
5 15 percent of persons, we do have three fluent
6 attorneys in the office. That's not enough. We should
7 have more Spanish-speaking attorneys at the Public
8 Defender Service and we're making efforts to recruit
9 more.

10 Of the remaining hundreds of attorneys,
11 court-appointed attorneys, only eight, eight of them,
12 are fluent in Spanish. And what that means is that
13 hundreds of people charged with criminal offenses have
14 lawyers with whom they cannot communicate.

15 It is impossible for a person to prepare a
16 defense for someone if they cannot communicate with
17 them.

18 It's very difficult to explain legal issues
19 to people who speak English. It is impossible to
20 explain it to people who do not speak English. Many
21 people come from countries where they are repressed by
22 their governments, who do not trust government
23 officials or court systems in general.

24 It's a situation that's intolerable but it
25 exists in the District of Columbia.

1 Once a person is appointed a lawyer they are
2 interviewed by the Pretrial Services Agency, and that
3 is the agency that is responsible for making
4 recommendations about whether a person should be
5 released during the pendency of their case or whether a
6 bond should be set.

7 There are 85 employees of the Pretrial
8 Services Agency. Three of them are fluent in Spanish.
9 The office is open 24-hours a day because they monitor
10 defendants who are in the community and there are not
11 Spanish-speaking interviewers or employees on duty 24-
12 hours a day.

13 There need to be more Spanish-speaking people
14 in the Pretrial Services Agency.

15 A person is first brought to court. The day
16 they come into court they go to Arraignment Court and
17 that's where a decision is made by a Commissioner about
18 whether or not they will be released on their own
19 recognizance or whether a bond will be set.

20 After 5:30 during the week and on
21 weekends there are generally -- I won't say that there
22 are never interpreters, but most of the time after 5:30
23 during the week and on Saturdays there are no
24 interpreters in Arraignment Court.

25 This has happened on frequent occasions.

1 Consequently many Latinos are held pending their cases
2 simply because of a lack of communication. It is
3 simply unfair for two people, both of whom have the
4 same social factors, the same backgrounds, the same
5 records, for one of them to be released and one not
6 simply because one cannot speak English.

7 There's no justification for that. That
8 cannot be. Yet that happens every day in Superior
9 Court.

10 If there were time, I could tell you
11 horrifying stories about individuals who've been locked
12 up; who in no way should have been locked up; who were
13 charged with minor offenses simply because no one was
14 available to interpret in the courtroom. There are sad
15 examples of prejudice as well.

16 On one occasion there was a gentleman who was
17 brought into Arraignment Court. The commissioner was
18 attempting to inform him that his case had been
19 dismissed and that he was free to go. The commissioner
20 could not speak Spanish. There was no interpreter
21 there. The young man didn't know what the commissioner
22 was saying and so we was looking confused. And he
23 began to walk back towards the lockup area where he had
24 been detailed. The marshall began to shove him towards
25 the door, shoving him out of the courtroom.

1 The audience began to jeer and laugh at this
2 man. He was pushed out of the courtroom by a marshall
3 and he still didn't know what had happened. He didn't
4 even realize that his case had been dismissed.

5 One of the lawyers from our office who wasn't
6 even fluent in Spanish tried to speak to him in broken
7 Spanish and brought him back to our office where
8 someone explained to him what had happened.

9 That's intolerable that that should happen in
10 the Superior Court of the District of Columbia, but it
11 has happened and it happens.

12 There are generally interpreters at trials.
13 There are always interpreters available for trial.
14 I've never known of an occasion in which there wasn't
15 an interpreter available to interpret for jury trials
16 or judge trials. There are often interpreters
17 available for status hearings before trial, but not
18 always. There are not interpreters available for
19 lawyers to communicate with their clients, however.

20 At the sentencing stage of the proceeding, if
21 a person has been found guilty or has pled guilty, the
22 person must go to the Probation Department or be
23 interviewed if they're locked up by someone from the
24 Probation Department so that a recommendation can be
25 made about whether the person should get probation or a

1 prison term.

2 Of the hundreds of probation officers -- and
3 I don't know the exact number. I have it in my written
4 testimony -- only seven probation officers speak
5 Spanish. None of the probation officers in the Intake
6 and Diagnostic Division -- and that's the division in
7 which the probation officers interview the person to
8 determine what type of recommendation they should make
9 to the judge -- none of the probation officers in that
10 division speak Spanish. The ones who do speak Spanish
11 are probation officers who supervise someone after they
12 are on probation.

13 As far as community services agencies, there
14 are very few which have a Spanish-speaking staff. As
15 far as residential alcohol and drug treatment
16 facilities, there are none that I'm aware of who have
17 Spanish-speaking staff. There are drug and alcohol
18 programs that are available on an out-patient basis for
19 people. But for people who need in-patient care, there
20 are many drug programs that are available for people
21 who speak English that judges routinely put defendants
22 in, like RAP, like Second Genesis and other programs,
23 but they don't have Spanish-speaking people on their
24 staff.

25 So a Spanish-speaking person, a Latino, who

1 might need that service, who would be eligible for it,
2 who should be in such a program rather than being in
3 prison, is not put there because there's not anyone
4 there to speak Spanish. There's no justification for
5 that.

6 Many Latinos go to prison because there are
7 no community alternatives available for them. That's
8 unfair. That's discrimination. That should not be
9 happening. Latinos who go into the Department of
10 Corrections have Mr. Mendoza down there and that's
11 about it. He's the only person and -- he'll correct me
12 if I'm wrong -- he's available at the D.C. Jail to
13 assist people who are detained there before trial and
14 who are there after sentencing. It's intolerable.

15 As far as the programs that are available in
16 the Department of Corrections, there are not many.
17 There are not a lot of rehabilitative programs there to
18 start with, but the ones that are available, they are
19 simply unavailable to people who don't speak English.
20 Unavailable because there's one bilingual teacher that
21 I'm aware of in the educational programs. Of the 66
22 teachers in the Department of Corrections, there's one
23 that's bilingual.

24 There are no Spanish-speaking medical doctors
25 in the Department of Corrections. There are no

1 Spanish-speaking medical doctors in the Department of
2 Corrections. A Latino gets sick, he's hard-pressed to
3 get medical treatment, and we have horror stories, some
4 of which we've outlined in our written testimony about
5 people who have had serious illnesses but, because no
6 one communicated what those illnesses were to a doctor,
7 they suffered for weeks and even longer. And that's
8 intolerable.

9 I know that my time is limited. My written
10 testimony goes on to talk about the juvenile justice
11 system, as well, but because this is called criminal
12 justice, the juvenile justice system is technically
13 considered not criminal.

14 In fact, it is. It's not supposed to be
15 criminal but the way that children are treated is
16 criminal, we think, in many ways. And so we did
17 include a report about that and about the lack of
18 services for Latino youth as well.

19 One thing I think is worth mentioning, and
20 that is that there are group homes and shelter homes
21 available for young people and we know of only one
22 Latino youth you did not run away from the group or
23 shelter home that he was placed in. Only one. And the
24 reason for that is because there are no Spanish-
25 speaking people -- staff, I should say, in any of the

1 shelter homes or group homes. So a child is basically
2 living there and there's no one there that he can talk
3 to.

4 Yes. There are rules of the group home. But
5 if you don't understand the language, how do you know
6 what the rules are? You can't keep the rules if you
7 don't know what the rules are.

8 If there's a fight between a Latino youth and
9 a black youth, the staff are going to side with the
10 black youth because they understand what he's saying.
11 He's saying, "I didn't do it."

12 The Latino, he's probably saying, "I didn't
13 do it, too," but because they understand what the black
14 youth is saying, they say, "Okay. I take your side.
15 That's the only side I understand."

16 Who wouldn't run away from that situation?
17 And it's serious because when you run away, then you're
18 going to be locked up. And that's unfair.

19 And what is going on with the criminal
20 justice system to Latinos is outrageous. If it was
21 happening to black people, if it were happening to
22 white people, if it was happening to anybody else -- I
23 mean, we would all be out marching right now. It's
24 outrageous.

25 It's an urgent situation that simply must be

1 corrected. And we make a number of recommendations
2 that have to do primarily with one simple thing, which
3 is -- and I say it's simple. I don't know that it's
4 totally simple, but it must be done -- and that is that
5 more Spanish-speaking, more Latino people and at least
6 more Spanish-speaking people must be hired at every
7 single level and every single stage of the proceedings.

8 And we urge this Commission, when it does
9 issue its final report, make its recommendations, to
10 please urge that this injustice that is being done in
11 this city be corrected.

12 I'm available to answer any questions you
13 might have. Thank you.

14 MS. BOOKER: Thank you, Ms. Davis. I'd like
15 to ask you one before I go on to the other panelists.
16 Are you aware of a taskforce on Racial and Ethnic Bias
17 in the District of Columbia courts?

18 MS. DAVIS: Yes. I am aware of them. My
19 understanding is that they are to issue a report and
20 some recommendations, as well, if they have not already
21 done so. I know that they have been studying this
22 issue and I don't know where they are in the process.
23 Maybe others on this panel might know where they are in
24 the process.

25 MS. BOOKER: Have you not been interviewed by

1 that taskforce?

2 MS. DAVIS: I was not personally interviewed,
3 although members of our office were interviewed and did
4 participate with that taskforce. So, yes, our office
5 was contacted by the taskforce and have participated to
6 a great extent in answering questions and providing
7 information to that taskforce.

8 MS. BOOKER: I might note for the record, Mr.
9 Chairman, that Chief Judge Fred Ugasht has indicated
10 that that report is expected in early February and
11 declined an invitation to send a representative of the
12 court here to be on this panel, expressing a desire to
13 wait until that report is out so that the
14 administrators of the court may comment on it.

15 MS. DAVIS: If I might in all fairness, I did
16 see Mr. Euliss Hammond, who is the court Executive
17 President. I don't know if he had to leave, but he was
18 present. And I saw him and asked him if he was
19 participating, and he said he was here and would be
20 available, if asked.

21 I don't know if he's -- I see someone coming
22 forward.

23 MS. BOOKER: Mr. Delgado, as I understand it,
24 you used to work for the Public Defender Service. Now,
25 you indicate you're in private practice.

1 MR. DELGADO: That's true.

2 MS. BOOKER: Can you add something to Ms.
3 Davis' testimony by way of your personal experience in
4 the court?

5 MR. DELGADO: I hope so. Thank you.

6 If I may, we are talking about liberty. This
7 is the most cherished freedom we are told in this
8 country. My people are invited to this country by Lady
9 Liberty who invites the poor, the huddled masses. And
10 when they come and when they arrive, they're turned
11 away by every means. We are talking -- and I will talk
12 briefly about justice.

13 There are simply no shortcuts. But indeed,
14 at every level, by the courts, by the agencies, by the
15 prisons, by the jails, they insist that there are
16 shortcuts, and this can be done, that justice can be
17 achieved.

18 I would like to introduce myself a bit so
19 that the Commission understands my perspective. I
20 would like to say good afternoon, and I would like to
21 thank you for this opportunity.

22 I am an attorney in private practice. I've
23 been a resident of the District of Columbia since
24 August of 1978. I'm an adjunct professor of law at
25 Georgetown University Law Center and George Washington

1 National Law Center. I've also instructed law at
2 Harvard Law School. I'm a member of the Board of
3 Directors of AYUDA, the Visitor Services Center, of
4 which Mr. Carlos Mendoza is a staff member, and also
5 Law Students in Court.

6 From 1983 to 1989 I was a staff attorney at
7 the Public Defender Service. More recently, I've
8 served as the Director of Training at the Public
9 Defender Service. And as stated before, I'm not in
10 private practice. But in sum, I have defended persons
11 charged with crimes since August of 1980 and I have
12 defended over 1500 persons in the criminal justice
13 system.

14 I am of Mexican ancestry and I'm fluent in
15 Spanish. Because of that, indeed the majority of my
16 clients have been Spanish-speaking persons who speak
17 not a word of English. I have been a witness to the
18 disparity of justice afforded to Latinos in the courts.
19 It is horrendous. I am shocked and I am appalled.

20 (Through Interpreter) What are you going to
21 do? What are you going to do for the Latin community?
22 It is a community that's fed up, that's tired of
23 promises that have not come through, broken promises.
24 Fed up and tired of lies. Please tell me -- better,
25 tell them. Tell them, those who have suffered because

1 they have not received for a lack of basic services,
2 for lack or shortage of justice. Please tell them.

3 (In English) Without this interpreter I
4 suspect that most of you would not have a clue about
5 what I have just said. Some of you, perhaps. Imagine
6 if you were entering the majestic surroundings of a
7 courtroom in the District of Columbia and having no
8 clue why you are there; where you are to go. Imagine
9 if you will.

10 Imagine having no clue about what you are
11 charged with, what your attorney is about to say or do
12 for you. What I intend to do, if you'll allow me, is
13 to continue and to identify the way, the path of a
14 person in these shoes, a person who has no clue about
15 what is going to happen because of his or her lack of
16 English-speaking skills.

17 Imagine being faced with the loss of your
18 liberty. Imagine having a warm body thrust at you and
19 being told that this is your lawyer. Imagine, please,
20 a lawyer who speaks not a word of Spanish, a lawyer who
21 may or may not speak some Spanish, who may speak some
22 pidgin Spanish. It's frightening. Please understand,
23 it's frightening.

24 Imagine the judges who look at you in disdain
25 and distrust, who make their assumptions, who

1 discriminate against you, who make decisions on your
2 liberty based on your race and ethnic background,
3 simply that. Imagine, if you will. It's frightening.

4 And yet, if you will, please, imagine the
5 worst of all worlds, being jailed, being imprisoned and
6 surrounded by guards and administrators and other
7 people who don't speak a word of your language.

8 Imagine a lifetime of solitary confinement.
9 That is what my people face in the District of Columbia
10 courts. Solitary confinement. Why? Because this
11 government has done nothing. This government has
12 neglected my people. This government doesn't care.
13 Please, do something.

14 I've spent the last couple of nights asking
15 myself this question: Why should I testify here? Last
16 week I was up at Harvard Law School. I got a call from
17 one of the folks here and they told me that they were
18 looking for me, that they had a subpoena for me and
19 that I was out of the jurisdiction.

20 I thought about spending the week or so up
21 there. However, I decided, my friends, that this was
22 all too important. That I would not pass up this
23 opportunity. And I made myself available to the
24 subpoena. I came on down.

25 Why should I testify? What will happen?

1 I'm tired of talking. I'm tired of the lip
2 service that has been paid to our community. I am
3 tired of the inaction of the government, of the
4 insensitivity. Indeed, I am tired of the negligence
5 and the "who cares" mentality.

6 But like my brothers and sisters, I have
7 hope. That's why i'm here today. I have hope. I
8 have faith in you.

9 I have distributed -- or at least it has been
10 distributed to you, a handout of sorts, a diagram of
11 the criminal justice system. I blew it up and I hope
12 that I can perhapsst show you and show everyone the
13 diagram, but we can't find an easel.

14 But that's all right because we all have, I
15 hope, a copy of this flow chart of the system,m the
16 criminal justice system. And briefly, what I would
17 like to do is go through it and identify where my
18 people are lost, where my people fall, where my people
19 are neglected.

20 And so indeed, we start with the alleged
21 offense and we look at the investigation which is
22 conducted by the police. And indeed, I take issue with
23 the gentleman who spoke recently about this idea of
24 what we need in the District of Columbia is more
25 professionalism. Indeed, we do. But what we need, my

1 friends, is more Latino officers, not officers who
2 just speak some Spanish.

3 This is not an issue of language. This is an
4 issue of culture, and so I take issue with my learned
5 colleague who testified just recently. That's just not
6 the case. I've seen it, the investigation.

7 Well, when you consider the investigation of
8 any alleged criminal offense you understand that a
9 police officer or a detective goes to the scene of a
10 crime, what have you and asks people, "What happened?"
11 Well, what if the victim or alleged victim happens to
12 speak no English? And what if the detective speaks no
13 Spanish and they try to communicate amongst one
14 another?

15 There is a bad joke that goes around the
16 courthouse and it goes like this. I have a complete
17 defense to this charge because the victim in the case
18 is Latino, because nobody cares about when a Latino is
19 stabbed to death. Nobody cares in this city when a
20 Latino is shot. Nobody cares when one is assaulted.
21 And why is that? It's because of the investigation
22 phase. It's because of the police officers involved.
23 We must have bi-cultural police officers.

24 The court. My people will appear before a
25 judge. That judge no doubt is not bi-cultural. There

1 are only two in the Superior Court and I know of none
2 in the United States District Court for the District of
3 Columbia. That's a problem.

4 But regardless, they will appear before that
5 judge and that judge will appoint them counsel. And
6 they will be appointed counsel in one of two varieties.
7 They will be appointed an attorney under the Criminal
8 Justice Act. You've heard testimony on this. s There
9 have been some references, et cetera, to it. And there
10 have been some suggestions that there are attorneys
11 under the Criminal Justice Act who speak Spanish.

12 I will tell you this also based on 12 years
13 of experience in this courthouse here that many of
14 these attorneys who say they speak Spanish speak not a
15 word. That many of these attorneys who say they speak
16 Spanish say so because it's money. It's money and
17 they'll get more cases.

18 But they don't. I saw an attorney take a
19 case. I saw a judge appoint an attorney who purported
20 to speak Spanish. And guess what else I saw? I went
21 back in the cellblock to speak to my client and I saw
22 that attorney walk back into the cellblock with a court
23 interpreter To speak to his client because he didn't
24 speak a word of Spanish. But you'd better believe he
25 was hauling in the bucks because he said he did. There

1 must be a way to stop that. ---

2 If he doesn't have an attorney from the
3 Criminal Justice Act he will be appointed an attorney,
4 if he's fortunate enough, an attorney from the Public
5 Defender Service, a very fine agency in this city.

6 I say a fine agency because, indeed, I'm
7 proud to have served at that agency for almost seven
8 years. However, the agency, as the Director has just
9 stated, needs to work much harder, indeed.

10 The Public Defender Service has a Trial
11 Division of attorneys with only two Spanish-speaking
12 attorneys. There are 78 attorneys.

13 The Appellate Division of the Public Defender
14 Service has not a single attorney who speaks Spanish.
15 The Offender Rehabilitation Division which serves to
16 set up programs to rehabilitate individuals, has not a
17 single Spanish-speaking individual, not a single
18 Latino. The Prisoner Rights Project stationed out of
19 Lorton/Occoquan, has not a single Spanish-speaking
20 attorney.

21 The Juvenile Services Program which serves
22 juveniles out of the Oak Hill facility has not a single
23 Spanish-speaking nor Latino attorney. The Mental
24 Health Division of the Public Defender Service has not
25 a single Spanish-speaking nor Latino attorney. The

1 Criminal Justice Act Office has a single individual who
2 is a Latino, and in the Investigative Division of my
3 former office, there's only a single investigator.

4 Much needs to be done, not only in my former
5 office, but throughout the court system.

6 Bond. The most important thing that happens
7 in a courtroom in a criminal case is the issue of bond.
8 Will the defendant, will this person alleged to have
9 committed a crime, be released pending trial? We have
10 something in this country that is referred to as the
11 presumption of innocence. But it appears, my friends,
12 that it does not apply to Latinos. It does not apply,
13 in fact. It does not apply because decisions on bond
14 in the Superior Court are based upon prejudice and
15 bigotry and ignorance.

16 A person who has a Spanish surname who comes
17 before the court on an issue of bond is looked at as a
18 person who is most likely to flee. Why? Because he
19 has a Spanish surname. When, in fact, when we think a
20 little bit further, when we consider the issue more
21 clearly, we do consider.

22 We must understand, as we must as intelligent
23 beings, that indeed that person risked life and limb to
24 come to this country, to this city and is going
25 nowhere. Wants to be here. Wants to live in the

1 District of Columbia with his friends and his family.
2 And so this presumption of flight is erroneous.

3 Third party custody is an option to
4 commissioners. The court must decide whether or not to
5 release an individual based on his or her personal
6 promise to return to court. If the court is not
7 satisfied the individual's personal promise is good
8 enough, the court will consider a money bond, but there
9 is a middle ground and it's tremendous. The problem
10 is, it's not available to Latinos.

11 We are denied a bite at the apple of freedom
12 because the only third party custody agency is the
13 Visitors' Services Agency, which has a Spanish-speaking
14 person, Mr. Mendoza, who sits to my right, and who
15 actually -- his burden is overwhelming and actually
16 doesn't work directly in the Third Party Custody
17 Program. Bon-a-Bon, Bureau of Rehabilitation, none of
18 these agencies have Latinos or Spanish-speaking
19 persons.

20 Let me conclude by saying that wherever my
21 people go in the court system they are turned away.
22 They are denied access. They are denied justice. And
23 they are denied such because of discrimination, because
24 of a lack of sensitivity, because of ignorance.
25 Moreover -- I hope someone's listening today. I hope

1 that something will be done. I hope -- that's all. And
2 I thank you so very much for listening today.

3 CHAIRMAN FLETCHER: Thank you.

4 MS. BOOKER: Ms. Orloff, I wonder if you
5 would mind telling us again the program of which you
6 are Director at AYUDA.

7 MS. ORLOFF: I run a program at AYUDA called
8 Clinica Legale Latina, which is the domestic violence,
9 domestic relations program. The bulk of my clients are
10 victims of domestic violence and I have, therefore,
11 worked both in the criminal justice system and in the
12 court system in general since 1983, representing
13 approximately 600 to 800 women over those years,
14 either myself personally or the agency.

15 But the bulk of those I represented myself.
16 And as a result, I had a lot of interface with the
17 police department and with the court system. And I
18 would like to comment today on some specific stories
19 highlighting the effects that the discrimination within
20 this system has had on the lives of some of my
21 individual clients.

22 In the last year, to give you an idea of what
23 those numbers mean, AYUDA represented or worked with,
24 assisted approximately 1009 individuals, and that
25 includes battered women and children who may not have

1 access to the system; may have decided not to go
2 forward and whatnot. Court cases. It's about 600 to
3 800 over the last -- since 1983.

4 I'd like to first address some comments about
5 the police. I would like to also particularly respond
6 to some of the questions that were asked of earlier
7 panels, as well, in doing that.

8 The problem of the police is not limited to
9 the defendants, to suspects. What I have seen
10 consistently is that the way Latino victims are
11 treated is equally discriminatory. And I'd like to
12 tell you a story to illustrate that.

13 I have a client. Her name is Valentina, who
14 lived with an exceptionally violent man for many, many
15 years on and off. We're talking about an individual
16 who consistently used guns and knives, machetes. She
17 was in and out of hospitals. She has four children by
18 this individual. One is permanently disabled, not
19 because of the violence. He has a birth defect and so
20 she is sustaining that child and the three others
21 herself at this point.

22 But what I want to tell you about is that she
23 finally came to us and went forward and got a
24 protective order. And after trial, we got her an
25 order. And the judge refused to cut off visitation

1 despite the danger because of his use of weapons and
2 his criminal record.

3 And so the court arranged, through the court
4 social services agency which had no Spanish-speaking
5 persons to talk with my client, to go ahead and let
6 visitation happen. They let it happen before -- they
7 never interviewed the respondent. And to the best of
8 my knowledge, I'm not even sure they checked his
9 criminal record.

10 Anyway, on the first visitation that took
11 place after the protective order, she was to arrive a
12 half hour earlier at his sister's house. Was supposed
13 to leave the children with his sister. He was supposed
14 to come a half hour later.

15 When she arrived, there was no sister. He
16 was standing on the front lawn with a gun in his belt.
17 He forced her and the children into a car, told her
18 that he would take her to his parents' house, but
19 proceeded to his new residence.

20 At gunpoint they were forced into the house.
21 He took the key, locked the inside door, put the
22 children in one room, and, with the door open next
23 door, proceeded to attempt to rape her at gunpoint. He
24 was drunk at he time, which was part of the consistent
25 pattern of this particular individual in terms of his

1 abuse.

2 At some point, following the attempted rape,
3 he passed out. She found the key, shuttled the
4 children out of the house, and walked tho miles back to
5 her house and called the police. Tried to call the
6 police. Couldn't get a Spanish-speaking person on 911.
7 Found a neighbor to make a phone call. The neighbor
8 made a phone call. The police said they couldn't help
9 because it was -- some excuse.

10 She then called again, secured a Spanish-
11 speaking officer, told the Spanish-speaking officer
12 some summary of what was happening, and they sent two
13 officers to the scene. The problem? The officers sent
14 to the scene spoke only English.

15 She displayed the bruises on her face,
16 visible marks of injury. The police officers spoke
17 only English. She spoke Spanish. There was no attempt
18 to get someone she could communicate with.

19 My understanding, from checking the police
20 reports later on and the radio runs, was that
21 immediately following that, they got a call for a
22 disorderly across the street. She was trying to tell
23 them that he had (in Spanish) a gun. But they didn't
24 understand what she was talking about. They left and
25 handled the disorderly.

1 Monday morning at 9:00 o'clock I arrived at
2 work and she was waiting for us. She told us what
3 happened. She had not been able to get any action out
4 of the police department and no police report had been
5 taken. It took us the next day to try and straighten
6 out what had happened and figure out who was called to
7 the scene to try and get a report taken, with no
8 success.

9 The next morning, I got in touch with a
10 sergeant at the police department who had been very
11 helpful to us in the past, a Latino officer, who
12 arranged to have two officers sent to AYUDA to take a
13 report.

14 The officers arrived at AYUDA, started taking
15 the report, and when they realized that it didn't
16 happen in the district of AYUDA, they told us they
17 couldn't take a report.

18 We got on the phone with, I believe, one of
19 the captains of the district in question. He said, "No
20 problem. Send them down. We'll take a report." So I
21 sent them with a social worker familiar at the time
22 down to take the report the next day. This is now
23 Wednesday.

24 They got to the station. They were told that
25 they couldn't take a report. They sent them to

1 Citizens' Complaint Center where they sat all day long.
2 Finally, they saw a U.S. Attorney who said, "We can't
3 hep you. You have to go get the police to take a
4 report."

5 We finally arranged to get the report taken
6 the next morning. This is Thursday. A report was
7 taken. And when they discovered the rape, they said,
8 "We can't help you. We can take this report, but it's
9 not going to be useful unless you go down to the Sex
10 Squad."

11 That afternoon they went to the Sex Squad
12 with an interpreter, got a report taken. Then we
13 started chasing the U.S. Attorney's office around to
14 try and figure out what was going to happen.

15 The end result is, we finally got in touch
16 with the U.S. Attorney in charge of the case two weeks
17 later, who informed us the bad news. The U.S.
18 Attorney's office had decided not to go forward with
19 the case because there was too much time that passed
20 between the incident and the report.

21 And the real unfortunate part about all of
22 this is that she went back to him. And she went back
23 to him because no matter what I told her and no matter
24 what any judge told her, he was right. Part of his
25 abuse of her was that no one would ever listen to her

1 and that the police would never listen to he over him.

2 Now, the good news is that three years later
3 she has finally left him and she is now permanently
4 separated from him. But she suffered much more abuse in
5 the meantime as a result of the police behavior in that
6 case.

7 There is a drastic need for multi-cultural
8 training as you've heard everybody talk to you about on
9 the police force. But I want to add some -- I think
10 some important caveats. Recommending and ordering
11 training in the department is not enough. Training on
12 something even like community empowerment and policing
13 in and of itself is not enough. And why? Training
14 without a general order in the police department signed
15 by the chief that sets out specific procedures that
16 must be followed on these types of calls, calls
17 involving Latino victims and Latino perpetrators or
18 alleged suspects, will not work without a policy by the
19 department.

20 And the reason I know this is I've been doing
21 work with the department, actually with the Training
22 Division, on domestic violence cases. The D.C. City
23 Council passed a law mandating training in the
24 department and mandating involvement of battered women
25 advocates in planning of the training. And what have I

1 learned from that process is that you need two things.
2 You need training and you need a curriculum with
3 community input. And you need a department that
4 requires that people go to training and it specifies
5 exactly what officers want to do.

6 Ultimately what you want is training and a
7 department policy that works for the most bigoted
8 individual on the force.

9 The bottom line is we may not be able to
10 change all individuals, but if you take someone in a
11 domestic violence case, if you take a batterer who
12 cares about his job, he will know exactly what he is
13 supposed to do, whatever his feelings are about
14 domestic abuse. That's the point we have to get to.

15 What we've also learned in that process is
16 there needs to be some changes in the 251, 252 incident
17 reports that are taken from the department. There is,
18 I understand, a pilot that they're testing now which I
19 certainly have been lobbying for that they include race
20 and ethnic indicators on that pilot or on the 251's and
21 252's because it's going to be as we're learning from
22 the domestic violence experience, the only way for the
23 community and the department itself to verify what
24 effect, if any, training or policy changes are having
25 within the department.

1 And so one of the recommendation must be that
2 there be changes in policy, training that goes along
3 with it, and some way to monitor the way Latino victims
4 and suspects are treated by the system. Without ethnic
5 and racial identifies that will identify not only
6 whether or not someone is Hispanic, but will not -- I
7 guess you can say bury Latinos in the process.
8 Meaning, you will have to be able to distinguish both
9 race and ethnicity. And those changes should be
10 encouraged and required by the department.

11 One of the additional problems, I think, from
12 the community's perspective in terms of the police, is
13 the mixed messages that people get. In a lot of cases
14 the discrimination kind of works on both ends.

15 When a Latino male who batters his wife in
16 the house, the police come but they don't do anything.
17 Yet they arrest for a disorderly on the street. So
18 there's work that needs to be done so that messages are
19 consistent. That people are arrested when they do
20 crimes and they're not mistreated when they are
21 arrested. But they are not arrested when they haven't
22 done anything. And so the law needs to be consistently
23 enforced in a nondiscriminatory manner on both sides.

24 I was talking a couple of weeks ago to a 911
25 operator who told me she wabs one of the only people

1 who spoke Spanish handling 911 calls, and I was very
2 distressed at some of the things that she told me. One
3 of them being her basic attitude that it was more
4 important that Latinos learn English than it was that
5 there be enough bilingual people available to handle
6 911 calls.

7 And if that is the attitude of the
8 individuals presently handling the calls, we have a
9 problem that we know about and must be changed, because
10 if people can't call for help, nothing gets started and
11 the problems will persist and Latinos will be ripe for
12 victimization in this city without any redress.

13 I want to mention, as well, one additional
14 thing about the police is that there are many divisions
15 within the police department that have no Latino
16 officers, and it is a significant problem.

17 I can tell you from my work on the hundreds
18 of cases of Latino women victims is we have had a
19 significantly better response from officers who were
20 Latino than non-Latinos, whether or not a case was
21 prosecuted. The manner in which the case was handled
22 was significantly better, and that goes to prove what
23 kind of a difference it really can make and that
24 bilingual is not enough.

25 I had a case a couple of years ago of an

1 attempted rape on a 12-year old girl where we got a
2 report taken initially by the Sex Squad. There was no
3 Latino officer assigned to the Sex Squad and so there
4 was never any follow-up, never any prosecution, which
5 was incredibly distressing. It was a rape by her step-
6 father. It was incredibly distressing for both her
7 mother, the battered woman, and for the child.

8 I would like to take a second now, moving
9 away from the police for a moment, to other aspects of
10 the court system that affects my Latino clients. Mayor
11 Kelly, I heard on the radio this morning talking about
12 that fact that community-based organizations need to
13 take up more of the clack, need to handle more cases on
14 behalf of the city.

15 My problem is, they're not paying us to do
16 this. I have been doing this four years, domestic
17 violence cases alone. AYUDA has been practically the
18 sole source of representation for Latino women who
19 needed prosecution of domestic violence cases through
20 the Office of Corporation Counsel.

21 Prior to two months ago I can think of two
22 cases of Spanish-speaking clients that they took. In
23 the last couple of months since I've testified
24 similarly before the Superior Court, for a panel at
25 Superior Court, all of a sudden they started to take a

1 few cases. But they don't have any bilingual
2 attorneys. And so the attorneys at the Corporation
3 Counsel in the Division on Domestic Violence can't
4 communicate with the clients that they do represent.

5 And what has happened is that in addition to
6 that, on domestic violence cases, this city generally
7 spends less money than almost any other jurisdiction in
8 the country and consistently fails to apply for federal
9 funds that are available. And that lack of services
10 disproportionately affects the Latino community, as
11 well, because what services there exist are not
12 available in any kind of a bilingual fashion except
13 through AYUDA, and we don't receive a drop of
14 government money to assist us in that process.

15 In terms of another area where we have this
16 problem with Corporation Counsel is on child support
17 cases. And the District government is charged under
18 federal law under the 4D system of the Social Security
19 Act, under Section 4D, to represent anybody, any
20 resident of the District who needs assistance in
21 obtaining child support.

22 In the Corporation Counsel's office, Division
23 of Child Support Enforcement, there is one bilingual
24 attorney, but there, as with most other District
25 government agencies -- and I'm sure you've heard much

1 of this yesterday -- that bilingual attorney has a non-
2 Spanish-speaking caseload. And the Spanish-speaking
3 clients are assigned to a variety of different
4 attorneys with whom they cannot communicate.

5 Worst than that, at a period of time not too
6 long ago when the District government's Office of Child
7 Support was trying to negotiate and contract services
8 out to AYUDA to assist with accessing services for the
9 Latino community, recognizing that they had a problem
10 and that we were sitting in a position where women were
11 coming on a daily basis to our office, we could not
12 serve them with existing resources and needed funds.

13 These individual clients were not AFDC
14 recipients, were somehow clients of the District of
15 Columbia, and therefore, since the Corporation
16 Counsel's office can only represent, must be charged
17 with handling all of the law business of the District.
18 There could be no subcontract or no way that women
19 could access 4D services who speak Spanish without
20 firing their AYUDA attorney.

21 As a result, Spanish-speaking women in this
22 city, as a practical matter, have no access to parental
23 locators; have no access to tax intercept; have no
24 access to lottery intercept; have no access to a number
25 of federal programs that should be available to these

1 U.S. citizens' children.

2 To give you an example of a client briefly
3 who was particularly affected by Corporation Counsel
4 practices, we had a battered women who I found sitting
5 in court one day at 4:00 o'clock in the afternoon. She
6 was one of the two cases that Corporation Counsel had
7 previously taken that spoke Spanish. She was in the
8 Domestic Violence courtroom and just sitting there.
9 Nobody had talked to her. She had no idea what was
10 going on and her case was scheduled for that day, but
11 she couldn't speak to the Corporation Counsel attorney
12 who hadn't even requested an interpreter to find out
13 what she was doing there.

14 We ended up picking up the case. The judge
15 basically assigned us to assist her. We took the case
16 from Corporation Counsel and handled the domestic
17 violence case. In the process of the domestic violence
18 case the respondent was ordered to pay child support.

19 In testimony in the domestic violence case,
20 on the stand, under oath, in front of the judge, he
21 told the judge, "You ordered me to pay child support
22 and I will leave the jurisdiction to avoid paying it."

23 Three weeks later that was case supposed to
24 be going before the judge. Corporation Counsel had a
25 case scheduled on the child support action in which

1 they were representing the same client. We called up.
2 We made numerous calls to the Office of Corporation
3 Counsel. Had difficulty getting through. We finally
4 got to one of the supervisors. We told him what was
5 going on.

6 We gave him the date, time and place of the
7 judge in front of whom they could get the record about
8 this individual's testimony. We then said to them,
9 "Look, you can do an ab exoine here." And they said,
10 "Well, we don't have enough time. Can you help us?"

11 We drafted the papers. We did the legal
12 research. We faxed them the papers, the legal
13 research, the cases, everything. They got the
14 information. We talked to the client. We prepped the
15 client.

16 We sent her down to the court by herself
17 since we were unable to go with her that day and we
18 couldn't have represented her even if we did. She got
19 to court. Not only did they not file any motions that
20 we had already prepared for them, they didn't even
21 request an interpreter.

22 So she sat through that entire hearing
23 without having any idea what happened, without being
24 able to talk to her attorney, without having an
25 interpreter there when the judge was talking to them.

1 And we don't know what happened.

2 I then followed-up with the people that were
3 working with us in the Office of Child Support. They
4 checked the notes of the attorney that day and there
5 were no notes of what happened in that case at all.
6 P.S. A year later to this day she's still not getting
7 child support.

8 And that's the type of treatment that our
9 Latino clients that apply for 4D services are
10 consistently getting from the Child Support Agency
11 which have no social workers who can talk to them.

12 On the domestic violence front, one
13 additional real concern.

14 MS. BOOKER: Ms. Orloff, I hate to interrupt
15 you. Unfortunately, due to no fault of yours, we are
16 running two hours late. I wonder, as compelling as
17 your testimony is, and I know you have more to offer,
18 would you be willing to submit the rest in the form of
19 a written statement? The record will remain open for
20 30 days and we would be very pleased to receive that.

21 MS. ORLOFF: Yes. That would be fine.
22 There's just -- if I can just make one more point?

23 MS. BOOKER: Certainly.

24 MS. ORLOFF: The one point that I wanted to
25 make about the U.S. Attorney's office in the District

1 of Columbia, because we don't have our own prosecutors,
2 all prosecutions are done by the U.S. Attorney's
3 office. Presently, on domestic violence cases we're
4 having a significant problem, particularly with Latino
5 clients because there are no Spanish-speaking
6 victim/witness people and there are very few, and no
7 Spanish-speaking attorneys doing intake on domestic
8 violence cases.

9 Plus, the court information system, in not
10 having someone to direct people to, is a real problem
11 because domestic violence cases -- the U.S. Attorney
12 has adopted a policy which is disdained and has been
13 rejected by most jurisdictions in the country that
14 requires the victim in a domestic violence case to
15 appear in court the next day.

16 The only other cases where that's required in
17 the District, for victims to be at an arraignment, are
18 rape cases. What it means is you're putting the victim
19 in a situation where she's where the batterer is and
20 with the information problems at the court, it means
21 that if she can't find the U.S. Attorney's office, then
22 her case doesn't get papered, no matter how serious it
23 is.

24 So I just wanted to mention that in addition.
25 And I can submit the rest of my testimony in writing.

1 I have a number of things on the court system, as well,
2 that I'll add.

3 MS. BOOKER: Thank you.

4 Ms. Holleran-Rivera, you have submitted your
5 testimony in writing, which we're happy to accept. I
6 wonder if you would mind giving us some highlights of
7 your testimony and entire text for the record?

8 MS. HOLLERAN-RIVERA: Not at all. Thank you.

9 My name is Maria Holleran-Rivera. I
10 represent the Hispanic Bar Association of the District
11 of Columbia and I thank the Commission for inviting us
12 to testify today. I have submitted written testimony
13 and I request that the written testimony be admitted
14 into the record of these proceedings.

15 To give you basically the highlights of the
16 testimony that was submitted, I've tried to look at --
17 give an overview of the Latino community and the
18 justice system and to try to put it into perspective.

19 First of all, Latinos are generally law-
20 abiding people and I think it's very important for this
21 Commission to understand that. Out of populations that
22 range, estimates of between 33,000 and 65,000, only
23 about 500 are currently involved in the adult and
24 juvenile criminal justice system and there are about
25 200 Latinos in the District correctional facilities.

1 And these are estimates that were used during the
2 criminal justice taskforce -- excuse me -- the Ethnic
3 and Race and Gender Bias Taskforce that the court
4 system had last June.

5 There is in our community a great abiding
6 respect for authority. And generally, they do respect
7 the laws of a jurisdiction. Many of the contacts are
8 for misdemeanors, not for felony offenses;
9 misdemeanors. So we have to put all of this into
10 perspective. And the fact that Latinos are serving
11 prison time for misdemeanors is really something that
12 we need to look at.

13 The other point I'd like to stress is that we
14 do not have representation in the courts, on the bench.
15 As Mr. Delgado mentioned earlier, there are only two
16 judges that sit on the Superior Court of the District
17 of Columbia. There are none on the federal bench.
18 there are none in the D.C. Court of Appeals. There is
19 none on the District Court of Appeals.

20 That fact alone is significant because the
21 justice system has to be representative of the people.
22 And I think the Supreme Court, in a recent decision on
23 the election of judges, has recognized that. I hope
24 the Commission will recommend that more Latino judges
25 be elevated to the bench. And this is a problem not

1 just in the District of Columbia, but nationwide.

2 Some figures that I have for you. I believe
3 there was a 1985 survey which was cited in the
4 Washington Post of 12,000 full-time state judges. Only
5 150 are Latinos. Of 160 federal Court of Appeal
6 judges, only four are Latinos nationwide. Of 555
7 District Court judges, only 28 are Latinos, and this is
8 something that we really have to do something about.
9 Latinos must be a part of the justice system, not just
10 a problem for the justice system.

11 MS. BOOKER: Thank you. And with the
12 Chairman's permission, we will receive your written
13 testimony into the record.

14 Senior Mendoza, you have worked at the
15 Visitors Center of the D.C. Jail, I understand, since
16 1985?

17 MR. MENDOZA: Yes, ma'am.

18 MS. BOOKER: Can you tell us about some of
19 the problems that Latinos encounter down there?

20 MR. MENDOZA: Well, most of them have been
21 said by Mr. Delgado. The Latinos present problems. To
22 begin with, in many occasions I have served as an
23 interpreter on Saturdays when they don't have
24 interpreters in court. On many occasions I have gone
25 to Lorton to serve as an interpreter for one of the

1 lawyers.

2 As Mr. Delgado said, when you have a lawyer
3 who does not speak Spanish at all, you have then two
4 people who have to pay. They're going to have to pay
5 for two people; the interpreter and the lawyer,
6 himself, and the time is consuming to get from one
7 person to another person.

8 Particularly, this morning I was at the Jail
9 and I was interpreting in the infirmary. This
10 particular person was from Guatemala. He was shot in
11 the head about a year ago. They haven't removed that
12 bullet from his head yet. He has a problem with his
13 teeth. And of course, he has constant pain in it so he
14 wanted to have some pain killers so he can take. But
15 then can't give so much because the situation with the
16 bullet in his head. And the doctor, they don't know
17 what to give until the bullet is removed from him.

18 Communications back in the Jail, they don't
19 have case managers who speak in Spanish at all. I've
20 translated the form that they use for the intake and
21 two more pages which they ask the question, if you have
22 a relative who was involved with a fire gun or the law
23 enforcement, and the other one is, do you want to be in
24 a jail population or do you have enemies that you need
25 to be separated from or in protective custody.

1 It's very significant. I was reading the
2 paper, I think it was yesterday or this morning, about
3 the Office of Latino Affairs. It was vacant for
4 practically two years or so and the Mayor decided to
5 name a director to that office. I don't know. Perhaps
6 it's just because of this hearing.

7 A couple of weeks ago the Office of Latino
8 Affairs called me in my office and it happens that I
9 detected the accent of the person who called me. And I
10 asked him, "Where are you from?" And he said, "Spain.
11 Is this the Office of Latino Affairs?"

12 The guy is from Spain. I mean, just because
13 he speaks Spanish, that's an insult for us, I believe.
14 It's like if we have in our sister nation an office who
15 deals with the United States programs. Then we name a
16 person from England because Mary can speak English.
17 That's an insult. They don't believe in us.

18 There's so many things that I would like to
19 say, but I know that the time is very short.

20 When I came to this country, I came as a
21 student and I knew. Nobody told me about
22 discrimination. I knew about discrimination and knew
23 when they had the side of the buses only for color,
24 only for whites, in the south. I saw that. When you
25 have to go out to the bathroom, there are different

1 bathrooms because only one was for whites and the other
2 was for color.

3 I arrived in Washington as a special
4 assistant to the Ambassador, and I do remember in those
5 years, in the early '60s, the cab drivers of the Yellow
6 Cabs and Diamond Cabs were only driven by whites. No
7 one, none of them, took a person, a black person. I do
8 remember one time -- this is an incident that I would
9 like to mention.

10 I went to visit the French Embassy and I was
11 talking to the Ambassador of Haiti. And this lady was
12 American. Had been in France for so many years. She
13 was black and decided to call a taxi. The
14 Ambassador's wife called a taxi for her. When they saw
15 her, they said, "No. We don't take blacks." The woman
16 said, "No. She is from Haiti," because we were
17 speaking in French.

18 So the police was called and the police told
19 the cab driver, "She's all right. She is Haitian."
20 So the cab driver took her. I mean that's ridiculous.
21 I don't know. I don't know. This is ridiculous. And
22 still in this country, still in this city, we have that
23 big problem.

24 MS. BOOKER: Thank you.

25 So, Mr. Chairman, no more questions from me.

1 CHAIRMAN FLETCHER: All right. Before
2 turning it over to the panelists, I want to say to Mr.
3 Delgado, I appreciate the use of your term, "my
4 people," and the extent to which in the minds of some
5 of the leadership of this country, you flat out don't
6 exist.

7 One of the hopes of this panel, and this
8 hearing, and this recording, is that to the extent that
9 you don't exist in the eyes and the minds of others,
10 hopefully, that will end as of today.

11 Let me further say that 37 years ago, men and
12 women in my generation had to strive and struggle to
13 get this Commission created as a precursor to the '64
14 Civil Rights Act. And one of the things this
15 Commission did was collect the data that was needed,
16 the evidence as well as the facts, to start the battle
17 in Congress to get the legislation changed.

18 That has resulted in this massive attempt to
19 change this nation's culture. That's what we're really
20 talking about. The police department and those who
21 work in that department are a reflection of American
22 culture. They don't cut themselves off from their
23 history because they put on a blue uniform. They bring
24 those same visions, expectations and behavior patterns
25 with them.

1 But one of the things that I think we'll be
2 able to say from this hearing and from others across
3 this country is that we can present the facts; those
4 you don't like and those that you may be pleased with.
5 But they won't be ignorant any more. Then, it will be
6 up to organizations like yourselves to help this
7 Commission and others like us to see not only that the
8 legislation is passed. It's not that we can't get
9 legislation passed any more, it's that we can't get it
10 funded and enforced.

11 Once we recognize that that's what the
12 struggle is all about ^{we} we'll know what to do with the
13 data that we're putting together.

14 But I appreciate your concerns and the fact
15 that you hope something happens. Something has
16 happened. Something is happening. Thirty years ago I,
17 myself, and others like me were sitting on the other
18 side of the table. This time, we're on this side of
19 the table. And in time, the number of Hispanics and
20 Latinos and others who will be on this side of the
21 table is going to increase significantly.

22 So keep on keeping on. We'll make it happen.

23 MR. DELGADO: Thank you very much, sir. Let
24 me add that I'm going to be in the District for a long
25 time. Whatever I can do to help the Commission or

1 anyone else in this city, please call me.

2 Thank you very much.

3 CHAIRMAN FLETCHER: We will. Members of the
4 panel?

5 COMMISSIONER RAMIREZ: Mr. Chairman, I said,
6 even though we're pressed for time, I also want to say
7 (in Spanish) you just can't be tired. It's a lifetime
8 struggle. And yet some things happen.

9 But the question I want to ask, perhaps, of
10 all of the members of this panel, because I am
11 impressed that they are working in the system without
12 being swallowed up by the system. The question is:
13 Where does the buck stop? Everybody who has come here
14 has talked about the lack of personnel that are either
15 ethnically compatible, linguistically compatible or who
16 have been trained at least in some fashion to have
17 sensitivity to people who are not exactly like them.

18 I noticed, Ms. Davis -- and I have to tell
19 you how much I appreciated your testimony and how
20 convinced I am of your motivations and of how you feel
21 about that. You're a beautiful breath of fresh air.
22 But you are the Director of the D.C. Public Defenders.

23 How does a person in your position either not
24 have the authority, or what are the impediments to your
25 being able to exercise whatever authority you have in

1 order to make this change, because I'm sure you're
2 probably one of the best examples? How does that work
3 systemwide? Why is it that every single person in
4 authority who came here, it never occurred to them I
5 can do something?

6 MS. DAVIS: That's a difficult question. The
7 question is: Where does the buck stop? I think
8 everybody's responsible.

9 When I came and testified before you, I told
10 that -- some had already indicated that there were two
11 Spanish-speaking attorneys in our office of 788
12 attorneys. There are actually three fluent Spanish-
13 speaking attorneys and there are a few more attorneys
14 that have some working knowledge of Spanish.

15 Somwell (ph) might have been the first Latino
16 lawyer that was hired in the Public Defender Service
17 when he came there -- I don't know -- in 1983. Before
18 Somwell in 1983 -- and obviously, I wasn't the Director
19 at that point. I was a staff attorney just starting at
20 that point. But before Somwell there were none at the
21 Public Defender Service.

22 There has to be a commitment, it seems to me,
23 an interest and a commitment and a desire to make
24 change. There has to be recruitment. Right now, we
25 have, as I said before, three Latino lawyers. we have

1 a Latino investigator. We have a Latino in the
2 Criminal Justice Act office.

3 There needs to be more and the Public
4 Defenders Service only represents 10 percent, 10 to 15
5 percent of people charged with crimes in the District of
6 Columbia. And we have that number. And the 85 percent
7 of the people charged with crimes in the District of
8 Columbia are only represented by eight Spanish-speaking
9 attorneys.

10 I guess what I'm saying is there has to be a
11 commitment from the top of every single agency, from
12 the city. There has to be a commitment from the head
13 of the city and there has to be a commitment from the
14 heads of agencies to actively recruit Latino employees
15 in every single phase.

16 I don't sit here and say that it's an easy
17 thing to do. Everything is difficult. As you just
18 said, "the struggle." But you have to have the
19 commitment first. And I guess I don't believe that
20 there's a commitment at every single stage and in every
21 single agency in this city.

22 I believe that the Mayor has the commitment,
23 but the commitment has to be acted on and there has to
24 be some action behind that commitment. And it has to
25 come from every single agency. The head of every

1 single agency has to exhibit that commitment. Has to
2 go out and actively recruit to fill positions with
3 Latino people who are committed, who want to do the
4 work.

5 It's not easy, but it can be done. The
6 numbers of Latinos in this city have increased
7 tremendously. I cannot believe that we cannot find
8 people who would want these jobs. We are in
9 recessionary times now. I'm sure there are people who
10 would want the jobs.

11 I understand that the court system has hired
12 a specialist whose job it is to recruit Latinos. I
13 understand that that has just recently happened and
14 that person is to come on board. That's a start. And
15 hopefully, something will happen from that.

16 MS. HOLLERAN-RIVERA: I'd like to address
17 that question because it's one that I've been asking
18 myself. And the District of Columbia is in a very
19 unique position because we also have to look at
20 Congress.

21 Congress basically funds the District of
22 Columbia. They're responsible for our budget. The
23 District of Columbia is also in the position that they
24 can do as much as the funding allows.

25 I know that the court system right now is in

1 a crisis situation with regard to finding and they're
2 going to ask for an increase in funding. There are
3 certain things that can be done with goodwill, but
4 goodwill is not enough. And I hope that the Commission
5 will look at the budgetary implications of some of its
6 recommendations.

7 And with regard to having more statutes, we
8 don't need more statutes. We have plenty of statutes
9 on the books. What we need is enforcement. We need
10 people who are committed to seeing that the
11 administration of justice is carried out because when
12 we lose faith in our justice system, we lose
13 everything. We have a lot at stake here.

14 MR. MENDOZA: I's like to answer that, too.
15 In '85, at the Visitors Service Center, I came in as a
16 volunteer, from '85 all the way to '89 as a volunteer.
17 In '89, we became third party custodians. I was hired
18 for just 16 hours to work 16 hours per week. Later on,
19 this same year, I went straight to 20 hours. And
20 that's what I'm working now, 20 hours. However, I work
21 longer than that. I work, I think, more than 40 hours
22 per week. I don't charge for that.

23 Thank you.

24 MS. ORLOFF: Rather than repeat what has been
25 said, in addition to what you've heard in terms of

1 hiring practices, which I do believe, as Ms. Davis
2 said, can be changed at the top of each agency, one of
3 the key problems is not only that but managing the
4 resources you do have appropriately.

5 One of the things that we see consistently
6 throughout D.C. government is the Latino
7 worker/employees they do have are put in a position
8 where they either have English-speaking caseloads and
9 are translating for everybody else's Spanish-speaking
10 caseloads, or -- it doesn't make any sense and it's a
11 consistent and epidemic problem.

12 So it takes a commitment at the top to
13 recognize that there is nothing wrong when you have a
14 Latino social worker or a Latino probation officer, for
15 that person to have a Spanish-speaking caseload to the
16 extent there are Spanish-speaking individuals that need
17 those services.

18 And I don't understand why throughout D.C.
19 government they won't do that. And we're talking about
20 housing. We're talking about all of DHS, the court
21 system, et cetera.

22 CHAIRMAN FLETCHER: Any other questions?

23 COMMISSIONER ANDERSON: Thank you, Mr.

24 Chairman.

25 I don't really have any questions but I do

1 have a brief comment. We've spent over nine hours
2 today talking about the criminal justice system.
3 Approximately two and a half hours and two hours on the
4 justice part in terms of the administration of the
5 courts.

6 I don't consider that imbalance of time
7 between community police relations and community
8 justice court system relations as reflecting the
9 interest of the Commission, or at least this
10 Commissioner, on the concerns that you raised, because
11 to my mind they are as important, if not more
12 important, than much of the testimony we've heard
13 earlier in the day.

14 We've heard from a number of witnesses who
15 quite apparently were victims. I believe they were all
16 men. We've heard from no victims who were women. But
17 I think Ms. Orloff eloquently represented some of their
18 concerns before us and I think that is their plight and
19 something that we are not overlooking and are not going
20 to overlook.

21 So we genuinely mean that the record will be
22 open and we want your additional statements to come in.
23 And I believe you'll find that the section of our
24 report that concentrates on the justice system, the
25 court system, will be significant and substantial in

1 that regard.

2 That's all, Mr. Chairman.

3 CHAIRMAN FLETCHER: We want to thank you.
4 It's good that you came and spent the time with us, and
5 you will hear more from us.

6 (Witnesses excused.)

7 MS. BOOKER: Would you like me to call the
8 next panel?

9 CHAIRMAN FLETCHER: Please.

10 MS. BOOKER: I'd like to call the first
11 Housing Panel: Mario Rivera, Adelante; Robert Goldman,
12 of Councilmember Frank Smith's staff, and if
13 Councilmember Smith is still available; Benito Diaz,
14 Washington Inner-City Self-Help; Dr. James McDonnell
15 and Susan Weiss of the Fair Housing Council of Greater
16 Washington; and John Kostyack of Steptoe and Johnson.

17 CHAIRMAN FLETCHER: Counsel, we understand
18 that Mr. Kostyack has left.

19 MS. BOOKER: That's okay. We have a report
20 that was prepared by Steptoe and Johnson, and we can
21 merely enter that into the record.

22 How about Mr. Smith? Will you be able to
23 join us? I know we're late. Thank you.

24 CHAIRMAN FLETCHER: All right.

25 Welcome, Mr. Rivera, Mr. Goldman, Mr. Diaz

1 and Ms. Weiss.

2 HOUSING PANEL I

3 (Witnesses sworn.)

4 MS. BOOKER: Would each of you please
5 identify yourselves for the record, beginning with Ms.
6 Weiss?

7 MS. WEISS: My name is Susan Weiss. I'm the
8 Executive Director of the Fair Housing Council of
9 Greater Washington.

10 MR. DIAZ: My name is Benito Diaz and I'm an
11 organizer on the staff of WISH. That's Washington
12 Inner-City Self-Help.

13 MR. GOLDMAN: My name is Robert Goldman. I'm
14 the Committee Clerk for the D. C. City Council
15 Committee on Housing which is chaired by Councilmember
16 Frank Smith.

17 MR. RIVERA: My name is Mario Rivera and I'm
18 a program coordinator for Adelante Advocate Center,
19 Inc. which is a community based organization in D.C.
20 that provides housing counselling, particularly to the
21 Latino community.

22 MS. BOOKER: Thank you. Mr. Rivera, I'd like
23 to begin with you. We have your prepared testimony
24 which describes a number of housing related issues
25 affecting the Latino community in Washington. I wonder

1 if you could highlight that testimony for us. And we
2 can submit the entire testimony for the record.

3 MR. RIVERA: Yes, I will. Our biggest
4 concern is that the Department of Housing and Community
5 Development budget reductions which is affecting the
6 whole community, starting with our agency, which has
7 just in the recent years, extremely increased the
8 caseload.

9 And in the current fiscal year we received
10 27.4 budget reduction which forced us to eliminate the
11 two full-time positions and two part-time positions.

12 MS. BOOKER: Is that 27.4 percent budget
13 reduction?

14 MR. RIVERA: Of our total budget from DHCD.
15 And that's an incredible reduction in our staff, which
16 is not enough to cover all the service that we provide
17 to the community.

18 Also, I would like to emphasize. In the
19 multi-family buildings with housing code violations
20 there is a lot of displacement in the community. We
21 see that landlords are forced to make repairs. When
22 tenants come to us asking for help and landlords refuse
23 to make repairs, what we do is we call housing
24 inspectors and request inspections.

25 And supposedly, landlords are supposed to

1 make the repairs. They usually get up to 30 days, and
2 that's not happening. After the date expires, I'm not
3 even quite sure if landlords are paying their fines.

4 Also, after this case, the Inspection
5 Division Office, they go to the Civil Infraction Office
6 and they're supposed to somehow force them to do the
7 repairs. And at the end, what happens is the city
8 comes and just closes the buildings down. And we see a
9 lot of displacement in the community.

10 Also, we see a lot of lack of bilingual staff
11 in a few government agencies like the Department of
12 Human Services. A lot of clients come to our office
13 because when they go to apply for emergency assistance
14 they don't find persons who help them. I understand
15 that the Department of Human Services have bilingual
16 staff, but I don't understand when our clients go there
17 to try to apply, they can't find them. And that means
18 that we have to go with them and translate for them.

19 Also, there's a number at D.C. HUD where
20 tenants supposedly report the housing code violations.
21 They don't have anybody who speaks Spanish. So they
22 have to come to us so we can call and make the reports.
23 And we have to deal with them in the whole process of
24 renovation. That takes a lot of our time and now we're
25 very short in the staff. We're talking about five

1 staff persons in our agency and we serve approximately
2 4,000 clients a year.

3 We hope -- and we're not blaming the
4 Department of Housing and Community Development. We
5 understand they don't have the money. But we just like
6 to ask the federal government whenever we can get some
7 money to allocate extra money for the Department of
8 Housing and Community Development so we can have enough
9 money to increase our staff and to pay for some other
10 expenses that we have.

11 Like we would like to go to the media, to go
12 to the Spanish radio stations, to publish our services
13 in the different newspapers. A lot of people do not
14 know that we exist, that we're there to help them. And
15 we do the best we can.

16 We conduct workshops. We distribute flyers.
17 but we still need to -- if we have enough money to pay
18 for publicity, to pay for materials, reproduction, to
19 translate materials.

20 You see, we face a lot of problems like
21 Landlord-Tenant Court when they don't understand the
22 notices that they sent. Also, we face a particular
23 problem that a lot of our clients, some of them don't
24 know how to read in Spanish, and that's another problem
25 that a lot of people don't understand.

1 For example, this Summer, for Landlord-Tenant
2 Court half are Hispanics. And I have seen some clients
3 who don't even understand Spanish. So they definitely
4 have to come to us so we can explain to them what's
5 going on. And I think that the government doesn't
6 understand those types of problems, that this is
7 definitely a particular problem that our community
8 faces.

9 MS. BOOKER: I'm sorry. Just to verify, are
10 they people who speak another foreign language?

11 MR. RIVERA: They do. They do speak it. I
12 mean, everybody knows that the majority of the Latino
13 community in this city are from El Salvador. A lot of
14 these people don't know how to read Spanish.

15 MS. BOOKER: I see. I'm sorry. I did not
16 understand you.

17 MR. RIVERA: They do speak Spanish, but they
18 never had a chance to go to school in their country. I
19 mean, I know because I'm from El Salvador and I know a
20 lot of people never went to school. And I'm just here
21 for any questions that you have.

22 MS. BOOKER: The Commissioners will have
23 questions in a moment. First, I'd like to talk with
24 Mr. Goldman.

25 Mr. Goldman, Councilmember Frank Smith gave

1 some very informative testimony recently before the
2 House Subcommittee on Housing and Community
3 Development. With the Chairman's permission, I'd like
4 to request that that testimony be entered into our
5 record as an exhibit.

6 CHAIRMAN FLETCHER: Hearing no objection, so
7 be it.

8 MS. BOOKER: Mr. Goldman, I understand you
9 had a hand in the preparation of that testimony?

10 MR. GOLDMAN: Yes.

11 MS. BOOKER: And that Councilmember Smith has
12 asked you to help us with some of the facts and figures
13 about housing in the District of Columbia. And,
14 particularly in his Ward, which is Ward 1.

15 Would you give us an overview of that
16 testimony and the condition of housing in Ward 1 and
17 the District of Columbia?

18 MR. GOLDMAN: Sure. First, let me say that
19 Councilmember Smith was here for about two hours and
20 then had to go to a meeting in the Ward. So he
21 apologizes for not being able to stay.

22 Basically, as we prepared to testify at the
23 House Subcommittee on Housing and Community Development
24 chaired by Chairman Gonzalez, we took a look at the
25 federal funds to the District to see what type of

1 housing resources we've gotten from the federal
2 government.

3 It was basically our conclusion that the
4 federal government cut back funds to the District
5 during the '80s. For an example, the CDBG allocation
6 went from a high of \$33.9 million in 1979 to a low of
7 \$15.6 million in 1991. As a result, the number of
8 units that we were able to assist with went
9 dramatically down.

10 There was a Tax Reform Act of 1986 which
11 limited DC housing finance agencies the ability to
12 issue tax-exempt bonds or at least the feasibility or
13 desirability of those investments. And there were some
14 cutbacks in some public housing subsidies, I believe.

15 And I might add just recently, the
16 President's budget that was released yesterday, there's
17 a further cut of CDBG funds by 15 percent, and the new
18 homes program by 50 percent.

19 For cities, generally, and the District
20 included, programs like the Community Development Block
21 Grant and the Homeowner Program are vital. They're a
22 most important aid and they also provide flexibility so
23 cities can provide the resources to the areas which
24 they think are most important. And as a result, the
25 CDBG cuts have been most distressing.

1 During the '80s, D.C. was able to, because of
2 income and property taxes, property values went up.
3 D.C. did have additional revenues and was able to make
4 up or fill the gap.

5 As a result, our budget -- Department of
6 Housing Community Development went as how as \$12
7 million in FY '90. Unfortunately, due to the
8 recession, the city was unable to continue to
9 appropriate at that level and has been forced to cut
10 back its appropriation by almost half.

11 In addition, for the CDBG program we were
12 able to make up some of the cuts by selling some of our
13 federal lands under the redevelopment land agency. And
14 again, because of the recession, their expected ability
15 to sell those properties has gone down, too.

16 For example, the last fiscal year, they had
17 to come back to the council for a reprogramming in
18 which they had to reduce their budget by \$9 million
19 which obviously put a pinch on many programs, one of
20 which was the counseling programs which Mr. Rivera just
21 referred to.

22 In addition, I think what the councilmember's
23 view in looking at all that was that not only is the
24 feeling that the federal government sort of has abandon
25 the cities, and cut back on resources, but in terms of

1 addressing the needs of new immigrants, especially
2 immigrants from Central America in which there should
3 be some responsibility by the federal government,,
4 since it was mainly the federal policies that created
5 instability in that region and brought immigration to
6 the United States, it's councilmember's view that the
7 federal government owed some responsibility to the
8 District and maybe to other cities for relocation
9 assistance, et cetera.

10 I think its kind of somewhat ironic that the
11 United States is considering in Congress providing \$3
12 billion in loan guarantees for Israel so they can
13 assist immigrants from Russia -- Russian immigrants,
14 and has not considered any type of assistance for our
15 own cities.

16 That's in short, a summary of the
17 councilmember's testimony. I'll be happy to answer any
18 questions in terms of budget numbers, programs in the
19 city.

20 I might add, one of our city's most
21 successful programs is the Housing Purchase Assistance
22 Program, and that's money that the District puts in of
23 its own supplement -- federal money we use from the
24 CDBG Program. And here's a program that's highly
25 successful in terms of it's ability to reach all

1 segments of the population.

2 I think it's well represented amongst the
3 Wards. It's well represented amongst various racial
4 breakdowns.

5 Unfortunately, because of the cutbacks in
6 CDBG and because of the cutbacks in D.C.'s Homeowner
7 Program, we're cutting back on the program. We'll
8 probably not be able to reach as many people and give
9 them the opportunity to become homeowners in the
10 District, which is probably a great travesty.

11 Thank you.

12 MS. BOOKER: Mr. Diaz, I wonder if you would
13 tell us about your organization, and the problems that
14 you have encountered with housing in Ward 1.

15 MR. DIAZ: First of all, I want to say that
16 I've been living in this city since 1968, and I've been
17 working in the field of tenant's rights and organizing
18 tenants at least in '71 on and off, both on a voluntary
19 basis and as paid staff. And I've been working with
20 WISH, Washington Inner-City Self-Help since December of
21 '87.

22 WISH is a non-profit membership organization
23 which works with low and moderate income people in
24 terms of working towards empowerment. We work mostly
25 with tenants and so the majority of our work is working

1 with -- to organize tenants into tenant associations
2 and to help those tenant associations purchase their
3 buildings and convert them to living equity
4 cooperatives.

5 And I want to stress that we are a multi-
6 cultural organization, and so, therefore, we work
7 equally with Latino tenants as well as African-
8 Americans, Africans, Caribbean People and whoever is
9 low and moderate income.

10 I want to first of all -- well, like I said,
11 WISH works mostly working with tenants in their
12 building to address the problems created by the
13 landlord, both in terms of housing code violations,
14 lack of services, et cetera. But also, in terms of the
15 problems created with drug traffic and prostitution in
16 the buildings which also are created by the landlord.

17 I want to say also that I want to support
18 fully the testimony of Mario Rivera with respect to the
19 lack of bilingual services and personnel at both the
20 Department of Housing, the Department of Consumer
21 Regulatory Affairs and all governmental departments,
22 and the kind of problems that he illustrated.

23 I further want to support fully the testimony
24 of Mr. Goldman with whom WISH works on an almost daily
25 basis, and the kind of analysis that he has provided in

1 terms of the cuts in both the CDBG and D.C.
2 appropriated funds, and the lack of support by the
3 federal government.

4 I furthermore want to support the testimony
5 of Mr. Kostyack who, as you see, is not here because of
6 some kind of confusion. But I have read his testimony
7 and he speaks to something that Mario referred to, the
8 evictions that are carried out by the Department of
9 Consumer and Regulatory Affairs because of buildings
10 being completely -- well, having been converted into
11 fire hazards, more than anything else.

12 I don't really know Ms. Weiss, and I can't
13 say anything other than if she's going to testify about
14 a study -- and I don't know what you're going to
15 testify -- but if you're going to testify about a study
16 performed by your organization in 1989, I'd like to
17 make a comment about that, too, if permitted by time.

18 And to get on with it, I want to briefly say
19 that, Latinos and most specifically Central Americans,
20 low and moderate income tenants, are discriminated
21 against in the District of Columbia. But equally well,
22 African-American low income tenants are also equally
23 discriminated against, although in specific, different
24 ways. Each group is pitted against the other, and the
25 landlord uses one group against the other.

1 And I want to illustrate that, and I want to
2 illustrate the kind of position that has -- well, what
3 has brought, as Mario said, the Central American
4 tenants to be in the dilapidated kind of housing that
5 they're in today. And at the same time, emphasize that
6 African-American tenants live under the same kind of
7 situations although in different neighborhoods due to
8 displacement in some ways.

9 Ever since the 1960's and '70's here in D.C.,
10 there's been a plan called the Year 2001 Plan. And
11 the purpose of the Year 2001 Plan is to create a
12 northwest and southwest which is inhabited mostly by
13 upper middle income and upper income people, and to
14 create northeast and southeast as being an enclave of
15 low and moderate income people.

16 And that plan was created by Carr, the --
17 what's the name, the Metropolitan Washington Council of
18 Government and is very much in place. And one of the
19 best examples of its effect is P.G. County. And the
20 majority of us are going to be, if we ain't living in
21 P.G. County now, we're going to be living in P.G.
22 County by the year 2001 Plan unless something drastic
23 is done to turn this around.

24 And that applies to both Latinos as well as
25 African-Americans. And Latinos are moving out to P.G.

1 As a matter of fact, I've got two brothers, and both of
2 them live in P.G.

3 So basically, all I'm trying to say is that
4 the landlords, and specifically AO, the Apartment
5 Office Building Association, Board of Realtors and the
6 banks have put together this plan to displace low and
7 moderate income people starting from Ward 3, moving
8 through Rock Creek Park, going through Adams Morgan,
9 Mount Pleasant, Columbia Heights, Dupont Circle, Shaw,
10 et cetera. All going east. All of us are going east.

11 And in the meantime, the landlords institute
12 a very conscious policy to empty these buildings out.
13 What they do is they refuse to make corrections to the
14 housing code violations. They discontinue services,
15 maintenance, repairs, et cetera, security to purposely
16 create conditions that force people out.

17 Then on top of that, they raise rents to
18 exorbitant and many times illegally as well as
19 exorbitantly so as to induce people to move out. Then
20 they make it possible or even encourage the drug
21 dealers to move into the vacant units and take over the
22 hallways and the basements and the common areas so as
23 to terrorize tenants to move out.

24 And when that don't work, then they bring in
25 thugs in order to beat up and intimidate tenants. And

1 if that don't work, well, we've always got arson, you
2 know. As a matter of fact, they do all that at the
3 same time. So, that's the plan. Those are the
4 tactics, and they apply to African-American tenants.
5 They apply to Latino tenants, and they apply to anybody
6 who is low and moderate income.

7 So what are the results of these policies and
8 tactics? I remember back in the '60's and '70's places
9 like Columbia Road was mostly inhabited by -- and Mount
10 Pleasant were mostly inhabited by low and moderate
11 income African-American and Latino tenants. Well, it's
12 upper middle income people who live there now. And
13 yes, Latino people still use that as the central
14 meeting place, neighborhood so we can go buy from the
15 vendors or something, but we don't live there no more.

16 And so what we have now is a situation where
17 as years ago, these neighborhoods were inhabited by
18 stable African Americans; low and moderate income
19 families, the landlords have created these conditions
20 to force the tenants outs.

21 And then they turn around, they leave the
22 properties vacant until the market turns around, or if
23 they decide that, well, wait a minutes, let's not leave
24 it vacant because I do need some kind of income.

25 Well, then, I'll tell you what, we're going

1 to rent to Central American tenants. Why? Mario
2 already gave the reasons why. Because they would
3 prefer to have, and this is not -- what I'm getting
4 ready to say I hope is not misinterpreted as being
5 disrespectful of Central American tenants, but as Mario
6 said, you know, many people don't know how to read and
7 write.

8 Many Central American tenants, especially,
9 don't know the laws in this country. Don't know that
10 they have some rights.

11 So the landlord would prefer to rent to
12 somebody like that that's going to pay an exorbitant
13 price for a dilapidated place, not saying nothing about
14 it, or if the tenant complains, and the landlord tells
15 you well, either if you don't like it, move out. So
16 then the Latino tenants either fixes the place up
17 themselves to the extent possible or moves out.

18 And every time somebody moves out be they
19 African-American or Latino or African or whatever, then
20 the landlord gets the vacancy increase. So then the
21 rents continue to skyrocket and the rents continue to
22 skyrocket, and the rents continue to skyrocket and the
23 landlords never fix anything.

24 And so the buildings continue to deteriorate
25 until, as I said, the market becomes right so that

1 either the landlord can sell it off at some exorbitant,
2 speculative price and the new landlord will convert it
3 to a condominium or luxury rental, or that same
4 landlord will convert it to a luxury rental.

5 But the bottom line is that the object of
6 these landlords is to let these buildings deteriorate
7 so that they can empty them out because every landlord
8 in this city knows and the members of AO, the big
9 landlords, knows the best that any empty building in
10 this city is worth 100 times more; and Robert can speak
11 to that also. It's worth a lot more than a building
12 with a few remaining tenants because of pro-tenant
13 legislation.

14 Since we have what's called the tenant's
15 right, First Right of Refusal, that is the tenant's
16 first right to purchase the building or else at least a
17 matching third party offer, well, then, so long as
18 there is a few tenants left living in the building, the
19 landlord's got to offer the building to the tenants.

20 And if the landlord wants to decide that he
21 wants to convert it to condo, then he's got to conduct
22 an election, supervised by the Department of Consumer
23 and Regulatory Affairs. And no group of sensible
24 minded low income tenants in this city is going to vote
25 in favor of a condo conversion.

1 So, you've got to induce those tenants to
2 give up their rights to purchase, vote in favor of the
3 condo conversion so that the new landlord will agree to
4 purchase the building. Otherwise, there's no sale.

5 But there's the problem that Robert brought
6 up. In the '70's and especially in the '80's we had a
7 booming economy, and so we had a lot more money
8 provided by both the D.C. government as well as the
9 federal government which allowed tenants to take
10 advantage of these pro-tenant laws and programs so to
11 be able to purchase their buildings, so as to not be
12 displaced.

13 But now today, since Fiscal Year '90, '91, as
14 Robert said, there's been a 45 percent cut in the
15 D.C. -- what do you call it, the Department of Housing.

16 MS. BOOKER: Mr. Diaz, if I might interrupt
17 for a moment so that we can get all the testimony, and
18 then have the Commissioners ask questions.

19 I'd be interested in knowing later to what
20 extent the city is working with community-based
21 organizations such as yours to help people buy their
22 homes and for justification to keep low to moderate
23 income housing and to provide sensitive code
24 enforcements.

25 And first, I'd like to note that on top of

1 these problems that you three gentlemen have noted, the
2 Fair Housing Counsel has recently conducted a pilot
3 study using testing in which I understand you have
4 found housing discrimination against Latinos.

5 Ms. Weiss, would you give us an overview of
6 the findings of the report?

7 MS. WEISS: You were furnished with a copy of
8 a pilot study that was actually done during 1988 and
9 '89. And in that particular study, there were high
10 levels of discrimination found, different treatment
11 towards the Latino community was shown in a variety of
12 ways.

13 If I could back up and tell you a little bit
14 about the organization and what testing is, I think it
15 would help in going forward with an understanding of
16 this study as well as one that was just completed in
17 January.

18 The Fair Housing Counsel was created in 1983
19 by an inter-faith, inter-racial group of clergy from
20 Washington, D.C., Maryland and Virginia. A group that
21 recognized serious problems of housing discrimination
22 existed throughout the Metropolitan area and who were
23 determined to do something about it. This group
24 continues to serve as our board of directors today.

25 The Fair Housing Counsel engages in a variety

1 of activities. It educates the public about housing
2 discrimination. It assists victims of all types of
3 housing discrimination including rental housing, sales
4 and mortgage lending. It monitors the levels of
5 discrimination in the Metropolitan area, and it seeks
6 to promote the full enforcement of the Fair Housing
7 Laws by private citizens as well as government
8 agencies.

9 The Fair Housing Counsel extensive testing
10 programs provide both a foundation for its monitoring
11 activities and evidence for litigation and
12 administrative enforcement activities.

13 Now, testing, for those of you who are not
14 familiar with it, is a controlled process where trained
15 people, testers, who differ in one key characteristic,
16 be that race, color, national origin, family
17 composition, et cetera, look for specific homes that
18 are for sale or for rent. The Fair Housing Counsel
19 staff compares the experiences of the testers in each
20 test to determine whether discrimination has occurred.

21 The Fair Housing Counsel assisted by the
22 Washington Lawyer's Committee for Civil Rights Under
23 Law, has initiated dozens of successful housing
24 discrimination suits, several of which have been
25 landmark cases where these testing results proved to be

1 overwhelming evidence of discrimination.

2 Now, the '88-'89 Study undertaken by the Fair
3 Housing Counsel used paired testers visiting apartment
4 complexes in Washington, D.C. to measure the levels of
5 housing discrimination experience by Latinos. We found
6 that Latinos were discouraged from renting apartments
7 in several different ways.

8 For example, they were told that no
9 apartments were available, when there were in fact
10 several units available at a particular complex. They
11 were shown apartments that were in run down conditions,
12 while their Anglo counterparts were shown the nicer
13 units.

14 The information about rent specials which
15 were provided to Anglo testers was omitted from the
16 information given to the Latino testers. And when the
17 Latinos asked about recreational facilities, instead of
18 being provided the accurate information given to Anglo
19 testers in some cases, the Latinos testers were
20 directed to look for housing in the suburbs.

21 Recently, because it knew about the work of
22 the Fair Housing Counsel, the D.C. Latino Civil Rights
23 Task Force asked the Fair Housing Counsel to undertake
24 "a new study" to look at the treatment of Latinos today
25 in Metropolitan Washington.

1 And so in January, this month, the Fair
2 Housing Counsel attempted to examine the treatment of
3 Latino apartment seekers in the Washington, D.C.
4 Metropolitan area. Particularly, Washington, D.C.,
5 Northern Virginia, Prince George's County and
6 Montgomery County.

7 A series of 80 phone telephone tests were
8 conducted over a two-day period. We used print
9 advertisements that showed available moderate income
10 rental units. We used trained Latino testers with
11 accents, and their trained Anglo counterparts. They
12 were both provided with matched persona's.

13 In other words, similar income, similar
14 employment, similar family composition. And they were
15 provided the same script to elicit information from
16 each housing provider that was contacted. Thus, any
17 difference in treatment was attributable to the agent's
18 subjective reaction to the Latino accent.

19 We have at this point only preliminary
20 results because the study was done so recently, but the
21 results that we do have are very disturbing. The
22 Latino testers were given less information both in the
23 way of quantity as well as quality than their Anglo
24 counterparts.

25 In addition, the Latino testers were much

1 more likely to be questioned about the family
2 composition and warned about barriers such as income
3 requirements, and application procedures than were
4 there Anglo counterparts.

5 The Anglo testers were given information not
6 provided to the Latino testers about rent specials and
7 discounts, and even additional information about more
8 desirable units at other locations. In all, the
9 Latino testers were treated less favorably than their
10 Anglo counterparts 39 percent of the time.

11 By contrast, Latino testers were treated more
12 favorable only 19 percent of the time. In 42 percent
13 of the test, both testers received identical treatment.

14 Keep in mind, however, that these inner
15 changes were merely request for information over the
16 phone. Just by making brief inquires, a minute or two,
17 our Latino testers encounter significant levels of
18 inferior treatment -- very significant.

19 The statistical likelihood that such results
20 would occur merely by chance is less than a million to
21 one.

22 We believe that this is just the tip of the
23 iceberg. We can expect the levels of disparate
24 treatment that occur when Latino homeseekers appear at
25 the sites of apartment complexes and express genuine

1 concern to the agents that they are interested in
2 renting apartments to be significant higher levels of
3 disparate treatment.

4 It's appalling that such discrimination is
5 occurring any where in the United States, but
6 particularly embarrassing that it's occurring in our
7 nation's capital.

8 Now, the Fair Housing Counsel has taken
9 several steps to address discrimination experienced by
10 Latinos. During 1992, with funding from HUD, we will
11 be producing educational brochures and a video tape.
12 And in cooperation with local and national
13 organizations which represent an advocate for Latinos,
14 we will be providing a series of outreach programs in
15 Spanish and in English for the Latino community.

16 We realize, and many of the speakers today
17 have testified to the special effort need to move
18 beyond the cultural boundaries to not only apprise the
19 Latino community of its rights, but also get beyond the
20 cultural boundaries of when it is appropriate to file a
21 complaint; how to go about filing a complaint; how it
22 is correct in this country to take advantage of one's
23 right without fear of reprisal.

24 These education outreach efforts will focus
25 on the provisions of the original Fair Housing Laws

1 which include prohibitions against discrimination on
2 the basis of race, color, and national origin, and it
3 will also focus attention on new provisions including
4 the new protected class status.

5 We believe that having a population that is
6 educated and informed, who know their rights, and feel
7 empowered to enforce their rights will go a long way
8 towards eradicating the discrimination in the housing
9 market. Along those lines, we've also expanded our
10 investigation and enforcement activities.

11 I was joined here earlier today by our senior
12 investigator, Ingrid Fuller. She, unfortunately, had
13 to leave a while ago. She's available to take
14 complaints both in English and in Spanish from anyone
15 who believes he or she is a victim of housing
16 discrimination, or is able to report incidents that he
17 or she knows about.

18 We've extended our pool of Latino testers so
19 that we may properly investigate through testing, the
20 complaints or reports we've received of housing
21 discrimination against Latinos. When our test reveal
22 discrimination, with the assistance of the Washington
23 Lawyers Committee which have bilingual attorneys or its
24 staff, we seek full enforcement of the Fair Housing
25 Laws.

1 Subsequent to the '88-'89 Study, which I've
2 mentioned earlier, we settled a lawsuit against one of
3 those housing providers whose apartments were cited
4 with the disparate treatment against Latinos. I
5 related that to you earlier.

6 The settlement agreement is one that not only
7 included a monetary settlement aimed at deterring that
8 particular housing provider and others throughout the
9 Metropolitan area in engaging in housing discrimination
10 in the future.

11 That settlement agreement also included
12 requirements for injunctive relief, requiring that
13 particular housing provider to train every employee in
14 that company as to the Fair Housing Laws and their
15 obligations under the Fair Housing Laws.

16 Additionally, it required that housing
17 provider to engage in affirmative marketing toward the
18 Latino community.

19 Finally, the Fair Housing Counsel has made it
20 a priority to raise the funding needed to begin
21 undertaking an annual study of housing discrimination
22 against Latinos in the Washington area in the same way
23 that it has undertaken an annual race discrimination
24 study since 1986.

25 Our studies have proven vitally important in

1 providing enforcement agencies and organization with
2 up-to-date information on where discrimination is
3 occurring, how it is manifesting itself, and what the
4 size of the problem is.

5 Our data heightens community awareness and
6 encourages action by our leaders as well as individual
7 members of the community, and the evidence collected
8 has been used to take enforcement action again and
9 again against those who violate all Fair Housing Laws.

10 But we are just one small organization.
11 There's only so much we can do, and there is so much to
12 be done.

13 I thank you very much for providing us the
14 opportunity to share with you the information on
15 discrimination experienced by Latinos in this
16 community, and the Fair Housing activities that are
17 taking place to counteract that discrimination.

18 We appreciate the efforts of the Commission
19 in undertaking a comprehensive examination of the
20 problems experienced by Latinos in the Adams Morgan,
21 Mount Pleasant and throughout the Washington area. As
22 you've heard earlier, this is a problem that goes
23 beyond particular neighborhoods. It is now a
24 Metropolitan area wide problem.

25 We hope that you will join us in encouraging

1 government and community leaders to continue to make
2 fair housing for all a high priority, and to encourage
3 these leaders to make a greater effort to address the
4 needs of all segments of our population, particularly
5 the Latino community.

6 MS. BOOKER: Thank you. I have just one
7 question, Mr. Chairman.

8 Your cumulative testimony and the interviews
9 that staff have conducted with you indicate that there
10 is a serious shortage of low to moderate income housing
11 city-wide; that there is a very, very long waiting list
12 for public housing; that it takes four months to fill a
13 vacancy in public housing; that there are thousands --
14 I think I saw a figure of 16,000 people on a waiting
15 list for Section 8 assistant housing; that there are
16 terrible code violations that are not being addressed;
17 that there is a problem of gentrification, that on top
18 of all that, there is housing discrimination against
19 Latinos.

20 We are going to have a panel of city
21 government officials after this, and I would like to
22 know, what questions you would like us to put to the
23 city government officials on housing?

24 CHAIRMAN FLETCHER: Anyone?

25 MR. GOLDMAN: I'm a city official, so I'll

1 pass on that. I get my opportunity once a month asking
2 questions through a councilmember.

3 Let me just say that, I sometimes hate to
4 publicly criticize the departments in part because we
5 have a new administration that's been in place for a
6 year. We want to give them an opportunity to correct
7 things that have gone wrong. I think the people that
8 are working there are working hard and our sincere
9 about it.

10 We have recommended to the Deputy Mayor of
11 Economic Development that since he has the Department
12 of Consumer Regulatory Affairs and the Department of
13 Housing and Community Development under his sort of
14 cluster, that he begin a coordination on the housing
15 code enforcement.

16 The city, right now, has programs, at least
17 four programs, one being under DCRA, the Code
18 Enforcement and Inspection, the 5513 Fund which goes in
19 and fixes properties that are hazardous. We have the
20 homesteading program which takes properties under the
21 tax liens and we have the Distressed Properties
22 Program.

23 The latter two are in the Housing of
24 Community Development. And it's the councilmember's
25 belief that we need to at least develop an overall

1 strategy and a coordination in addition to obviously
2 increasing and stepping up with the amount of
3 enforcement we do, and I think that we've seen that the
4 Deputy Mayor has begun that process, and hopefully that
5 will be pushed forward.

6 But as I said also, a lot of it, too, it
7 depends on the federal government. We need resources,
8 and I've talked with Mario's group and others about
9 trying to ask HUD for a special allocation of Section 8
10 because with such limited resources, what's happening
11 now is that people in need are sort of fighting each
12 other instead of -- and what we need is -- and it
13 creates tension in the community.

14 I think what we need, especially in Adams
15 Morgan and Mount Pleasant, because of the tensions that
16 came out of the riots is additional resources and maybe
17 just to declare that this is some type of emergency and
18 that HUD should give us special allocation which I
19 believe Jack Kemp has the authority to do to reduce
20 those tensions in that area.

21 And maybe if not through that theory, at
22 least through the theory that with new immigrants in
23 Washington, D.C., the federal government has some
24 responsibility. That's not to say that D.C. couldn't
25 do a better job. I'm sure we could, and I'm sure that

1 other people here can attest even better than I can
2 about that.

3 MR. RIVERA: I just would like to add that I
4 don't know if there is some money in the city, but I
5 don't know about that we probably can use. I see that
6 the solution to most of the problems that we have, all
7 different type problems we have relate to money.

8 If we work with the community, we want to
9 tell the D.C. government that we're here to gather any
10 necessary information to convince the federal
11 government that there is a great need for funds in our
12 community or in the city.

13 MR. DIAZ: I fully support what both Mario
14 and Robert have just stated, and the question I would
15 pose, I wouldn't pose so much to the officials that are
16 going to be here tonight, because after all, they have
17 a boss that they have to ultimately go to, and she's
18 the one that's creating the problem, or she's making it
19 worse. And so I would address myself to the Mayor as
20 opposed to the people that who are going to be here
21 tonight.

22 I am confident that at least in some cases,
23 at least privately, they might agree to some of the
24 things that we might say, but everybody's got a job
25 that they've got to maintain. And so, I guess, what I

1 would say is this: Ms. Mayor the D.C. Housing Budget
2 has taken an unproportionate cut in money both from
3 CDBG federal dollars and from the D.C. Appropriated
4 Budget.

5 As Robert said, it's gone down about half
6 since it was in Fiscal '90, '91. That's 45 percent
7 according to our calculations, and that doesn't even --
8 Well, and again, we're talking about two sources of
9 money.

10 Why is it that given the level of street
11 violence in this city, giving and understanding the
12 direct relationship between crime created by drug
13 traffic and its relationship to the lack of stable
14 housing and stable neighborhoods would you allow the
15 housing budget to have been cut so much, and you --
16 Well, she wasn't there when it was cut, so let's be
17 clear, I've got to put the blame where it belongs.

18 But she proposes to cut it back to a much
19 higher level. As a matter of fact, there was
20 speculation last week that she might be thinking about
21 cutting it all together and letting the non-profits
22 take care of the problem. We can do it. Yeah, we can
23 do it. Where are you going to get us the money to do
24 it with, you know?

25 So, we demand, and when I say "we," I'm not

1 talking about WISH. WISH is a member of what's called
2 the non-profit or the Coalition for Non-Profit
3 Development which brings together non-profit groups and
4 individuals around the city that assist tenants to
5 purchase their buildings and convert them into living
6 equity costs, and in some cases, low income rental kind
7 of situations.

8 And we put together platforms, and that
9 platform calls for additional monies and it calls for
10 proportionate costs. In other words, if you're going
11 to cut the Department of Human Services ten percent,
12 then you should cut every other department ten percent.

13 If you're not going to cut the schools, and
14 if you're not cut the police, and if you're not going
15 to cut the fire department, well, you can't cut
16 nothing. That's our position.

17 MS. BOOKER: Thank you.

18 MR. DIAZ: I'm just about finished. And the
19 message which these officials can take back to the
20 Mayor is that she's got a choice. She can either be
21 cooperative, or she can have a very stormy next three
22 years because we will carry out a campaign to make sure
23 that we have affordable housing in this city.

24 And for any of you who might be interested as
25 well as for the officials that you're going to hear

1 testimony from in a little bit, if you would like, I
2 have copies of that platform which I can provide you
3 with.

4 CHAIRMAN FLETCHER: We would like for you to
5 provide that platform for the record, please. If there
6 will be no objections?

7 MS. WEISS: I encourage you only because this
8 is a public forum and a good opportunity for the
9 message to get out to ask the individuals who will be
10 on the next panel to relate to you the activities in
11 which they are engaged right now and plan to be engaged
12 in the near future to address the housing
13 discrimination needs of the Latino community.

14 Like one of the other speakers on this panel,
15 I also hope that some questions will be directed toward
16 the Department of Housing and Urban Development, The
17 primary funder of many private Fair Housing Agencies
18 including my own in the United States.

19 And while we are very grateful to the funding
20 that that are provided for our outreach as well as
21 enforcement activities to many of which we'll be
22 addressing needs of the Latino community.

23 The program which funds these activities,
24 prohibits the funding of studies such as the one that
25 I've mentioned. That, I believe, would have a

1 significant impact on this community.

2 CHAIRMAN FLETCHER: Thank you.

3 Members of the panel have any questions?

4 (No response.)

5 All right. I want to thank you again each
6 and every one of you for being here. The information
7 will be valuable to us. I've said this on a couple of
8 other occasions, let me say it again to you that our
9 goal is to have a statutory report. That means one
10 that makes recommendations on the basis of legislation.
11 All changes in the rules, regulations and guidelines
12 with the idea of getting some action going as opposed
13 to rhetoric to keep the things aroused.

14 This report won't just stop, for your
15 information, at the city level where the mayor and the
16 city council is. The final analysis, the cow with all
17 the milk is the federal government with reference to
18 the District.

19 And we want to make sure that the federal
20 government is where I want the things that you're
21 saying to get into the record because I want to make
22 sure that the House and the Senate which appropriates
23 the money, as well as the Office of Management and
24 Budget which is knee-deep in it, to clearly understand
25 the nature, scope and depth of the problems right here

1 in the nation's capital.

2 You've been helpful in that regard. We
3 appreciate it. Thank you very much.

4 MS. BOOKER: Thank you.

5 MR. DIAZ: One last thing, I have copies of
6 our yearly report which I would like to provide you all
7 with so you can understand what kind of organization
8 that we are.

9 CHAIRMAN FLETCHER: We would like to have
10 that too. Thank you.

11 MR. DIAZ: Thank you.

12 (Witnessese excused.)

13

14

15

16

17

18

19

20

21

22

23

24

25

E V E N I N G S E S S I O N

6:00 P.M.

1
2
3 CHAIRMAN FLETCHER: Attorney, will you call
4 the next panel, please?

5 MS. BOOKER: Gladly, Mr. Chairman.

6 Next panel: Mr. Austin Penny, Deputy Mayor
7 for Economic Development; Mr. Raymond Price, Director,
8 Department of Public and Assisted Housing; Mr. Merrick
9 Malone, Acting Director, Department of Housing and
10 Community Development; Mr. John Hampton, Special
11 Assistant to the Chief, Office of Audit and Compliance,
12 Department of Public and Assisted Housing; Mr. Aubrey
13 H. Edwards, Director, D.C. Department of Consumer and
14 Regulatory Affairs.

15 Is Mr. Hampton in the auditorium, or would a
16 staff member please see if Mr. Hampton is on the
17 proffering?

18 We apologize to the panel for the delay.
19 We've had a day that has been so full of very
20 interesting and compelling testimony that the
21 Commission hasn't even broken for lunch or for an
22 afternoon break.

23 Occasionally, you're going to see a cookie or
24 a piece of candy being eaten. We are very appreciative
25 of your patience and your endurance.

1 HOUSING PANNEL II

2 (Witnesses sworn.)

3 MS. BOOKER: I'd like to ask each of you to
4 identify yourself for the record.

5 MR. PENNY: I'm Austin Penny, Deputy Mayor
6 for Economic Development to the District of Columbia.

7 MR. PRICE: I'm Ray Price, Director,
8 Department of Public and Assisted Housing for D.C.
9 Government.

10 MALONE: I'm Merrick Malone, Acting Director
11 of Housing and Community Development for the District
12 of Columbia.

13 MR. EDWARDS: I'm Aubrey Edwards, Director of
14 the Department of Consumer and Regulatory Affairs for
15 the District of Columbia.

16 MS. BOOKER: Thank you. Mr. Chairman, I'm
17 going to turn this initial questioning over to the
18 project director, Ms. Muskett.

19 MS. MUSKETT: Thank you. I'd like to begin
20 with Mr. Penny, if I may.

21 Mr. Penny, have you seen the D.C. Latino
22 Civil Rights Passport Blueprint for Action Report?

23 MR. PENNY: Yes.

24 MS. MUSKETT: I wonder if you could tell me
25 which of their recommendations you have implemented or

1 plan to implement?

2 MR. PENNY: Well, there's one recommendation
3 that specifically we have been working on for a couple
4 of months and that's the one that relates to the
5 coordination efforts between the Department of Consumer
6 and Regulatory Affairs, the Department of Housing and
7 Community Development and the 5513 Program with respect
8 to improving emergency repairs in public housing.

9 We have put together the beginnings of a task
10 force that's composed of those two departments plus our
11 Department of Finance and Revenue and our Cooperation
12 Counsel.

13 We're also in the process of trying to
14 identify some of the properties that have habitually
15 been coming either to the DCRA or through the
16 Department of Finance and Revenue or through our DACD
17 in our Homesteading Program as violators of housing
18 code enforcement, and problems we're having in terms of
19 trying to piggyback on who are these owners of these
20 buildings.

21 What we have been finding in some cases is
22 that the owners shift and hide under different
23 corporations and different corporate names. One of our
24 problems and it's on the city side is just enough
25 communication with respect to what each of us are doing

1 with respect to our programs.

2 So this task force which is formed to begin
3 to look at some of the properties identified and maybe
4 25 of these properties that we know, and you know some
5 of them too that are in really bad shape, and they
6 constantly come up before us, to try to talk about how
7 we, as a city, will respond to these; what each
8 organization will try to do; and keep in contact and in
9 communication with one another.

10 One of our problems that we found as we met
11 was due to some of the regulations and the timing of
12 when you can issue some warning or some notice to an
13 individual owner, we have lag times in there, and
14 sometimes we are not communicating with each other
15 properly about what we want to do on that.

16 So Mr. Merrick Malone is the new Acting
17 Director of DACD will be pulling this task force
18 together and pulling the identification of some maybe
19 15 or 20 properties, and then we will be begin taking
20 each of these on a property-by-property basis and try
21 to develop a strategy for how we go about attacking,
22 and it really is attacking some of the problems with
23 respect to one, the conditions in which people are
24 living.

25 But two, how do we get to looking at some of

1 these owners of the properties, and how they skirt the
2 laws and what we can do about that.

3 And that's why we want to have our
4 Cooperation Counsel as part of this working task force
5 that really sits and meets on a regular basis and
6 discuss property-by-property and how each office is
7 going to communicate and work along with one another
8 with respect to each of those 20 properties. And it's
9 only 20 to start with because we're taking some of
10 those that we know have habitually come up through code
11 enforcement and so we want to start with those and see
12 how this process works.

13 MS. MUSKETT: So the plan that you're
14 envisioning at this time, do you have an idea as how
15 you can improve the coordination between the
16 departments?

17 MR. PENNY: Well, the first move of
18 coordination was by having everybody in my office that
19 sat down and talked about where we were, and what we do
20 and how we do kind of miss one another sometimes. And
21 the second set of meetings was where we identified some
22 properties that habitually have been coming up.

23 And from that last meeting, we decided to
24 have this working task force group that would start
25 taking the properties one-by-one and developing a

1 strategy to how we would pursue the corrections and
2 also perhaps coordinating closely with Urban Home Study
3 Program, our 5513 Program and our nuisance tax laws
4 that goes through the Department of Finance and
5 Revenue.

6 How we would work together with those four
7 departments on a property-by-property basis, but
8 together and not each agency kind of taken it as its
9 own and saying, okay here's what I did, and not really
10 communicating with one of the other agencies.

11 But if we sat down and we met together in
12 terms of what was going to happen with that property,
13 and what each department was going to do at what time.
14 Where we approach it on a more systematic basis than we
15 have been in the past.

16 It's not that have not known about some of
17 the problems, and not that we have not tried to go
18 after some of the landlords. I think the problem is
19 that they put lawyers who are really highly well paid
20 to keep them within the law and around the law. And
21 most of our job is regulatory or either trying to get
22 housing programs off the ground. So we don't
23 necessarily spend as much time as they do trying to get
24 away from the law.

25 Our point is that if we all start working

1 together more closely and sharing that information.
2 Hopefully, we can on a project on a property-by-
3 property basis approach it in a more systematic and
4 unified basis. That's part of, I guess, where my job
5 is bringing people together to talk about how well we
6 work together and coordinate these efforts.

7 And as I said, we just recently had our
8 second meeting in which we had some of these
9 properties, at least beginning to bring some of these
10 properties into the forefront and identify them that
11 have been appearing on many of our lists repeatedly.
12 And so it's those that we want to start a strategy
13 first. So those are the ones that we know about that
14 are the most habitual.

15 MS. MUSKETT: Could you give me an example of
16 how this lack of coordination in the past has created a
17 problem?

18 MR. PENNY: Well, I think the key thing is
19 that each of us has a program with certain constraints
20 and certain purposes, and that there is some timelag
21 between when one program kicks in and when another
22 program kicks in, and by being able to talk about what
23 happens; and what's the time delays; and who's going to
24 do what next; or when a notice is being sent out; and
25 how much time is left in that notice to respond.

1 Where we start doing that as a group on a
2 property-by-property basis in which all the four or
3 five agencies are sitting together talking about one
4 property together rather than saying, okay, I did my
5 part and handled a certain emergency situation. I'm
6 over it. I'm out of it, and then something else is
7 with the Department of Finances that says, okay,
8 there's a nuisance tax here, and here's what we're
9 supposed to do and that's it.

10 And not really communicating with another
11 agency and say okay, it's in my bailiwick, it's time
12 for me to take it up. Here's what I'm going to do.
13 Here's my timing process, and here's what happens next.
14 And then we'll know where another agency may need to
15 either pick up or maybe need to sit on the side and
16 wait until that process is going on and then know where
17 to jump in and kick in.

18 I have to say, I can't give you any more
19 specific examples than that because we're just starting
20 that. We will see how this works as we, Mr. Malone and
21 the other departments, begin to assist on a regular
22 basis with some of the properties, and sit as a group
23 and talk about.

24 What are the problems; what has each of us
25 experienced; how do we bring out Cooperation Counsel

1 and looking at some of the legal things that we know
2 are going on; and then what each department may be
3 doing and the timing of that.

4 And we'll keep a regular running basis of
5 what happens on a property-by-property basis like that.
6 I can't. That's as much as I can say now about how it
7 may work. We do know it hasn't been working in the
8 past, and it's basically I think been because of not
9 everybody communicating with each other with respect to
10 a particular property. We would all do what we need to
11 do, and say that was it.

12 MS. MUSKETT: Yes. I just wondered if you
13 could maybe just paint a clear picture in my mind in
14 the past of the lack of coordination. If you could
15 just give an example of one particular property or a
16 hypothetical one of where, if you have a lack of
17 coordination, where it can create a problem.

18 MR. PENNY: Well, to be honest, I don't know
19 if it's lack of intentional coordination as much as
20 each program going up on its on and doing what it needs
21 to do. The Homesteading Program -- The 5513 Program is
22 in DCRA and it deals with emergency situations.

23 So if there's a building in which there's
24 this emergency situation that's of health and danger to
25 the individual tenants in there, then the Department of

1 Consumer and Regulatory Affairs can go in there with
2 this 5513 money and make some improvements to that.
3 But it's only for a certain dollar amount, and it's
4 only to take care of the violations. It's not to bring
5 the house up to full rehabilitation. It's only to take
6 care of what's the emergency situation.

7 Okay. Then we have our Homesteading Program
8 which is a program that tries to catch properties and
9 bring them back into the productive life, and get them
10 rehabilitated. And in most cases working with the
11 cooperatives and getting people who might want to live
12 in those buildings to actually get some funding through
13 the Department of Housing and Community Development to
14 actually rehabilitate those and move into those.

15 But there's a waiting period there before
16 they can actually get property by a process that they
17 must go through in the Department of Finance because
18 most of these properties are properties that have not
19 paid some tax, and the only way they can get them is
20 after proper notice and after no one has come to pay
21 these nuisance taxes or whatever heavy taxes, and then
22 they can be picked up in the Homesteading Program.

23 Well sometimes or many times, though you're
24 not sure, the same property could be floating around in
25 some of these same situations for the same departments.

1 But we don't talk enough together about what's
2 happening as this property floats through the system
3 and where it is in terms of each of these particular
4 agencies.

5 And it's many because of the volume of work
6 that each of the agencies has dealing with their own
7 departmental imperatives.

8 But hopefully, by meeting as a group on a
9 regular basis in which we are now looking at each of
10 the properties and say where each of the organizations
11 is with that property, we may be able to head off some
12 things, and also to work smoothly and get properties
13 back into the housing market, and get them
14 rehabilitated and/or get them back into the cooperative
15 market quicker.

16 I think that's one way we're going to try and
17 work along with that and see how that works. And as I
18 said, we will be starting that -- the first meeting
19 will be probably in the next couple weeks. We have a
20 list of properties that we will take through this
21 process.

22 MS. MUSKETT: Are there any other
23 recommendations of the blueprint that you either
24 already implemented or plan to implement?

25 MR. PENNY: Just in the housing area alone?

1 MS. MUSKETT: Yes.

2 MR. PENNY: Probably some of these are
3 directly in the DCRA area and in the DACD area. I know
4 some of the recommendations regarding the available of
5 H-PAP money and First Right to Purchase dollars.

6 Part of our problem there is a decreasing
7 community development budget from which some of those
8 programs are funded, and just a tremendous need for
9 housing in the city.

10 This city unlike many cities that I have been
11 in provides more of its general fund appropriated
12 dollars to assist in housing than I've seen in many
13 other cities. Most other cities rely quite a bit on
14 either federal community development money or other
15 federal dollars and the workings of private
16 organizations and private corporations and non-profit
17 organizations that fund housing.

18 Here in the city, we have a whole variety of
19 programs for meeting a variety of needs. In some
20 cases, I think we may have -- trying to be too many
21 programs trying to meet and respond to too many of the
22 needs, and we don't do a very good job in all those
23 areas. You spread yourself too thin.

24 And given our housing needs, we need to kind
25 of reevaluate some of our programs and some of our

1 approaches that we have been working in the past.

2 I know I along with the new director in
3 Housing and Community Development have that as a task
4 to begin looking at it. And not only just for
5 ourselves, but with other people in the private sector
6 who feel some of the same way that we just have a lot
7 of programs, but you have a little pot of money in each
8 of these. And you just can't serve everyone.

9 I know clearly at the First Community
10 Development hearing on our 18th year grant, we had five
11 or six different organizations that came to testify
12 about do not cut my budget. Do not cut my budget. And
13 they were all valid programs. I merely asked the
14 question, if they were in my seat, how would they
15 disperse the dollars given the fact that this is all we
16 have, and we have such great needs with respect to the
17 use of the dollar.

18 And it was very difficult, and I knew it
19 would be for them to say how. Just as it is for me to
20 say, you should have it, you shouldn't, but in some
21 way, you have to make some kind of cuts and also make
22 some kind dispersement of the dollars.

23 And I think we have a lot of programs that
24 have grown up over the years as a result of different
25 needs coming up and a new program was established. But

1 after a while, you look around, and there's no new
2 money coming in, but the demand for those programs are
3 high and the expectations are high. And then when your
4 dollars need to be cut back, it's very difficult to
5 make some of those cuts in those particular programs.

6 MS. MUSKETT: Do you have any plans that
7 might not have been recommended in the blueprint which
8 would need to address the housing needs of the Mount
9 Pleasant, Adams Morgan community?

10 MR. PENNY: Specifically?

11 MS. MUSKETT: Well, that area?

12 MR. PENNY: Well, I think this task force
13 that we're talking about is going to be looking at some
14 of the housing in the Ward 1 in which we have some of
15 the worst problems with some of the landlords who
16 habitually do not do the code violations and keep their
17 property up to standard, and yet and in still in fact
18 charging some of their tenants.

19 So I think that some of those properties that
20 they will be dealing with right away will be in Ward 1.

21 And we hope that we'll have a much better
22 coordination between our Urban Homesteading Program and
23 our First Right to Purchase Program, and our HAT
24 Program, under the Department of Housing & Community
25 Development, and our 5513 Program and the DCRA which

1 goes into emergency repairs such that we can provide
2 the programs that work to be able to put them into
3 these houses and these properties in hopefully a timely
4 manner.

5 But again, what we've got to face, and we
6 know we face is we're facing property owners whose job
7 for them is to find ways to be within the law and yet
8 not be within the law. So that we know the task we
9 have is great even though we are going to work together
10 and start meeting on that, that's going to be a very
11 big problem.

12 And the reason why I'm harping on this
13 particular example is because I think although they're
14 problem properties in Ward 1, they're not just in Ward
15 1 alone. They're other properties like this throughout
16 the city, and we're trying to get the better
17 coordination within the government on how these
18 programs work together.

19 But we all know it's an uphill battle because
20 in many cases, we've got landlords here who actually
21 put lawyers on just this kind of thing. How do we
22 create another organization or another cooperation and
23 own property and yet hide ourselves. And we know it's
24 going to be a tough battle on them.

25 MS. MUSKETT: Do you have any plans to build,

1 acquire or rehabilitate housing units in Ward 1?

2 MR. PENNY: Well, you know we have multi-
3 family programs, single family housing rehabilitation
4 programs, a whole variety of programs. And they're
5 applied across the board in all Wards of the city.

6 There is no one place or one section of the
7 city in which the programs work or operate. They work
8 city-wide, and it's usually for the most part now on a
9 first come, first serve basis in terms of applying for
10 the program.

11 The one thing that we do know that we don't
12 do well, and the one thing that I know that I've been
13 talking about for the last several months is that we
14 need to do more targeting. And when I say targeting, I
15 don't mean that other places don't receive dollars.

16 I just mean that if we take a look at where
17 we may have made some public investments; or whether
18 there may have been some private investments; or where
19 we have paid capital improvements over a number of
20 years; or in areas in which we may own some property.

21 And if we look at some of the areas and we
22 work along with either community development
23 corporations or neighborhood organizations to define
24 certain target areas. I don't know what the size of
25 those are. We're beginning to look at them right now.

1 They could be eight to ten square block areas or they
2 could be smaller.

3 But they would be areas in which we'll take a
4 whole variety of our program and try to go in that area
5 and work along with the organizations in there to make
6 them available to that particular area.

7 So we have a Multi-Family Program, a First
8 Right Program, a HAT program, the Housing Finance
9 Agency has some programs. We have the elderly
10 programs. We've got the apartment improvement program,
11 and if we also go in there with some of the commercial
12 revitalization programs.

13 I'm trying to say, if we look at a smaller
14 area and say a great variety of the programs that we
15 operate through the city all go in and try to elicit
16 support and participation, then we will be able to
17 start seeing some impact. And we would like to be able
18 to identify some of those areas in all the Wards.

19 That's not to say that you don't continue
20 operating your programs throughout the remainder of the
21 Ward.

22 What it means that for a small area, you take
23 it and you demonstrate that if we put as many of our
24 programs operating in here all at one time, all we're
25 dealing with a whole variety of aspect of the housing

1 condition, the commercial condition, the business
2 condition at the same time, then over a period of time,
3 you can see some impact in a small area within certain
4 of the Wards.

5 That, we have begun to do, and we have begun
6 to have a group of departments working along with our
7 planning department to try and define some of those
8 areas that would be of the criteria to determine what
9 those areas that we would select for some targeting.

10 And in that sense, you may see some purchase
11 in Ward 1 and other areas as we work with some of the
12 local community development corporations and other non-
13 profit. You'll also see some multi-family rehab. going
14 along with some commercial revitalization.

15 Only because we're trying to look at how we
16 can take a whole variety of the services and the
17 programs and try to get them to operate in one area.
18 If we're doing something with some public housing
19 renovations, that might clearly be one of the areas
20 that we want to do some other things around to help
21 make the investment in public housing work.

22 Too often, what we've done now in many of our
23 programs is that they're scattered all over the place.
24 Again, trying to be serving and serve everybody at one
25 time. And when you have dwindling resources, what you

1 try to do is you try to just begin to concentrate them
2 so you can see some physical impact. Not to say you
3 exclude the services and those programs in other areas,
4 but you try to go in and make a statement in smaller
5 areas.

6 And I think you're going to begin to see more
7 of that in the rest of Fiscal Year 1992, and more
8 working with some of the local community development
9 corporations and other neighborhood organizations.
10 One, in helping us shape some of the areas; but also,
11 two in getting some of the, either property owners
12 and/or businessmen to participate in the variety of
13 programs that we have to offer in a small target area
14 so that maybe in the year or so, you can begin to see
15 in some of those areas some real tangible improvements
16 and physical improvements.

17 MS. MUSKETT: Are there any plans to expand
18 on the economic development zone to Ward 1?

19 MR. PENNY: Not at this time. Our big point
20 in the development zone is that we have not fully
21 demonstrated we've made an impact in those too, and
22 there are a number of incentives that still have yet to
23 hit the streets and the regulations surrounding them.

24 We do hope that we will be able to get those
25 out before the summer, and actually have those as

1 incentives that developers and other property owners
2 can begin using. But we don't see any reason to expand
3 the enterprise zones and development zones right now
4 when we haven't clearly demonstrated how well we can
5 work in the two or three that we have right now.

6 MS. MUSKETT: And how are the two or three
7 chosen? Is that something someone has to apply for or
8 is that a determination that you would make?

9 MR. PENNY: Well, I think the initial ones
10 were partly chosen and sat up in the law that created
11 the development zones.

12 I think, if I'm not mistaken, there are
13 requirements in there for how you go about choosing
14 another area, and it's not my decision alone either to
15 chose another development zone area. It's one that
16 we'd make a recommendation. I think that ultimately,
17 we would have to have some approval by the council on
18 that becoming a development zone.

19 MS. MUSKETT: Mr. Price, I understand that
20 there is a very low number of Hispanic on the waiting
21 list -- your consolidated waiting list. I realize the
22 waiting list is quite long -- something like 15,000
23 people, but I have a figure of about 223 who are
24 Hispanic, is that correct?

25 MR. PRICE: The question was that there was a

1 very low number?

2 MS. MUSKETT: Of Hispanics, yes.

3 MR. PRICE: I have the statistics on that for
4 you by program.

5 MS. MUSKETT: All right.

6 MR. PRICE: We operate three programs. That
7 is the Public Housing Program which is traditionally
8 what people call the projects, Section 8 program and
9 the local District government version of Section 8
10 which is called the Tenant Assistance Program. On the
11 Public Housing Program, we have a waiting list of
12 approximately 10,485 families; 175 or two percent of
13 those we've identified as Hispanic.

14 Under the Section 8 program --

15 COMMISSIONER ALLEN: Excuse me, a moment. Is
16 that by surname identification or self identification?

17 MR. PRICE: Yes. I was going to qualify it
18 as --

19 COMMISSIONER ALLEN: By surname?

20 MR. PRICE: Yes.

21 COMMISSIONER ALLEN: Thank you.

22 MR. PRICE: Under the Section 8 program, that
23 waiting list is 12,153. We've identified 198 or again
24 two percent of that total as being Hispanic.

25 Under the TAP Program or the Tenant

1 Assistance Program, we have 12,393 on that waiting
2 list, and we've identified one percent of those to be
3 Hispanic or 185 families. And again, that is based on
4 surname identification which, as you know, is not an
5 accurate way of obtaining a count.

6 MS. MUSKETT: How do you account for the low
7 numbers?

8 MR. PRICE: I think it's a matter of -- First
9 of all, let me just say that I'm new in this position
10 of about seven months now, and I came from an area
11 where we had a different ethnic group that had a
12 similar problem, one of language from Alaska, and there
13 was a language problem there as well.

14 And part of the problem, I would have to
15 assume since I wasn't here, that part of the problem is
16 an outreach problem and a problem of convincing the
17 community that there aren't any barriers to coming in
18 and receiving assistance in the department. It's a
19 matter of being pro-active rather than being passive
20 with respect to trying to reach all groups.

21 As an example, this is the first agency that
22 I've ever headed that did not have an equal opportunity
23 officer in it. The last two agencies that I've headed,
24 I found the same thing and I recruited and hired an
25 equal opportunity officer who would actually be in a

1 pro-active mode to try to alleviate the problems with
2 whatever the protective group, be it handicapped,
3 Hispanics or Eskimo or whatever the case might be.

4 And I think that that's the largest
5 contributing factor is one of language, having -- not
6 having rather, the brochures. Well, this particular
7 agency doesn't have any brochures anyway. But not
8 having informational brochures, informational signs
9 posted, and having someone in the agency who's
10 designated to work with the community who individuals
11 can come in to see when they come to the agency, and
12 having an equal opportunity officer in the agency who
13 is working to ensure that the agency is complying with
14 all the federal regulations with respect to that group.

15 I don't see any of that in the agency
16 currently. That will change. We've already started
17 dealing with a number of the items -- I'm sort of
18 getting ahead of you.

19 MS. MUSKETT: That's fine.

20 MR. PRICE: But I have the mike now, so --

21 MS. MUSKETT: No, that's great. Go ahead.

22 MR. PRICE: Okay. We have, in addition to
23 preparing to bring on board an equal opportunity
24 officer, we have increased our awareness, number one;
25 and number two, was actually taking some action with

1 respect to the two phases of actions for protective
2 groups in particular the Hispanics. One is outreach.

3 Recently, we've identified both contracting
4 and hiring in addition to our normal service delivery
5 which is housing of areas that needed more attention
6 with respect to the Hispanic population. Recently,
7 we've identified as one of the Commission members noted
8 that we have a substantial number of vacant units.

9 In preparation to repair those vacant units,
10 we held a televised on District Cable a seminar for
11 minority contractors to come in and hear about how to
12 do business with the department, and what contracts
13 will be coming up in the future.

14 We had approximately 100 minority and women
15 contractors in attendance, of which approximately 25
16 percent were from the Hispanic community.

17 Our contracting effort seems to be the
18 hottest item in our department for the Hispanic
19 community. We have issued in the last 12 months 138
20 contracts, 12 of those contracts were to Hispanics
21 which represents about nine percent. Those contracts
22 totaled about \$18 million and six percent of that went
23 to the Hispanics.

24 We think that, and having some knowledge
25 about the kind of activities that traditionally would

1 fall of interest to Hispanic groups, we feel that the
2 outreach efforts in the area of contracting,
3 specifically, in construction contracting that we can
4 be able to pump some dollars into the Hispanic
5 community.

6 MS. MUSKETT: I understand that unless you're
7 disabled or elderly or handicapped, you must come into
8 the center on North Capital Street to apply, is that
9 correct?

10 MR. PRICE: That's correct.

11 MS. MUSKETT: Do you have anyone that's
12 bilingual in the client's services center where you go
13 to apply?

14 MR. PRICE: Yes. We have an individual who
15 has been designated as our unofficial Hispanic
16 coordinator. That is a position that needs to be
17 formalized, but there is an individual who works in the
18 tenant's assistance program which is a District funded
19 program, but he is frequently called in and it's been
20 working quite well into the other programs that he is
21 not funded to participate in to provide bilingual
22 services.

23 MS. MUSKETT: So how would that work? If I
24 was to call on the phone, and I can't speak English,
25 someone would pick up the phone and speak English and

1 then run and get him?

2 MR. PRICE: That's correct. ---

3 MS. MUSKETT: So the person would try to
4 convey to the other person on the line that they're
5 going to try to get someone to come speak to them in
6 Spanish?

7 MR. PRICE: Right. Because at the current
8 time, there is no one at the switchboard who is
9 bilingual, and if a person calls, and they are speaking
10 Spanish and the switchboard does not understand them,
11 they traditionally will ask that person --- put them on
12 hold and try to convey that and try to put them on hold
13 and obtain the services of the staff person who is
14 bilingual.

15 MS. MUSKETT: And I understand that you have
16 to come in, the applications cannot be mailed out, why
17 is that?

18 MR. PRICE: I think that that's probably one
19 of those -- In fact, I'm sure it is, it's one of those
20 policies that the previous directors probably made for
21 some reason. I see no reason why that particular
22 process couldn't be dropped.

23 I know in my previous job, it was almost
24 impossible to have clients come in because of the lack
25 of a road system, so I know it can be done. I think

1 that it's one of those policies that probably doesn't
2 make any sense.

3 MS. MUSKETT: Well, you've mentioned a number
4 of goals in terms of hiring and what not. Do you have
5 a timeline in mind for implementing these?

6 MR. PRICE: Well, I would love for the Deputy
7 Mayor to let me know when the hiring freeze is off, and
8 the budget is signed and approved, and all those other
9 administrative tools that I need to implement a
10 realignment plan that I've developed upon my arrival.
11 And as soon as we have an approved budget, which I'm
12 sure they're going to approve my budget --

13 MS. MUSKETT: Maybe we should direct this to
14 Mr. Penny?

15 MR. PENNY: As soon as possible, that's for
16 sure.

17 MS. MUSKETT: When Commission staff met with
18 Jasper Burnett, we understood him to say he was going
19 to do some type of analysis of the needs for serving
20 the bilingual clientele. Are you familiar with that?
21 Was this a formal analysis or maybe it was informal?

22 MR. PRICE: I think it was informal because
23 I'm unaware of that commitment, and likewise, I'm
24 unaware of any activity along those lines.

25 MS. MUSKETT: Mr. Edwards, January the 14th,

1 the Commission wrote with a number of request for data,
2 and I'd like to know the status on that?

3 MR. EDWARDS: I can respond now to that, and
4 I can also forward to you before you close your records
5 the written response to data in response to the request
6 that you've made.

7 MS. MUSKETT: All right. For the year 1991,
8 with respect to building code violations, what were the
9 number of complaints received?

10 MR. EDWARDS: 11,065.

11 MS. MUSKETT: Of those, the number of
12 percentage of Hispanic complainants?

13 MR. EDWARDS: We do not compile statistics
14 that way, and it would be very difficult for us to
15 reconstruct, and that's one of the shortcomings of
16 that. We respond to complaints that may be complaints
17 from persons that occupy units. It may be neighbors,
18 and we've responded to each complaint that we've
19 received in the District of Columbia.

20 MS. MUSKETT: And do you have a brief
21 description of the code violations?

22 MR. EDWARDS: Well, the code violations -- I
23 mean, that includes the whole gamont of housing code
24 violations that we respond to. I can give you some
25 typicals. In the wintertime, we get a lot of

1 complaints about heat. We get a lot of complaints
2 about water -- proper hot water, heat condition.

3 We get complaints about holes in the wall.
4 We get complaints about electricity. We get complaints
5 about rodents. These are the typical complaints.

6 MS. MUSKETT: Well, of the 11,065
7 complainants that you've cited, you have statistics on
8 the different code violations?

9 MR. EDWARDS: Yes. We have inspection
10 reports. They're all manual, unfortunately. We have
11 inspection reports, information as to resolutions, that
12 sort of thing.

13 MS. MUSKETT: So, what would you provide us
14 or could you provide us that will answer that question?

15 MR. EDWARDS: As far as the breakdown of
16 classification of complaints?

17 MS. MUSKETT: Yes.

18 CHAIRMAN FLETCHER: And concentration.

19 MR. EDWARDS: And concentration of?

20 CHAIRMAN FLETCHER: Yes.

21 MR. EDWARDS: I have with me the Chief
22 Housing Code, chief inspector. I would like to confer
23 with her one second?

24 MS. MUSKETT: Sure.

25 (Pause.)

1 MR. EDWARDS: The consideration in responding
2 to that is going through 11,065 complaints, and
3 manually assorted this which we find to be rather
4 difficult at this time to do. We can give you -- We
5 can do it. It would take time. It takes priority away
6 from other things.

7 We can give you experimental data for
8 information. We could do a sample, or we could open
9 the files.

10 MS. MUSKETT: At this time though, you don't
11 do any type of annual reports or monthly or semi-annual
12 reports that would compile that information?

13 MR. EDWARDS: No, we do -- No, we do not. We
14 respond on reactive mode, and that is to respond to
15 complaints coming from all over the city, at 24 hours a
16 day, all year long to respond to them, to apply what
17 pressure we can to landlords.

18 In the case of housing, to enforce the
19 repairs, to use the tools that we have to address
20 emergencies, to close down structures that present
21 hazards to health and safety for tenants, to be
22 involved in the evacuation of those structures and the
23 relocation although that's not in our department --
24 relocation of those persons.

25 MS. MUSKETT: And with respect to our

1 Subsection D, would you have information that you could
2 supply which would regard the disposition of the
3 complaints? For instance, the amount of fines
4 assessed?

5 MR. EDWARDS: I'm sorry. Would you repeat
6 that, please?

7 MS. MUSKETT: With regards to the 11,065
8 complainants, we had asked for the disposition of the
9 complaints which would include the amount of fines
10 assessed?

11 MR. EDWARDS: The amount of fines under our
12 civil infractions, we can provide you. The amount of
13 fines that we have fined tenants in violation. You
14 must understand that we have about 400 different
15 categories of code violations that we address.

16 We have a notice procedure for landlords to
17 fix codes, and they can be with requirements to respond
18 and fix anywhere from a 24-hour period to 30 days
19 depending on the gravity of the situation.

20 So depending on what the situation is, if a
21 landlord fixes and repairs the situation, that's one
22 thing. If they don't do it and it's of an emergency-
23 type situation that requires us to use 5513, we will
24 use that. There's a collection procedure, there's a
25 lien procedure, there's an acquisition procedure that

1 follows that action.

2 MS. MUSKETT: Would you be able to give us
3 the disposition of the complaints, too?

4 MR. EDWARDS: That is in the same bailiwick
5 as the inspections and the response. We have
6 absolutely responded to every complaint that we've
7 received, and we handle that. And you can imagine how
8 fast and the volume that we're working with. So we
9 dispose of it in one of several ways.

10 Either it is a complaint that we find not to
11 be valid. It's a complaint that we find to be valid
12 and we require action to be taken. It's a complaint
13 that we require action be taken that hasn't been
14 responded to, and we seek some alternative method of
15 pressures to get a response either through fining or
16 taking action ourselves, if it's an emergency
17 situation. And we would have to sort this manual,
18 unfortunately.

19 MS. MUSKETT: So that also is not on a
20 computer or in an annual report of some type?

21 MR. EDWARDS: No.

22 COMMISSIONER ALLEN: May I interrupt for a
23 clarification? Mr. Edwards, is there a council
24 committee or subcommittee which has oversight of your
25 department?

1 MR. EDWARDS: Yes.

2 COMMISSIONER ALLEN: Does that committee
3 receive summary reports from you as to complaints?

4 MR. EDWARDS: We provide them information,
5 growth information normally on oversight committee
6 areas which they cull from time-to-time, and we provide
7 that information, now.

8 COMMISSIONER ALLEN: And what's contained in
9 those reports to the committee?

10 MR. EDWARDS: It depends on the questions.
11 We respond to questions. If you're talking about --

12 COMMISSIONER ALLEN: There's no routine
13 reports.

14 MR. EDWARDS: No. If you're talking about
15 formal reports on that activity unless it was
16 requested, no.

17 COMMISSIONER ALLEN: Thank you.

18 MR. EDWARDS: And they're normally aggregate
19 totals of activities. Sometimes, as you're are well
20 aware, there are special emphasis that are elected.
21 The Deputy Mayor has created a task force to look at
22 what we've done in our contribution on that effort is
23 to identify properties in the District that are
24 habitual offenders.

25 Yes, we go back and we go back and the

1 housing codes and the housing codes, and the threat to
2 tenants is repeated and repeated and no response to our
3 initiatives are complicated. So we identified these
4 projects.

5 And what the Deputy Mayor has asked us all to
6 do in the cluster with agencies that relayed this is to
7 look at these properties, and basically deal with them
8 in such a way that these properties are removed from
9 the ownership of these landlords who evidently have no
10 intention of complying with anything or providing
11 decent safe and sanitary housing and collecting rent
12 and providing the service that we think is inadequate
13 in the city.

14 So we're doing that, and we have only one
15 real program now in the District, as I understand, that
16 can effectively deal with this, and we're trying to see
17 what else we can do to deal with this because this is
18 the problem.

19 And so, theoretically, we could fine homes
20 and apartments and assess them for repairs, put a lien
21 on them, acquire their property. We fine them in
22 bankruptcy that complicates that process of
23 acquisition, et cetera, et cetera. So we are very, I
24 think, very pro-active in our view as to try and come
25 to grips with this problem.

1 If we can come to grips with the housing
2 stuff, we've only got 69 square miles of the housing
3 that we have in the District and keep it up to Code, we
4 can provide the kind of environment that we're trying
5 to provide for the citizens. So this maintaining of an
6 adequate level of housing in the District was very much
7 on our agenda.

8 MS. MUSKETT: Has the department ever
9 prepared any type of analysis or study pertaining to
10 building code violations?

11 MR. EDWARDS: No.

12 MS. MUSKETT: We had asked for any statutory
13 reports written pursuant to Chapter 5513(b)(4) of the
14 D.C. Code.

15 MR. EDWARDS: Yes, and I can respond to that.
16 Due to a number of organizational and system reading
17 because this was a very interesting question. Due to a
18 number of organizational and system changes incurring
19 over the last several years, the Department recently
20 learned that this report, as required, by Chapter 5513
21 has not been comprehensively prepared on an annual
22 basis.

23 And what we're doing is currently engaging
24 meetings with other District agencies to re-establish
25 and centralize a reporting systems to meet the

1 requirements of this Code. Consequently, at present,
2 it would be extremely difficult to provide the
3 information requested because it would require hundreds
4 of man-hours to track over 3,000 cases processed
5 through the 5513 Program since 1986.

6 MS. MUSKETT: So was a report ever prepared
7 pursuant to the statute?

8 MR. EDWARDS: Not to my knowledge.

9 MS. MUSKETT: We had also asked for any and
10 all complaint, forms, brochure and informational
11 materials written in Spanish.

12 MR. EDWARDS: And we can submit those to you
13 because we have a lot of them. I'll just give you a
14 little summary. We distribute several brochures of
15 information which has written in Spanish. These
16 include, I can't pronounce the Spanish, however,
17 Housing Code Guide, Know Your Housing Inspector, Notice
18 to Occupants of Scheduled Housing Inspections; one
19 called, Housing Inspections. Those are a few. We also
20 have in our Department an Office of Consumer Education
21 in which we publish all of our, or the majority, if not
22 all, of our brochures, information things in both
23 English and Spanish.

24 MS. MUSKETT: And do you have those available
25 for us now?

1 MR. EDWARDS: I have the ones that deal with
2 housing available, but we have other things in the
3 department.

4 MS. MUSKETT: With respect to the items that
5 we asked for that you indicate that you only have
6 manually, what we would like to do is confer on it, and
7 get back with you on it next week.

8 MR. EDWARDS: Fine. That will be fine.

9 MS. MUSKETT: Mr. Chairman, I have no further
10 questions.

11 CHAIRMAN FLETCHER: Before we proceed, we
12 have one member that's joined the panel that we didn't
13 get to swear. Would you stand Mr. Hampton so we can
14 swear you and then get on with it, please?

15 (Whereupon, panelist Hampton was sworn in.)

16 CHAIRMAN FLETCHER: I'm going to yield to the
17 panel in the minute, but I have just one question, and
18 I'm going to ask of the Deputy Mayor.

19 The Kelly Administration has what, three more
20 years to go --

21 MR. PENNY: Yes.

22 CHAIRMAN FLETCHER: -- before you go back to
23 the public for a second bite on the apple? Could you
24 give me your vision of what it's going to look like?
25 What you're going to tell the voters with reference to

1 the housing problems that we're talking about? What
2 will your machinery look like? What will be in place
3 that you'll be doing right as you head towards a new
4 shot in the last year of this current administration?

5 MR. PENNY: Well, I think a number of things.
6 One, I think we will have had a reorganization within
7 our department of Housing and Community Development.
8 To streamline that not only from a budgetary point of
9 view in terms of dollars, the District over-wide, but
10 just over for efficiency and effective operation point
11 of view.

12 We have a new director. I think we will also
13 have consolidated some bureaucratic red tape, so to
14 speak, that has operated between housing department and
15 our Economical Development Department. We will
16 hopefully have begun some targeting of our resources
17 and perhaps a realignment of the kinds of services that
18 we offer.

19 I think that despite the fact that we have a
20 variety of and serious problems with respect to
21 affordable housing that we definitely, in this city,
22 need to make some impact with respect to assistance to
23 middle income housing here and be able to provide
24 options for those people who want to come and live
25 here, and attract those individuals back into

1 Washington, D.C. to help our tax base.

2 And I'll think what you'll see is a more
3 definitive housing policy and strategy that has a Kelly
4 mark on it, and one that will involve more
5 public/private partnerships, more working with non-
6 profits and while working with some of the community
7 development organizations in their own particularly
8 neighborhood spears of endeavor.

9 And I think you will see more aggressive
10 going after, sort to speak, of federal dollars, and any
11 other private foundation dollars that we can, and I'll
12 think that's what you'll see, if you ask me that.

13 CHAIRMAN FLETCHER: How much of this can you
14 do independent of the Congress and how much are you
15 going to be depending on the Congress and the federal
16 government?

17 MR. PENNY: Well, I think the
18 reorganizations, we can do, and we will be seeing some
19 of that beginning to occur in this Fiscal Year as we do
20 some of our own internal analysis. But we also will be
21 doing some management audits of a variety of
22 organizations, one to include our housing agency to
23 talk about how we streamline and making that work more
24 effectively. And that, I think, we can do without the
25 Congress. That's between us and our council.

1 The stamp and mark of a housing policy that
2 has the Kelly Administration mark, I think that's one
3 we can do in combination with the rest of the
4 community. I think there are a number of organizations
5 and very interested parties, some of which are here,
6 that are interested in definitive housing policy and
7 strategy that will take us through the next three or
8 four years.

9 I think our big issue will be with respect to
10 additional funding that we may be able to get out of
11 the federal government with respect to just general
12 housing programs that the feds will fund nationwide,
13 not just for the District of Columbia, but nationwide.
14 And I think that we need more of those kind of
15 programs.

16 So I think that some of the things I'm
17 talking about doing can be done independently of the
18 federal government, but I think you cannot deny that
19 part of the dilemma that not only Washington is in, but
20 also many cities in the country are some of the
21 shrinking federal dollars for dealing with some of the
22 housing programs.

23 CHAIRMAN FLETCHER: I want to remind you that
24 the record is going to stay open for at least 30 days,
25 probably longer. The report we submit, of course, will

1 be shared with the President and the members of the
2 Congress and Office Management and Budget, and others.
3 If there is some information you want in this report
4 that would help you with your problem.

5 One, I'm distressed that an agency as large
6 and as important as yours and particularly one with the
7 enforcement responsibility, is still trying to gather
8 its data, and they say the details of the gods,
9 manually. That makes no sense at all. I'm at a lost
10 as to how you can make the case that has to be made
11 that you're trying to do the job that has to be done.

12 And so among other things, I would certainly
13 want a case in this report that demonstrates the extent
14 to which you are in handcuffs, if not leg irons with
15 records to getting the housing picture under manageable
16 shape. And I'm not satisfied that I'm hearing that as
17 you've testified tonight.

18 I understand that this is a new
19 administration, you're just getting underway with folks
20 getting on board late, but it is imperative if this
21 report is going to be used to help make policy and do
22 some legislating or a change in rules, regulations and
23 guidelines.

24 For one, I'd like to be able to go to Jack
25 Kemp, for an example, and personally say to him, here

1 are some things that can get done with changing the
2 regulation, changing the guidelines, the rulings,
3 without additional help from the Congress. And then,
4 here's the help we need from the Congress.

5 But it sounds to me like you're having
6 problems getting the data you need centrally located so
7 you can make your case. If I'm wrong, I apologize, but
8 that's what it sounds like to me.

9 MR. PENNY: No. Well, Mr. Fletcher and Mr.
10 Chairman, I think you have -- you do have a point
11 there. I think that our Mayor has said it on numerous
12 occasions that although this city experienced a lot of
13 growth in the '80s as a result of the real estate and
14 the office bomb, we severely neglected some of that
15 growth and attention -- quality attention to the
16 growth in the organization of government, and actually
17 providing the variety of agencies with the tools that
18 they need to be able to do modern jobs.

19 For instance, we do have, as Mr. Aubrey
20 Edwards has told you, in the DCRA, a major department
21 in which we are still doing a lot of things manually.
22 That's not just something that has happened in the last
23 seven months that he's been there. I had something in
24 terms of, you know, just neglect over a number of years
25 with respect to the automating that department and

1 others, and our Mayor has stated to that effect many
2 times.

3 Now, I will not sit here and tell you and
4 this Commission that we in the District of Columbia
5 have done all we can with respect to housing. I, and
6 along with these other gentlemen, many of us who are
7 new to the city, find it a deplorable situation with
8 respect to housing in the District of Columbia and this
9 is the nation's capital.

10 It is the backyard of the Congress, and some
11 of the housing situations just should not be the way
12 they are. We have tremendous housing needs here for
13 affordable housing. Yet, at the same time, we have not
14 paid attention to the fact that we have lost a
15 substantial amount of our middle income housing here.

16 And if we don't find a way to do both of
17 those and balance those off, we will continue to have
18 our budget crisis because we will never have enough
19 people here who can afford to pay taxes so that others
20 can have subsidize housing. And that's a fact that we
21 all need to squarely face and deal with. That we've
22 got to balance off these needs.

23 We too in the city have got to organize
24 ourselves more efficiently to deal with some of the
25 housing problems. That's why I say one of things you

1 will definitely see is a reorganization of some of our
2 departments. Not from just a budgetary standpoint, but
3 I think from an efficiency and operations standpoint.

4 You will see a public housing office here
5 which has had tremendous neglect with respect to just
6 overall management, not a money problem. It's not a
7 money problem in our public housing office. Our
8 problem is a management and spending of the money
9 problem. Not the fact that we don't have enough money
10 in public housing.

11 And I think that you have people here who
12 want to try and do those things, but again, many of us
13 are here for seven months, Mr. Chairman. It has taken
14 some of that time just to figure out, what -- Excuse my
15 expression. What the heck is going on, and where some
16 of the programs and projects are, and who is who.

17 And I can tell you from just where I sit that
18 that is clearly a big problem in terms of just
19 understanding the mass that we are dealing with. But I
20 would not sit here and tell you that we have all our
21 housing problems worked out here. Clearly, we don't.
22 Including, we need some more and better coordination
23 among ourselves as we've talked about here starting
24 some of that, and I won't sit here and say we have
25 resolved the problem. And I will agree with you that

1 there are more things that we as a government need to
2 do.

3 But I also say that we need the assistance
4 from those that are in the private sector too. Whether
5 those are non-profit, whether they're foundations or
6 what-have-you in terms of being able to handle some of
7 the problems that we have here. We are in a budget
8 shortfall, whether that's in our appropriated side or
9 whether that's in the dollars that we receive from the
10 federal government. And there's no way that we're
11 going to be masters and servants to all the needs.

12 Part of our job is to try and determine what
13 we in government can do best with the dollars, and how
14 to we catalyze the rest of the private sector to be
15 able to do what it can do best to help solve some of
16 housing needs in this case.

17 CHAIRMAN FLETCHER: Thank you. Any other
18 members of the panel, please?

19 COMMISSIONER BUCKLEY: I think my question
20 will be directed to Mr. Edwards.

21 We keep using the term "serious code
22 violations" over and over again, but could you define
23 for us what your department considers to be a serious
24 code violation?

25 MR. EDWARDS: Generally, a serious code

1 violation we would categorize as one that affects the
2 health and safety of the occupants. To translate that
3 a bit, in the dead of winter if you have no heat,
4 that's serious.

5 COMMISSIONER BUCKLEY: And you have stated --

6 MR. EDWARDS: Something that affects,
7 obviously. If you don't have smoke detectors or fire
8 detectors, that's serious.

9 COMMISSIONER BUCKLEY: You have gone through
10 and told us what some of the actions are that you take
11 in the case of a serious code violation. What actions
12 are you willing to take --

13 MR. EDWARDS: Let me tell you how we approach
14 that problem of a serious code violation, and this is
15 any time of day, any day of the year. If we get a
16 report of a serious situation, we send an inspector to
17 inspect it. He makes a determination against the code,
18 and takes an action.

19 That action could first, in our scheme we
20 provide the owner of the apartment to make the
21 correction. If it's a serious violation of the most
22 serious sort, we give them 24 hours to do the job. The
23 next problem that we're confronted with is to make sure
24 to locate the owner. If we cannot locate the owner, we
25 mail a registered note to the registered address of the

1 owner.

2 If nothing happens in the 24 hours, we take
3 action to repair or correct or cure the immediate
4 danger. Then we put a lien on the property of the
5 owner. If the owner does not pay, we serve that lien
6 out twice a year, the property is sold. If the owner
7 takes the action, okay, fixes the action in the time
8 required, then that fixes that problem.

9 If the violation and the stress perpetrated
10 on the tenants is too great for us to handle, to
11 financially burdensome for us to handle as a
12 department, we close the building down and remove the
13 tenants from the danger, and that's how we approach it.

14 COMMISSIONER BUCKLEY: Is there any way or
15 can you give me from your experience or from what your
16 staff can tell you that you can indicate to us how
17 often that happens, and then if you could identify it
18 for Ward 1?

19 MR. EDWARDS: I can identify -- Hold one
20 second, please.

21 (Pause.)

22 It happens about twice a year that we have a
23 major evacuation. An experience, since I've been in
24 the department for the last seven months, we had one
25 major one in Ward 1 in which the tenants in the

1 building were living in quite dangerous situations,
2 extension cords serving, living areas stretched from
3 hall to room to room, apartment to apartment. Rats,
4 roaches, dilapidated conditions, water problems,
5 serious fire and electrical hazards.

6 We were forced to -- That was a repair that
7 was well beyond the means of our budget to address. We
8 had to evacuate that building in Columbia Heights. The
9 relocation problems that presented themselves were such
10 that we had to do a bifurcated treatment of how we
11 dealt with this situation.

12 We couldn't evacuate the people immediately,
13 and we had to consider the hazards that was presented
14 with them staying there. We had to convince -- We
15 didn't have to convince, but the fire department
16 established a 24-hour watch in front of the building
17 while we could evacuate or do the necessary
18 investigations as to family composition, number of
19 people and what their housing needs are before we could
20 attempt to find housing space for relocation.

21 So the fire department, for instance, put
22 their fire squad right their in front of the building
23 so that we could minimize any potential harm to life
24 should a hazard break out. That process involved
25 several departments, all of the departments sitting

1 here, plus a couple of others. It involved Adelante
2 which is 100 percent funded operation that helps us in
3 that relocation. It involved the Office of Latino
4 Affairs. It involved a lot of people to help us with
5 this operation.

6 It probably took about a little less than a
7 week for us to resolve that situation satisfactorily
8 where every tenant in the structure, family or single
9 person was relocated and the building was closed.

10 And that's an example of the kind of approach
11 that we take to our responsibility which is clearly to
12 identify hazards and to do everything that we can to
13 protect the consumer and the residents of the District
14 of Columbia from health and safety and welfare hazards.

15 COMMISSIONER BUCKLEY: Now, I'm not sure who
16 has responsibility for it, but here, in the Washington,
17 D.C. area, do you have a portfolio or any homes that
18 were HUD financed where the persons have become
19 delinquent in their payments and there's foreclosure on
20 the property. Do you have that happening here at all?
21 A HUD financed property where they've foreclosed on the
22 mortgage because they defaulted on payments? Do you
23 have that happening here at all?

24 MR. HAMPTON: Yes. Certainly, that's
25 happening nationwide. I'm not sure what your --

1 COMMISSIONER BUCKLEY: What I'm trying to
2 find out is, do you have any properties that you have
3 done this to that are vacant, that are not occupied
4 because you have taken them, you have foreclosed on
5 those owners?

6 MR. HAMPTON: Let me just explain, first. My
7 name is John Hampton, I'm a former director of DHCD.
8 I'm here with Mr. Merrick who is the current director.
9 From a DHCD perspective, almost all of the housing
10 activity that the department is involved in actually
11 happens in the private sector.

12 It's developed by private developers. It's
13 owned by private owners. It's built by private
14 contractors. It's purchased by individual citizens.
15 It's financed by private banks.

16 The role of DHCD is to provide subsidies in
17 various ways to support the private activity.
18 Therefore, in almost all the projects that we're
19 involved in from single family homes, to multi-family
20 buildings there are at least two mortgages on the
21 property with the government being in a subordinate
22 second trust position. If there's a foreclosure, we're
23 at risk.

24 Now, HUD, of course, the Washington Field
25 Office of HUD also runs the FHA Program. They have

1 their FHA foreclosures. There are various programs
2 within FHA to assist, forbearance programs to assist
3 families who are facing difficulty, and there are some
4 houses in the HUD program that HUD owns. In the DHCD
5 situation, there are very few houses that we get
6 through foreclosure because we're not in the first
7 position. We're in second position.

8 Now, we do have considerable property,
9 however, that goes all the way back into the urban
10 renewal days of the late '50s.

11 COMMISSIONER BUCKLEY: What I am aware of in
12 my region in Texas is that if you have homes that have
13 been foreclosed on, that have been vacated and then
14 they're there. Then through the HUD office, you can
15 have committee-based organizations come in, and they
16 can arrange to rent these homes out for very minimal
17 amounts of rent. And it's like the Catholic Social
18 Services can take over the renting of these properties
19 for whatever agency finally owns the property.

20 Do you in any way look at that or are you
21 involved in any kind of system like that now to use
22 vacant houses for, you know, to keep some of these
23 people that need housing? Housing, obviously, is a
24 problem.

25 MR. HAMPTON: Then the answer to your

1 question is yes. In the past, Austin Penny and in the
2 Office of the Deputy Mayor, we are involved with the
3 HUD Field Office in getting some HUD owned units made
4 available to DHS for use in housing the homeless. I
5 don't know what the status of that is now, but that's
6 been talked about and implemented in the past.

7 COMMISSIONER BUCKLEY: Would anybody else in
8 your unit, anybody here in this section know about
9 those houses, or I have to ask DHS?

10 MR. HAMPTON: I'm certain if they don't have
11 an answer right now, they can get an answer for you.

12 COMMISSIONER BUCKLEY: The only thing is I
13 would be interested in knowing if that particular
14 resource has been used in the D.C. area?

15 MR. HAMPTON: Yes.

16 MR. PENNY: I'm sorry. What did you say?

17 COMMISSIONER BUCKLEY: Well, he's saying he's
18 not sure about --

19 MR. HAMPTON: What the status is. The
20 resource has been used.

21 COMMISSIONER BUCKLEY: And if it currently is
22 in use now, and if all the houses that are vacant are
23 in use now is my question?

24 MR. PENNY: I think what Mr. Hampton was
25 referring to was our efforts to work along with the

1 program we call a Path Program which is Property
2 Acquisition for Transitional Housing in which we work
3 with non-profit organizations. That's the model we try
4 and work with now wherein we will help acquire that
5 property, and have that property rehabilitated, and
6 then the non-profit will operate it, and lease it up
7 for a shelter for the homeless.

8 And we're trying to work now with the
9 Department of Human Resources to provide the
10 accommodating social services that would go along with
11 that providing the funding to that non-profit so that
12 we've taken some property, put it back into commerce,
13 but put it also into commerce for our shelter for our
14 homeless families, and hopefully, getting the
15 appropriate social services to go along with that so
16 that we're providing a comprehensive kind of approach,
17 not just housing per se.

18 But the housing portion is what's under DHCD.
19 The social services portion of it would be assistance
20 and monies provided through the Department of Human
21 Services.

22 CHAIRMAN FLETCHER: Please.

23 MR. MALONE: I know that in the seven days
24 that I've been here. I've been there a week. But we
25 are looking at currently right now, as Mr. Hampton

1 mentioned, the second trust position that we have, and
2 usually our department, HDCD has.

3 And by virtue of having a second trust
4 position by the time, if we are even able to get the
5 property, it is in generally in deplorable condition.
6 So what we're trying to do is look at ways to protect
7 our second trust, to be able to get a hold of the
8 property much earlier, and be able to then protect our
9 investment and then turn it around and put it back for
10 use.

11 We are examining methods of doing that now.
12 Because we're trying to get the -- All of this that
13 we've talked about, we're trying to quicken the
14 disposition. Even with this coordination part with
15 DCRA. What we're trying to do, in my department, we
16 have the Homestead Program. So ultimately, we'd like
17 to get these properties and be able to turn them around
18 and put individuals back in them.

19 It does two things for us. One, it helps us
20 to stabilize the neighborhood, and the second thing it
21 does is it helps remove the blithe. So many times by
22 the time we are able to get the property after -- One
23 of points that was made, in a lot of times these
24 properties go on a tax role, and then during the course
25 of the tax role, they're not sold. And so they go back

1 on the tax role, and they continue to deteriorate. And
2 that's what we talked about, dropping your gaps.

3 So what we'd like to do is get Finance and
4 Revenue to let us know those that weren't sold on the
5 tax roles, that maybe we can get them, we get them
6 quicker and they're in better shape, we're able to use
7 less money to rehab. So that's what we're talking
8 about when we're talking about coordinating those
9 efforts.

10 We'd like to get the property in our
11 homestead program as quickly as possible. One, to
12 stabilize the neighborhood. Two to remove the blight in
13 the neighborhood, and that's what we're trying to do
14 with that coordination effort.

15 CHAIRMAN FLETCHER: When do you think you'll
16 have that in place?

17 MR. MALONE: Well, we're going to try to put
18 in place within the next 30 to 45 days. I mean, we're
19 going to press hard to get it done.

20 CHAIRMAN FLETCHER: Mr. Wang?

21 VICE CHAIRMAN WANG: In light of the hour, I
22 just think that is the best way if I can ask the Deputy
23 Mayor to help to provide some of the information. I've
24 been recognizing the long waiting list with 10,000
25 people still there; recognizing the fact that you'll

1 probably not going to get much substantial help from
2 federal government to support many of your initiatives.
3 But I think it is imperative again, recognizing the
4 need for housing in the District of Columbia,
5 particularly in the neighborhood.

6 So I would suggest, if you could provide us
7 with your plan as to how you're going to, during this
8 coming four years or three years that you have within
9 the Kelly Administration, your strategy to build. How
10 many units you intend to, and how you're going to be
11 able to accomplish and in what way you'll be able to,
12 in a sense, respond to the needs of the Latinos and all
13 the different neighborhood. You don't have to answer
14 it now, but you can provide us with it.

15 MR. PENNY: That's a heck of a question to
16 ask me to answer right now.

17 VICE CHAIRMAN WANG: That's why I said -- I
18 know.

19 COMMISSIONER BUCKLEY: Mr. Chairman, do we
20 have a copy of the CHAS Plan that they've developed?
21 Ms. Booker?

22 MS. MUSKETT: The staff has it, yes.

23 COMMISSIONER BUCKLEY: All right. Thank you.

24 CHAIRMAN FLETCHER: Any further questions?
25 Mr. Deputy Mayor and members of your team, I had the

1 unique distinction of running for mayor of the District
2 in 1978. Housing was a mess then. It's still a mess
3 now, and I'm so glad I didn't win, I don't know what to
4 do. With that, you are dismissed. Thank you.

5 (Witnesses excused.)

6 MS. BOOKER: Will Dr. Mark Chastang come to
7 the witness table? Director of D.C. General Hospital?

8 Dr. Chastang, is it your intention that staff
9 will assist you in answering questions?

10 DR. CHASTANG: Yes.

11 MS. BOOKER: If that's the case, will they
12 also stand and be sworn.

13 DR. CHASTANG: Yes.

14 **COMMUNITY WITNESSES**

15 (Witnesses sworn.)

16 MS. BOOKER: Will you each please identify
17 yourself for the record?

18 DR. CHASTANG: My name is Mark Chastang. I'm
19 the executive director of District of Columbia General
20 Hospital.

21 MS. BASS: My name is Theresa Bass. I'm
22 associated administrator for Human Resources.

23 MR. FROST: I'm LeBaron Frost, Labor
24 Relations director.

25 CHAIRMAN FLETCHER: Thank you very much.

1 MS. BOOKER: Mr. Chairman, attorney Patricia
2 Grove will commence the questioning.

3 CHAIRMAN FLETCHER: Thank you.

4 MS. GROW: Dr. Chastang, you are responsible
5 for all administrative matters of the hospital, is that
6 correct?

7 DR. CHASTANG: Yes, I am.

8 MS. GROW: How long have you worked at the
9 hospital?

10 DR. CHASTANG: I've been at the hospital for
11 four years, January of '88.

12 MS. GROW: Is it true that the hospital
13 maintains a list of employees who serve as
14 interpreters?

15 DR. CHASTANG: Yes, we do.

16 MS. GROW: How many employees are on that
17 list at this time?

18 DR. CHASTANG: There are 22 persons on that
19 list at this time.

20 MS. GROW: Twenty-two persons on that list
21 total?

22 MS. BASS: There are 22 employees who speak
23 Spanish on that list.

24 MS. GROW: And the total list of
25 interpreters?

1 MS. BASS: The total?

2 MS. GROW: Do you have any other employees
3 that speak any other languages?

4 MS. BASS: Yes. We do have employees who
5 speak other languages. I don't have the total numbers
6 with me.

7 CHAIRMAN FLETCHER: Will you submit those for
8 the record, please?

9 MS. BASS: Yes, I will.

10 MS. GROW: In a written response to us you
11 had responded there were a 120 employees listed as
12 interpreters. And 22 of those, I understand, speak
13 Spanish. Could you tell us how many employees of D.C.
14 General Hospital are Hispanic?

15 MS. BASS: There are currently 15 employees
16 who are Hispanic.

17 MS. GROW: And that's out of a total of how
18 many employees at D.C. General Hospital?

19 MS. BASS: 2,351 employees.

20 MS. GROW: Dr. Chastang, would you say that
21 you serve a large number of Latinos at D.C. General
22 Hospital?

23 DR. CHASTANG: We serve a significant number.
24 I wouldn't say it's a large number. We have a
25 significant and growing percentage of our patients,

1 particularly in our obstetric service who are Latino or
2 Hispanic. Overall, it's approximately five percent of
3 our patient population.

4 MS. GROW: About five percent?

5 DR. CHASTANG: About five percent overall.

6 MS. GROW: In that one particular area?

7 DR. CHASTANG: In that service, it's
8 approximately 16 percent.

9 MS. GROW: Do you have any eligibility
10 requirements for service at D.C. General Hospital?

11 DR. CHASTANG: Any requirements?

12 MS. GROW: Eligibility requirements for
13 service?

14 DR. CHASTANG: No. We treat all persons
15 regardless of their ability to pay, but we do pursue
16 vigorously sources of payment according to our billing
17 guidelines.

18 MS. GROW: And are services provided
19 regardless of citizenship?

20 DR. CHASTANG: Yes.

21 MS. GROW: Could you tell us if the employees
22 who do serve as interpreters at your hospital, are
23 these collateral duties?

24 DR. CHASTANG: Are they duties in addition to
25 their normal duties?

1 MS. GROW: Yes.

2 DR. CHASTANG: In some cases, yes. The
3 answer is yes.

4 MS. GROW: And are they compensated in any
5 way for performing those functions?

6 DR. CHASTANG: To my knowledge, Ms. Bass?

7 MS. BASS: No. They're not compensated.

8 DR. CHASTANG: No, they're not.

9 MS. GROW: Do you provide any written
10 materials in Spanish such as written informed consent
11 forms in Spanish.

12 DR. CHASTANG: Yes, we do. In various
13 services, we do have forms in Spanish informing
14 patients of their rights and risk associated with
15 particular procedures and so forth.

16 MS. GROW: And how about in terms of signage
17 in patient areas?

18 DR. CHASTANG: Yes. We have a comprehensive
19 sign program throughout the hospital complex. Three
20 buildings that's bilingual signage, yes.

21 MS. GROW: Have you done any formal needs
22 assessments and ways of improving delivery of services
23 to the Latino community?

24 MS. BASS: We have not done a formal needs
25 assessment. However, over the past three years, we

1 have a committee that consists of employees from
2 various sections of the hospital, and they have met on
3 a periodic basis to discuss the problems associated
4 with the Hispanic community.

5 About three years ago, the Commission
6 authorized the hiring for Hispanic employment
7 coordinator, and that person was hired in August of
8 '89, and worked with us until November of 1991, and one
9 of the duties of that person or one of the main
10 functions of that employee was to assist us in
11 identifying and hiring more Hispanic employees. That
12 person has since left, and we are in the process of
13 recruiting to fill that vacancy.

14 MS. GROW: Could you tell us what type of
15 recruitment efforts you've undertaken in terms of
16 hiring Hispanics or Spanish-speaking personnel?

17 MS. BASS: We have placed ads in Spanish
18 newspapers, and I think, Mr. Chastang has some copies
19 of those for nurses. We have about three or four ads
20 that we have placed. The Hispanic Coordinator worked
21 with some of the community agencies to bring in people.
22 We have a few vacancy announcements indicated that
23 bilingual skills will be a selecting factor.

24 MS. GROW: For what positions were those?

25 MS. BASS: Security guard was one of the

1 positions.

2 MS. GROW: Do you recall what the other
3 positions were?

4 MS. BASS: The Hispanic Coordinator was one,
5 and there might have been a clerical employee.

6 MS. GROW: One other thing I have. You had
7 mentioned that the Committee was formed to identify
8 problem areas, and you've mentioned one that as a
9 result of this assessment, you saw the need for a
10 Hispanic Program Coordinator. What other problem areas
11 did you identify during this needs assessment?

12 MS. BASS: Communicating with the patients
13 was identified as a problem, and the language bank was
14 developed and kept up-to-date.

15 MS. GROW: And are there always at every time
16 during the day and on weekends also, a Spanish-speaking
17 employee available to act as an interpreter?

18 MS. BASS: Not always.

19 MS. GROW: Have you ever considered hiring a
20 full-time interpreter?

21 DR. CHASTANG: Yes, we have. In addition to
22 the persons on site and in the language bank, if you
23 will, we have an arrangement with -- Mr. Frost, if you
24 could speak to the AT&T arrangement.

25 MR. FROST: Yes. We have a contract with

1 AT&T to provide interpreter services, not only for
2 Hispanic patients but for any patients that may have
3 problems communicating with the hospital staff.

4 DR. CHASTANG: At all times. That's 24
5 hours.

6 MR. FROST: Twenty-four hours a day, seven
7 days a week, yes.

8 MS. GROW: And is there any delay in
9 receiving those services?

10 MR. FROST: Not that I'm aware of, no.

11 DR. CHASTANG: It is very much in our --

12 MS. GROW: How much does that cost? That
13 arrangement?

14 DR. CHASTANG: I'm not sure. We can submit
15 the cost for the record. Let me just say that we see
16 this is a real problem. We are trying to correct it
17 for a number of reasons. Certainly, in the interest of
18 good patient care. Effective communication is
19 essential to good patient care, and we certainly don't
20 want to do anything to jeopardize a patient's chances
21 to recover or to address a particular medical problem.
22 And so it is something we take very seriously for a
23 number of reasons.

24 In addition to good medical care, we have a
25 commitment to attempt to remain supportive and

1 sensitive and relevant and to the various groups of
2 patients that we serve. We have struggled with this
3 issue for several years. We are looking for, and if
4 you can help us, we certainly would welcome it,
5 effective strategies for identifying and encouraging
6 interest in employment at D.C. General.

7 Particularly, nurses, medical technologist,
8 physicians, and the whole range of persons necessary to
9 run a hospital of the size and complexity of D.C.
10 General Hospital. So, we're here to answer questions,
11 but we're also here to request your help in directing
12 us, because we've struggled for several years with
13 this. We've met with some success, but it's certainly
14 not enough.

15 MS. GROW: Are instructions for taking
16 prescriptions available in Spanish or in any other
17 languages?

18 DR. CHASTANG: I'm sure that the -- I would
19 say yes, but I can check that just to confirm it. We
20 cannot give a patient medication knowing that that
21 patient is unable to understand the instructions
22 associated with it. I might add, for the record, I'm
23 not a physician. I'm the executive director, but I'm
24 administrative, non-clinical person.

25 But we would not give a person medication

1 without proper instructions. That includes Spanish or
2 whatever languages -- the basic language of that
3 individual.

4 MS. GROW: I've no further questions, Mr.
5 Chairman at this time.

6 CHAIRMAN FLETCHER: Yes, Mr. Wang.

7 VICE CHAIRMAN WANG: Dr. Chastang, could you
8 share with us the reason that you weren't able to be
9 present yesterday?

10 DR. CHASTANG: Yes. I'm glad you asked that
11 question. It was certainly not intentional. I was in
12 a meeting regarding an issue of urgency related to our
13 emergency room at around 5:00. I was informed by our
14 counsel, who inquired of the Commission whether my
15 deputy could sit in in my behalf. She was told that he
16 could, and I asked that he come and participate, and
17 that's why I wasn't here.

18 But I apologize if that was interpreted as a
19 lack of interested, or in some way, not supportive of
20 this effort. So it was misinformation that I received.
21 That was the reason I wasn't here.

22 VICE CHAIRMAN WANG: Mr. Chairman, if it's
23 okay with you, I will accept Dr. Chastang's apology.

24 CHAIRMAN FLETCHER: Certainly.

25 VICE CHAIRMAN WANG: I have two questions

1 following our council's question earlier. In the
2 hospital, do you have an advisory board to assist you
3 in running the different parts of the hospital -- a
4 community advisory board as such?

5 DR. CHASTANG: We have a community relations
6 committee of the Commission -- our Board of Directors
7 whose responsibility is to assure that we remain aware
8 of issues that exist in the community that impact on
9 our ability to communicate, to remain sensitive, to be
10 supportive, to deal with problems and to address
11 whatever issues that come up, and the answer is yes.

12 VICE CHAIRMAN WANG: Who are the members?

13 DR. CHASTANG: Mary Brackston is the
14 chairperson of the Community Relations Committee.

15 VICE CHAIRMAN WANG: And she is?

16 DR. CHASTANG: She is a member of the
17 Commission, the governing body of the hospital.

18 VICE CHAIRMAN WANG: Okay. And she is from?

19 DR. CHASTANG: She lives in Washington.
20 She's an Afro-American.

21 VICE CHAIRMAN WANG: Are there any Latino
22 members of the Commission?

23 DR. CHASTANG: There was a Latino member who
24 passed recently.

25 VICE CHAIRMAN WANG: I see. So since you

1 asked for help or suggestion, if I could, I'm not
2 patronizing. In your effort to recruit Latinos, if you
3 were to have members on your Commission -- Latino
4 origin, I think, somebody that would be a very easy way
5 to assist you in recruiting your Latino speaking staff.

6 So I would hope that you would enlarge or add
7 members to that commission from the Latino community.
8 I think that would be very critical. And you mentioned
9 about the recruitment of staff. I would just also
10 mention -- I want to ask whether -- are you aware of
11 the patient's origin from the Latino community who
12 utilize the hospital?

13 DR. CHASTANG: I'm sorry. Are we aware of
14 the --

15 VICE CHAIRMAN WANG: Nationality or the
16 ethnic origin of the Latino population in your
17 hospital?

18 DR. CHASTANG: No. We know that they're
19 Hispanic, because, obviously, they speak the language,
20 and they have Hispanic surnames and we don't know
21 precisely from what countries they come from.

22 VICE CHAIRMAN WANG: Are they Puerto Ricans?
23 Are they El Salvadorans?

24 DR. CHASTANG: We don't know and inquire to
25 that detail.

1 VICE CHAIRMAN WANG: I think it is very --
2 made apparent to the Commission over the last two days
3 hearings that we have been informed that most of the
4 Latinos which actually utilizing your services are from
5 El Salvador. So if that's the case, I would really
6 think that if you were to recruit, I think many
7 hospitals in New York would go to different parts of
8 the world to recruit nursing staff.

9 I think a logically place for you to recruit
10 nursing is to go to El Salvador. If you were to be
11 able to recruit a few nurses from El Salvador, I think
12 that would improve your medical care tremendously. Not
13 only the language, but also meet your critical nursing
14 shortage.

15 MR. FROST: I think if I can respond to that.
16 The hospital has taken efforts to do that, but one of
17 the problems we have encountered is that the nurses
18 have not passed the state boards.

19 VICE CHAIRMAN WANG: So I guess then, can we
20 start programs to help them to pass the state boards,
21 to meet our needs. New York City, where I'm from,
22 would go to any lengths to any where of the world to
23 try and recruit and meet the needs of the city, and
24 even in teachers. We need a lot of teachers.

25 We go to distance -- to Argentine, to Chile,

1 to Puerto Rico to recruit. We actually set up training
2 programs out there to make sure that they meet the
3 teaching eligibility requirements and get licenses so
4 they can teach in the school system of New York City
5 because of the large number of Latino student
6 population there. And there's no other way but to
7 really go overseas to recruit in order to meet a need.
8 So I would hope that you would consider it as one of
9 the possible.

10 Any way as a minority member, it's always
11 said, we're not eligible, we're not qualified, but if
12 we can set up training programs to help them to qualify
13 then I think -- because it's for our particular need.

14 MR. FROST: Well, efforts have been made in
15 that direction. As a matter of fact, the Hispanic
16 employment program coordinator was a member of
17 Training, Inc. which was responsible for providing
18 training services to help assist people get clerical
19 jobs. And we have had nurse recruiters who have also
20 attempted to get Hispanic nurses from Central America
21 to take the classes so they can become certified and
22 become nurses.

23 And as Mr. Chastang indicated, we have had
24 some successes, but it has been somewhat frustrating
25 because we have not realized the results that we would

1 like, and that's something that we plan to continue to
2 work on.

3 VICE CHAIRMAN WANG: Am I not correct to
4 hear, Dr. Chastang, you mentioned about the patient
5 percentage about 16 percent of Latinos?

6 DR. CHASTANG: In one of our services,
7 obstetrics. Sixteen percentage of the patients who
8 deliver are Hispanic.

9 VICE CHAIRMAN WANG: So if we take that
10 percentage as a general yardstick, and then we said,
11 based on the number that Ms. Bass gave us in the total
12 comparison of your employees of 2500 versus about 15
13 Latinos, so you -- I mean, I wouldn't want to even give
14 you a mathematic comparison. I mean, you're really
15 far, far away there.

16 So, I would suggest, if I could because of
17 the hour, Dr. Chastang -- could you submit to us, and
18 we hope within 30 days, your plan, your action plan, in
19 terms of how you would improve your service delivery in
20 relation to the Latino community in the care and also
21 in staffing, recruitment, and so on.

22 I think you've already done quite a bit in
23 terms of the sign. I think we want to commend you for
24 that. I mean, your effort in some of the other areas
25 where you thought the coordinator, some of those are

1 very, very positive and are to be commended. I think
2 if you could, again, submit to us a plan in that
3 direction, I'll say we'll be very appreciative.

4 DR. CHASTANG: We will do that. Let me
5 clarify one point though regarding the statistics. May
6 be I misstated this earlier. Overall, of all of our
7 patients, 15,000 admissions, some approximately 200,000
8 out patient visits. Overall, it's approximately five
9 percent Hispanic. But any specific service, the
10 obstetric service, that particular category of patient
11 activity, it's approximately 16 percent, but that's the
12 highest of the services. That's clearly the highest
13 utilization at the hospital of Hispanics.

14 VICE CHAIRMAN WANG: I think the pervasive
15 feeling by the community that they're not getting the
16 services.

17 DR. CHASTANG: Yes.

18 VICE CHAIRMAN WANG: I think one of the
19 reason they're not getting the service is because they
20 felt that apparently they come to the hospital. No one
21 really understands their language. No one could really
22 provide the quality services to them. So we want here
23 that we would hope that you can address. Thank you
24 very much.

25 CHAIRMAN FLETCHER: Any further questions?

1 COMMISSIONER BUCKLEY: Yes.

2 CHAIRMAN FLETCHER: Please.

3 COMMISSIONER BUCKLEY: I'm sorry, but I'm not
4 this has been covered, but do you have any kind of a
5 candy stripper or volunteer or axillary type group
6 where you would try to target Hispanics to come in and
7 work in your in hospital and try to help you give some
8 comfort, especially like in the OB/GYN area where you
9 would have these individuals there in the hospital that
10 might help you with communication problems and in
11 dealing with some of your patients?

12 DR. CHASTANG: We do have an extensive
13 volunteer program, but we've not used the volunteer
14 activity to target these specific Hispanic patient
15 category. It is something that we'll pursue, though
16 and again, I need some help in understanding how we
17 might go about that, and where the sources are.

18 COMMISSIONER BUCKLEY: Are you familiar with
19 HOSA, Health Occupation Student's Association? There's
20 a vocational program that takes students in the high
21 school and gives them a two-year course. The first
22 year is just introduction. The second year, half of
23 their day is spent in a hospital in like in candy
24 stripper kind of activity.

25 You go to a Hispanic concentrational school

1 with a very high number of Hispanics and you try to
2 work through it. It is a federal program, but you
3 could probably could work out something with them, and
4 you establish -- One, you have students working in the
5 hospital. Some of those students will be LPN's
6 eventually. We have had students that have gone on and
7 gone to radiology and MEDTECH's and all kinds of stuff.

8 But you bring people from the community and
9 form a bridge for the community as well, and I was just
10 wondering if you have looked at any of that at all?

11 DR. CHASTANG: I was not aware, but I would
12 like to follow up on that.

13 COMMISSIONER BUCKLEY: Yes. They have a
14 curriculum, and if you walk through the school
15 districts, I'm sure they have federal programs
16 coordinator that could help get you oriented in that,
17 but it's a very successful program.

18 DR. CHASTANG: Let me just mention too, a
19 couple of other things that we're doing. We've
20 launched an immunization initiative here in this city,
21 and we are going to begin another thrust as a part of
22 that campaign on February 10th, and we will be
23 targeting the Hispanic community to have children
24 immunized, particularly infants to two-year olds.

25 We've been doing this for the last several

1 years, and since August, we've done about 1200 kids,
2 and we're going to be advertising and contacting
3 community associations in the Hispanic community.
4 Advertising on radio and the Hispanic community and
5 would welcome your suggestions about how to get out
6 that issue in the Hispanic community.

7 COMMISSIONER BUCKLEY: We are currently, and
8 I'm speaking about in Laredo, we have a very large
9 migrant population and a lot of our children travel
10 with the crops and they travel back and forth. We are
11 asking for a grant dealing with migrant health issues
12 where we have like a health fair where one night during
13 the school year, we like the parents to come in.

14 We give immunizations. You have counselors
15 there to talk about nutrition. You have people that
16 know a little bit about the health issues to come in
17 and talk to them and help them with some information.
18 There may very well be a federal grant, you might be
19 able to look at along those lines. It's a health
20 education, but they do all kinds of -- DHS is really
21 looking at that especially in the minority community
22 where you have high instances of diabetes and cancer
23 and other problems that I'm sure you are aware of in
24 your hospital.

25 DR. CHASTANG: Some of the other things we

1 have been doing for the past several years is we have a
2 Spanish course that a number of our employees take to
3 teach them the language, a functional level of
4 communication. Mr. Frost, you might comment on that.

5 MR. FROST: Yes. I've participated in the
6 class myself which was just completed a couple of -- I
7 guess about a month or so ago, and we are planning an
8 intermediate class so that those students who want to
9 progress will be able to learn even more. So we are
10 doing things that we can to improve our communicative
11 ability with the Hispanic population.

12 DR. CHASTANG: And all employees are eligible
13 to participate in this. I mean, how many employees
14 roughly?

15 MR. FROST: Well, I think it was about 15
16 students in the class.

17 DR. CHASTANG: Other things we've done
18 consistently over the years is to have health fairs
19 periodically in the Spanish community -- Hispanic
20 community to provide certain screening activities
21 associated with certain diseases. It has been met with
22 some success.

23 But again, it's something that we're
24 struggling with, and we have a serious commitment to
25 improve our situation. And we're hear today to answer

1 question, but to also encourage your assistance in
2 helping us develop strategies that work. Some of the
3 things that we think work are marginal at best, and
4 there's got to be a way to improve our effectiveness on
5 this issue.

6 CHAIRMAN FLETCHER: Further questions? All
7 right, Mr. Staff director?

8 MR. GONZALEZ: Is D.C. General a training
9 hospital?

10 DR. CHASTANG: Yes. We have teaching
11 programs with Howard University and Georgetown
12 University Schools of Medicine.

13 MR. GONZALEZ: Since you were looking for
14 suggestions, if I could suggest one. You may want to
15 reach out to one of the federal agencies that you have
16 right here in Washington which is the Peace Corp. The
17 Peace Corp. is in the business of sending nurses
18 overseas to Central America and to South America.

19 And you can look into two possibilities. One
20 is to be involved in the training aspect of those
21 nurses prior to departure, or you can try to recruit
22 from the base of nurses that are finishing their Peace
23 Corp. experience in a Central American country who
24 consider coming to Washington and residing in
25 Washington and working in your hospital.

1 They would not necessarily be Hispanics, but
2 they would certainly be people that have a cross-
3 cultural adaptation to a Central American country and
4 would speak the language.

5 DR. CHASTANG: That's an excellent
6 suggestion.

7 CHAIRMAN FLETCHER: Any further?

8 (No response.)

9 Thank you so very much for being with us this
10 evening. We will keep the record open, as I've said to
11 others, for 30 days, and if there's anything that you
12 would like to get into the record that you didn't have
13 a chance to get in tonight, we'll appreciate it.

14 One of the things I would like to know is the
15 profile of the people -- the Hispanics that you do
16 have, the Latinos that you do have on your payroll. I
17 think you said you have 15, is that right?

18 MS. BASS: Yes.

19 CHAIRMAN FLETCHER: I'd be curious to know,
20 what are the jobs or at what levels are they employed?
21 I'd be curious to know that.

22 DR. CHASTANG: I think we can give you that.

23 MR. FROST: I think the list has been
24 provided. We should have the job titles of the
25 individuals.

1 MS. BASS: We have an admission director,
2 substance abuse director, telephone operator, clerk in
3 finance, medical clerk in the emergency room. We have
4 a few nurses. We have a social worker. We have a
5 worker in the OR, and we have a clinical chairperson.
6 That person would be a MD and be the person who's
7 director of physical medicine and rehabilitation, and
8 we have a physical therapist, also.

9 CHAIRMAN FLETCHER: I've found in the past,
10 that one great recruitment strategy is to have the
11 people already working for you form themselves into
12 some kind of recruiting effort with your encouragement.
13 And they have a tendency to know where to find and how
14 to find folk, and that may be a way to improve your
15 profile. It doesn't look good on paper, and I'm sure
16 you'd like to improve that.

17 But I think it's critical that you get a
18 strategy put in place to improve this profile of your
19 Hispanics that you have working for you. And I'd like
20 to see you design a strategy to use community based
21 organizations in a better fashion than you've probably
22 have.

23 During these few days of testimony, we've
24 found out that the Latino community is -- their
25 community-based organizations are rather plentiful. It

1 appears that nobody's asking them to do anything.
2 That's critical to improving and enhancing the quality
3 of life they experience in this country.

4 It could well be that out of this could come
5 a roundtable discussion from those organizations
6 concerned with how to develop a strategy to improve
7 your profile in terms of not only patient services, but
8 particularly employment and various other kinds of
9 volunteer services you need to improve your profile. I
10 urge that.

11 DR. CHASTANG: We will follow-up on that, and
12 it's -- This discussion comes at a very timely point in
13 our development as an organization. On the 21st of
14 February, we're opening a brand new facility at D.C.
15 General. A \$32 million structure which will provide
16 state-of-the-art facilities, emergency room, trauma
17 unit, all new outpatient services, 28 intensive care
18 unit beds.

19 And we certainly want to take this
20 opportunity and the opportunity at the grand opening of
21 this facility to invite the Hispanic community to this
22 grand opening. We'll be providing tours and basic
23 information. As members of the community, they are
24 eligible, and we want to encourage them to see us as a
25 first choice institution to come and receive medical

1 services.

2 So if there's a handy list of that directory
3 of community associations, I'd be please to receive
4 that so we can send them invitations and to call them
5 to invite them out. It's a very timely opportunity for
6 us to begin the process of communicating more
7 effectively and encouraging them to see us as a first
8 choice institution.

9 CHAIRMAN FLETCHER: We'll see if we can help
10 you with that.

11 DR. CHASTANG: Yes, sir. Thank you very
12 much.

13 MS. MUSKETT: Mr. Chairman?

14 CHAIRMAN FLETCHER: Yes.

15 MS. MUSKETT: Before you close this, I'd like
16 to ask one question.

17 CHAIRMAN FLETCHER: Please do.

18 MS. MUSKETT: It's just a point of
19 clarification on our data request. We did receive your
20 list of Hispanic employees, but we had asked whether
21 they were temporary or permanent, and we didn't receive
22 that so if you could provide that information?

23 DR. CHASTANG: All of those employees are
24 permanent.

25 MS. MUSKETT: All right, great.

1 MS. BASS: All except one. The physical
2 therapist.

3 MS. MUSKETT: At the bottom of the list?

4 MS. BASS: Yes.

5 MS. MUSKETT: And she's temporary?

6 MS. BASS: Yes.

7 MS. MUSKETT: We had also asked for the
8 number of bilingual personnel because we understand
9 that you have individuals who are bilingual, but not
10 Hispanic. And again, we want to know their positions
11 and whether they're part-time or temporary, and we did
12 not see that in the materials provided.

13 DR. CHASTANG: We will provide it.

14 MS. MUSKETT: Okay, great. Thank you.

15 CHAIRMAN FLETCHER: If there's no further
16 questions, thank you so much. You're dismissed.

17 (Witnesses Excused.)

18 We will now go into the open session of the
19 evening testimony, and we will be inviting people up
20 who've registered and who want to testify. I
21 understand that there's several who've done so. So
22 we're going to be here for a while longer, and we'll be
23 counting on you, too.

24 MR. GONZALEZ: Can we have Carlos Guerra,
25 Luis Rodriguez and Juan Espinal.

1 COMMUNITY WITNESSES

2 (Witnesses sworn.)

3 CHAIRMAN FLETCHER: We are going to hold
4 these sessions to about five minutes. This is to say
5 get the point you want to make, get it made. I think
6 everyone will be able to testify in English, that's
7 right? Proceed.

8 Let me ask a couple of questions of you to
9 get it underway. I would like to explain the
10 recruitment effort of Latino officers and the process
11 in D.C. and in other areas. How do they go about
12 recruiting you.

13 MR. ESPINAL: The last time that they did any
14 serious recruitment for Latino officers was back in
15 December --

16 MR. GONZALEZ: I'm sorry. I'm sorry, Mr.
17 Chairman, would you please present yourselves?

18 MR. ESPINAL: My name is Officer is Juan
19 Espinal, and I am a officer with the Metropolitan
20 Police Department.

21 MR. RODRIQUEZ: My name is Luis A. Rodriguez.
22 I'm a former officer with the Metropolitan Police
23 Department, and I'm the security consultant for the
24 Latin American Youth Center.

25 GUERRA: My name is Carlos Guerra. I'm

1 employed with the Metropolitan Police Department. I'm
2 also the president of the Hispanic Leaders Association.

3 CHAIRMAN FLETCHER: All right. Proceed now.

4 MR. ESPINAL: We were recruited back in
5 December of 1985, and they did one out to New York,
6 even though that they have a set target to go, and they
7 went to Hartford, Connecticut where I was a police
8 officer, and they also went to Puerto Rico to
9 recruitment for Hispanics.

10 CHAIRMAN FLETCHER: How well did that turn
11 out?

12 MR. ESPINAL: In New York, they didn't target
13 the right places. In Hartford, Connecticut either, and
14 in Puerto Rico, they came up with about 50 to 60
15 Hispanics. But also, taking into consideration the
16 budget that the District Government has, they went to
17 Puerto Rico, they had to pay \$10,000 for physicals.
18 They had to pay for hotels for the recruitment team.

19 They also gave the Hispanics a battery test
20 to see if they can learn how to read and right English,
21 which they haven't done in any other previous test.

22 CHAIRMAN FLETCHER: You said they didn't
23 target the right areas in New York and Hartford,
24 Connecticut. What should they have targeted?

25 MR. ESPINAL: It is unknown which areas they

1 did target, but I did give them a proposal, and
2 apparently, as it just turned out and I never got any
3 feedback on it, which I am going to submit a copy.

4 CHAIRMAN FLETCHER: Do either of the two of
5 you want to add anything to that?

6 MR. RODRIQUEZ: I was in the first class that
7 came over from Puerto Rico. It was approximately 32
8 Puerto Ricans, and I think a second class came. From
9 that first class, we only have about, it's not
10 accurate, but I think maybe five or ten officers left.
11 I mean, left in the department. The other ones just
12 left area.

13 CHAIRMAN FLETCHER: That are still on the
14 payroll?

15 MR. RODRIQUEZ: They're still on the payroll.
16 The other ones are gone. They just resigned or for
17 apparent reasons went on to other jurisdictions.

18 CHAIRMAN FLETCHER: Did they have an exit
19 interview when they left, or do you know?

20 MR. RODRIQUEZ: Apparently, they never did.
21 They just got tired of the system and left. A lot of
22 them resigned and went over to P.G. County, Prince
23 Williams County, Montgomery County. Other
24 jurisdictions that offered them either more money or
25 better working conditions.

1 CHAIRMAN FLETCHER: So they didn't leave the
2 profession, they just ceased to work for this
3 particular police department?

4 MR. RODRIQUEZ: Yes, sir. That's correct.

5 CHAIRMAN FLETCHER: You care to add anything
6 to that, sir?

7 MR. GUERRA: What I would like to add is that
8 I think that the effort could have been more -- I think
9 they could have hired more people locally in Washington
10 Metropolitan area. I feel that their approach and how
11 they went about it, it wasn't the proper way. And
12 actually, like I said, we could have hired more people
13 here in the local area. That's my feelings.

14 CHAIRMAN FLETCHER: Has that feeling -- Has
15 that opinion been expressed by you or anyone else to
16 the current authorities from the Mayor's office to the
17 Chief of Police and others?

18 MR. ESPINAL: Yes, sir. Many times.

19 MR. GUERRA: I've expressed that many times
20 to the chief, Chief Isaac Fulwood, and I think the last
21 two years, the Hispanic organizations have assisted the
22 department in recruiting Hispanics locally in the
23 Metropolitan area who we've known since they were
24 little. I mean, since, you know, they were in Junior
25 High, and now they're qualified to take that test, at

1 that time. We did assist. I think we have been two
2 years, if I'm correct, I think we've actually we have
3 recruited about 20 that we've assisted alone.

4 CHAIRMAN FLETCHER: That were recruited, are
5 they on the force now?

6 MR. ESPINAL: That's correct.

7 CHAIRMAN FLETCHER: Either one of you want to
8 add anything to that?

9 MR. ESPINAL: Well, since I've been in the
10 police department, since I am from New York and all my
11 family are in New York, and I went to Junior College in
12 New York, during my own time, I went and tried to
13 recruit Hispanics at Junior College, also blacks and
14 whites, and some of the technical schools that have
15 security management courses. And me personally brought
16 about 150, okay, Hispanic officers here or candidates
17 who could take the test.

18 CHAIRMAN FLETCHER: Over a period of what
19 time?

20 MR. ESPINAL: Over a period of maybe a year.

21 CHAIRMAN FLETCHER: Go ahead.

22 MR. ESPINAL: And only three have been hired
23 because a lot of them, they have called me back that
24 they call them for physicals, they call for
25 psychologicals, and give them the runaround, and

1 sometime and sometimes they come from New York, you
2 have to find out from the clinic that their
3 investigator hasn't submit any of their paperwork to be
4 tested. So then, they tell them to go back up to New
5 York and wait for another appointment. And it really
6 costs them money, to come to Washington to get tested,
7 and they don't have that type of money.

8 CHAIRMAN FLETCHER: All right. My next
9 question has to do with the academy training for police
10 officers and the cadets with respect to the recruiting
11 of Latinos. How does that work?

12 MR. ESPINAL: We attended the police academy.
13 Since 1985 December until we graduated in June of '86,
14 so for June of '86 to 1990, they haven't assigned any
15 Latino instructors to the police academy, okay.

16 Even though we have had qualifying Hispanics
17 and Latinos that have applied to academy to be
18 instructors, including myself, I was number one and
19 number two on the list, we were not given the position,
20 and we were never assigned to the academy.

21 The training very little sensitivity. No
22 type of organization. They don't have a curriculum.
23 And there were a lot of times that the instructor would
24 tell us to do whatever we want because there was
25 nothing to do in class because they didn't have a plan.

1 CHAIRMAN FLETCHER: When was this?

2 MR. ESPINAL: From December 1985 to June of
3 1986.

4 MR. RODRIQUEZ: And also, in 1985, the course
5 was six months. The academy for us when we come on was
6 six months. Now, they've downgraded the academy and
7 it's only a two months course. Two or three months
8 course. So actually, the Hispanics officers got more
9 training in the academy than the officers that are
10 coming on probably after us.

11 CHAIRMAN FLETCHER: I heard a lot about
12 professionalism in the academy. Talk to me about that,
13 sir, with respect to professionalism?

14 MR. ESPINAL: Well, in terms of
15 professionalism, there's none. Okay, first of all,
16 they -- We came from New York, okay, and we dealt with
17 Puerto Ricans in New York, with Blacks, Orientals, and
18 other type of groups.

19 And most of the Puerto Ricans that came from
20 Puerto Rico, they don't deal with anybody, other
21 dominicans, okay from Puerto Rico, we were very new to
22 find a large population of El Salvadorans, Mexicans and
23 other types of groups in D.C. So it was a shock to us,
24 and we didn't have people that went to the academy to
25 make us aware of this type of situation.

1 CHAIRMAN FLETCHER: Either one of you care to
2 add anything to that?

3 MR. RODRIQUEZ: Well, I was from the area. I
4 left the area, and I was recruited in Puerto Rico and
5 came over so it wasn't too much of a different change
6 for me. But they could have done better. It could
7 have been handled differently. The Puerto Rican
8 officers were not accustomed to certain words or
9 certain cultures -- slight difference in culture.

10 CHAIRMAN FLETCHER: Care to add anything?

11 MR. GUERRA: Yeah, I'd like to add in
12 reference to the cadet recruiting. Since they were
13 hiring or since they started recruiting, at that time,
14 they didn't have anyone -- Hispanic officer in the
15 cadet recruiting unit. And after two years when I got
16 elected in 1990, and from that time, I had several
17 meetings with the chief, and did mention that it was
18 important to have a Hispanic officer to work with the
19 cadets or in the cadet recruiting to hire more cadets -
20 - Hispanic cadets.

21 It took a little while before we did have
22 someone assigned to the cadet recruit, and I was
23 pleased with that. But we haven't really been
24 successful in recruiting a large amount of Hispanic
25 cadets from high schools. I think we could have done a

1 lot better. But now, there's still a lot of work to be
2 done, and as president of this organization, that's one
3 of the things that we try and do and that is work in
4 the department and shown some of our concerns, not just
5 among the members, but also with the Hispanic
6 community.

7 CHAIRMAN FLETCHER: How does the department
8 detail, assign and promote Latino officers? How do
9 they detail them? How do they assign them, and how
10 they promote them? What has to happen before you get
11 promoted?

12 MR. RODRIQUEZ: Well, when I came on, I was
13 assigned to the Third District. I was fortunate.
14 Since I was from the area, I knew the area and moved
15 pretty well within the department. Two years at 3-D,
16 then I moved over to Youth Division for a couple of
17 years, and worked in the unit, and then came at 3-D at
18 the quality of life.

19 CHAIRMAN FLETCHER: Three-D, what is that?

20 MR. RODRIQUEZ: Third District. That's the
21 Columbia Road area, Hispanic area. So I moved around
22 fairly well and fairly quick in the five-year process I
23 had. But I had a lot of problems at the Third
24 District, that's why I moved out of the Third District
25 and that's basically the Hispanic area.

1 A lot of Hispanic officers basically move
2 away from the place that you're at, because if you're
3 happy where you're at, you stay where you're at. But
4 if you're not happy, you're going to put in for an
5 assignment somewhere else. So basically, that's what I
6 did. I put in for assignments, and they had the need
7 for Hispanic officer, and I qualified or "I knew a
8 lieutenant or a captain." I got moved.

9 CHAIRMAN FLETCHER: What was the nature of
10 your unhappiness?

11 MR. RODRIQUEZ: Excuse me?

12 CHAIRMAN FLETCHER: What's the nature of your
13 unhappiness? Why did you want to move?

14 MR. RODRIQUEZ: Basically, I think it was a
15 cultural thing. I had a lot of problems with -- not
16 myself, but a lot of officers had a lot of problems
17 with officials. Basically, it was a racial thing that
18 we had with a lot of officials. We were downgraded.
19 We were called Hablos and several other incidents that
20 carries on through the department.

21 CHAIRMAN FLETCHER: Talk a little more about
22 that, I don't understand it brother.

23 MR. RODRIQUEZ: Okay. When we first came on,
24 they gave us a little name tag, it say's, "Hablo." It
25 means, we speak Spanish. So instead of the officers

1 that we worked with calling us by our names, they would
2 call us Hablo or they would call us Julio's. Plenty of
3 times at roll call, "Hey, Julio, come here." Or Julio
4 this, and you know, a lot of us, we didn't think it was
5 a proper way.

6 It wasn't a professional way to be treated
7 especially coming from Puerto Rico and having an
8 education. We had a lot of confrontations with a lot
9 of other officers explaining to them, "Hey, look. My
10 name is not Julio. My name is so-and-so, and I want to
11 be called by that.

12 And we had officials that basically said -- I
13 hate using the word, but "You're the new niggers on the
14 block."

15 CHAIRMAN FLETCHER: I've heard that one
16 before. Go ahead on. I'm the old nigger on the block
17 so keep rolling, but I'm still on the block. Go ahead.

18 MR. ESPINAL: Also further, most of the line
19 officers were black and Hispanics in the Third District
20 where we're from and most of the supervisors were
21 white. So if we had a problem, we couldn't go to them.
22 If we spoke Spanish in the police station, they will
23 tell us not to speak Spanish in the police station.

24 If they see me or him or anybody with their
25 hat off, they would write you up and try to put a

1 little dent in your file so when you put in for any
2 assignment anywhere, they would not look at you or your
3 productivity. They would look at your file.

4 But other officers for the same infraction,
5 they were never disciplined. So in turn, we had to
6 file an EEO Complaint.

7 MR. RODRIQUEZ: And won.

8 MR. ESPINAL: And the result of the EEO
9 Complaint got back to the department and to Chief
10 Fulwood came out that 54 percent of all the discipline
11 went to blacks in the Third District alone. Forty-four
12 percent went to Hispanics and two percent went to
13 whites, and I have a copy of the EEO Complaint findings
14 here.

15 CHAIRMAN FLETCHER: Will you submit that for
16 the record, please? Being no objections.

17 MR. ESPINAL: I think I'm going to submit the
18 whole file because I made copies of it.

19 CHAIRMAN FLETCHER: All right. Do you want
20 to add anything to that?

21 MR. GUERRA: What I would like to add is that
22 problems does exist in the department as far as
23 officers being treated -- not treating fair. I don't
24 think that the majority -- I say maybe Hispanics for
25 example be compared to other non-Hispanics officers.

1 In compared to similar incidents, the non-Hispanic
2 officers might get a slap on the hand, and the Hispanic
3 always might get all the way, if you know what I mean.

4 MR. ESPINAL: Fired.

5 MR. GUERRA: But like I say, sometimes that
6 also includes black officers in certain situations
7 where -- because apparently they don't know anybody on
8 the top management, they also get screwed. But
9 basically, as I said, it's not treated -- Everybody's
10 not treated the same across the board.

11 As one of the problems that we are trying to
12 see if we can solve the problem and hopefully have a
13 meeting with the chief that maybe we can resolve that
14 before going any further.

15 CHAIRMAN FLETCHER: Do you want to explain
16 the promotional process for me. How do you get
17 promoted?

18 MR. ESPINAL: As promotions, you can get
19 promoted to Detective or to Master Control Officer
20 where you'll get \$1,000 or \$1,500 extra for your work.
21 Unfortunately, a lot of Hispanic officers and some
22 Black officers, they get detailed to that position, but
23 they never get assigned.

24 So when they get tired of you, they send you
25 back to your section and then bring somebody else. But

1 other non-Hispanic and black officers go to that and
2 they don't get detailed, they get assigned, and they
3 get the extra pay, okay.

4 Now, in terms of promotion through the ranks
5 of sergeant, lieutenant and captain, it's a written
6 test. That's another process which I have a problem
7 with. In 1990, we had over 2,000 personnel took the
8 sergeant's test. Only 230 passed. Out of the 230, we
9 had only eight Hispanics. Out of the eight Hispanics,
10 we had three in the top 20.

11 And after the written test, which they never
12 come back with the list of the people that scored in
13 the written test, they never tell you and they never
14 just publish it. Then they have an interview, which is
15 held by the department, but the department goes outside
16 the department to sit in assessment for other
17 departments to promote people so it won't be biased,
18 but they will never bring people from outside to sit in
19 the assessment here.

20 Okay, so what happens after the assessment?
21 The test is three hours. You have to do your homework,
22 and you have to study. The test is not unfair because
23 they give you the materials. That's another issue
24 because most of the -- Okay, going back to the academy.
25 You come out of the academy, but most of the materials

1 that they give you in the academy is not up to date.
2 Okay. So you have to fight a lot to find the right
3 materials to study given for promotion.

4 So out of the eight Hispanics, we have three
5 in the top 20, after the interview, which is 15
6 minutes, okay, compared to the three hour test, we all
7 got pushed back in the interview. I went from number
8 16, to a number 120. So you figure that one out. I
9 don't know how it happens.

10 MR. RODRIQUEZ: And most of the Hispanics
11 went back -- what 20, 30 spaces -- 30 spaces that took
12 the test.

13 MR. ESPINAL: And Chief Fulwood and Mayor
14 Kelly sat right here and said that they are trying to
15 outreach into Hispanic, to promote. Tell them to come
16 here and to show the written test of the people that
17 scored well by written test. And then after 15 minutes
18 interview, you're going to drop somebody 100 slots?

19 CHAIRMAN FLETCHER: That's probably
20 explainable. I don't know how it is, but we'll see.
21 Anyone want to add anything to that?

22 MR. GUERRA: I would like to say also that in
23 these couple years, we have come a long way as far as
24 having officers either detailed to different divisions
25 which is good. I think, Chief Isaac Fulwood has

1 cooperated with that, but still, you know, we've got a
2 long ways to go. And I guess that I can say that it's
3 a slow process, but slowly but surely we're getting up
4 there. But still, I think we can do a lot better.

5 One of the things that I was approached a lot
6 during the hiring and recruiting in the past two years
7 were applicants were complaining about that once they
8 passed a test, they weren't notified at all -- maybe a
9 year and a half later. And one situation was that
10 person advised me that by that time, you know, he went
11 someplace them. But they notified him and asked him if
12 he was still interested. So I couldn't figure that
13 out.

14 If there was a need for a Hispanics, why did
15 it took so long to call up that applicant. And that's
16 one of the things that really bothered me. I did have
17 a meeting with the chief in reference to that, and I
18 mentioned to him that a lot of applicants who were
19 ready to be investigated for some reason and they
20 never, you know, it never was opened.

21 No one were -- got their jackets and they
22 sort of put it aside and go to the next one. And
23 instead of hiring ten, they might just hire one. So
24 it's not that we have enough applicants that have taken
25 the test and passed the test, it is apparently they

1 weren't doing the job they were supposed to. Because
2 this is what I've been approached with a lot of people,
3 a lot of applicants.

4 CHAIRMAN FLETCHER: As a Hispanic officer,
5 there has been some allegations that Latinos and
6 Hispanics are falsely accused by arresting officers.
7 Is there any validity to that?

8 MR. RODRIQUEZ: It's not all your Hispanic
9 officers in general. It's basically an individual, and
10 I saw not only Hispanic officers, but I saw a lot of
11 officers commit a lot of violations, a lot of civil
12 rights, but like "we have ethics." We are police
13 officers. We're in blue so they keep a certain ethic.

14 The disorderly conduct status is blown way
15 out of proportion. The drinking in public was being
16 blown out of proportion. Also, the no permit was blown
17 out of proportion. I've knew officers that when it
18 came close to the end of the month and they needed an
19 arrest, they would wait and say "Hey, I'm going to pick
20 up a Spanish boy, because I know he doesn't have a
21 driver's license, and that's an easy arrest. He pays
22 \$50 and he gets out.

23 And this happens constantly in the Third
24 District, and I'm pretty sure it happened everywhere
25 else in the District of Columbia. And it wasn't the

1 Hispanic officers, because I've found myself plenty of
2 times in the District when someone came in, or they
3 brought a Hispanic person in and was complaining
4 because he didn't have the \$10 and the \$20 to get out
5 for drinking in public because he was walking down the
6 street with a beer.

7 I ended up giving him the \$10 to get out, and
8 a couple of days later, he gave me the \$10 back. But
9 I'm pretty sure if it happened in Georgetown, the same
10 individual would probably have been told, dump your beer
11 out.

12 If it happened over in the Fourth District on
13 Mount Pleasant area and he was Hispanic, he got locked
14 up. But if it was an Anglo up on Georgetown, he would
15 never get locked up. They would have told him, "Dump
16 that beer out."

17 And it happens. Constantly, it happens.
18 I've seen it. The time I was a patrol officer, I saw
19 it happen constantly. I saw individuals come in where
20 their rights were totally abused. Their rights weren't
21 read to. Nobody never read their rights. A lot of
22 officers brought in an arrest sometime and wanted us to
23 handle it because the individual didn't speak any
24 English.

25 We handled radio runs that when I got totally

1 disgusted sometimes. I got there and individuals spoke
2 better English than I did. Just because he was
3 Hispanic, I was handling a run. It frustrates a lot of
4 officers. We handle more radio runs than basically any
5 of your other individual officers.

6 They didn't assign us to the patrol areas up
7 on Columbia Road or basically, Hispanics areas. They
8 put us down on W Street which is a high drug area.
9 They put me in the Fairmont area and Girard. I had
10 hardly no Hispanics. It was a Jamaican area, high
11 intensity drug area.

12 Basically, all the Hispanic officers, we had
13 a lot of arrest basically because we worked the high
14 intensity drug areas. All basically your high drug
15 areas, that's where you Hispanic officers work.

16 MR. ESPINAL: Also, some of the problems, you
17 know they use to send us to work a foot beat, okay. It
18 was many assignments and we knew that we probably had
19 only two or three officers working on that particular
20 shift.

21 So every time they have a problem with a
22 Hispanic that they felt that they needed some type of
23 interpretation, you have to take a car out of service,
24 send them to pick us up, bring us to Columbia Road, we
25 interpret and dump us back to the area where we were

1 not even needed.

2 And sometimes, we had only one officer
3 working and nobody -- Like they said that, you always
4 have a Hispanic in the police station. That's wrong.
5 You don't. Only at night time, right now because
6 during the day, you don't have a Hispanic at the
7 station.

8 And sometimes, they only have one Hispanic in
9 the shift and they put them in the wagon. And the
10 wagon, what they do is only pick up prisoners, you
11 know, and take them downtown to their cellblock to be
12 processed.

13 So if you need a Hispanic, he cannot come
14 from downtown because he's tied up. So they just do
15 whatever they want with the Hispanic citizen.

16 And in reference to the disorderly conduct,
17 there has been plenty use of force unnecessarily. It
18 has to be documented. I was kind of shocked this
19 morning that the chief said that he didn't understand
20 the use of force.

21 So this is, I'm going to submit for the
22 records, this is the General Order 30410 that deals
23 with the use of force. Now, you have to do the PD 76
24 and the 251's. So there are forms that you have to do,
25 but they only provide what they want to provide.

1 MR. RODRIQUEZ: And that PD 76, I've seen
2 often -- You don't even have them in the station. It's
3 a little card. It's a small card about 3x4 and the
4 officer is supposed to carry on them, and it's very
5 rare you find an officer to fill out this PD 76.

6 That's why they were saying it was impossible
7 for them to know how many use of force or stop and
8 frisk because the officers don't fill it out. The
9 officers won't fill it out.

10 MR. ESPINAL: Also, the problem is since they
11 abuse the use of a stop and frisk, and they don't stop
12 and frisk, they stop, frisk you and search you which is
13 different. They have to have an explanation in the
14 back of the card stating why they did that. So to
15 avoid other problems, they just don't do it.

16 CHAIRMAN FLETCHER: Do you have any
17 questions?

18 COMMISSIONER BUCKLEY: Yes, sir. I'm going
19 to kind and go back over some of the questions because
20 I'm still not convinced we have any answers.

21 The academy that you talk about now, can you
22 tell me how many people constitutes a class and if you
23 -- that's a current class or the one right before? And
24 what more or less is the typical number of police
25 cadets that are Hispanic in any given class?

1 MR. ESPINAL: The classes vary from 30 to 40.
2 Since we left in June of '86, I don't think you had a
3 class where there more than four Hispanics on it. And
4 just in the cadet program, we had three or four that I
5 know personally that failed and had to leave the
6 academy because they had no Hispanic instructor to help
7 them.

8 And right now, Chief Fulwood says that they
9 are reaching out to recruit more Hispanic cadets. I
10 found out that there's only one cadet at the police
11 academy that is Hispanic.

12 MR. RODRIQUEZ: It's a female, and apparently
13 she's having a problem. And the officer -- We have a
14 Spanish officer, but he's not assigned. He's detailed,
15 and he's helping her through.

16 COMMISSIONER BUCKLEY: Can you tell me what
17 the police clinic is?

18 MR. RODRIQUEZ: The police and fire client is
19 apparently where if we get injured, if police officers
20 get injured on duty, that's where you apparently go.
21 If you have a sick feeling or you're sick or whatever,
22 that's where you basically go. It consists of a few
23 doctors and a few psychologists.

24 I don't think the psychologists are
25 certified.

1 COMMISSIONER BUCKLEY: How many Latino
2 officers are there?

3 MR. RODRIQUEZ: Three.

4 MR. ESPINAL: That's a problem. We need
5 Hispanics on the street. They work in the clinic.
6 They're getting paid \$30,000, and all they do is
7 clerical work from seven to three and they go home.
8 They're not needed there.

9 COMMISSIONER BUCKLEY: Do these people get
10 assigned these position is it -- are they rookies; are
11 they experienced; are they there after some incident
12 that happens?

13 MR. ESPINAL: No. One of them is
14 experienced. Two of them they didn't have much street
15 experienced. But we need them on the street.

16 COMMISSIONER BUCKLEY: Just to corroborate
17 some of the figures that we have been hearing today.
18 To the best of your knowledge, what is the size of the
19 D.C. police force, and how many are Hispanic?

20 MR. ESPINAL: I did a breakdown, and this is
21 good as of February of 1991.

22 COMMISSIONER BUCKLEY: '91?

23 MR. ESPINAL: Yes. February which is a year.
24 We had 3,749 police officers. Out of 3,749, we had
25 2,843 blacks, 906 whites and 93 Hispanics and 42

1 classified as others. Detectives, we had 396 totaled,
2 203 blacks, 178 white, 13 Hispanics and 2 others.
3 Hispanics -- Detectives they have two grades. They
4 have second grade and first grade. We don't have no
5 first grade of detectives, you know, even though they
6 be on the police department for over 20 years.

7 COMMISSIONER BUCKLEY: The lieutenants that
8 they are talking about?

9 MR. ESPINAL: Sergeants, we have a total of
10 525 sergeants. We only have ten Hispanics. But
11 recently, we have had about four more promoted, so that
12 should be about 14. Okay. Lieutenants, out of 180, we
13 have four. Captains, we don't have any, and
14 inspectors, we don't have any because, you know, we had
15 one and he retired.

16 And we have one lieutenant that they
17 mentioned today that went to the Fourth District. He
18 is Mexican American, but he does not speak Spanish.

19 COMMISSIONER BUCKLEY: That was going to be
20 my next question.

21 MR. ESPINAL: But they don't have a
22 proficiency test to know whether you speak Spanish or
23 not.

24 COMMISSIONER BUCKLEY: And in your experience
25 and the people that you come in contact with, what is

1 the proficiency level of the Latino officers that you
2 know?

3 MR. ESPINAL: In 3D and 4D, they stated that
4 everybody speaks Spanish. That's not true because I
5 bring you officers here from 3D and 4D that does speak
6 Spanish.

7 COMMISSIONER BUCKLEY: Of the Latino?

8 MR. ESPINAL: That's right. Because they
9 don't have a proficiency test. They assume that
10 because your name is Rodriguez or Martinez that you
11 speak Spanish. And we found out different.

12 We start talking Spanish to them, and they
13 have to go for interpreter, so we have to go and
14 interpret for them.

15 COMMISSIONER BUCKLEY: So then the total
16 Latino officers in the police force, to the best of
17 your knowledge at this time, is?

18 MR. ESPINAL: 121.

19 COMMISSIONER BUCKLEY: Okay. And then, Mr.
20 Guerra, out of those 121, how many belong to your
21 organization?

22 MR. GUERRA: 121.

23 COMMISSIONER BUCKLEY: Thank you. Wait, one
24 more question. How many Latino officers are presently
25 working as court liaison or court liaison situations?

1 MR. RODRIQUEZ: One.

2 COMMISSIONER BUCKLEY: What does this
3 officer --

4 MR. RODRIQUEZ: Two.

5 COMMISSIONER BUCKLEY: Okay. What do they
6 do?

7 MR. ESPINAL: Another \$30,000 a year job.

8 COMMISSIONER BUCKLEY: What do they do?

9 MR. ESPINAL: Clerical work.

10 COMMISSIONER BUCKLEY: Clerical work, and
11 what is the purpose? I mean, like what does court
12 liaison mean?

13 MR. ESPINAL: Court liaison is where the
14 officer checks in whenever you go to court. So what
15 they do, is they take your papers, they serve it. And
16 then when you come out, they stamp you out, and at
17 three o'clock, they go home.

18 COMMISSIONER BUCKLEY: So, they sit there to
19 verify the police officers came to court, and left so
20 they can get paid for their time they spent at court.

21 MR. GUERRA: Correct, that's right.

22 MR. ESPINAL: But they don't need to be
23 bilingual to work there.

24 COMMISSIONER BUCKLEY: And how many officers
25 are working there?

1 MR. ESPINAL: Two.

2 COMMISSIONER BUCKLEY: I think I better stop.

3 CHAIRMAN FLETCHER: Any further questions by
4 anybody?

5 MR. GONZALEZ: Yes. Mr. Chairman, yes. I'd
6 like to give just a minute or so for the gentleman to
7 elaborate on some of their own personal experiences in
8 terms of how they fared with the Metropolitan Police
9 Department, but first, I'd like to ask a procedural
10 question.

11 It has nothing to do with you being Hispanic
12 but rather as a police officer.

13 If I call you to the scene -- If I call you,
14 either 911 or you happen to be driving by or walking
15 by, and I call you over and I have my head is slashed
16 opened. I have blood running down my face, and then I
17 point to Mr. Fletcher here, and I tell you that I want
18 him arrested because he hit me over the head and broke
19 my head, what do you do?

20 MR. ESPINAL: Well, you investigate the
21 complaint, and if you have evidence that Mr. Fletcher
22 hit you, you can arrest him for assault.

23 MR. GONZALEZ: How do define arrest?

24 MR. ESPINAL: Arrest?

25 MR. GONZALEZ: Do you handcuff them?

1 MR. ESPINAL: First of all, you frisk them.
2 You need to have probably cause. So, after you have
3 your probably cause, you arrest them, okay. You
4 handcuff them, you frisk them, make sure they doesn't
5 have any weapons, and you just take them with you.

6 MR. GONZALEZ: Take them to the station?

7 MR. ESPINAL: Take him to the station, and
8 you read him his rights in Spanish or English, and make
9 sure that he understands, and you sign it.

10 MR. GONZALEZ: Now, let me -- this is a
11 loaded question. I now call you to the same scene. I
12 have the same gash in my head. I've got blood running
13 down, and I point to a police officer, and I tell you
14 that he broke my head opened, what do you do?

15 MR. ESPINAL: Okay. The procedure is that
16 any time you have an officer who is accused of any
17 wrong doing, you have to call an official to the scene.
18 Meaning, somebody of the rank of sergeant and above.
19 And he is supposed to do an investigation, and give a
20 report to the commanding officer.

21 Okay. And also, if it is criminal, they can
22 investigate it. But they said that the use of force in
23 any language that that was deserving. If you have a
24 problem, and you are a police officer and you are a
25 supervisor, you solve the problem on the scene. And

1 then, if the person wants to make a complaint to CCRB,
2 that's his problem.

3 MR. GONZALEZ: Thank you. Would you like to
4 relate some experience that you have suffered?

5 MR. ESPINAL: My particular experience was in
6 1988 during the Hispanic festival. I was on 18th
7 Street and Columbia Road. There was a large crowd,
8 over 100,000 people. All of a sudden, people started
9 running.

10 We went there to investigate and see if we
11 can assist with anything. We saw one police officer
12 grab one male Hispanic by the neck, and four other
13 officers grabbed the legs and hands. The gentleman was
14 being choked. He was turning pale. He couldn't
15 breathe.

16 So I went to try to tell the sergeant to let
17 him go from the neck. He pushed me and told me that I
18 was interfering with an arrest.

19 I then explained to him that he doesn't speak
20 English, to let me talk to him. I finally talked to
21 the guy into going into the station with me and we can
22 sort out whatever was happening because we could have
23 had another riot there because they were calling for
24 police brutality, and maybe if that guy would have
25 gotten kill, a few of us would be killed because we

1 were outnumbered.

2 When we went to the station, he said that he
3 just asked the police officer where they were taking
4 his friend, and for that they locked him up. And what
5 happened, they covered the arrest by charging him with
6 disorderly conduct, which is \$25 and you get out. And
7 that what happens.

8 Because of my actions, I was suspended for 25
9 days. They recommended me for termination, and I went
10 to a police trial board. They found out I didn't do
11 anything wrong. The sergeant that had the choke hold
12 is illegal in the police department. He could be
13 charged with a misdemeanor.

14 Nothing happened to him, but I lost 25 days
15 of pay because of that. And I also have records that
16 will be submitted so you can see the transcript I made.

17 So, if you are an officer and you see this
18 kind of thing happen again, you're going to be a little
19 reluctant to take action if you're going to lose 25
20 days or get fired. But I would do it again, and we'll
21 see what happens.

22 MR. RODRIQUEZ: In the department, there's a
23 double standard. Your officials can just basically do
24 anything they want, but if you're officers do it and if
25 you're Hispanic, they apply the law to you immediately,

1 quick, fast.

2 Like I said, I moved very quickly in the
3 department. The last position I held was a quality of
4 life officer at the Third District which made me
5 basically the foot beat officer up on Columbia Road,
6 your Hispanic area. It was a very diverse area. I had
7 El Salvadorans on one side. I had the black community
8 on the other side, and then I had the store merchants
9 on Columbia Road that's a whole different culture.

10 And I spent about a month there, and I was
11 making a lot of waves, because being a quality of life
12 officer, it gave you sort of the right to call a lot of
13 agencies in the District of Columbia and say, this has
14 got to be done, if you don't do it, you're going to
15 answer to somebody. I want it done by today. I want
16 it done by tomorrow. I want it done period, or I'll be
17 at your office.

18 This is what the quality of life program
19 basically consists of because it was an excellent
20 program. A lot of sergeants and a lot of lieutenants
21 did not agree in the program because they had no
22 control over the officer.

23 The officer basically responded to the ANC,
24 that's your neighborhood committees.

25 The officer responded to your neighborhood

1 committees, and basically, he had his leeway. The
2 officer pretty much did what he had to do, and a lot of
3 officials didn't like it. A lot of officials went
4 against it, and then they pulled out an incident I had
5 a year and a half later and decided to take me to a
6 trial board and told me if I didn't they were going to
7 give me ten days, and I refused because I hadn't done
8 nothing wrong.

9 So I decided to resign from the department.
10 I said, I didn't need it. I speak English. I can go
11 do my own business. I can go to any department. I
12 speak Spanish. I can go basically anywhere I want. So
13 I finally resigned from the Metropolitan Police
14 Department.

15 But a lot of violations have been done in the
16 Metropolitan Police Department by a lot of officers.
17 That incident that you just explained, there's another
18 status called disorderly fighting, and a lot of
19 Hispanics were locked up under that too, and all they
20 had to is pay, what -- I think it's a \$25 fine a piece,
21 and then they get sent home.

22 And see, these records don't go down to the
23 Corporation Counsel, or they don't go any where. They
24 just stay right there at the District. In other words,
25 I arrest you for no permit. I take you in. I do a 3x4

1 card. It's a \$50 fine.

2 You pay the fine, and you're gone.

3 Disorderly drinking, the same thing. I do a
4 report, and I send you home. And a lot of these people
5 prefer paying the fine then going through the
6 aggravation of staying all weekend or all night in
7 court and jail to go to court the next day.

8 MR. GUERRA: I haven't had any, unfortunately
9 -- I've been very fortunate in not having any bad
10 experience in the department like they have. I was,
11 you can say a very low key officer, and knew my limits.
12 And I knew what to say and what not to, but I knew all
13 ready how to go about and go around, and maybe that's
14 why they didn't bother me.

15 It's not that I was scarred, but I knew
16 exactly what they wanted, and that's what I gave them.
17 But always with respect -- They never disrespect me, as
18 I long as I respect them, you know, there was no
19 problem.

20 Then again, there were other situations where
21 I've seen that some officer will not tolerate the type
22 of behavior from other officials, and because of that
23 kind of reaction, they automatically attack the
24 officers.

25 Like I say, that's all I can say about that.

1 But we have had problems in the past, and I just hope
2 that in the future that we can solve some of these
3 problems, and I hope you will.

4 I mean, we do need to hire more Hispanics,
5 that's definitely we do need especially so we can put
6 them on the streets, and we need more Hispanics to move
7 up and get promoted. But I think since last year,
8 since the Mayor has got into the office, she put the
9 freeze in.

10 We haven't hired anybody, and I think if we
11 don't hire very soon, we're going to lose those 20
12 applicants who right now are waiting on list.

13 They've been waiting for over a year and a
14 half -- almost a year, I can say that, and they keep
15 calling me and saying when are they going to hire. And
16 you know they have P.G., Montgomery County, Fairfax,
17 they're all hiring and they want to go there, but I
18 don't want them sort of to lose them.

19 So, I'm still hanging and waiting to see if
20 the Mayor just lift the freeze up. And we have more
21 applicants also to take the test. These are people
22 locally, not from Puerto Rico, not from out-of-state.
23 These are people from the Metropolitan area.

24 CHAIRMAN FLETCHER: Thank you. Let me ask
25 one final question and then we'll terminate this. I've

1 heard what they're doing wrong.

2 Can you tell me what they're doing right?

3 Don't stress it. Don't strain. Tell me something
4 they're doing right.

5 MR. RODRIQUEZ: I think after the EEO
6 Complaint that basically we won and they shoved under
7 the table, a lot of Hispanic officers wanted to go to
8 special areas, special assignments in like the Homicide
9 Branch or Robbery. They've been sent there, but not to
10 the status where you're assigned.

11 Basically, they've been sent there detailed.
12 In other words, we can pull you out any time we want,
13 any time we need, and we'll put you any where we want.
14 When other officers have been put there with probably
15 less time than the Hispanic officers and they've been
16 totally assigned.

17 To my experience, the department when they
18 went over to Puerto Rico and when they went over to New
19 York, they figured they wanted to get a bunch of
20 uneducated Hispanics, and it didn't work like that. It
21 sort of backfired on them.

22 And after the EEO Complaint, they stressed it
23 harder and harder and harder.

24 Now, you can go up to Mount Pleasant and
25 Columbia Road area, and I remember 1985, all you saw

1 was nothing but Hispanic officers walking the area.

2 Now, people will tell you on the street, I
3 haven't seen a Hispanic officer in days up here in this
4 area, and because simply the department sort of figure
5 they stretched them out, to either hush the officers up
6 and keep them happy, they moved them around. Because
7 like I said, I moved around in the five years I was in
8 the department, I moved around constantly.

9 CHAIRMAN FLETCHER: Carlos, what are they
10 doing right, please?

11 MR. GUERRA: I'd like to add that there is an
12 improvement compared to what it used to be.

13 CHAIRMAN FLETCHER: Yes.

14 MR. GUERRA: But I can also say that it could
15 be much better. The effort could be more. They could
16 make it better. More of an effort to improve and to
17 have more officers -- Hispanic, as far as hiring is
18 concerned and putting some of these officers in other
19 positions.

20 Because of that, I think we don't have that
21 many officers on the street, and that's why it's
22 essential to hire more Hispanics because we need to get
23 promoted or we need to move up in order to have the
24 opportunity like everybody else. And that's why it's
25 essential that if we hire more Hispanics then we'll

1 have Hispanics on the street.

2 We'll have Hispanics officials, and Hispanics
3 in different positions.

4 CHAIRMAN FLETCHER: Yes.

5 MR. RODRIQUEZ: I would like to leave you
6 with this thought, and I'm going to rock the boat. It
7 was an incident that happened on 18th Street about a
8 year ago of a sergeant and captain who shot a Hispanic.
9 Didn't notify the department until half an hour;
10 totally locked up another Hispanic saying he shot him;
11 and it came out that it was the captain that shot him
12 and the sergeant. And nothing came out of it.

13 And the captain, I think, retired, with full
14 pay. The sergeant is still lingering somewhere on full
15 duty and there's lower officers that our getting fired
16 for basically anything.

17 MR. ESPINAL: The only other incident that
18 I'm going to leave you with that happened last year on
19 14th Street. They had a white officer and two black
20 officers that went to the street and decided to pick on
21 this black male that was on the corner.

22 And for no reason, they told him he was
23 selling drugs. They searched him. He didn't have any
24 drugs. So what they did was that they put him in the
25 trunk of the car, and took him around, and around and

1 around and around, then took him to an alley, beat him
2 up, put him back in the truck.

3 They were so smart that they went and dropped
4 him off in front of his house. In front of his mother
5 and everything. And Fulwood said that he will not
6 tolerate this that these people will be fired.

7 I have news for you. They have been
8 reinstated, and they are still working the streets.
9 And I don't condone any Hispanic or any non-Hispanic
10 officer to do that to anybody because, you know, that
11 could have been you.

12 Okay. And most of the use of force that you
13 have in this department is for disorderly conduct, no
14 permits. I was there four years on the street. I have
15 a book here with all my arrest. I have 350 plus
16 arrest. I don't have not one civilian complaint review
17 board, and not one, use of force.

18 So it's hard for me to buy that you have to
19 beat most of the people that you arrest because the
20 people respect you because you have a badge and a gun.
21 So I really wouldn't buy that from anybody.

22 You find a few tough guys here and there, but
23 it takes somebody to be arrested and taken to the
24 station without beating them up. Because you have a
25 gun and they know that.

1 MR. RODRIQUEZ: And also I think up here you
2 have basically the most controversial officers in the
3 department with the exception of the President that
4 plays a lot of politics. But between me and Officer
5 Espinal -- basically Officer Espinal is the most
6 declarative Hispanic officer in our department.

7 I think he still is, and I think I run a
8 close after him when I was there. And it's true, I've
9 made a lot arrest, no CCRB complaints, numerous
10 accommodations between the both of us, and never a CCRB
11 complaint.

12 COMMISSIONER BUCKLEY: One of the things we
13 heard today was that it was not fair to the Latino
14 officer that only because he was Latino and only
15 because he was bilingual that he was stuck in 3D or 4D.
16 Can you respond to that?

17 MR. RODRIQUEZ: If you're happy, and I was
18 very happy in 3D and 4D. If you come to work at a work
19 environment where you're happy, you don't want to
20 leave. But if you come to work where you're going to
21 be harassed, discriminated on, you want to get out of
22 there as soon as possible, and that's what I did.

23 I saw an opportunity, a door opening, and I
24 moved quick, and I left a lot of good officers behind.
25 Because this department has, and I still say it, this

1 department has a lot of good officers, but management
2 doesn't know what it's doing.

3 Right now at 3D, all your line officers are
4 basically Hispanic and black. All your sergeants are
5 white. Maybe one black lieutenant, and one black
6 captain.

7 And I don't think nobody, no officer or no
8 individual -- this is America, should be put through
9 the frustration that some of these officers get put
10 through to the harassment and the racial slurs that
11 we've had to go through.

12 When you get out on the street, you're
13 frustrated. What do you expect from an officer if he's
14 frustrated, and your officials didn't do anything about
15 it, and they still don't do anything about it.

16 MR. ESPINAL: I just would like to submit
17 this.

18 CHAIRMAN FLETCHER: Please do.

19 MR. ESPINAL: This is the file on the use of
20 force that you needed.

21 CHAIRMAN FLETCHER: You took more than five
22 minutes, but you got it said.

23 MR. ESPINAL: Okay. Thank you, sir.

24 CHAIRMAN FLETCHER: You're welcome.

25 (Witnesses excused.)

1 MR. GONZALEZ: Milagros.

2 (Witness sworn.)

3 MR. CASTIANO: First, I would like to
4 apologize for not coming yesterday. It completely
5 slipped my mind since I was tied up trying to resolve
6 an eviction of two families who didn't have any place
7 to go, and the Department of Human Service didn't want
8 to help them because they were Hispanics. So it
9 completely slipped my mind, that's why I'm here today.
10 No disrespect.

11 CHAIRMAN FLETCHER: Thank you. Do you have a
12 statement you want to make?

13 MR. CASTIANO: Yes.

14 CHAIRMAN FLETCHER: Please do.

15 MR. CASTIANO: My name is Milagros Castiano,
16 the project director of Bilingual House Access.
17 Bilingual House Access is a sponsor by Mary Center and
18 the Child of Maternal Care. This is a project funded
19 in part by the Latino Affairs and the Office of
20 (inaudible) and Maintenance.

21 When the other center was closed two years
22 ago, the project was initiated by the staff of the
23 Office of Latino Affairs in response to the demand of
24 services to Latinos in the community. The Bilingual
25 House Access facilitates the medicaid, food stamps, and

1 needy families with dependent children.

2 Presently, 93 percent of our clients are
3 Hispanics; 78 percent of them Salvadorans.

4 MR. GONZALEZ: Excuse me. I think they want
5 you to slow down just a little bit.

6 MR. CASTIANO: Okay. Our average of case
7 load is 75 clients per week, and this is the number
8 that we are capable to handle since we only have one
9 and a half workers in the office and a small core of
10 community volunteers.

11 Since, I have heard some of the other witness
12 have testified, I'm sure that by now you are very well
13 informed of the social and economical situation of most
14 of the Latinos in the District of Columbia.

15 Therefore, the Bilingual House Access
16 advocates on their behalf by representing their
17 interest at the Department of Human Services in
18 Washington.

19 As a coordinator of the program, I spend a
20 great deal of time with the prison with the social
21 representative at the Department of Human Services, and
22 I find them very overworked and frustrated. And the
23 quantity of work that they have to submit everyday on a
24 daily basis.

25 One of the barriers that we found is first,

1 the overturn of the staffing due to lack of wages. The
2 over-qualification needed for this position at the
3 starting salary of \$17,675 and the qualification
4 requirement of four years of college, plus the ranking
5 factors. The staff have no incentives to stay there to
6 remain on the job.

7 They rather apply the experience, the
8 training and the knowledge and transfer their skills to
9 other departments in other states like Maryland or
10 Virginia. In addition, the position vacancies that
11 they just post doesn't mention that they need a
12 bilingual person, or they will give them preference.

13 I would like to offer the following remarks
14 that might assist in upgrading the incoming
15 administration.

16 The incoming administration is divided in
17 three phases: Medicaid, food stamps, and the aid for
18 families for dependent children. In Medicaid, we need
19 a bilingual receptionist to read and make sure that the
20 Hispanic speaking people have signed off, and that way
21 they will eliminate the spelling their last name in
22 English -- a daily occurrence at the office.

23 The percent of the social service
24 representative must be hired to represent the percent
25 of the Spanish-speaking clients needing assistance.

1 Just like in a police officer's cases, most of our
2 workers at the Department of Human Services are tied up
3 serving other people, and not the Hispanic-speaking
4 people. Therefore, I have to go to the office and
5 serve as an interpreter for them.

6 An organized system must be developed with
7 complete application and documents can be kept and
8 checked off to eliminate not only lost or submitted
9 application by office or where office are leaving the
10 papers, complete applications, and they get lost and
11 nobody knows.

12 Therefore, our office is wasting the time
13 because they don't have an organized system.

14 Families who are qualified for Medicaid, for
15 regular Medicaid they were granted emergency Medicaid.
16 The emergency Medicaid can only be used at two
17 hospitals in the city. This happened because people
18 assume that all Latinos aren't documented and,
19 therefore, not qualified for regular Medicaid.

20 Social Service representative have not
21 designated time to follow-up the cases, and many
22 Latinos lose months of entitled benefits. Most of the
23 time they say, "Well, we don't know where's your
24 application. It's not in computer." And we have to
25 reapply.

1 I think that's unfair because you are
2 entitled to receive the benefits since the moment that
3 you submit the application with all the documents
4 completed.

5 In the AFDC Program, the U.S. citizens are
6 being denied because the lack of documentation of the
7 parents since they didn't bring all the documentation,
8 a birth certificate from the south when they came from
9 other countries. That is a problem.

10 The babies are being denied for that, and the
11 single mothers are denied due to the inability to get a
12 social security numbers from the fathers. Therefore,
13 many of them refuse to go to through the face interview
14 for not being humiliated.

15 Although the office recognizes the need to
16 serve the Latino community and has made efforts to
17 address their needs by funding our office, our office
18 is only making a dent on the desperate needs of many
19 people in our Latino community.

20 We need more decentralized services like our
21 office and the office on Kennedy Street, if we want to
22 serve the Latino community properly.

23 CHAIRMAN FLETCHER: Thank you. All right,
24 Commissioner.

25 MR. GONZALEZ: Thank you very much. Would

1 you like to submit something for the record?

2 COMMISSIONER BUCKLEY: I have a question.
3 You make a statement that you feel that a bilingual
4 receptionist at this INA office is required. Are you
5 talking about the H Street office?

6 MR. CASTIANO: Yes. I'm talking it.

7 COMMISSIONER BUCKLEY: In your visits to that
8 H Street office, have you ever in any of your visits or
9 at any time ever said to the manager of that officer or
10 to anybody in INA that a bilingual receptionist would
11 be useful there?

12 MR. CASTIANO: I submit it in writing to the
13 office of Mr. Bane, and I can get a copy of that letter
14 for you.

15 COMMISSIONER BUCKLEY: When?

16 MR. CASTIANO: That was back on October 26th.

17 COMMISSIONER BUCKLEY: Of 1991?

18 MR. CASTIANO: 1991.

19 COMMISSIONER BUCKLEY: And prior to that, to
20 your knowledge?

21 MR. CASTIANO: I had a meeting with Mr. Bane.
22 That was when I started working in October, and he said
23 he will get back to me.

24 COMMISSIONER BUCKLEY: Okay. So you've only
25 been doing this since October then?

1 MR. CASTIANO: Well, I've been working with
2 them since September, but I used to help as a volunteer
3 when they have the service center at Adams Mill Road.

4 COMMISSIONER BUCKLEY: When you take this
5 documentation, and it gets lost, have you ever thought
6 of making any copies and having the people --

7 MR. CASTIANO: Oh, I have copies, and I will
8 submit the copies to your office of fair hearing. But
9 the process is too long, and sometimes the people don't
10 have the money to go back and forward to the office and
11 therefore, it's just --

12 COMMISSIONER BUCKLEY: Okay. Some of the
13 information that we have gotten on that H Center is
14 that if you go in and you have an appointment, and you
15 go in and check in with the receptionist, they will
16 tell you to sit down, and you sit for hours, and
17 sometimes that person is not there.

18 In your experience, is this common or what is
19 your experience?

20 MR. CASTIANO: It's very common. That
21 happens everyday. Tuesday I went with 16 clients over
22 there, and I asked them to sit. I registered them, and
23 there were registered since 9:00 o'clock. At 11:00
24 o'clock, I was informed that the social workers, they
25 were going to the Redskin party and that I should go

1 home because they will not take care of my clients.

2 And I say, "Well, they're registered and you
3 have post a sign there that if you're registered in the
4 morning you have the right to be seen, so I'm going to
5 stay here and see how many people you're going to help
6 today.

7 COMMISSIONER BUCKLEY: Did they see anybody
8 that day?

9 MR. CASTIANO: They saw four of them.

10 COMMISSIONER BUCKLEY: One of the other
11 comments that we have been receiving is that in filling
12 out the application, you reach a point that says if you
13 don't know how to fill this out, call a number. Do you
14 use that application? Do you know what I'm talking
15 about? There is a number there you can call for
16 assistance if you need assistance in Spanish?

17 MR. CASTIANO: They always send the people to
18 my office.

19 COMMISSIONER BUCKLEY: Is there a number on
20 the application? There's a long checklist and at the
21 bottom there's a number for them to call for
22 assistance?

23 MR. CASTIANO: Yes. But it's in English. If
24 they don't know how to write in English, they won't
25 understand.

1 COMMISSIONER BUCKLEY: To do that?

2 MR. CASTIANO: There won't be any access in
3 Spanish.

4 COMMISSIONER BUCKLEY: Another thing that we
5 have been told about is that on the checklist sometimes
6 every single document is requested. In your
7 experience, is it more common than not that they are
8 required -- that everything is checked off? Have you
9 seen a lot of those forms with checkmarks on
10 everything?

11 MR. CASTIANO: Yes. But most -- Well, I will
12 say that that's part of our problems. We have some
13 problem with gathering the information, and since the
14 social workers are overwhelmed, and they don't have the
15 time to follow-up cases, they just keep bringing new
16 cases every day and they don't have the time to see
17 people who have already scheduled for appointments to
18 bring more documentation.

19 COMMISSIONER BUCKLEY: Okay. Thank you.

20 CHAIRMAN FLETCHER: No further questions?
21 Thank you very much.

22 (Witness excused.)

23 MR. GONZALEZ: Betty Ann McNeil.

24 (Witness sworn.)

25 CHAIRMAN FLETCHER: Do you have anything that

1 you want to submit for the record?

2 SISTER MCNEIL: Yes, if it please the Chair,
3 I will submit a written statement by the end of the 30
4 day period.

5 CHAIRMAN FLETCHER: Thank you very much.

6 SISTER MCNEIL: I'm Sister Betty Ann McNeil,
7 a licensed social worker in the District of Columbia
8 testifying on behalf of the Spanish Catholic Center, a
9 United Way Agency serving the Hispanic community for
10 approximately 25 years. We are sponsored by the
11 Catholic Archdiocese of Washington.

12 Tonight, I am here to address some of the
13 realities experienced by the Latino community, and our
14 vision for improving their tomorrow in the District of
15 Columbia.

16 Spanish-speaking Latinos do not yet have a
17 comprehensive printed or telephone hotline for
18 information regarding District services to which they
19 are now expected to bring their own translator.

20 The language barrier effectively serves as a
21 societal and institutional barrier to improving their
22 life. Latinos pay taxes, yet publicly funded services
23 generally fail to provide appropriate information or a
24 translation services.

25 Tragically, it is only too common that

1 children serve as the parent's interpreter, and are
2 force to forego childhood to function in the adult
3 world of seeking basic necessities for survival.

4 Regarding culturally competent staff: While
5 ethnic professionals are valuable, native English
6 speakers can also become bilingual and develop the
7 necessary cross-cultural skills.

8 May I suggest that when physician vacancies
9 do occur, agencies could recruit -- actively recruit
10 qualified bilingual staff to better serve our multi-
11 cultural community.

12 For example, at present unnecessary problems
13 are arising such as has already been testified. In one
14 family with four children, only two children were
15 approved for medicaid due to an incorrect understanding
16 of the case by an English-speaking social worker. When
17 clarified, the entire application process had to begin
18 again.

19 In another family, an adult paraplegic did
20 not understand or receive or the computer lost his
21 medicaid recertification letter which resulted in
22 cancellation of his benefits including his essential
23 home health aid even if she was only English-speaking.

24 The Department of Human Services might
25 consider offering training in communication and

1 relationship skills for cross-cultural services.

2 In a visit there this week, there was no
3 Spanish literature about DHS services in the waiting
4 room. There were no signs posted in Spanish, nor was
5 anyone visible to direct non-English speakers to the
6 waiting area or to answer questions.

7 More than half of the clients waiting
8 appeared to be Hispanic. An intake workers sits
9 directly under a sign saying, "Se Hablo Espanol." Yet
10 all front line staff only speak English. Latinos are
11 expected to sign DHS forms which they can't read and
12 don't understand. Expanding bilingual DHS services
13 near the Adams Morgan area would greatly assist the
14 Latino community.

15 The DHS Multi-National Intake Unit was
16 dissolved and reorganized. When a Latino telephoned
17 there this morning, she was answered by voice mail in
18 English. All DHS forms are in English. Spanish
19 speakers must seek help to fill out these forms.

20 Applicants for SSI are sent to English-
21 speaking physicians for medical determinations. The
22 client must bring their own interpreter. One of our
23 elderly clients applying for disability would have had
24 to take three buses this morning in order to get across
25 the city to where DHS had scheduled her appointment for

1 the second time.

2 It would seem that the Disability
3 Determination Division could identify numerous Spanish-
4 speaking doctors willing to accept medicaid throughout
5 the city and contract for their services.

6 Social Security office's lack sufficient
7 front line Spanish-speaking staff to talk with clients.
8 Application forms for social security numbers are in
9 Spanish, but are not readily visible in the waiting
10 area for clients.

11 One Latino mother whose own birth records had
12 been destroyed in her native village by guerrilla sat
13 fires and who had a birth certificate for her United
14 States born daughter was denied a social security card
15 for this child because she could not provide additional
16 identification for herself.

17 Unemployment among Latinos is
18 disproportionately high. We understand that the new
19 telephone hotline regarding extended unemployment
20 benefits is only in English. As are the forms. Again,
21 there are too few, if any, bilingual staff.

22 The Latino Employment Service Center offers
23 excellent bilingual job information, but not
24 consultation about unemployment benefits.

25 The availability of bilingual psychological

1 and mental health services is completely inadequate
2 especially to address family issues and youth at risk
3 for substance abuse. The Spanish Catholic Center for
4 almost 25 years have sort to close some of the health
5 service gaps in health delivery by operating community
6 based medical and dental clinics.

7 And I might add for the record, that our
8 social work team from the main office recently was
9 invited to D.C. General Hospital to do a training
10 session for their social work department. Of the 40
11 social workers, there was one Latino worker in the
12 group.

13 The nutritional supplement program for women,
14 infants and children publishes outreach informational
15 flyers in Spanish that advertise the telephone number
16 which, when called, is answered in English. The
17 designated sites for services in Spanish needs to have
18 expanded hours in order to truly serve the needs of the
19 community.

20 Lack of documentation makes many area Latinos
21 vulnerable to multiple forms of societal and
22 institutional discrimination. Improving their
23 immigration status is the key to opening the door to
24 adequate income through gainful employment.

25 Latinos bring a positive work ethic and a

1 deep sense of social responsibility focused on family
2 values and community service. Their presence enriches
3 our multi-cultural community. Latinos have come to
4 D.C. and will remain. But the majority have not yet
5 fully arrived here in the land of the free. Thank you.

6 CHAIRMAN FLETCHER: Thank you very much. I
7 don't have any questions, do you? Thank you very much.
8 You've been very helpful.

9 (Witness excused.)

10 MR. GONZALEZ: Matias O'Donnell.

11 (Witness sworn.)

12 CHAIRMAN FLETCHER: Mr. O'Donnell, do you
13 have a prepared statement of any kind that you want to
14 submit?

15 MR. O'DONNELL: No, I don't. I wanted to
16 come and speak what was in my mind.

17 CHAIRMAN FLETCHER: Is it possible that you
18 can prepare us with a statement if you feel it's so
19 incline after you get through speaking with your mind?

20 MR. O'DONNELL: Yes, I can.

21 CHAIRMAN FLETCHER: That will be helpful.
22 Thank you.

23 MR. O'DONNELL: I wanted to state for the
24 record that I'm from Latin America. I've been here in
25 the United States for ten years in Washington, D.C.

1 CHAIRMAN FLETCHER: And you're from where
2 again?

3 MR. O'DONNELL: Argentina, Latin America.

4 CHAIRMAN FLETCHER: All right.

5 MR. O'DONNELL: And what I wanted to talk
6 about is mainly the sense of outrage that I feel in
7 seeing a community that is neither heard nor seen most
8 of the time. When I came here to the United States the
9 first thing I heard was, "Here in the United States if
10 you have a vote, you have a voice."

11 The Latin community does not have a vote.
12 The majority of Latins do not vote simply because
13 either they are not documented or their resident
14 temporary or permanent, either in which case do not
15 allow you to vote. I feel that the local politicians
16 have ignored us plenty of times because we do not have
17 a vote.

18 We have seen how throughout the institutions,
19 throughout the testimonies that we have heard here,
20 throughout the whole institutional process, we, as a
21 people, are not considered.

22 I am a teacher, and in this school where I
23 work at -- Well, maybe, I shouldn't say I am a teacher.
24 I was at one point up until December when the school
25 closed its doors. It served 80 percent Latin community

1 -- I'd say a little less maybe. I'm not too good with
2 figures. I'm not an administrator. And the rest was a
3 large population of African Americans and Africans.

4 In that school, I have seen things that have
5 made me very upset in terms that again, they're trying
6 to ignore us as a population in the sense of many of
7 the children that were in the school were there under a
8 scholarship, and about 90 percent of the children were
9 cause they could not afford. And most of the help was
10 government funded. But we had all sorts of problems
11 trying to come up with the right paperwork for these
12 kids to be in our school.

13 CHAIRMAN FLETCHER: Excuse me, a minute.
14 What's the school? Name the school?

15 MR. O'DONNELL: The school is Children's
16 Studio School it is in the list actually that I was
17 given of all the community services offered to the
18 Latinos, and I must add that this one is no longer in
19 service. I am now a waiter at the Adams Morgan
20 district, and it is there where I mainly see what I
21 believe is the truth of the matter at this point. That
22 is, when you sit down in a restaurant and the busboy is
23 a 38-year old man from Latin America with three kids
24 and married. That is where we're reduced at this
25 point.

1 I am outraged at the politicians before the
2 school closed right after the riots because of all the
3 media attention that was placed upon the Latin
4 community. Mayor Kelly, at that time Dixon, came and
5 gave us an award for excellence in education and was
6 going to help us relocate because our main problem was
7 that the place where we were at, the lease was
8 terminated. We looked for help everywhere. We even
9 asked the Mayor for help, nothing happened. The school
10 closed, 50 kids are now on the street, and
11 approximately 18 teachers too.

12 I talked to one of the mothers, for example
13 from the school, and she had told me that -- Well, I
14 had told her beforehand that the law said that her kids
15 had to receive an education and that the public school
16 should accept them.

17 She went to the public school with her two
18 kids. She could not find anybody there who spoke
19 Spanish. They made her sit down. She said to me that
20 she felt that other people that were in line after her
21 were put in front of her and all that. Whatever the
22 reason is, she could not communicate her need to the
23 school, and she is now with her two children in her
24 house, and they're not receiving education. The same
25 thing has happened, to my knowledge with at least two,

1 three more families that come from the school.

2 There are tensions with the police. We have
3 heard that, but they go not only on the brutal or the
4 violent aspect, but they also come in subtle, cultural
5 differences. I like to play with other people that I
6 know in the community in Mount Pleasant, soccer in the
7 soccer field over there. Two instances come to mind
8 immediately of cultural misunderstanding and
9 insensitivity.

10 For example, while playing soccer, five, six
11 police motorcycles roaring through the middle of the
12 field, lights on with bells or whatever, the buzzards,
13 whatever they have on those bikes going around the
14 field disturbing the whole atmosphere and eventually
15 stopping the game and the community involvement there
16 and leaving through the door. That presence is not
17 acceptable. That is a harassment.

18 Another situation: An El Salvadoran woman
19 that I witnessed there like about six months after the
20 incident. An El Salvadoran woman was with her two kids
21 trying to make some money. Of course, at this point,
22 you must understand that many people do look for
23 alternative ways to fund themselves to get some money
24 to make a living. And in places in Latin America, it's
25 not uncommon for somebody to cater their goods to the

1 people watching a soccer game, for example. And she
2 was selling Paposas, and she was chased out of the park
3 by a policeman saying allegedly that she had no permit.

4 It was not done in a tactful way, but the
5 important thing here is that the community responded in
6 a very angry way. Everybody who was there looked at
7 this police officer. They did not understand that they
8 needed a permit or the health certificate or whatever
9 is needed for that type of activity, and tensions
10 flared and almost erupted once more.

11 What I want to say to the Commission is to
12 please empower us as a community. Give us a voice.
13 Give us the vote that we do not have at this moment,
14 and thank you for listening to us.

15 CHAIRMAN FLETCHER: Do you have a question?

16 MR. GONZALEZ: I do. Where were you
17 educated?

18 MR. O'DONNELL: I was educated here in a
19 University here in the United States. I have a Masters
20 Degree at this point in art. I am an artist by
21 profession.

22 CHAIRMAN FLETCHER: Thank you very much.
23 Thanks so much for coming.

24 (Witness excused.)

25 MR. GONZALEZ: Brian Moore.

1 (Witness sworn.)

2 CHAIRMAN FLETCHER: Do you have a prepared
3 statement?

4 MR. MOORE: Pardon me?

5 CHAIRMAN FLETCHER: Do you have a prepared
6 statement?

7 MR. MOORE: I do.

8 CHAIRMAN FLETCHER: Thank you. This is that
9 statement?

10 MR. MOORE: It's two and a half.

11 CHAIRMAN FLETCHER: Oh, good.

12 MR. MOORE: Thank you. Good evening and
13 thank you very much for the opportunity to speak before
14 you. For the record, I'd like to acknowledge that it's
15 approximately 10:45 p.m., and that also there are I
16 believe three members of the Commission listening to my
17 presentation, is that correct?

18 CHAIRMAN FLETCHER: That's right.

19 MR. MOORE: And as I look in the audience,
20 there are about seven or eight people listening as
21 well. As a prelude, I'd spent six years in Latin
22 America. Three of which as a peace corp. volunteer and
23 the other three as a health consultant. And I've also
24 been involved in the community here as a civic
25 activist. I came up to the Adam Morgan riots during

1 the time that they initially occurred hoping to help in
2 my ability to speak Spanish, but it wasn't needed.

3 Now prior to that, I also came up to Sacred
4 Heart Church about four months before the riots to
5 contribute to the needs of some of the individuals who
6 had lost their housing. I say that in order to give a
7 little bit of merit to my words that are going to be
8 rather critical.

9 In order for me to speak tonight, I had to
10 appear personally before your panel staff this morning,
11 show my face, identify who I was, where I was from,
12 what I did, and explained what was a civic activist. I
13 then had to relate the substance of my proposed talk,
14 was then told it would be okay, not to mention
15 individuals by name, and was told that I would be
16 allowed five minutes to speak.

17 The uninvited, unscheduled public, of which
18 category I fall under, was given the last hour in the
19 day, the shortest duration, and at a time after most of
20 the press was probably gone. And as I observe, most of
21 the commissioners.

22 I am presuming that we citizens are following
23 most of the daytime speakers who are government and
24 political types, primarily concerned about defending
25 their social efforts and desirous of expanding the

1 welfare state and their own territory under the guise
2 of aiding the Hispanic community.

3 By what right is the Civil Right Commission
4 censoring and manipulating my participation, speech
5 content and time allotment depending on my presentation
6 and controlling the press? Everybody has civil rights,
7 not just certain groups. Is this an open meeting or a
8 charade? These actions boarder on being tyrannical.
9 There is nothing objective about this process. This is
10 a closed meeting.

11 Who represents the majority here? How can
12 your recommendations for spending taxpayer's money be
13 fairly assessed when the majority is under-represented?
14 How can the Civil Rights Commission be objective about
15 its recommendations about utilizing taxpayer's dollars
16 when the majority of Americans are not represented in
17 this body at all.

18 The papers reported yesterday that a
19 prominent law firm made a report on the immigrant
20 situation here, and raised questions about those
21 threatened with deportation. It is unethical,
22 dishonest, and illegal for all the previous witnesses
23 not to acknowledge that there are 200,000 Salvadoran
24 immigrants alone in our Metropolitan area, 155,000 of
25 which are illegal. And then to worry about the 35,000

1 temporary legal immigrants that may be shipped back to
2 their country.

3 The previous speakers failure to acknowledge
4 the volume of illegal residence and what to do about
5 it, calls in to question the professional integrity of
6 every single witness who has testified and failed to
7 acknowledge or address this matter. The question the
8 U.S. Civil Rights Commission has to ask itself in this
9 hearing on the aftermath of the Mount Pleasant riots is
10 basic: Why are there 200,000 Salvadoran immigrants in
11 the Washington, D.C. area? There are no jobs. Even
12 low income blacks in a black majority city cannot find
13 jobs.

14 As to the charge by the Mayor yesterday that
15 only blacks and Hispanics that are in the same boat
16 scrambling for jobs is just not true. Everybody is
17 hustling for the crumbs. There is no discrimination in
18 the job market, just against blacks and Latins. Whites
19 find themselves in the same situation. It is rough for
20 everyone.

21 The politicians, bureaucrats from the 50-odd
22 city agencies and the Hispanic community leaders that
23 have been testifying here these last two days have all
24 talked of welfare proposals, new programs that cost
25 money that just isn't there for the taken.

1 What it boils down to is an exercise in
2 trying to carve out the limited government pie.
3 Everybody is saying what you should do. It's everybody
4 on the government door. It's demand, demand, demand.
5 It's more, more, more. This exercise becomes a
6 question of the more that people can get.

7 During the riots, the police were not
8 accountable. The Latin press was not accountable. The
9 Hispanic community leaders were not accountable, and
10 the politicians were not accountable. And now the same
11 groups are not being honest about the situation, nor
12 being responsible as to what to do.

13 The police and political leaders failed to go
14 after the individual vandals and after the riots,
15 failed to defend the civil rights of the store owner,
16 the employees, and the citizens living in the
17 neighborhood during the two days of the rioting, and
18 failed even in questioning the possible civil rights
19 violations against the victim, himself.

20 These video tapes and pictures on this table
21 have been offered to the local police and barely
22 touched by the U.S. Justice Department. The feds have
23 identified and indicted only one person out of these
24 pictures when scores and scores could be held
25 accountable.

1 Social ills, Hispanic problems, homicides,
2 and drug addiction will not cease with more social
3 programs and make do jobs alone. Until we address the
4 immigrant problem, weed out the parasite abusers and
5 then put the all immigrants on an equal basis, will we
6 be able to address our problem objectively, honestly
7 and with responsibility.

8 Until we establish accountability and
9 responsibility in our local communities and society, as
10 a whole of each individual, we will continue to have
11 all the special interest groups fighting over the
12 limited pie. It becomes a game of power politics, not
13 doing what is right for the common good. And more
14 importantly, it will not solve the problems that exist
15 in each community.

16 Finally, open your meetings. Invite the
17 business community and citizens, defend all their
18 rights. Find out from them what conditions are needed
19 to protect their rights to enable and allow a favorable
20 atmosphere to exist that will stimulate economic
21 growth, bring in new revenues and create a bigger pie.
22 Then all citizens can share equally and fairly and our
23 problems can be resolved.

24 CHAIRMAN FLETCHER: Any questions? Well, I
25 have some responses. I appreciate your statement, and

1 I appreciate your forthrightness in expressing your
2 views. The United States Congress created the Civil
3 Rights Commission to find out what's wrong with
4 America, not what's right. There are other agencies
5 and other commissions that are charged with that
6 responsibility.

7 Those politicians that you insist on who are
8 anything but forthright and forthcoming, clearly told
9 us when they gave us a budget last year that they
10 wanted us to hold hearings and report on what is wrong.
11 Why agencies, federal, state and local are not carrying
12 out the Civil Rights mandates that the United States
13 Congress passed.

14 Now, in the middle of the strife and struggle
15 and the increased level of racial animosities that are
16 occurring in this country right now, I, for one, was
17 quite shocked when veto proof majorities in both houses
18 on both sides of the line, voted for the 1991 Civil
19 Rights Act. Obviously, those politicians are getting
20 message that you and I are probably are not getting.

21 I can assure you that 30 years ago when we
22 started this Civil Rights movement -- 37 to be precise,
23 you could not have gotten a bill like the '91 Civil
24 Rights bill out of committee. Let alone on either side
25 of the floor and passed with veto-proof majorities, and

1 signed into law. For your information, sir, we're
2 doing what we were chartered to do.

3 Now, this United States of our says that
4 before public policy is made, there will be a public
5 hearing and everyone who has a view is entitled to give
6 that view whether they agree with the panel or not and
7 that includes you. So as far as I'm concerned, we're
8 doing precisely what the constitution and the founding
9 fathers laid out. And I can assure you that the
10 founder fathers laid out a system that is almost
11 impossible to change.

12 A nation of laws and not men is one that's
13 designed so that you can have your interpretation of
14 the word of what's on the piece of paper and I can have
15 mine, and we fight and we struggle for a consensus, and
16 then we write a bill. We write some rules, regulations
17 and guidelines and use the taxpayers dollars to try to
18 straightened the matter out.

19 Now, you made the suggestion in your paper
20 here as if you -- There's an element here that doesn't
21 pay taxes. Well, let me show you that the latest study
22 that I've done indicates that Hispanics pay taxes,
23 Latins pay taxes, blacks pay taxes, 40 percent of the
24 women who are in this nation's workforce pay taxes, so
25 don't leave the impression that the folks here are

1 asking for taxpayer's dollars that have not contributed
2 to.

3 MR. MOORE: I'm just saying that there's the
4 majority population, not taxpayers, but Anglos, who are
5 not represented sufficiently on this committee. And
6 for you to make recommendations to a majority
7 population, I'm just challenging the objectivity of
8 your recommendation, that's all.

9 CHAIRMAN FLETCHER: If those recommendations
10 will --

11 MR. MOORE: Your concern about affirmative
12 action.

13 CHAIRMAN FLETCHER: Those recommendations
14 will go to the Congress. Those recommendations will go
15 to the President and be debated at another level. No
16 one is being excluded. The system was designed so that
17 everybody gets their bite at the apple, the pie, or
18 whatever you want to call it, at whatever level they
19 want to participate.

20 MR. MOORE: I'm also questioning the
21 manipulation of the process. Why were citizens brought
22 in at the Nth hour, late at night, nobody here, not
23 even the Commissioners, much less the press. I mean,
24 there should be -- we should be the core of the center
25 of expressing our views, not bureaucrats and not

1 politicians.

2 These are the people that are accountable for
3 what went on. What is failing right now, and yet they
4 were given top billing, able to tell the politically
5 correct thing to do, and I'm just saying, let's be
6 honest about what's going --

7 CHAIRMAN FLETCHER: We are being honest about
8 it, and I'll say once again: Whatever comes out of
9 here, those who were excluded or feel they were
10 excluded, including you, can go to the House when our
11 recommendations are set forwarded and testify before
12 that committee the same way you did tonight. You can
13 go to the Senate and do it, and you can go to any other
14 hearing and do it.

15 So we do not feel that this hearing in any
16 way falls short of the mandate we were given by the
17 United States Congress. And those are my remarks. If
18 you have anything else to say, please say so. We have
19 other witnesses.

20 MR. MOORE: Only that I really feel that the
21 issue of accountability and responsibility on the part
22 of individuals in our society have to be upheld, and
23 until and when our politicians and our leaders and our
24 people in authority do that, we're going to continue to
25 have the problems that exist in our society now.

1 We can promise all these youth programs, and
2 all these social services, but when we don't hold the
3 line and apply the law evenly and fairly to all
4 individuals, then we have a breakdown in our society, a
5 lack of respect, an amoral attitude which leads to a
6 dissolution of our society, and that's what's
7 happening.

8 So we're not going to solve it with just
9 these social programs that everybody wants and there's
10 not enough dollars, so we've got to go to the core of
11 the problem, the cause of the problem, and that's why I
12 hit upon the issue of immigrants.

13 Immigrants, that is really a key question.
14 I'm not saying export the immigrants. I'm just saying
15 you've got to treat them fairly, acknowledge that
16 they're there.

17 We don't even acknowledge that the illegals
18 exists. 155,000 Salvadorans here illegal so we pretend
19 they're not there. We don't address their issues.
20 Let's treat them equally and fairly, and then we're
21 going to resolve our issues. That's the whole point
22 that I'm trying to make.

23 CHAIRMAN FLETCHER: Please make an appearance
24 before the Foreign Relations Committee who wrote
25 legislation that made it possible for both the legal

1 and the illegal aliens to be here. We didn't do that.

2 We're here to find out the kind of problem
3 that that kind of foreign relations legislation and
4 policy produced. That's why we're here. We had
5 nothing to do with bringing them here. We're trying to
6 find out the problem that our foreign policy produced
7 that caused them to be here.

8 And I'll say again, go before the House and
9 the Senate Foreign Relations Committee and make your
10 point. You're in our record so go there and make your
11 point.

12 MR. MOORE: Will do, sir.

13 CHAIRMAN FLETCHER: You're welcome.

14 MR. GONZALEZ: Thank you. Salmon Carrasco.

15 MR. MOORE: Well, I have a question about
16 these tapes. Do you have any intention to -- Or would
17 you be willing to commit yourself to the idea of
18 analyzing them, identifying people who were comparable
19 and in violation of the law and willing to pursue and
20 then prosecute them and see that they are prosecuted
21 and indicted.

22 CHAIRMAN FLETCHER: I'll handle that. I'll
23 handle that. That is not our job. I've been advised
24 by counsel not with your tapes alone, but with some
25 others. There's some legal matters involved and the

1 people being identified in those tapes, et cetera, et
2 cetera, and the Justice Department will send on
3 judgment on us as to whether we can do that or not.

4 We have been told in the past, I'm new here
5 as Chairman, but I've been told in the past that there
6 are some rules, regulations and guidelines in place
7 that deal with using tapes and having peoples faces
8 appear on the screen, that creates some legal problems
9 I'm not familiar with.

10 But I cannot tell you that we will take those
11 tapes and do what you would like to have done with
12 them. I'm in no position to do that.

13 I understand why you want it done, and it
14 makes sense to me, but the lawyers say you can't do it.
15 All right. You're welcome.

16 (Witness excused.)

17 CHAIRMAN FLETCHER: Next witness, please.

18 (Witness sworn.)

19 MR. CARRASCO: My name is Salmon Carrasco.
20 I'm a Hispanic substitute teacher in D.C. public high
21 school. My address is 3001 Booker Street, Northwest,
22 Washington, D.C.

23 I want to thank the Commission for allowing
24 me to testify as citizen. Although I have not been
25 directly involved with the District policy at police

1 process. I have observed harassment and indifference
2 when Hispanic citizens are involved.

3 I would like to emphasize that the Mount
4 Pleasant incident is not by means an isolated incident.
5 Similar incidents of law enforcement and community
6 confrontation as well as strained relations between the
7 police and the Hispanic have occurred recently in
8 Albuquerque, New Mexico, El Paso, Texas, Houston,
9 Texas, Sacramento, California, Philadelphia,
10 Pennsylvania.

11 However, I have observed harassment.
12 Hispanic people as the revolutionary is struggling
13 against national operation and class exportation. And
14 oppression grows so that a police brutality -- and this
15 is in our basic community -- to keep the people down in
16 land grant and the suburbs, city, state whichever,
17 projects, funded in New Mexico, Texas, California, or
18 other parts of the Southwest.

19 Crimes, abuse and humiliation are in Hispanic
20 nationwide and other minorities There were 25,246 in
21 jail, Hispanics, in 1980; 19,383 in 1989; and one
22 million Hispanics in jail in 1999.

23 Who's fault is this: The judge, police, or
24 institutionalized, organized authority?

25 I'm asking myself several times. Who is

1 responsible, this injustice? Why, why so many Hispanic
2 people in prison?

3 In Washington, D.C. there's almost 63 right
4 now at the present time.

5 Discrimination: What is discrimination? In
6 social theory, occidental countries and small groups
7 tend to dominate the minority. The same is happening
8 in this country.

9 Historically, very little progress has been
10 showing in the minority for over 100 years.

11 Unemployment: Let me tell you my case. Let
12 me see my own experience. I have master degrees from
13 two prominent universities: Catholic University. I've
14 taught in high school in the District of 16 years.

15 Two years ago, I was promised a full-time
16 positioned. After working on part-time basis, later
17 on, another individual was given the job. Promised it
18 to me, I have been run around and broken promise.

19 I was certified in Minnesota as a Spanish
20 teacher. In my degree, I'm certificate in
21 Hispanic/American literature and journalism. They
22 always transferring me from area to another.

23 Therefore, I do not have benefit to which I'm
24 entitled such as health insurance and teacher
25 retirement because they continued to give me only

1 temporary positions, substitute only.

2 D.C. Public School Administrator has vicious
3 circle with Hispanic. Only time they told me in order
4 to be certified as Spanish teacher, I need more
5 subjects. As a social study teacher, three subjects.
6 Then they says, why you don't apply to become bilingual
7 teacher or elementary teacher? However, you have to
8 take two or three subjects. This is going on for 16
9 years.

10 Housing: Housing is deplorable for Hispanics
11 in this area because there are no provision made to
12 adjust the rent prices. This won't solve it. It's
13 impossible for them to purchase a home in an
14 established community in Washington.

15 I have several pages here, Mr. Chairman, but
16 I'm going just to give you recommendations, what I
17 believe is going to be best for the Hispanic
18 communities.

19 CHAIRMAN FLETCHER: Excuse me for a moment.
20 Will you be prepared to provide your written statement
21 for the record?

22 MR. CARRASCO: Yes.

23 CHAIRMAN FLETCHER: Thank you very much.
24 Carry on.

25 MR. CARRASCO: Recommendations: That radical

1 change is required to give all the problems which I
2 have mentioned prioritized in the six pages previously.

3 The problem has not been resolved
4 satisfactorily, therefore, the same frustration
5 remains. Example, Mount Pleasant incident.

6 If the Commission is acting up on this issue
7 in the past, problems would not be accelerating, as
8 they have today.

9 If this problem is not resolved or at least
10 given proper attention. Might be the result of future
11 revolution, as Boston Tea Party or American Revolution.
12 We have recognized our past mistakes and we are now
13 want to work together to resolve these problems for a
14 better future in this democracy; that our ability will
15 be recognized and that we're given a chance to achieve
16 our goal with dignity.

17 Those three pages, I pass to Mr. Chairman.

18 CHAIRMAN FLETCHER: Thank you, again.

19 (Witness excused.)

20 CHAIRMAN FLETCHER: You may begin.

21 (Witness sworn.)

22 MS. ROSARIO: (Through Interpreter) Good
23 evening. I come here tonight, and I've waited a long
24 time. But thanks to the Lord, I'm here, as I believe
25 that it is necessary for me to be here.

1 It's because I have a son in school. Since
2 he began, the teacher appears three weeks and is absent
3 for two, three days and absent for two weeks, or
4 appears for a week and she's absent then for a month.

5 I ask why. Why is the principal of the
6 school where my son goes doesn't try to solve the
7 problem or maybe the president of the PTA try to do
8 something about the problem?

9 We have gone to them but to this moment --
10 and six months have gone by -- nothing has been done.
11 In my son's classroom there are about 10 Latino
12 children. We have heard a little bit from Hispanics
13 and it's very important for us in the meeting, and my
14 question is why isn't something done for the children
15 who are just beginning?

16 They told me tonight that maybe my problem
17 could not be solved tonight. Maybe it would not be
18 solved for my children but it would be solved for those
19 that will follow him in the future. That's why I'm
20 here asking for the children who will come in the
21 future so that something is done. And I hope that it's
22 not wasted or doesn't go just down the drain.

23 And tomorrow, please, I do not know what time
24 it is at this moment, but the youngest of my children
25 is four years old. I love them.

1 I would like you to remember my words
2 tomorrow. I would like the panel to remember, please,
3 I beg you. Not for my children. Maybe for other
4 children. There are 10 children that this year have
5 not had any homework. I ask them, "Do you have
6 homework?" "No. Mom, no. There is no homework
7 because the teacher is not there."

8 This is what I want to tell you tonight.
9 Thank you for your attention. I have remained here
10 because I do believe that one comes here to express a
11 case and not just throw it away.

12 Please, I ask you to do something for the
13 future. We have seen a lot, but if we do not do
14 anything ourselves today, things will not change. But
15 if we rise on behalf of our children, tomorrow we shall
16 see a difference.

17 I haven't come here with high-falutin' words,
18 but I do have my heart in my words. And the children
19 do need to learn to be ready to face life tomorrow. We
20 have suffered the consequences, but don't let our
21 children go through the same tragedy tomorrow. Let
22 them go forward.

23 COMMISSIONER BUCKLEY: A question, please.
24 Without telling us the name of the teacher or the
25 principal, tell us the name of the school and the grade

1 your child is in?

2 MS. ROSARIO: Adams Elementary School, fifth
3 grade.

4 COMMISSIONER BUCKLEY: Here in Washington,
5 D.C.?

6 MS. ROSARIO: Yes.

7 MR. GONZALEZ: Tomorrow, in the panel on
8 education, we will mention your case in particular.

9 MS. ROSARIO: Thank you very much and my God
10 bless you. I know you have stayed up late, but I have
11 also made an effort to be here.

12 CHAIRMAN FLETCHER: We appreciate your being
13 here and we appreciate the depth of your concern for
14 the children. We're concerned about tomorrow's
15 children, too, but we're also concerned about today's
16 children. We're not willing to write any of them off.

17 MS. ROSARIO: Thanks a lot, but if we do not
18 do anything right now, tomorrow is late. We have to do
19 right now something. Thanks a lot.

20 CHAIRMAN FLETCHER: We will do our best to do
21 right now. I have grandchildren right now. My
22 grandchildren, right now, and I want them to get a good
23 education right now, not tomorrow.

24 Is that the last witness? If so, give me the
25 gavel and let me gavel us closed.

1 We will recess until tomorrow morning at 9:00
2 o'clock.

3 (Whereupon, the hearing was adjourned at
4 11:15 p.m., to be reconvened on Friday, January 31,
5 1992 at 9:00 a.m.)

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATE

CASE TITLE: MOUNT PLEASANT PUBLIC HEARINGS

DOCKET NO:

HEARING DATE: January 29, 30 & 31, 1992

LOCATION: Carlos Rosario Adult Education Center
Washington, D.C.

I hereby certify that the proceedings and evidence
are fully and accurately recorded in the attached
transcript from the tapes and notes reported by me in
the above case before the:
United States Civil Rights Commission.

DATE: February 10, 1992

Dean A. Rubin

Official Reporter

EXECUTIVE COURT REPORTERS, INC.
8525 COLESVILLE ROAD SUITE 9
SILVER SPRING, MARYLAND 20910

301-565-0064